

Minutes of Council Meeting

held on

Tuesday 24 November 2020 5.30PM

in the Council Chamber, 83 Mandurah Terrace Mandurah and via eMeeting

PRESENT:

MAYOR	R WILLIAMS
COUNCILLOR	C KNIGHT
COUNCILLOR	P JACKSON
COUNCILLOR	A ZILANI
COUNCILLOR	L RODGERS
COUNCILLOR	D LEE
COUNCILLOR	D PEMBER
COUNCILLOR	M DARCY
COUNCILLOR	J GREEN
COUNCILLOR	C DI PRINZIO
COUNCILLOR	D SCHUMACHER
COUNCILLOR	P ROGERS
COUNCILLOR	M ROGERS

NORTH WARD
NORTH WARD
NORTH WARD
EAST WARD
EAST WARD
EAST WARD
COASTAL WARD
COASTAL WARD
COASTAL WARD
TOWN WARD
TOWN WARD
TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR BUILT AND NATURAL ENVIRONMENT
MR	J CAMPBELL-SLOAN	DIRECTOR STRATEGY AND ECONOMIC DEVELOPMENT
MS	C MIHOVILOVICH	DIRECTOR BUSINESS SERVICES
MS	J THOMAS	DIRECTOR PLACE AND COMMUNITY
MRS	L SLAYFORD	MINUTE OFFICER

1. OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

Prior to commencement of this electronic meeting Elected Members and other attendee connections by electronic means were tested and confirmed.

The Mayor declared the meeting open at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

Mayor Williams acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid his respect to their Elders past and present.

3. APOLOGIES

Nil.

4. DISCLAIMER

The Mayor advised that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(e)) and the *City of Mandurah Standing Orders 2016* (Section 13.1(1)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

5. ANSWERS TO QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME**6.1 S WAY: TROLLS IN WESTERN AUSTRALIA PROJECT UPDATE**

1. Considering three out of the five proposed sites are in gazetted nature reserves and a conservation park – whose primary role is it for the conservation and protection of flora and fauna – will the City consider alternative sites that are less environmentally sensitive?
2. Considering a European “Troll” has no relevance to our First Nation Peoples’ dreaming and spiritual connection to country, or to Australia’s natural heritage and biodiversity, what was the feedback from early consultation with our Noongar elders and leaders and do you think this consultation was adequate?
3. Has the City of FORM made an application for this project through the Department of Biodiversity, Conservation and Attractions’ Disturbance Analysis System (DAS) and is so, what was the outcome?

Response:

The Director Strategy and Economic Development provided the following responses to the meeting.

1. *The five sites proposed for the installation of the troll sculptures are intended to showcase the unique estuary environment and promote opportunities for visitors and local residents to rediscover and reconnect with nature and this is why the current identified sites are being considered.*

The formal approval process to access and utilise the three sites within the nature reserves is only in its preliminary stage with a number of meetings and site visits having taken place with staff from the Department of Biodiversity, Conservation and Attraction (DBCA). The purpose of these meeting has been to understand the environmental sensitivities of the individual sites, to identify spaces that may be appropriate to accommodate an artwork and to discuss possible impacts and management strategies.

Subject to any formal approvals being provided, it is anticipated that both the City of Mandurah and the DBCA will work together to reduce any potential impacts on flora and fauna.

2. *From the previous works that have been installed around the world, City officers understand that the artist uses his trolls sculptures as a vehicle to communicate important environmental messages and local cultural stories. The early consultation with Indigenous Elders and leaders, whilst limited at this stage, has been positive with representatives wishing to be formally engaged and involved in the project.*

As part of the planning process, a full community and volunteer engagement strategy will be developed by FORM. The artist is also committed to develop a draft concept for both the narrative and artworks which will be presented to local Elders and leaders and the City of Mandurah for feedback.

3. *At this stage in the planning for the project, no formal application has been submitted to DBCA. City officers are currently working with DBCA to identify suitable sites that require little to no disturbance to the environment and that have the capability and capacity to accommodate the projected increase in the number of visitors.*

6.2 T GOODWIN: STREET TREES

1. Is the owner of the property required to disclose damage by a street tree to potential buyers?
2. Is the Council going to pay for any damage or maintenance to the owner's property caused by these Norfolk Pines?

Response:

The Director Built and Natural Environment provided the following responses to the meeting.

1. *Disclosure of property issues with potential buyers of properties is not within the province of local government. This question would or should be answered by the Real Estate Institute of Western Australia.*
2. *Should maintenance issues arise within the Council verge then the matter should be raised with the local government. The matter would be assessed on its merits and appropriate remedial action undertaken.*

6.3 R GENT: MERRIVALE STREET RECONSTRUCTION

1. Would any Councillor serving in 2013 like to investigate why the road levels were not returned to the pre-2002 level and why the report recommendations were not followed?
2. Where can I go for further action?

Response:

The Chief Executive Officer was requested to respond and advised the meeting the matter was closed and no further investigations would be undertaken.

It was suggested Mr Gent put his question to the Chief Executive Officer in writing.

6.4 T WYNNE: LIABILITY RESPONSIBILITIES

1. *Who is liable if, when mowing my lawn, a pine pod hits a passer-by?*

Response:

The Chief Executive Officer advised this would be determined by the appropriate court of WA if a claim was made.

7. ANNOUNCEMENTS

G.1/11/20 STANDING ORDERS LOCAL LAW 2016

The Mayor advised the meeting that the *City of Mandurah Standing Orders Local Law 2016* will be modified to ensure Council Members and the public can participate in and follow the meeting as it progresses.

MOTION

Moved: Mayor R Williams

Seconded: Councillor C Knight

That Council:

1. Suspend the operation of the following provisions of the *City of Mandurah Standing Orders Local Law 2016* for the duration of this electronic meeting to ensure Council Members and the public can follow and participate in the meeting as it progresses:
 - 1.1. Standing Orders 3.3 Public Question Time and 3.4 Public Statement Time pertaining to public participation in meetings continues via electronic means only with public submissions received to be read aloud by the Presiding Member at the relevant agenda item.
 - 1.2. Standing Order 7.2 Members to occupy own seats whilst present in meeting room. Relevant only for Elected Members attending the Council Chambers.
 - 1.3. Agree under Standing Orders 8.1(1) and 12.2, that instead of requiring a show of hands, a vote will be conducted by exception with the Presiding Member calling for those Members against each motion. If no response is received the motion will be declared carried and minuted accordingly.
 - 1.4. Reiterate the requirement as per Standing Order 7.3 for Members to advise the Presiding Member when leaving or entering the meeting at any time.

CARRIED: 13/0

8. PUBLIC STATEMENT TIME

8.1 S CUZENS: EXTENSION OF RETAIL TRADING HOURS

Mr Cuzens was unable to attend in person, Mayor Williams read the following public statement submitted in relation to the extension of Retail Trading Hours.

A petition is presented to you showing significant public support for the extension of retail trading hours with 617 signatures.

We have also made a digital petition available to the Mandurah community for accessibility, garnering around 500 signatures (at the time of submitting this Public Statement) in support of extending retail trading hours which is not tabled and is for demonstrative purposes.

This petition, tabled today, demonstrates:

1. That there is extensive support for bringing Mandurah's retail trading hours in line with the Perth metro area, and
2. Many Mandurah residents are being forced to spend their money in Singleton and Rockingham because their own local shops are not open.

I would ask Council to consider revisiting the issue of retail trading hours within the City of Mandurah.

9. LEAVE OF ABSENCE REQUESTS

**G.2/11/20 LEAVE OF ABSENCE: COUNCILLOR MATT ROGERS – 20 FEBRUARY 2021
- 1 MARCH 2021, INCLUSIVE**

MOTION

Moved: Councillor A Zilani

Seconded: Councillor D Schumacher

That leave of absence be granted to Councillor Matt Rogers from 20 February 2021 to 1 March 2021 inclusive.

CARRIED: 13/0

10. PETITIONS

G.3/11/20 MAYOR WILLIAMS: RETAIL TRADING HOURS

Mayor Williams presented a petition containing the signatures of 617 residents requesting adoption of the same retail trading hours as the Perth metropolitan area.

MOTION

Moved: Mayor R Williams

Seconded: Councillor D Pember

That the petition be received and referred to officers for consideration at a future Council workshop.

CARRIED: 13/0

11. PRESENTATIONS

Nil.

12. DEPUTATIONS

12.1 MARIE TEAU: REPORT 4 PROPOSED CHANGE OF USE TO TAVERN 3 MANDURAH TCE

Ms TeAu representing 3 Mandurah Terrace, spoke in support of the report recommendation.

12.2 MARIE TEAU: REPORT 5 PROPOSED CHANGE OF USE TO TAVERN 7 MANDURAH TCE

Ms TeAu representing 7 Mandurah Terrace, spoke in support of the report recommendation.

12.3 LEONIE STUBBS: REPORT 12 GREENING MANDURAH FRAMEWORK

Ms Stubbs spoke in support of the report recommendation.

12.4 SARAH WAY: REPORT 12 GREENING MANDURAH FRAMEWORK

Ms Way spoke in support of the report recommendation.

Councillor Peter Rogers left the Chamber at 6.04pm, returning at 6.06pm.

12.5 STEWART GODDEN: REPORT 12 GREENING MANDURAH FRAMEWORK

Mr Godden representing Peel Preservation Group spoke in support of the report recommendation.

12.6 STEWART GODDEN: REPORT 13 TREE MANAGEMENT POLICY REVIEW

Mr Godden representing Peel Preservation Group spoke in support of the report recommendation.

12.7 JO DREW: REPORT 14 DRAFT LOCALITY STREET TREE MASTERPLAN

Ms Drew representing Friends of Marlee Reserve spoke in support of the report recommendation.

12.8 MERRILEE BAKER: REPORT 14 DRAFT LOCALITY STREET TREE MASTERPLAN

Ms Baker representing Mandurah Environment and Heritage Group spoke in support of the report recommendation.

13. CONFIRMATION OF MINUTES

G.4/11/20 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 27 OCTOBER 2020

MOTION

Moved: Councillor D Pember

Seconded: Councillor M Darcy

That the Minutes of Council Meeting held on Tuesday 27 October 2020 be confirmed.

CARRIED: 13/0

14. ANNOUNCEMENTS BY THE PRESIDING MEMBER

At the invitation of the Mayor, Councillors updated the meeting on the following recent activities:

- 14.1 Councillor Knight: 9 November, NAIDOC Week opening activities at Mandjar Square.
- 14.2 Councillor Pember: 22 November, Community Chat at Coodanup Foreshore.
- 14.3 Councillor Green: 19 November, Junior Council graduation.
- 14.4 Councillor P Rogers: 31 October, Alcoa Peel Business Awards.
- 14.5 Mayor Williams: 20 October, Silent March against family/domestic violence.
- 14.6 Mayor Williams: City of Mandurah winner of National Local Government Award for entrepreneur program.
- 14.7 Mayor Williams: Congratulations to Zak Kirkup, elected as State Leader of the Liberal Party.
- 14.8 Councillor Knight: 11 November, Remembrance Day services.
- 14.9 Mayor Williams: Local Legend Tony Schraven.
- 14.10 Councillor Lee: Stepping down from Office of Councillor on 19 January 2021.

15. DECLARATION OF INTERESTS

- 15.1 Chief Executive Officer, Mark Newman, declared a financial interest in Minute G.23/11/20 - Response to Local Government Act Amendments as the matter deals with Chief Executive Officer contracts. The Chief Executive Officer will vacate the Chamber when this item is considered.
- 15.2 Councillor Peter Rogers declared an impartiality interest in Minute G.23/11/20 - Response to Local Government Act Amendments as he serves on the WA Local Government Standards panel referenced in the report. Councillor Rogers will remain in the Chamber, consider the item on its merits and vote accordingly.

- 15.3 Councillor D Schumacher, whilst not declaring an interest, requested it be known there could be a perceived impartiality interest in relation to Reports 2, 3 and 5 relating to properties at 3 and 7 Mandurah Terrace, Mandurah however, he would consider the items on their merit and vote accordingly.

Councillor Pember left the Chamber at 6.45pm, returning at 6.47pm.

16. QUESTIONS FROM ELECTED MEMBERS

Questions of which due notice has been given

Nil.

Questions of which notice has not been given

16.1 COUNCILLOR SCHUMACHER: MANDURAH SKATE PARK

Councillor Schumacher request an update on the Mandurah Skate Park project.

Response:

The Director Natural and Built Environment advised the project was progressing well with an anticipated opening date of 16 December, 2020.

17. BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil.

*Councillor Darcy left the Chamber at 6.46pm, returning at 6.48pm.
Councillor Zilani left the Chamber at 6.47pm.*

G.5/11/20 CHANGE ORDER OF AGENDA

In view of the number of interested parties in the public gallery, the Chairperson suggested that with the consensus of Elected Members, the order of the agenda be changed with Reports 12, 13 and 14 relating to the Greening Framework, Tree Management Policy and Street Tree Masterplan be considered next.

MOTION

Moved: Councillor D Schumacher
Seconded: Councillor P Rogers

That the order of the agenda be changed and reports 12, 13 and 14 relating to the Greening Framework, Tree Management Policy and Street Tree Masterplan be now considered.

CARRIED: 12/0

6.49pm Prior to considering reports a roll call of members attending electronically was taken to confirm connections.

Councillor Zilani returned to the Chamber at 6.50pm.

18. REPORTS

G.6/11/20 GREENING MANDURAH FRAMEWORK (REPORT 12)

Summary

The physical greening of Mandurah is important because it:

1. Improves the appearance, economic value and liveability of our City.
2. Provides a connection to nature in our City.
3. Increases resilience to climate change, mitigates the urban heat island effect, provides air and water filtration and provides for fauna habitat.

In the urban environment however, vegetation is increasingly under threat, particularly in new and infill development areas. Mandurah's population has more than doubled in the last 20 years, and in order to accommodate this growth there has been a subsequent loss of trees and vegetation as land is cleared for housing.

The City, with the support of the community, has a long history of working to manage and improve the City's natural environment with many existing programs and policies aimed at increasing vegetation cover to combat these losses. Whilst these programs have been successful in increasing the average canopy cover across the City, the need for an overarching strategy was identified to clearly articulate the City's vision for a 'greener' Mandurah, and set the context in which all the efforts of the City to manage the urban ecosystem, are clearly identified and understood.

For this reason, the Greening Mandurah Framework has been developed and is presented for Council's consideration.

Officer Recommendation

That Council endorses the Greening Mandurah Framework as detailed in Attachment 12.1.

Council Resolution

MOTION

Moved: Councillor L Rodgers
Seconded: Councillor C Knight

That Council endorses the Greening Mandurah Framework as detailed in Attachment 12.1.

CARRIED: 13/0

G.7/11/20 MANDURAH TREE MANAGEMENT POLICY REVIEW (REPORT 13)

Summary

Council, at its meeting on 22 September 2020, considered a Notice of Motion with respect to the City of Mandurah Tree Management Policy (Policy), and resolved to:

1. Direct Officers to undertake a review of the City of Mandurah Tree Management Policy (POL-RDS06)
2. That the review consider the following:
 - a. Inclusion of the Norfolk Island Pine Tree within the 'inappropriate tree species' list
3. That the review be undertaken prior to the November 2020 Ordinary Council Meeting, with the Policy to be considered by Council at that meeting
4. That a workshop be held with Elected Members as part of the Tree Management Policy review.

In accordance with Council's resolution, City officers have reviewed the City of Mandurah Tree Management Policy (POL-RDS06) and in doing so, propose a new draft Council Policy for Management of Trees in Streets and Public Open Spaces for consideration.

On review, it was felt that the existing Policy could be improved by providing additional information to provide a clearer and unambiguous direction on how trees are managed within the City.

Given that the Policy will ultimately underpin the draft Greening Mandurah Framework and inform the draft Locality Street Tree Masterplan (both also being the subject of reports on this agenda), amongst other things, the proposed new draft Policy attempts to balance the objectives of the Framework with sound management practices for trees within the City's street and public open spaces.

Officers have also considered the request to have the "inclusion of Norfolk Island Pine Trees within the 'inappropriate tree species' list". The use and suitability of Norfolk Island Pines was considered following officer consultation, a desktop audit of available scientific literature, review of previous arborist reports, a consultant arborist technical review along with an Elected Member workshop and previous Council recommendations. Following this review, City officers have formed the view that Norfolk Island Pine trees remain a suitable tree selection in specific locations that take into consideration the ultimate size and growth characteristics of the tree. They should not be considered for planting in locations where adjacent infrastructure is at significant risk of damage due to the ultimate size and growth characteristics of the tree, does not align with the Street Tree Masterplan or other guiding documents. If adopted, the technical guidelines that inform tree selection and locality will be updated to accurately reflect these considerations.

Council are asked to endorse the new draft Council Policy for Management of Trees in Streets and Public Open Spaces.

Officer Recommendation

That Council:

1. Endorse the new draft Council Policy Management of Trees in Streets and Public Open Spaces (POL-RDS 06) as detailed in Attachment 13.1; and
2. Does not include Norfolk Island Pine trees on the inappropriate tree species list.

Council Resolution

MOTION

Moved: Councillor L Rodgers

Seconded: Councillor M Darcy

That Council:

1. Endorse the new draft Council Policy Management of Trees in Streets and Public Open Spaces (POL-RDS 06) as detailed in Attachment 13.1; and
2. Does not include Norfolk Island Pine trees on the inappropriate tree species list.

Amendment

MOTION

Moved: Councillor D Schumacher

Seconded: Councillor M Darcy

3. Request officers to bring back the Policy to Council for a review in six months

CARRIED: 11/2

FOR: Mayor Williams, Councillors Darcy, Jackson, P Rogers, Knight, L Rodgers, Di Prinzio, Pember, Schumacher, M Rogers and Lee

AGAINST: Councillors Green and Zilani

That Council:

1. **Endorse the new draft Council Policy Management of Trees in Streets and Public Open Spaces (POL-RDS 06) as detailed in Attachment 13.1;**
2. **Does not include Norfolk Island Pine trees on the inappropriate tree species list.**
3. **Request officers to bring back the Policy to Council for a review in six months.**

CARRIED: 10/3

FOR: Mayor Williams, Councillors Darcy, Jackson, P Rogers, Knight, L Rodgers, Di Prinzio, Schumacher, M Rogers and Lee

AGAINST: Councillors Green, Pember and Zilani

Reason: Resolution point three has been added because the Council Policy Management of Trees in Streets and Public Open Spaces would benefit from a further review in six months times.

G.8/11/20 DRAFT LOCALITY STREET TREE MASTERPLAN (REPORT 14)Summary

A draft Locality Street Tree Masterplan has been developed for the entire municipality to support the City's strategic direction and policy on trees as well as inform future tree planting initiatives to create a more sustainable city.

The vision for the draft Masterplan is to have a document that informs and directs the enhancement of the future tree canopy cover through the identification of appropriate tree species for individual streets. Species that reflect the cultural and environmental characteristics of Mandurah, creating a more sustainable and liveable City. Generally, the Masterplan has adhered to the following key rules:

- Continue existing streetscape characters, where appropriate.
- Identify specific problem species that are currently planted and are not flourishing.
- Identify opportunities for improvement in defining streetscape / precinct character.

The recently prepared draft Greening Mandurah Framework, also the subject of a report on this agenda, is designed to protect, nurture, value and enhance shade providing trees across Mandurah and is a tool for implementing the Framework and associated street tree planting initiatives. Council is requested to acknowledge the draft Locality Street Tree Masterplan and note that a further report will be prepared for Council's consideration and endorsement.

Officer Recommendation

That Council:

1. Acknowledges the draft Locality Street Tree Masterplan (2020 version) to support the City's strategic direction on street trees, as well as inform future tree planting initiatives.
2. Approves an Elected Member workshop to review the Locality Street Tree Masterplan (2020 version); and
3. Notes that a further report will be prepared for Council consideration and endorsement following the above referred workshop.

Council Resolution**MOTION**

Moved: Councillor C Knight
Seconded: Councillor P Rogers

That Council:

1. **Acknowledges the draft Locality Street Tree Masterplan (2020 version) to support the City's strategic direction on street trees, as well as inform future tree planting initiatives.**
2. **Approves an Elected Member workshop to review the Locality Street Tree Masterplan (2020 version); and**
3. **Notes that a further report will be prepared for Council consideration and endorsement following the above referred workshop.**

CARRIED: 13/0

Councillor L Rodgers vacated the Chamber at 7.46pm and did not return to the meeting.

G.9/11/20 FINANCIAL REPORT OCTOBER 2020 (REPORT 1)

Summary

The Financial Report for October 2020 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Elected Members' consideration.

Officer Recommendation

That Council:

- 1 Receives the Financial Report for October 2020 as detailed in Attachment 1.1 of the report.
- 2 Receives the Schedule of Accounts for the following amounts as detailed in Attachment 1.2 of the report:

Total Municipal Fund	\$ 10,175,055.75
Total Trust Fund	\$ 0.00
	\$ 10,175,055.75
- 3 Approves the following budget variations for 2020/21 annual budget:
 - 3.1 Increase in capital expenditure of \$142,145* for Mandurah Visitors Centre Refurbishment
 - To be funded from Mandurah Visitors Centre – Other Operating Costs \$122,000*
 - To be funded from Installation of Air Conditioning at Halls Head Parade Community and Sports Facility \$20,145*
 - 3.2 Increase in expenditure of \$528,360* for the Australia Day 2021 operating program,
 - To be funded from a new operating grant of \$528,360* from the National Australia Day Council
 - 3.3 Increase in expenditure of \$100,000* for the Mandurah Mental Health Initiative
 - To be funded from a new operating grant of \$100,000* from WAPHA
 - 3.4 Increase in expenditure of \$365,000* for the Mandurah Assertive Outreach Trial
 - To be funded from a new operating grant of \$350,000* from WAPOL
 - To be funded from Community Safety Programmes operating budget of \$15,000*
 - 3.5 Increase in expenditure of \$16,500* for the Colours of Mandurah Artwork project
 - to be funded from a new operating grant of \$9,000* from RAC
 - to be funded from the Linger Longer Day operating budget of \$7,500*
 - 3.6 Increase in payroll expenditure of \$50,332* for new Procurement FTE
 - to be funded from a reduction in payroll expenditure in Economic Development of \$50,332*

Council Resolution**MOTION****Moved:** Councillor P Rogers**Seconded:** Councillor D Schumacher**That Council:**

- 1 Receives the Financial Report for October 2020 as detailed in Attachment 1.1 of the report.
- 2 Receives the Schedule of Accounts for the following amounts as detailed in Attachment 1.2 of the report:

Total Municipal Fund	\$ 10,175,055.75
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 - 3.5 Increase in expenditure of \$16,500* for the Colours of Mandurah Artwork project
 - to be funded from a new operating grant of \$9,000* from RAC
 - to be funded from the Linger Longer Day operating budget of \$7,500*
 - 3.6 Increase in payroll expenditure of \$50,332* for new Procurement FTE
 - to be funded from a reduction in payroll expenditure in Economic Development of \$50,332*

CARRIED WITH ABSOLUTE MAJORITY: 12/0

G.10/11/20 ALFRESCO DINING LICENCE: RESERVE 27622 (NO. 7) MANDURAH TERRACE, MANDURAH (REPORT 2)

Summary

In 2017, Council supported the assignment of an alfresco dining licence over 76 square metres, being a portion of Reserve 27622 adjoining Lot 123 (No. 7) Mandurah Terrace,

Mandurah. The Council's support of the assignment was conditional on the then pending sale of 7 Mandurah Terrace Mandurah, to ensure that the ground floor tenant Golden Cloud Spur Restaurant had the continuing use of the alfresco dining area.

The remaining term on the original ten year licence agreement was three years which expired on the 18 October 2020. The landowner has approached City officers with a request to enter into a new five + five year licence agreement over the same 76 square metre portion of Reserve 27622.

In accordance with section 3.58(4) of the *Local Government Act 1995 (LGA)*, an independent valuation is required to determine the current market value for the licensed area. Independent valuers were appointed to undertake the valuation which was assessed at \$6,080 per annum (excluding GST) or \$80 per square metre. Officers propose a new alfresco dining licence be granted to the current landowners of Lot 123 (No. 7) Mandurah Terrace Mandurah, on similar terms and conditions as the current agreement.

Council is requested to approve the advertising of, and if no submissions received, the disposal of the alfresco dining licence to John and Elizabeth Baltyn, over a 76 square metre portion of Reserve 27622 adjoining (No.7) Mandurah Terrace, Mandurah, for a term of five years with a further five year term option (5+5 years). An annual rent of \$6,080 (excluding GST), with market rent review due at the end of the first term, and Consumer Price Index (CPI) rate applied annually. The licence is also conditional upon the approval of the Minister for Lands.

Officer Recommendation

That Council:

1. Approves the advertisement of, and if no submissions received, the disposal of an alfresco dining licence to John and Elizabeth Baltyn, over a portion of Reserve 27622 with the following terms and conditions:
 - 1.1 Term of five years with a further five year term option;
 - 1.2 Licensed area of 76 square metres;
 - 1.3 Annual rent commencing at \$6,080 (excluding GST);
 - 1.4 Market rent review at the end of the first term, and annual CPIs to apply;
 - 1.5 Commencement date after the approval of the Minister for Lands; and
 - 1.6 Subject to the Minister for Lands consent.
2. Acknowledge any submissions will be reported to Council, if no submissions are received the licence will be disposed to John and Elizabeth Baltyn.
3. Acknowledges all legal costs associated with the preparation of the alfresco dining licence are to be borne by the licensee.
4. Authorises the Chief Executive Officer to finalise the conditions of the licence agreement.

Council Resolution

MOTION

Moved: Councillor D Schumacher

Seconded: Councillor C Knight

That Council:

1. Approves the advertisement of, and if no submissions received, the disposal of an alfresco dining licence to John and Elizabeth Baltyn, over a portion of Reserve 27622 with the following terms and conditions:
 - 1.1 Term of five years with a further five year term option;
 - 1.2 Licensed area of 76 square metres;
 - 1.3 Annual rent commencing at \$6,080 (excluding GST);
 - 1.4 Market rent review at the end of the first term, and annual CPIs to apply;
 - 1.5 Commencement date after the approval of the Minister for Lands; and
 - 1.6 Subject to the Minister for Lands consent.
2. Acknowledge any submissions will be reported to Council, if no submissions are received the licence will be disposed to John and Elizabeth Baltyn.
3. Acknowledges all legal costs associated with the preparation of the alfresco dining licence are to be borne by the licensee.
4. Authorises the Chief Executive Officer to finalise the conditions of the licence agreement.

CARRIED: 12/0

G.11/11/20 NAMING: MANDURAH SKATE PARK (REPORT 3)

Summary

The redevelopment of the existing Western Foreshore skate park into a regional scale skate and activity space for the Mandurah community and visitors alike is nearing completion, with an anticipated opening date of mid December 2020.

As the skate and activity space will be a greatly enhanced destination for the local community and visitors, with an international competition level facility, officers recommend that the existing name of 'Bill Bowler Skate Park' should be reconsidered. The current name is not easily recognisable and therefore a new name providing greater prominence around the location by including 'Mandurah' in its name should be considered for the facility.

Consultation processes, both internal and external, have suggested the name 'Mandurah Skate Park' would be considered a natural choice, with anecdotal evidence inferring the community will likely refer to the facility by this name irrespective of any other name applied.

The Geographic Naming Committee (GNC) at Landgate has given their consent to the decommissioning of the existing name subject to family support, which has been obtained; and GNC have confirmed their approval of the new name.

Although a Council resolution is not required for GNC approvals, City Officers considered that due to the prominence of the site and possible public interest in both the new name and the decommissioning of the existing commemorative name, Council support is recommended. An alternative form of commemoration for Mr Bowler will be installed on the Western Foreshore.

Council approval is therefore sought to officially apply to GNC for the decommissioning of the existing topographic feature name 'Bill Bowler Skate Park' and the approval of the new topographic feature name of 'Mandurah Skate Park'.

Officer Recommendation

That Council:

1. Supports the decommissioning of the official topographic feature name of 'Bill Bowler Skate Park'.
2. Approves the official naming of the new Western Foreshore skate and activity space as a topographic feature name of 'Mandurah Skate Park'.
3. Supports alternative recognition of Mr Bowler by way of signage and commemoration within the Western foreshore re-development.

Council Resolution

MOTION

Moved: Councillor P Rogers

Seconded: Councillor D Pember

That Council:

1. **Supports the decommissioning of the official topographic feature name of 'Bill Bowler Skate Park'.**
2. **Approves the official naming of the new Western Foreshore skate and activity space as a topographic feature name of 'Mandurah Skate Park'.**
3. **Supports alternative recognition of Mr Bowler by way of signage and commemoration within the Western foreshore re-development.**

CARRIED: 12/0

**G.12/11/20 PROPOSED CHANGE OF USE TO TAVERN: 3 MANDURAH TERRACE,
MANDURAH (REPORT 4)**Summary

Council is requested to consider a development application for a proposed change of use from 'Small Bar' to 'Tavern' at the subject site. The applicant is seeking a Tavern Restricted licence to permit an increase in maximum occupancy from 120 persons to 180 persons. The establishment will continue to run under the existing business model, with the aim to provide a relaxed, comfortable setting.

The proposal was advertised to approximately 200 landowners representing a 150m radius of the site and numerous properties located across the water on San Marco Quays and within the Port Mandurah canals. During the consultation period, six submissions were received. Key comments raised related to noise, anti-social behaviour and security.

It has been demonstrated, via an acoustic assessment, that the proposal can comply with the *Environmental Protection (Noise) Regulations 1997* subject to the existing Noise Management Plan being maintained. These requirements have been implemented through the recommended conditions, with additional conditions to minimise the potential for anti-social behaviour and disruption.

It is considered that the application of appropriate management conditions would minimise the potential for noise and anti-social behaviour, and therefore through these conditions it is recommended that Council approve the proposed change of use.

Officer Recommendation

That in accordance with Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes)*, that Council grant development approval for proposed Change of Use to a Tavern (DA9475) at Lot 504, No 3 Mandurah Terrace, subject to the following conditions:

1. Prior to commencement of the use, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah.
2. The operation of the premises must be carried out in accordance with the Harm Minimisation and Management Plan dated June 2020 to the satisfaction of the City of Mandurah.
3. The venue must operate in accordance with the acoustic report AES-890050-R01-1-14032019 and the noise management plan approved by the City of Mandurah (as amended) during the hours of operation.
4. Unless otherwise agreed in writing by the City of Mandurah, the following measures shall be taken to ensure that the proposed operation does not adversely affect the amenity of the neighbourhood:
 - 4.1 The maximum number of patrons shall be 180 at any one time, subject to compliance with the Health (Public Buildings) Regulations 1992 Maximum Accommodation Certificate and whichever is the lesser amount.
 - 4.2 Seating must be provided for a minimum 75% of the approved maximum accommodation number granted under the Health (Public Buildings) Regulations

1992 except for one-off events in accordance with the City's Alcohol Management Policy POL-PBH 04.

- 4.3 Meals must be available to patrons at all times of trade, in accordance with the Harm Minimisation and Management Plan.
- 4.4 Delivery vehicles, forklifts and waste vehicles must only enter the site or be operated on or adjacent to the site between 7:00am and 7:00pm Monday to Saturday; and 9:00am and 7:00pm on Sundays or Public Holidays. All vehicles must have their engine turned off during loading and unloading of goods/waste associated with the use of the site to the satisfaction of the City of Mandurah.
- 4.5 The number of Crowd controllers must be provided in accordance with the requirements of the Department of Local Government, Sport and Cultural Industries and be present until 1 hour after trading ceases each Friday and Saturday night and each Sunday that proceeds a Monday long weekend.

Advice Notes:

1. The applicant is encouraged to review the City of Mandurah Waste Management Plan Guidelines for Commercial and Industrial Developments.
2. The premises will be subject to the requirements of the Health (Public Buildings) Regulations 1992.

Council Resolution

MOTION

Moved: Councillor C Knight

Seconded: Councillor M Darcy

That in accordance with Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes)*, that Council grant development approval for proposed Change of Use to a Tavern (DA9475) at Lot 504, No 3 Mandurah Terrace, subject to the following conditions:

- 1. Prior to commencement of the use, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah.**
- 2. The operation of the premises must be carried out in accordance with the Harm Minimisation and Management Plan dated November 2020 to the satisfaction of the City of Mandurah.**
- 3. The venue must operate in accordance with the acoustic report AES-890050-R01-1- 14032019 and the noise management plan approved by the City of Mandurah (as amended) during the hours of operation.**
- 4. Unless otherwise agreed in writing by the City of Mandurah, the following measures shall be taken to ensure that the proposed operation does not adversely affect the amenity of the neighbourhood:**

- 4.1 The maximum number of patrons shall be 180 at any one time, subject to compliance with the Health (Public Buildings) Regulations 1992 Maximum Accommodation Certificate and whichever is the lesser amount.**
- 4.2 Seating must be provided for a minimum 75% of the approved maximum accommodation number granted under the Health (Public Buildings) Regulations 1992 except for one-off events in accordance with the City's Alcohol Management Policy POL-PBH 04.**
- 4.3 Food must be available to patrons at all times of trade, in accordance with the Harm Minimisation and Management Plan.**
- 4.4 Delivery vehicles, forklifts and waste vehicles must only enter the site or be operated on or adjacent to the site between 7:00am and 7:00pm Monday to Saturday; and 9.00am and 7.00pm on Sundays or Public Holidays. All vehicles must have their engine turned off during loading and unloading of goods/waste associated with the use of the site to the satisfaction of the City of Mandurah.**
- 4.5 The number of Crowd controllers must be provided in accordance with the requirements of the Department of Local Government, Sport and Cultural Industries and be present until 1 hour after trading ceases each Friday and Saturday night and each Sunday that proceeds a Monday long weekend.**

Advice Notes:

- 1. The applicant is encouraged to review the City of Mandurah Waste Management Plan Guidelines for Commercial and Industrial Developments.**
- 2. The premises will be subject to the requirements of the Health (Public Buildings) Regulations 1992.**

CARRIED: 12/0

Reason for Change: Officers provided the applicant with a list of the draft conditions prior to the agenda being published. The applicant has since requested that condition 4.3 be modified. The definition of a 'meal' under the *Liquor Act 1988* is open to interpretation from other agencies who may require the attendance of a chef on the premises at all times. The current definition could also be interpreted as to not include the provision of tapas style food. Officers have therefore amended the wording of condition 4.3 to refer to the provision of 'food' rather than 'meals'. In order to demonstrate that substantial food will be available, the applicant has amended the Harm Minimisation and Management Plan to include specific details regarding food service and as a result resolution point 2 date of plan has changed to November 2020.

G.13/11/20 PROPOSED CHANGE OF USE TO TAVERN: 7 MANDURAH TERRACE, MANDURAH (REPORT 5)

Summary

Council is requested to consider a development application for a proposed change of use from 'Restaurant' to 'Tavern' for the ground floor at the subject site. The applicant will be seeking a Tavern liquor licence to allow for bar service and to enable the small production and sale of

packaged liquor. The proposed venue is a 'boutique' style tavern, with tapas style food and an operational distillery making gin and vodka using local produce and ingredients. The proposal includes alfresco dining within the existing pedestrian access easement, providing additional activity and vibrancy to this laneway and waterfront precinct.

The proposal was advertised to approximately 200 landowners representing a 150m radius of the site and numerous properties located across the water on San Marco Quays and within the Port Mandurah canals. During the consultation period, eight submissions were received. Key comments raised related to noise, anti-social behaviour and security.

It has been demonstrated, via an acoustic assessment, that the proposal can comply with the *Environmental Protection (Noise) Regulations 1997*. Appropriate noise management measures have been incorporated into the recommended conditions to ensure that the amenity of the surrounding area is maintained, with additional conditions to minimise the potential for anti-social behaviour and disruption.

It is considered that the application of appropriate management conditions would minimise the potential for noise and anti-social behaviour, and therefore through these conditions it is recommended that Council approve the proposed change of use.

Officer Recommendation

That in accordance with Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes)*, that Council grant development approval for proposed Change of Use to a Tavern (DA9475) at Lot 123, No 7 Mandurah Terrace, subject to the following conditions:

1. Prior to commencement of the use, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah.
2. Prior to commencement of the use, a harm minimisation and management plan shall be submitted to and approved by the City of Mandurah. The operation of the premises must be carried out in accordance with the approved harm minimisation and management plan to the satisfaction of the City of Mandurah.
3. Prior to commencement of the use, a sign concept plan shall be submitted to and approved by the City of Mandurah, and shall indicate all the intended locations of signs to be placed within the site and on any building(s).
4. The venue must operate in accordance with the acoustic report AES-890122-R01-0-31082020 during the hours of operation.
5. Unless otherwise agreed in writing by the City of Mandurah, the following measures shall be taken to ensure that the proposed operation does not adversely affect the amenity of the neighbourhood:
 - 5.1 Seating must be provided for a minimum 75% of the approved maximum accommodation number granted under the Health (Public Buildings) Regulations 1992 except for one-off events in accordance with the City's Alcohol Management Policy POL-PBH 04.
 - 5.2 Meals must be available to patrons at all times of trade.
 - 5.3 Delivery vehicles, forklifts and waste vehicles must only enter the site or be operated on or adjacent to the site between 7:00am and 7:00pm Monday to

Saturday; and 9.00am and 7.00pm on Sundays or Public Holidays. All vehicles must have their engine turned off during loading and unloading of goods/waste associated with the use of the site to the satisfaction of the City of Mandurah.

- 5.4 The number of Crowd controllers must be provided in accordance with the requirements of the Department of Local Government, Sport and Cultural Industries and be present until 1 hour after trading ceases each Friday and Saturday night and each Sunday that proceeds a Monday long weekend.
6. The use of the easement area is restricted to temporary furniture (packable tables and chairs etc) only, to the specification and satisfaction of the City of Mandurah. No permanent obstructions or fixtures are permitted to be installed. The use of the easement area may only continue while the two adjoining properties (3 Mandurah Terrace and 7 Mandurah Terrace) are in the same ownership.

Advice Notes:

1. The applicant is encouraged to review the City of Mandurah Waste Management Plan Guidelines for Commercial and Industrial Developments.
2. The premises will be subject to the requirements of the Health (Public Buildings) Regulations 1992.
3. Any changes to the lay out of the food preparation area must be approved by the City's Health Services team.
4. Prior to commencement of the use, an application for a building permit and occupancy permit are to be submitted to and approved by the City of Mandurah. The applicant is advised to consult a private building surveyor to obtain the appropriate advice and certificates needed for these applications.

Council Resolution

MOTION

Moved: Councillor D Pember

Seconded: Councillor C Knight

That in accordance with Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes)*, that Council grant development approval for proposed Change of Use to a Tavern (DA9475) at Lot 123, No 7 Mandurah Terrace, subject to the following conditions:

- 1. Prior to commencement of the use, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah.**
- 2. The operation of the premises must be carried out in accordance with the Harm Minimisation and Management Plan dated November 2020 to the satisfaction of the City of Mandurah.**
- 3. Prior to commencement of the use, a sign concept plan shall be submitted to and approved by the City of Mandurah, and shall indicate all the intended locations of signs to be placed within the site and on any building(s).**

4. **The venue must operate in accordance with the acoustic report AES-890122-R01-0- 31082020 during the hours of operation.**
5. **Unless otherwise agreed in writing by the City of Mandurah, the following measures shall be taken to ensure that the proposed operation does not adversely affect the amenity of the neighbourhood:**
 - 5.1 **Seating must be provided for a minimum 75% of the approved maximum accommodation number granted under the Health (Public Buildings) Regulations 1992 except for one-off events in accordance with the City's Alcohol Management Policy POL-PBH 04.**
 - 5.2 **Food must be available to patrons at all times of trade, in accordance with the Harm Minimisation and Management Plan.**
 - 5.3 **Delivery vehicles, forklifts and waste vehicles must only enter the site or be operated on or adjacent to the site between 7:00am and 7:00pm Monday to Saturday; and 9.00am and 7.00pm on Sundays or Public Holidays. All vehicles must have their engine turned off during loading and unloading of goods/waste associated with the use of the site to the satisfaction of the City of Mandurah.**
 - 5.4 **The number of Crowd controllers must be provided in accordance with the requirements of the Department of Local Government, Sport and Cultural Industries and be present until 1 hour after trading ceases each Friday and Saturday night and each Sunday that proceeds a Monday long weekend.**
6. **The use of the easement area is restricted to temporary furniture (packable tables and chairs etc) only, to the specification and satisfaction of the City of Mandurah. No permanent obstructions or fixtures are permitted to be installed. The use of the easement area may only continue while the two adjoining properties (3 Mandurah Terrace and 7 Mandurah Terrace) are in the same ownership.**

Advice Notes:

1. **The applicant is encouraged to review the City of Mandurah Waste Management Plan Guidelines for Commercial and Industrial Developments.**
2. **The premises will be subject to the requirements of the Health (Public Buildings) Regulations 1992.**
3. **Any changes to the lay out of the food preparation area must be approved by the City's Health Services team.**
4. **Prior to commencement of the use, an application for a building permit and occupancy permit are to be submitted to and approved by the City of Mandurah. The applicant is advised to consult a private building surveyor to obtain the appropriate advice and certificates needed for these applications.**

CARRIED: 12/0

Reason for Change: Officers provided the applicant with a list of the draft conditions prior to the agenda being published. The applicant has since provided a Harm Minimisation and Management Plan and has requested that condition 4.2 be modified. The definition of a 'meal' under the *Liquor Act 1988* is open to interpretation from other agencies who may require the

attendance of a chef on the premises at all times. The current definition could also be interpreted as to not include the provision of tapas style food. Officers have therefore amended the wording of condition 4.2 to refer to the provision of 'food' rather than 'meals'. In order to demonstrate that substantial food will be available, the applicant has amended the Harm Minimisation and Management Plan to include specific details regarding food service and as a result resolution point 2 date of plan has changed to November 2020.

G.14/11/20 COMMERCIAL VEHICLE PARKING (REPORT 6)

Summary

At the Ordinary Council Meeting of 25 August 2020, a Notice of Motion was carried that requested City officers to review of the approval process and outcomes for the parking of Commercial Vehicles in residential areas. The Notice of Motion sought to provide an overview of the local planning scheme and policy provisions and the history of approvals issued.

Officers have undertaken a review of the process and provided responses to the Notice of Motion questions. It is noted that a small number of commercial vehicle development approvals have been issued over recent years.

As a result of this review and in light of the impending gazettal of the City of Mandurah Local Planning Scheme 12 (LPS12) it recommended that a Local Planning Policy incorporating Commercial Vehicle parking be prepared for consideration by Council prior by 31 March 2021.

Officer Recommendation

That Council requests officers to prepare for Council, consideration of a Local Planning Policy addressing Commercial Vehicles within the residential zone prior to 31 March 2021.

Note: The Local Planning Policy will provide a detailed framework that includes clear definitions, assessment criteria, decision making process, implications of conditions and compliance.

Council Resolution

MOTION

Moved: Councillor J Green

Seconded: Councillor C Di Prinzio

That Council requests officers to prepare for Council, consideration of a Local Planning Policy addressing Commercial Vehicles within the residential zone prior to 31 March 2021.

Note: The Local Planning Policy will provide a detailed framework that includes clear definitions, assessment criteria, decision making process, implications of conditions and compliance.

CARRIED: 12/0

**G.15/11/20 LAKELANDS NORTH-EAST STRUCTURE PLAN AMENDMENT NO. 1
(REPORT 7)****Summary**

Council is requested to consider modifications to the Lakelands North-East Structure Plan, located at Lot 105 Stock Road, Lakelands.

In summary, the proposal seeks the following modifications to the Structure Plan:

1. Modify the residential density range from R25 – R40, to R25 – R60;
2. Provide a two-storey boundary wall provision for RMD-40 (R40) and RMD-60 (R60) lots; and,
3. Reconfigure public open space areas (POS) resulting in a decrease in POS allocation from 15.9% to 12.09%, and adjust residential areas and road alignments.

The Structure Plan was advertised for a minimum of 28 days with one submission being received and three submissions from government agencies.

A local government report including any recommendations is required to be submitted to the Western Australian Planning Commission (WAPC) for a decision. It is recommended that Council provide this report to the WAPC outlining that the Structure Plan be approved subject to modifications.

Officer Recommendation

That Council under Clause 20(2) of *Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, provides this report to the Western Australian Planning Commission for the Lakelands North-East Structure Plan (Dated June 2020) recommending that the proposed Structure Plan should be approved subject to the following modifications and advice:

1. The wording of Clause 5.2 (b) which relates to the provision of two-storey boundary walls shall be further expanded to ensure that its application only occurs where two-storey dwelling height is mandated by a Local Development Plan.
2. Prior to the final approval of the Structure Plan by the WAPC, the developer shall revise the Bushfire Management Plan in line with Department of Fire and Emergency Services referral comments dated 30 September 2020.
3. The Local Water Management Strategy, Wetland Management Plan and Fauna Management Plan shall be amended as a condition of subdivision approval, given that the proposal seeks an increase to lot densities as well as reconfigured lots, roads and public open space.

Council Resolution**MOTION**

Moved: **Councillor C Knight**
Seconded: **Councillor P Rogers**

Part 1

1. **That Council under Clause 20(2) of *Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, provides this report to the Western Australian Planning Commission for the Lakelands**

North-East Structure Plan (Dated June 2020) recommending that the proposed Structure Plan should be approved subject to the following modifications and advice:

- 1.1 The wording of Clause 5.2 (b) which relates to the provision of two-storey boundary walls shall be further expanded to ensure that its application only occurs where two-storey dwelling height is mandated by a Local Development Plan.**
- 1.2 Prior to the final approval of the Structure Plan by the WAPC, the developer shall revise the Bushfire Management Plan in line with Department of Fire and Emergency Services referral comments dated 30 September 2020.**
- 1.3 The Local Water Management Strategy, Wetland Management Plan and Fauna Management Plan shall be amended as a condition of subdivision approval, given that the proposal seeks an increase to lot densities as well as reconfigured lots, roads and public open space.**

Advice Note:

The developer shall ensure all endeavours are made to protect and retain remnant significant vegetation throughout POS areas and the road network

Part 2

- 1. Approve the Mayor writing to the federal agency responsible for managing the Environment Protection and Biodiversity Conservation Act highlighting failures in this development approval.**

CARRIED: 12/0

Reason for Change: The Council resolution included an advice note to part one which recommends that the Western Australian Planning Commission request the developer to ensure all endeavours are made to protect and retain remnant significant vegetation throughout POS areas and the road network. Part 2 was added to approve the Mayor to write to the Department of the Environment (Federal Government) highlight the failures in this development approval.

G.16/11/20 ORDINARY COUNCIL AND COMMITTEE MEETING DATES 2021 (REPORT 8)

Summary

Council is requested to set the Ordinary Council and Committee meeting dates for 2021. In accordance with Section 5.25(1)(g) of the *Local Government Act 1995* (the Act) and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, Council is required to resolve to advertise each year, the days and times when Ordinary Council and Committee meetings will be held.

Council is requested to endorse the Ordinary Council and Committee meeting dates for 2021 and where applicable advertise via local public notice.

Officer Recommendation

That Council:

1. Approve the following Ordinary Council Meeting dates commencing at 5:30pm, to be held in the Council Chambers, and advertise via local public notice:

Meeting	Date
Council Meeting	19 January 2021
Council Meeting	23 February 2021
Council Meeting	23 March 2021
Council Meeting	27 April 2021
Council Meeting	25 May 2021
Council Meeting	22 June 2021
Council Meeting	27 July 2021
Council Meeting	24 August 2021
Council Meeting	28 September 2021
Council Meeting	26 October 2021
Council Meeting	23 November 2021
Council Meeting	14 December 2021

2. Approve the following Audit and Risk Committee Meeting dates commencing at 5:30pm, to be held in the Council Chambers, and advertise via local public notice:

Meeting	Date
Audit and Risk Committee	9 March 2021
Audit and Risk Committee	11 May 2021
Audit and Risk Committee	14 September 2021
Audit and Risk Committee	9 November 2021
Audit and Risk Committee	7 December 2021

3. Approve the following Executive Committee Meeting dates commencing at 4:00pm, to be held in the Council Chambers:

Meeting	Date
Executive Committee	8 March 2021
Executive Committee	10 May 2021
Executive Committee	9 August 2021
Executive Committee	8 November 2021

4. Approve the Special Council Meeting commencing at 5:30pm, to be held in the Council Chambers, and advertise via local public notice:

Meeting	Date
Special Council Meeting – Swearing in ceremony	19 October 2021

Council Resolution

MOTION

Moved: Councillor D Pember

Seconded: Councillor P Rogers

That Council:

1. Approve the following Ordinary Council Meeting dates commencing at 5:30pm, to be held in the Council Chambers:

Meeting	Date
Council Meeting	19 January 2021
Council Meeting	23 February 2021
Council Meeting	23 March 2021
Council Meeting	27 April 2021
Council Meeting	25 May 2021
Council Meeting	22 June 2021
Council Meeting	27 July 2021
Council Meeting	24 August 2021
Council Meeting	28 September 2021
Council Meeting	26 October 2021
Council Meeting	23 November 2021
Council Meeting	14 December 2021

2. **Approve the following Audit and Risk Committee Meeting dates commencing at 5:30pm, to be held in the Council Chambers:**

Meeting	Date
Audit and Risk Committee	9 March 2021
Audit and Risk Committee	11 May 2021
Audit and Risk Committee	14 September 2021
Audit and Risk Committee	9 November 2021
Audit and Risk Committee	7 December 2021

3. **Approve the following Executive Committee Meeting dates commencing at 4:00pm, to be held in the Council Chambers:**

Meeting	Date
Executive Committee	8 March 2021
Executive Committee	10 May 2021
Executive Committee	9 August 2021
Executive Committee	8 November 2021

4. **Approve the Special Council Meeting commencing at 5:30pm, to be held in the Council Chambers:**

Meeting	Date
Special Council Meeting – Swearing in ceremony	19 October 2021

CARRIED WITH ABSOLUTE MAJORITY: 12/0

Reason for Change: Amendments to the *Local Government (Administration) Regulations 1996* Regulation 12. Publication of meeting details has removed the requirement to advertise meetings via local public notice. Meeting information must be available on the Local Government's website which the City currently complies with.

G.17/11/20 MANDURAH SCOUT GROUP: UPGRADES AND LICENCE RENEWAL (REPORT 9)

Summary

In April 2020, the City received written communication from 1st Mandurah Scout Group (Scouts) detailing a variety of capital and operational requests that would enhance their capacity to deliver programs for young people at the Coodanup Community Centre.

The Scouts indicated the need for improvements to fencing, lighting, pathways, furnishings, native plantings, term of licence, hire fees and bookings management. It is anticipated that addressing these issues would improve security and access to the community centre, foster a sense of pride and promote long-term stability for the Scouts.

The Scouts advised the City of their ability and willingness to contribute financially to capital works through use of building funds in trust, secured over many years through a levy on Scout member fees. It is considered, however, that two of the requested capital items, being the carpark lighting and accessible pathway, are a core responsibility for the City to fund given they are of general community benefit in the public realm. It is proposed the City undertake these capital works utilising funds from the Restart Mandurah allocation in the 2020/2021 financial year, with a local supplier to be contracted to undertake the work. The Scouts are considered to benefit solely from the fulfilment of other requests such as the proposed perimeter fencing and as such, it is suitable for Scouts to pay for full costs.

Furthermore, Council approval is sought to acknowledge the proposed facility improvement arrangements and approve a new licence agreement with The Scouts Association of Australia, Western Australian Branch, over a portion of Reserve 25297 Lot 1873 (No. 26) Broun Road, Coodanup, for 130 sq. metres which includes office space and two storage sheds, for a maximum term of ten years.

The purpose of this report is to detail the requests from Mandurah Scouts, outline progress to date and recommend a course of action to address the requests.

Officer Recommendation

That Council:

1. Supports the request by Mandurah Scout Group to pay in full the installation and maintenance of a garrison fence at the Coodanup Community Facility, subject to the submission of a detailed design for approval by the City prior to installation.
2. Approves unbudgeted capital expenditure of \$50,000* from the Restart Mandurah Fund to undertake upgrades to pathway and carpark lighting at Coodanup Community Centre with the work to be undertaken by local suppliers.
3. Approves a licence agreement to The Scouts Association of Australia over a portion of Reserve 25297 Lot 1873 (No.26) Broun Road, Coodanup with the following terms and conditions;
 - 3.1. Maximum tenure term of ten years;
 - 3.2. Use of 130sq. metres of office accommodation and two onsite storage sheds;
 - 3.3. Community rental rate to be applied in accordance with the City's Council approved Fees and Charges Schedule;
 - 3.4. Subject to the Minister for Lands approval and commencement date thereafter;
 - 3.5. All fees associated with the preparation of the Licence Agreement to be borne by the Licensee.

Council Resolution

MOTION

Moved: Councillor D Pember
Seconded: Councillor J Green

That Council:

1. **Supports the request by Mandurah Scout Group to pay in full the installation and maintenance of a garrison fence at the Coodanup Community Facility, subject to the submission of a detailed design for approval by the City prior to installation.**
2. **Approves unbudgeted capital expenditure of \$50,000* from the Restart Mandurah Fund to undertake upgrades to pathway and carpark lighting at Coodanup Community Centre with the work to be undertaken by local suppliers.**
3. **Approves a licence agreement to The Scouts Association of Australia over a portion of Reserve 25297 Lot 1873 (No.26) Broun Road, Coodanup with the following terms and conditions;**
 - 3.1. **Maximum tenure term of ten years;**
 - 3.2. **Use of 130sq. metres of office accommodation and two onsite storage sheds;**
 - 3.3. **Community rental rate to be applied in accordance with the City's Council approved Fees and Charges Schedule;**
 - 3.4. **Subject to the Minister for Lands approval and commencement date thereafter;**
 - 3.5. **All fees associated with the preparation of the Licence Agreement to be borne by the Licensee.**

CARRIED WITH ABSOLUTE MAJORITY: 12/0

G.18/11/20 YOUTH ADVISORY GROUP TERMS OF REFERENCE (REPORT 10)Summary

The purpose of the Youth Advisory Group (YAG) is to have a formal means for the City to consult youth aged 15-24 years and provide opportunities to empower them to be involved in their community and be passionate about the place they live.

Following endorsement by Council to appoint 13 young people to the group in July 2020, the YAG have been meeting monthly since August. One of their initial tasks was to co-design the YAG Terms of Reference. It is recommended that Council endorse the Youth Advisory Group Terms of Reference as designed by the YAG.

Officer Recommendation

That Council approve the Youth Advisory Group Terms of Reference as per Attachment 10.2.

Council Resolution**MOTION**

Moved: Councillor D Schumacher

Seconded: Councillor P Rogers

That Council approve the Youth Advisory Group Terms of Reference as per Attachment 10.2.

CARRIED: 12/0

G.19/11/20 RYDE PROGRAM (REPORT 11)

Summary

The Mandurah RYDE (Regional Youth Driver Education) program supports disadvantaged young people complete their 50 hours of supervised driving so they can obtain their Provisional Driver's License. After endorsement from Council in December 2017, Mandurah launched the program in July 2018, which included adding a manual vehicle to City Fleet that was sponsored to the program.

While successful, Mandurah RYDE currently only offers a manual vehicle. A trial period using an automatic vehicle in the RYDE program has demonstrated a higher demand for young people to book sessions to complete their logbook hours.

There is considerable 'in principal' community and local business support to donate funds for an additional automatic vehicle, which will allow the program to offer both a manual and automatic option. It is recommended that Council endorse the seeking of external funding to purchase an automatic vehicle for the RYDE program, and incorporate the new vehicle into City fleet.

Officer Recommendation

That Council:

1. Supports the expansion of the Mandurah 'RYDE Program' with addition of an automatic vehicle.
2. Notes should funding be obtained, the new vehicle will become part of the City fleet which includes the City being responsible for ongoing maintenance as per current fleet standards.
3. Supports officers to pursue external funding opportunities in collaboration with community to purchase a new automatic vehicle for the RYDE Program.
4. Approves the income generated through the RYDE program to be held in the Plant Reserve and accumulated over time, to allow the purchase of future vehicles on completion of their serviceable life.

Councillor Zilani left the Chamber at 8.07pm

Council Resolution

MOTION

Moved: Councillor C Knight

Seconded: Councillor D Schumacher

That Council:

1. **Supports the expansion of the Mandurah 'RYDE Program' with addition of an automatic vehicle.**
2. **Notes should funding be obtained, the new vehicle will become part of the City fleet which includes the City being responsible for ongoing maintenance as per current fleet standards.**
3. **Supports officers to pursue external funding opportunities in collaboration with community to purchase a new automatic vehicle for the RYDE Program.**
4. **Approves the income generated through the RYDE program to be held in the Plant Reserve and accumulated over time, to allow the purchase of future vehicles on completion of their serviceable life.**

CARRIED: 11/0

Councillor Zilani returned to the Chamber at 8.12pm

**G.20/11/20 YALGORUP NATIONAL PARK RECREATIONAL MASTER PLAN
(REPORT 15)**

Summary

Since Council's decision in 2012 to seek National and eventual World Heritage listing of Lake Clifton and the Yalgorup Lakes system, the City has undertaken various initiatives to ensure the ongoing protection and conservation of Yalgorup National Park and the Peel-Yalgorup Wetlands System. One of these measures is nature-based tourism.

The City's economic development strategy, '*Mandurah and Murray: a Shared Economic Future*', adopted by Council in October 2018, contains a number of programs and projects across Mandurah and Murray, including several trails and eco-tourism projects. One of these is Peel-Yalgorup Wetlands Trails, which in turn is comprised of two inter-related sub-projects; Yalgorup National Park, and Peel-Harvey Estuary Trails. These sub-projects aim to develop a range of environmentally sustainable trails, attractions and accommodation within Yalgorup National Park and the Peel-Harvey Estuary.

In May 2019, Council endorsed the City's intention to partner with the Department of Biodiversity, Conservation and Attractions (DBCA) to undertake the *Yalgorup National Park Recreational Master Plan*. The City funded the master planning process, which commenced in August 2019 with DBCA's engagement of a consultant to develop the master plan. Targeted stakeholder engagement commenced in late 2019, with 16 community, environmental, recreational, professional and local government groups engaged as part of the process.

In January, the first draft of the recreational master plan was provided to the City for stakeholder feedback. After seeking feedback from internal and external stakeholders, officers subsequently met with DBCA in February to provide feedback on the draft master plan. A revised draft master plan was provided to the City by DBCA in April, with a further revised draft provided in May, containing six recommended actions and recreation opportunities. The latest version of the working document was provided to the City by DBCA in September. The master

plan is a confidential attachment as it is a DBCA document that will be released at a future date by DBCA rather than the City.

Of the six recommended actions in the recreational master plan, only the first directly impacts the City of Mandurah. The other five recommended actions are primarily concerned with activities that would take place within Yalgorup National Park, and that are therefore under the control of DBCA. The first recommended action involves aligning local government land management actions with DBCA's management objectives to address concerns of 4WD and trailbike access into Yalgorup National Park from adjoining Local Government lands.

Council is requested to support all six recommended actions of the Yalgorup National Park Recreational Master Plan, and to endorse the plan as a DBCA working document that will outline future investment opportunities within Yalgorup National Park.

Council is also requested to approve and resource the development of a Beach Access Management Plan for Mandurah's southern beaches adjacent to Yalgorup National Park, in partnership with DBCA, the Shire of Waroona and other stakeholders. This is in response to an identified need to align DBCA and Local Government land management actions on beach access adjacent to Yalgorup National Park.

Council is also requested to commence advocacy for Government funding that would enable DBCA to undertake detailed planning and implementation of the Yalgorup National Park Recreational Master Plan.

Officer Recommendation

That Council:

1. Endorses the *Yalgorup National Park Recreational Master Plan* as a DBCA working document that will outline future investment opportunities within Yalgorup National Park;
2. Formally advises the Department of Biodiversity, Conservation and Attractions that the City of Mandurah broadly supports all six recommended actions of the recreational master plan;
3. Approves and resources the development of a *Beach Access Management Plan* for Mandurah's southern beaches adjacent to Yalgorup National Park, in partnership with the Department of Biodiversity, Conservation and Attractions and other stakeholders;
4. Invites the Department of Biodiversity, Conservation and Attractions to partner with the City and other stakeholders to develop a *Beach Access Management Plan* for Mandurah's southern beaches adjacent to Yalgorup National Park;
5. Recognises the importance of a dedicated northern access road into Yalgorup National Park;
6. Commences advocacy for Government funding for Ecotourism Destination Development of the Yalgorup National Park;
7. Continues to collaborate and advocate with the Department of Local Government, Sport and Cultural Industries and the Peel Alliance to help identify potential off-road vehicle sites within the Peel Region, including potential commercial opportunities.

Council Resolution**MOTION**

Moved: Mayor R Williams
Seconded: Councillor C Knight

That Council:

1. **Endorses the *Yalgorup National Park Recreational Master Plan* as a DBCA working document that will outline future investment opportunities within Yalgorup National Park;**
2. **Formally advises the Department of Biodiversity, Conservation and Attractions that the City of Mandurah broadly supports all six recommended actions of the recreational master plan;**
3. **Approves and resources the development of a *Beach Access Management Plan* for Mandurah's southern beaches adjacent to Yalgorup National Park, in partnership with the Department of Biodiversity, Conservation and Attractions and other stakeholders;**
4. **Invites the Department of Biodiversity, Conservation and Attractions to partner with the City and other stakeholders to develop a *Beach Access Management Plan* for Mandurah's southern beaches adjacent to Yalgorup National Park;**
5. **Recognises the importance of a dedicated northern access road into Yalgorup National Park;**
6. **Commences advocacy for Government funding for Ecotourism Destination Development of the Yalgorup National Park;**
7. **Continues to collaborate and advocate with the Department of Local Government, Sport and Cultural Industries and the Peel Alliance to help identify potential off-road vehicle sites within the Peel Region, including potential commercial opportunities.**

CARRIED: 12/0

G.21/11/20 TROLLS IN WESTERN AUSTRALIA PROJECT UPDATE (REPORT 16)Summary

The development of the Trolls in Western Australia project is continuing to progress since the Chief Executive Officer's last update to Council in January 2020. The project initiator FORM, has now secured all of the external funding required to deliver the project with a total of \$925,000 being allocated from various State Government Departments (Tourism WA, the Officer of Premier and Cabinet and the Department for Local Government, Sport and Cultural Industries).

City officers have also met with both the Department of Biodiversity, Conservation and Attractions, and the Department of Transport to discuss possible site locations and approval processes in order to maintain the project's momentum.

With the COVID-19 pandemic still having a major impact on travel and international travel restrictions in WA and across the country, FORM has recently informed the City that the project has now been formally postponed until late 2021. Whilst this delay may be seen as disappointing, City officers have identified a number of benefits which will result in the project's ability to meet its original objectives, including boosting interstate and international visitation to Mandurah. The new timeline has an estimated installation and launch date of December 2021.

Since the last formal update to Council in January 2021, City officers have worked with FORM to understand the full extent of Council's commitment to the project. Under the terms of the draft contract, the City is also responsible for a number of costs related to each of the proposed sites including;

- Lease / license arrangements for each of the locations that are not on City owned or managed land,
- Minor works associated with the preparation of each of the sites,
- Engineer's sign off and advice in relation to the structures to ensure they are safe and in accordance with current building codes,
- Marketing and promotions as part of an integrated communications campaign.

The original funding request which Council provided support in principle was \$250,000. It is now estimated that a further \$135,500 is required to successfully deliver the project with an annual maintenance allowance of \$91,000pa. The annual maintenance allowance incorporates an amount for the ongoing maintenance of the artworks themselves (City officers have estimated maintenance based on a 10% allowance of construction costs – once maintenance plans are developed, the City officers will provide an update to Council), insurance of the assets, an allowance for minor upgrades to path access at each site, cleaning and waste management in and around the sites and ongoing marketing and promotion.

Whilst these additional implementation and ongoing maintenance costs are significant, City officers believe that the Trolls in Western Australia project is a strategic investment that has potential to deliver a unique tourism product for Mandurah. Based on conservative estimates, it is projected that the increased visitor numbers will result in an economic return of almost \$8million in the first year.

At the time when the project was originally proposed, it was seen as an opportunity to provide significant benefit for local business and the Mandurah tourism sector. However, with the impacts of COVID-19 the project can take on a different dimension as part of the City's Restart Mandurah recovery plan to boost tourism opportunities in Mandurah following the pandemic.

The purpose of this report is to update Council on:

- The amended timeline for the Trolls in Western Australia project;
- Outline the key components of the draft funding agreement being negotiated with FORM; and
- Detail the estimated costs required to support the installation of the artworks and the ongoing management and maintenance of the assets.

Council are requested to note the change to the project timeline with the anticipated launch date now being December 2021, approve unbudgeted expenditure of \$135,500 from the Restart Mandurah Fund to deliver the Trolls in Western Australia project, note the estimated costs of \$91,000pa for the ongoing management and maintenance of the project and accept FORM as the unique supplier for the project and authorise the Chief Executive Officer to enter into a contract to deliver the project.

Officer Recommendation

That Council:

1. Note the change to the Trolls in Western Australia project timeline resulting from travel restrictions due the impact of the COVID 19 pandemic with the anticipated launch date now being December 2021;
2. Approves unbudgeted expenditure of \$135,500 from the Restart Mandurah Fund to deliver the Trolls in Western Australia project;
3. Note the estimated costs of \$91,000pa for the ongoing management and maintenance of the project which will be incorporated into the City's Long Term Financial Plan;
4. Accept FORM as the unique supplier for the project and authorise the Chief Executive Officer to enter into a contract to deliver the project.

Council Resolution

MOTION

Moved: Councillor P Rogers

Seconded: Mayor R Williams

That Council:

1. **Note the change to the Trolls in Western Australia project timeline resulting from travel restrictions due the impact of the COVID 19 pandemic with the anticipated launch date now being December 2021;**
2. **Approves unbudgeted expenditure of \$135,500 from the Restart Mandurah Fund to deliver the Trolls in Western Australia project;**
3. **Note the estimated costs of \$91,000pa for the ongoing management and maintenance of the project which will be incorporated into the City's Long Term Financial Plan;**
4. **Accept FORM as the unique supplier for the project and authorise the Chief Executive Officer to enter into a contract to deliver the project.**
5. **Note that community engagement is a vital element of the Trolls in Western Australia project and that a comprehensive community and volunteer engagement strategy will be developed and delivered by FORM, in consultation with the City, as a key deliverable of the project planning and initiation phases.**

CARRIED WITH ABSOLUTE MAJORITY: 12/0

Reason for Change: City officers have identified the need to highlight the importance of the community and volunteer engagement elements of the Trolls in Western Australia project. The development and delivery of these strategies will be undertaken in conjunction with the City of Mandurah and are vital to the overall success of the project. The funding agreement being developed between the City of Mandurah and FORM will incorporate milestones that directly relate to the development of a community and volunteer engagement strategy including specific consultation with local Indigenous Elders / representatives.

**G.22/11/20 AMENDMENTS TO CORPORATE BUSINESS PLAN 2020 – 2024
(REPORT 17)**Summary

Council adopted the Strategic Community Plan 2020-2040 in March 2020 and the Corporate Business Plan 2020-2024 in May 2020. A Performance Reporting Framework was developed to report against the Strategic Community Plan and Corporate Business Plan, and presented to Elected Members in March 2020.

To ensure that the City delivers on the Corporate Business Plan, City officers developed a One Year Operational Plan focused on the 2020/2021 financial year. The Plan consists of two components;

- Deliverables - Details of the key projects, programs and activities to be delivered with quarterly targets against each action; and
- KPIs - Indicators that measure the success of our delivery.

This Plan was workshopped with Elected Members in October 2020.

Following a review of the Corporate Business Plan 2020-2024, as a result of the Elected Member discussion in October 2020, City officers have proposed minor changes to the Plan.

Council is requested to adopt the proposed minor modifications to the Corporate Business Plan 2020-2024 (as outlined under the comments section of this report), and the Corporate Business Plan Performance Measures as set out in Attachment 17.1.

Officer Recommendation

That Council:

1. Adopts the proposed minor modifications to the Corporate Business Plan 2020-2024 as outlined in the comment section of the report.
2. Adopts the proposed Corporate Business Plan Performance Measures as detailed in Attachment 17.1.

Council Resolution**MOTION**

Moved: **Councillor P Rogers**

Seconded: **Councillor C Knight**

That Council:

1. **Adopts the proposed minor modifications to the Corporate Business Plan 2020-2024 as outlined in the comment section of the report.**
2. **Adopts the proposed Corporate Business Plan Performance Measures as detailed in Attachment 17.1.**

CARRIED WITH ABOLUTE MAJORITY: 12/0

Having declared a financial interest in the following item the Chief Executive Officer left the Chamber for discussion and voting on the matter. Councillor P Rogers remained in the Chamber and considered the item on its merits.

G.23/11/20 RESPONSE TO LOCAL GOVERNMENT ACT AMENDMENTS (REPORT 18)

Summary

On 27 June 2019, the *Local Government Legislation Amendment Act 2019 (Amendment Act)* was passed in Parliament. Following consultation, the Department of Local Government, Sport and Cultural Industries (DLGSC) have now released the draft Local Government (Administration) Amendment Regulations (No. 2) 2020 and the draft Local Government (Model Code of Conduct) Regulations 2020, requesting input by 6 December 2020.

The draft regulations will bring into effect section 22 and sections 48 - 51 of the *Amendment Act* which includes:

- 5.39A Model Standards for CEO recruitment, performance and termination
- 5.39B Adoption of Model Standards
- 5.39C Policy for temporary employment or appointment of a CEO
- 5.103 - Model code of conduct for council members, committee members and candidate
- 5.104 - Adoption of model code of conduct.

Council is requested to endorse the City of Mandurah response to the DLGSC request for feedback on the draft Local Government (Administration) Amendment Regulations (No. 2) 2020 and the Local Government (Model Code of Conduct) Regulations 2020 as set out in Attachment 18.1 and 18.2.

Officer Recommendation

That Council:

1. Endorses the City of Mandurah's submission (as set out in *Attachment 18.1 and 18.2*) in response to the Department of Local Government, Sport and Cultural Industries request for feedback on the draft Local Government (Administration) Amendment Regulations (No. 2) 2020 and draft Local Government (Model Code of Conduct) Regulations 2020.
2. Notes that the City of Mandurah submission will be forwarded to the Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association.

Council Resolution

MOTION

Moved: Councillor P Rogers
Seconded: Councillor P Jackson

That Council:

1. **Endorses the City of Mandurah's submission (as set out in *Attachment 18.1 and 18.2*) in response to the Department of Local Government, Sport and Cultural Industries request for feedback on the draft Local Government**

(Administration) Amendment Regulations (No. 2) 2020 and draft Local Government (Model Code of Conduct) Regulations 2020.

- 2. Notes that the City of Mandurah submission will be forwarded to the Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association.**

CARRIED: 12/0

The Chief Executive Officer returned to the Chamber.

19. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

G.24/11/20 COUNCILLOR KNIGHT: CITIES POWER PARTNERSHIP

The Cities Power Partnership is Australia's largest local government climate network, made up of 139 councils from across the country, representing almost 11 million Australians.

The program focusses on supporting and celebrating the emissions reduction successes of local councils across the country. The program connects local councils with shared emissions reduction project interests across the pledge areas of renewable energy, energy efficiency, sustainable transport and community advocacy.

Partner Councils receive exclusive access to a comprehensive online Knowledge Hub containing an extensive Resource Library, an online tool to help track emissions, energy and cost savings, and access to an online forum where councils can communicate with other councils to share knowledge. Councils can also access support from local and international experts, events with other climate and energy leaders and help to get local climate and energy projects up and running.

There is no cost involved in joining the program.

This program clearly aligns with Council's commitment to protecting, preserving, nurturing and celebrating Mandurah's natural environment, as per our Strategic Community Plan. Council, together with our many community partners, groups and organisations, is already doing a lot in this space and this program gives us access to knowledge, connections, resources and innovations across Australia to further build on the important work we are doing to ensure a sustainable environment for our future generations.

MOTION

Moved: Councillor C Knight

Seconded: Councillor D Schumacher

That Council:

- 1. Approves the Mayor writing to the Cities Power Partnership CEO confirming the City of Mandurah's participation in the partnership**
- 2. Approves that the City satisfies the requirements of the Partnership, namely:**

- 2.1. within six months of the City becoming a Power Partner, identify 5 items included in the Cities Power Partnership Pledge and aligned with the City's Strategic Community Plan, that the City will strive to achieve;**
- 2.2. complete a 12 monthly online survey that provides the Climate Council with basic information on how the city is progressing with its five pledge items;**
- 2.3. nominate a point of contact within the City that the Climate Council can liaise with on CPP matters, including contact details;**
- 2.4. confirm with the CPP that the City is willing to connect and collaborate with other local councils to share knowledge.**

CARRIED: 12/0

20. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

21. LATE AND URGENT BUSINESS ITEMS

Nil.

22. CONFIDENTIAL ITEMS

Nil.

8.26pm: Prior to closing the meeting a roll call of members attending electronically was taken to confirm connections.

23. CLOSE OF MEETING

There being no further business, the Mayor declared the meeting closed at 8.26pm.

CONFIRMED (MAYOR)

Attachments to Council Minutes:

Minute	Item	Page
G.9/11/20	Report 1 Financial Report October 2020	1 - 31
G.10/11/20	Report 2 Alfresco Dining Licence: 7 Mandurah Terrace, Mandurah	32 - 37
G.11/11/20	Report 3 Naming: Mandurah Skate Park	38 - 43
G.12/11/20	Report 4 Proposed Change of Use to Tavern: 3 Mandurah Terrace, Mandurah	44 – 53
G.13/11/20	Report 5 Proposed Change of Use to Tavern: 7 Mandurah Terrace, Mandurah	54 – 66
G.14/11/20	Report 6 Commercial Vehicle Parking	67 - 76
G.15/11/20	Report 7 Lakelands North-East Structure Plan Amendment 1	77 – 91
G.16/11/20	Report 8 Ordinary Council and Committee Meeting Dates 2021	92 – 95
G.17/11/20	Report 9 Mandurah Scout Group: Upgrades and Licence Renewal	96 – 101
G.18/11/20	Report 10 Youth Advisory Group Terms of Reference	102 – 110
G.19/11/20	Report 11 RYDE Program	111 – 115
G.6/11/20	Report 12 Greening Mandurah Framework	116 – 123
G.7/11/20	Report 13 Tree Management Policy POL-RDS-06 Review	124 - 132
G.8/11/20	Report 14 Draft Locality Street Tree Masterplan:	133 – 524
G.20/11/20	Report 15 Yalgorup National Park Recreational Master Plan	525 - 534
G.21/11/20	Report 16 Trolls in Western Australia Project Update	535 - 543
G.22/11/20	Report 17 Amendments to Corporate Business Plan 2020-2024	544 - 549
G.23/11/20	Report 18 Response to Local Government Act Amendments	550 - 567
G.24/11/20	Notice of Motion: Cities Power Partnership	568 - 569

1	SUBJECT:	Financial Report October 2020
	DIRECTOR:	Director Business Services
	MEETING:	Ordinary Council Meeting
	MEETING DATE:	24 November 2020

Summary

The Financial Report for October 2020 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Elected Members' consideration.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.17/6/20 23/06/2020 Adoption of Annual Budget 2020/21

Background

Nil

Comment

Financial Summary

The financial report for October 2020 shows a surplus for this period of \$73 million.

A summary of the financial position for October 2020 is detailed in the table below:

	Current Budget	YTD Budget (a)	YTD Actual (b)	Var. (b)-(a)	Var.% (b)-(a)/(a)
	\$ 000s	\$ 000s	\$ 000s	\$ 000s	%
Opening Funding Surplus / (Deficit)	2,197	2,197	1,195	(1,002)	-46%
<u>Revenue</u>					
Revenue from operating activities	110,893	97,737	99,814	2,077	2%
Capital revenue, grants and Contribution	13,183	4,951	4,723	(228)	-5%
	124,076	102,688	104,537	1,849	
<u>Expenditure</u>					
Operating Expenditure	(135,428)	(46,205)	(36,737)	9,468	-20%
Capital Expenditure	(44,718)	(16,571)	(5,249)	11,322	-68%
	(180,146)	(62,776)	(41,986)	20,790	
Non-cash amounts excluded from operating activities	35,776	11,837	11,594	(243)	-2%
Other Capital Movements	17,361	(1,972)	(1,992)	(20)	1%
Closing Funding Surplus / (Deficit)	(736)	51,974	73,348	21,374	41%

Please note as a result of the rates payment due date for 2020/21 set at 11 November, the rates receivable balance as at 31 October is \$18 million more than last year. The due date in 2019/20 was 25 October. The City remains to have sufficient cashflow to continue its operations. The variance is expected to be a timing issue and it is expected that by mid November, the amount received from rates will be comparable to previous years.

Key Capital Projects

The following table highlights the status of the City's key capital projects for the 2020/2021 financial year:

Project	2020/21 Actuals Incl. CMT \$'000s	2020/21 Annual Budget \$'000s	Comment
Western Foreshore Recreation Precinct	1,201	8,316	<i>Project status:</i> Skate Park – Works progressing on schedule. Project expected to be completed by December 2020. Play Space – Detail design due early November with procurement contract proposed for January 2021. Artwork completion due January 2021. Project expected to be completed by June 2021.
Eastern Foreshore South Precinct	1,325	6,937	<i>Project status:</i> Floating Jetties – Project expected to be completed by December 2020. Estuary Pool – Works have commenced on site. Project expected to be completed by June 2021.
Smart Street Mall Upgrade	1,006	2,352	<i>Project status:</i> Electrical and lighting works to be completed December 2020. Hard and soft landscape works to be completed after Christmas/School holiday period. Project expected to be completed by June 2021.
Lakelands District Open Space and Clubroom Facility	549	2,271	<i>Project status:</i> Sports Ground Lighting - Tender process progressing and will be awarded soon. Clubrooms - Construction complete. Landscaping and path work around building to commence early November. Project expected to be completed by November/December 2020.
Pinjarra Road Stage 1 and 2	133	1,626	<i>Project status:</i> Stage 1 - Design has been issued for construction. Construction to commence January 2021. Project expected to be completed by June 2021.

Leslie Street Road Rehabilitation	-	813	<i>Project status:</i> Design has been issued for construction. Construction schedule has been revised to commence March 2021. Project expected to be completed by June 2021.
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Statutory Environment

Local Government Act 1995 Section 6.4 Financial Report

Local Government (Financial Management) Regulations 1996 Part 4 Financial Reports

Policy Implications

Nil

Economic Implications

Any material variances that have an impact on the outcome of the budgeted surplus position are explained in the Monthly Financial Report, as detailed in Attachment 1.1.

Risk Analysis

Nil

Strategic Implications

The following strategy from the *City of Mandurah Strategic Community Plan 2020 – 2040* is relevant to this report:

Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.

Unbudgeted Expenditure

Mandurah Visitor Centre Refurbishment

The 2020/21 budget included a contribution of \$122,000 to the Mandurah Visitor Centre to assist with the refurbishment of the facility as part of the successful Red Grant application. The refurbishment works consisting of remodelling and upgrading the facilities within the centre is now being managed by the City and therefore needs to be recognised as a capital project. Furthermore, the scope of works required to complete the refurbishment has increased to also include fire and security upgrades, floor coverings and other building compliance requirements which is estimated to cost an additional \$20,450.

Approval is requested to reallocate the \$122,000 from the Mandurah Visitor Centre operating budget to a new capital project and the additional \$20,145 additional works to be funded from the Installation of Air Conditioning at Halls Head Parade Community and Sports Facility project, which will no longer proceed this financial year however this will be presented in future years for Council consideration.

Australia Day 2021 Grant Funding

The Events team have been successful in their application to the National Australia Day Council for a number of grants in relation to Australia Day 2021.

The grants include:

- Iconic Event Grant - \$507,360
- COVID Safe Grant - \$20,000
- Australia Day 2021 - \$1,000

The grants will assist the City in delivering a series of events between 23rd and 26th January 2021 of which will allow the community to come together in a COVID safe environment and reflect, respect and celebrate the individual and collective efforts of Australians who rose to the challenges of an extraordinary year.

It is recommended that revenue and expenditure of \$528,360 is approved by Council to leverage these grant opportunities.

Mandurah Mental Health Grant Funding

The Mandurah Mental Health Initiative has been a successful collaboration between the City and the Western Australian Primary Health Alliance (WAPHA) to support community driven, capacity building projects that focus on youth suicide prevention. The City received \$75,000 from WAPHA and subsequently entered into a funding agreement with WAPHA in August 2019 to administer the \$75,000 towards eight projects during 2019/20.

Due to the success of the initiative, WAPHA are offering the City a contract variation for an additional \$100,000 in 2020/21 to continue to support projects that will build community capacity and prevent youth suicide in Mandurah. WAPHA recognise the exceptional outcomes achieved to date and have advocated to the National Suicide Prevention Project to divert these remaining funds to the City of Mandurah. Funds must be expended by 30 June 2021.

The additional activity requirements include:

- Integrate projects with local services, relevant pathways and primary care.
- Promote the alliance against depression model.

It is recommended the contract variation request is supported and that an increase in revenue and expenditure of \$100,000 be approved to enable the City to continue to support the development and expansion of existing suicide prevention projects, and new projects aligned with the "WAPHA activity schedule and original consultation report", which identified key projects across Mandurah North, Central and South.

Assertive Outreach Trial Project

The Community Capacity Building team have been awarded \$350,000 from the Western Australia Police Force to assist in delivering a Mandurah Assertive Outreach Trial. The City will engage a non-government organisation to deliver an Assertive Outreach Case Management Service in the Mandurah Local Government Area. The trial will provide specialised, assertive, outreach intervention to people sleeping rough and who have multiple complex needs. The aim is to improve the health and wellbeing of this target group and to reduce the impact of disruptive behaviour caused by this target group on the broader community. It is recommended that unbudgeted revenue and expenditure of \$350,000 is approved by Council to leverage this grant opportunity.

A condition of the funding is that the City contributes \$15,000 towards an evaluation of the Assertive Outreach Trial project. This \$15,000 will come from an existing Community Capacity Building budget, however to simplify the acquittal process, it is requested that the \$15,000 be reallocated from the Community Safety Programmes operating budget to the new operating budget for the Assertive Outreach Trial project which will total \$365,000.

Colours of Mandurah Artwork Project

The City has been awarded \$9,000 from the RAC to assist in delivering the Colours of Mandurah Artwork project. This 'street art' project will see the pedestrian connection along the walkway at 32 Ormsby Terrace painted with 250 coloured stripes, in 125 different colours to represent iconic Mandurah landmarks, businesses, flora and fauna. The objective of the project is to improve wayfinding and the attractiveness of a connection between the Mandurah Ocean Marina to Mandjar Square, and the Eastern Foreshore side of the Mandurah City Centre precinct. It will also aim to increase foot traffic in the Mandurah Ocean Marina to help activate local businesses in the area. It is recommended that unbudgeted revenue and expenditure of \$9,000 is approved by Council to leverage this grant opportunity.

A condition of the funding is that the City contributes \$7,500 towards the project. This \$7,500 will come from the existing Linger Longer Day budget, however to simplify the acquittal process, it is requested that the \$7,500 be reallocated from this operating budget to the new operating budget for the Colours of Mandurah Artwork project which will total \$16,500.

Procurement Position

The Procurement services team delivers a statutory function for the City of Mandurah. The team is responsible for managing procurement over \$50,000, the development of procurement procedures and provision of advice/support for all values, contract management procedures and assisting teams to ensure meet contract management obligations and education and training. Over the past 12 months there has been an increased demand for procurement processes to be undertaken, resulting from a high number of contracts expiring simultaneously and an additional demand for projects to be delivered under the Restart Mandurah Program. It is proposed that the position will be funded in the 2020/21 year from vacancies within the Economic Development team with an estimated cost of \$50,332 for the remaining six months of 2020/21 and included in the Long Term Financial Plan for future years.

Conclusion

The City strives to manage its finances adequately and maintain expenditure within budget to ensure services that have been approved through the budget process are fully funded. By submitting the budget variation requests to Council as they arise it allows identification of financial implications and ensures there is nil effect on the budget adopted.

It is recommended that Council receive the Monthly Financial Report, Schedule of Accounts, proposed budget variations and the amendments to the Procurement Council Policy.

NOTE:

- Refer **Attachment 1.1 Monthly Financial Report**
Attachment 1.2 Schedule of Accounts (electronic only)

RECOMMENDATION

That Council:

- 1 Receives the Financial Report for October 2020 as detailed in Attachment 1.1 of the report.**
- 2 Receives the Schedule of Accounts for the following amounts as detailed in Attachment 1.2 of the report:**

Total Municipal Fund	\$ 10,175,055.75
Total Trust Fund	\$ 0.00
	<u>\$ 10,175,055.75</u>
- 3 Approves the following budget variations for 2020/21 annual budget:**

- 3.1 Increase in capital expenditure of \$142,145* for Mandurah Visitors Centre Refurbishment
 - To be funded from Mandurah Visitors Centre – Other Operating Costs \$122,000*
 - To be funded from Installation of Air Conditioning at Halls Head Parade Community and Sports Facility \$20,145*
- 3.2 Increase in expenditure of \$528,360* for the Australia Day 2021 operating program,
 - To be funded from a new operating grant of \$528,360* from the National Australia Day Council
- 3.3 Increase in expenditure of \$100,000* for the Mandurah Mental Health Initiative
 - To be funded from a new operating grant of \$100,000* from WAPHA
- 3.4 Increase in expenditure of \$365,000* for the Mandurah Assertive Outreach Trial
 - To be funded from a new operating grant of \$350,000* from WAPOL
 - To be funded from Community Safety Programmes operating budget of \$15,000*
- 3.5 Increase in expenditure of \$16,500* for the Colours of Mandurah Artwork project
 - to be funded from a new operating grant of \$9,000* from RAC
 - to be funded from the Linger Longer Day operating budget of \$7,500*
- 3.6 Increase in payroll expenditure of \$50,332* for new Procurement FTE
 - to be funded from a reduction in payroll expenditure in Economic Development of \$50,332*

****ABSOLUTE MAJORITY REQUIRED****

Monthly Financial Report

October 2020



City of Mandurah

October 2020

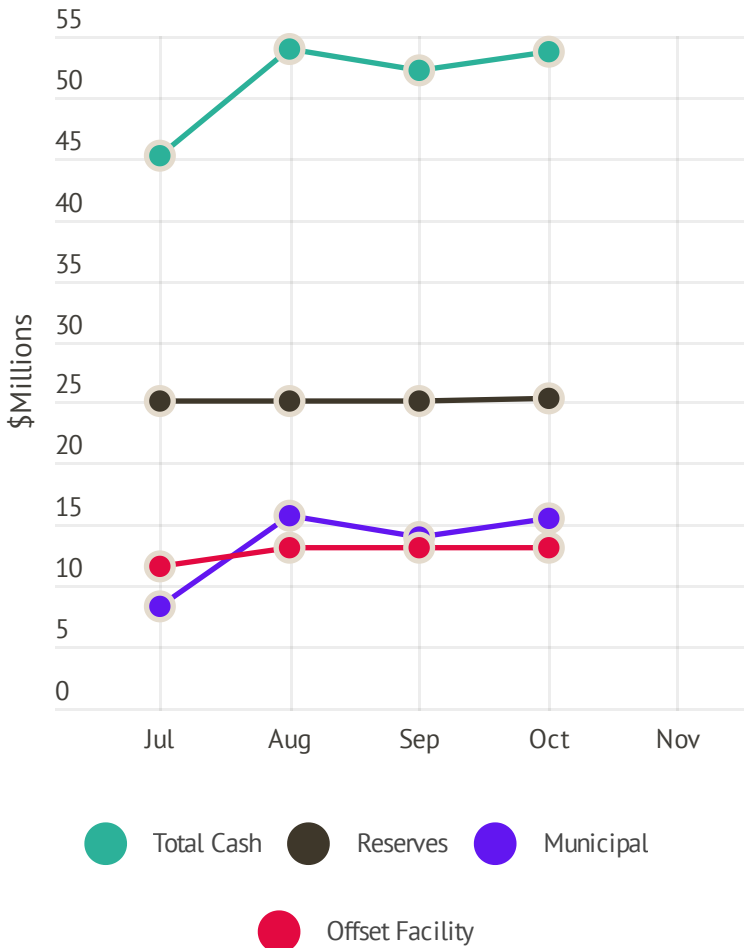
\$735,915

Estimated Deficit at 30 June 2021 with
proposed budget amendments

\$73.3 million

Year to Date Actual Surplus

Investments



Loans

- Actual Principal Outstanding \$24.46M
- Actual Principal Repayments Made \$1.77M
- Actual Interest Paid \$127K
- Actual New Loans Drawdown \$0M
- Amount of Interest Saved from Loan Offset Facility \$71.1K

Rates Outstanding

- 27** Properties with >\$10K outstanding
- 178** Properties \$3K to \$10K outstanding
- 4** Properties commenced legal action in 20/21
- \$1.99M** Rates Exemptions

Sundry Debtors Outstanding

- 145** current accounts due (\$2.37M)
- 256** accounts overdue i.e >30 days (\$947K)

Budget Proposed Amendments

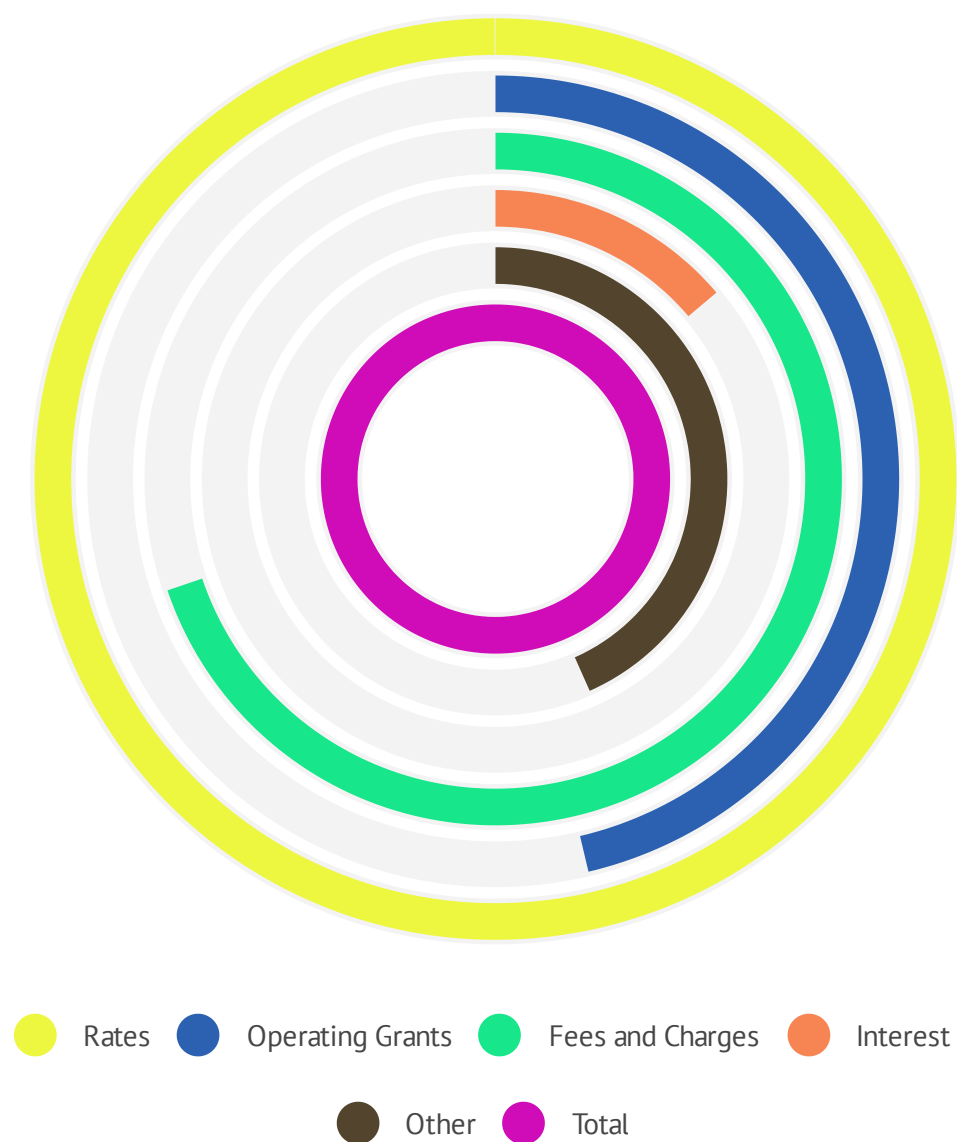
- Mandurah Visitor Centre refurbishment \$142.1k from operating expenditure (\$122K) and from Halls Head Parade Community and Sports Facility (\$20.1K)
- Additional operating grant revenue and expenditure for Australia Day event (\$528.4k)
- Additional operating grant revenue and expenditure for Mental Health Initiative (\$100k)
- Additional operating grant revenue and expenditure for Mandurah Assertive Outreach Trial (\$365k)
- Additional operating grant revenue and expenditure for Colours of Mandurah Artwork project (\$9,000)
- Payroll labour reallocation from Economic Development to Governance (\$50.3k)

- 2** Tenders awarded during the month through CEO delegation
- 29%** Grants received for the 20/21 year

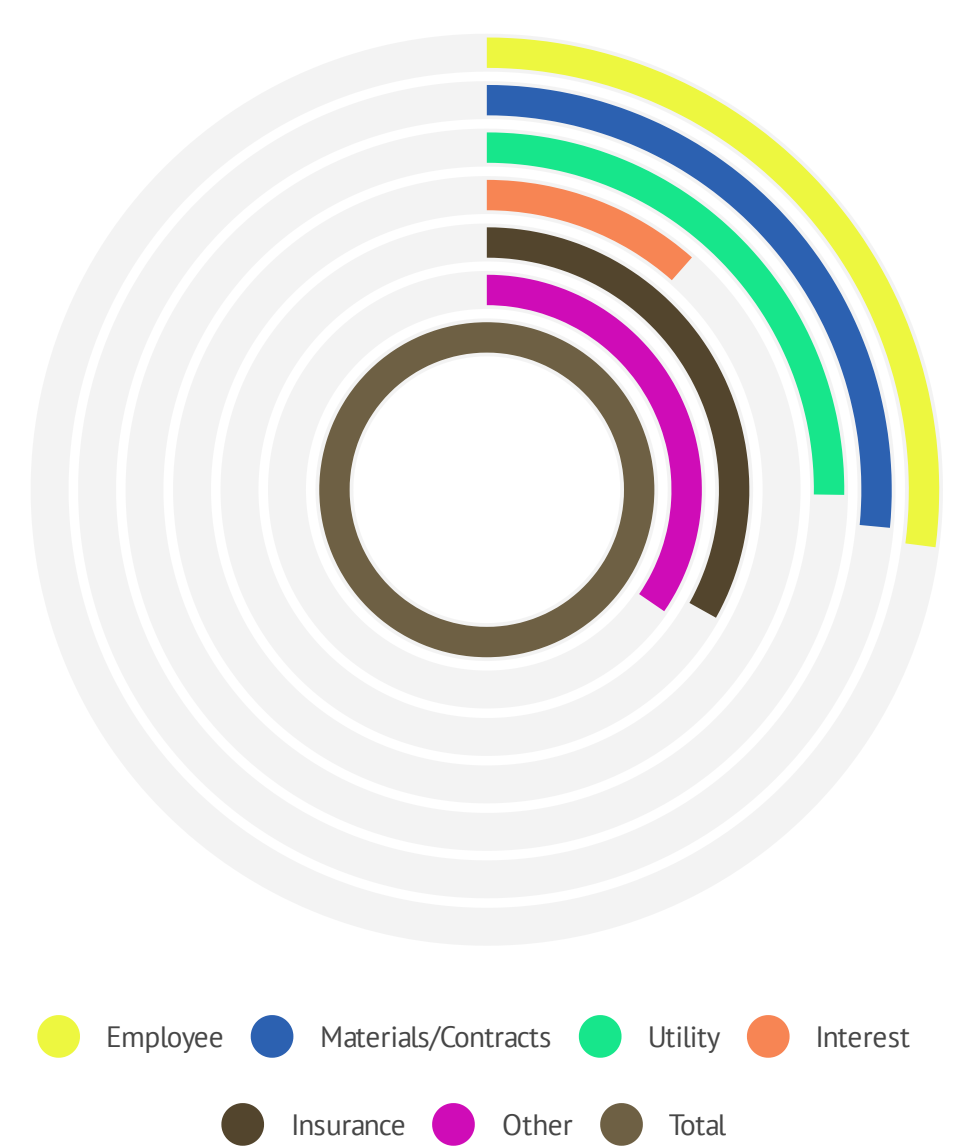
Summary

- Actual Rates Raised \$80.16M
- Actual Rates Received \$30.92M (37.1% collected)
- Actual Operating Revenue \$99.81M
- Actual Capital Revenue \$3.51M
- Actual Operating Expenditure \$36.74M
- Actual Capital Expenditure \$5.25M
- Actual Proceeds from Sale of Assets \$1.22M

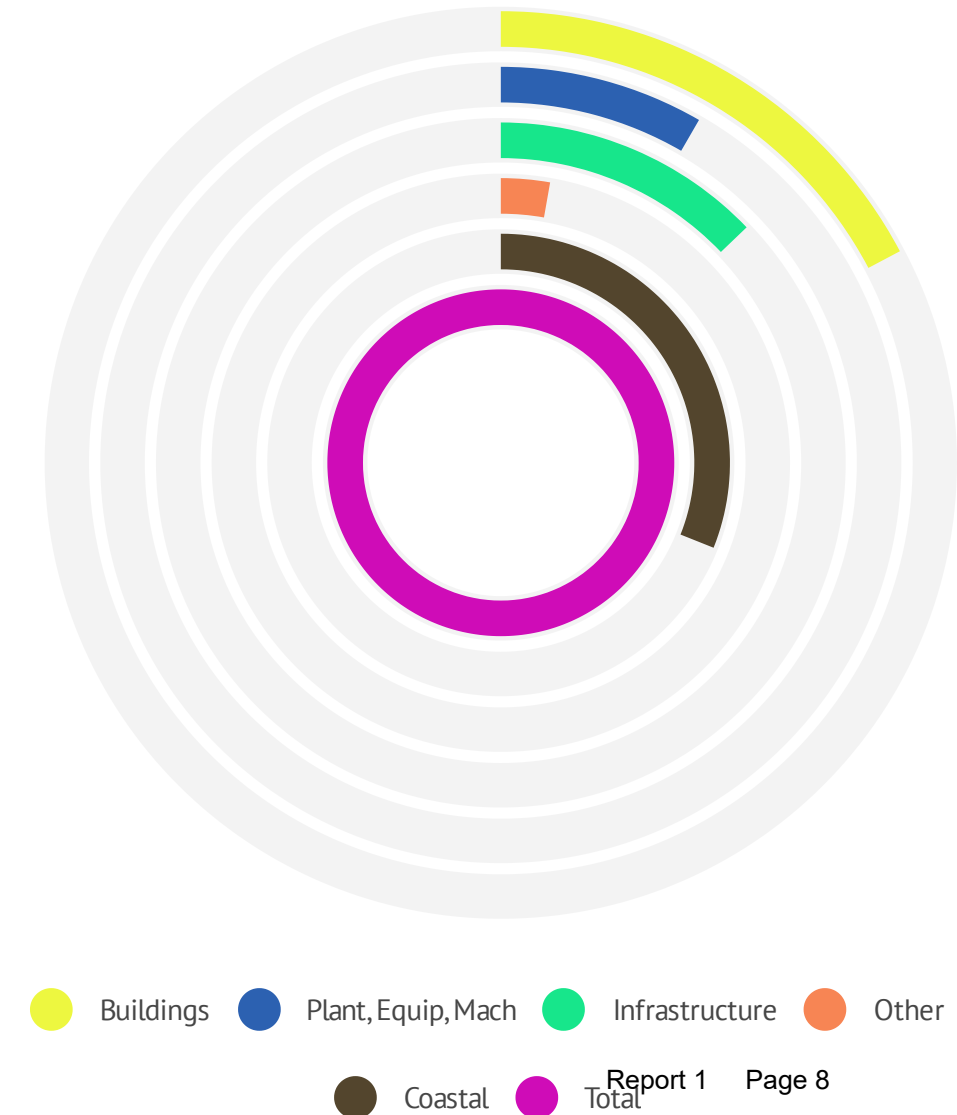
Year to Date Revenue Actuals Compared to Current Budget



Year to Date Expenditure Actuals Compared to Current Budget



Year to Date Capital Actuals Compared to Current Budget



CITY OF MANDURAH
MONTHLY FINANCIAL REPORT
For the Period Ended 31 October 2020

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**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

STATUTORY REPORTING PROGRAMS

	Ref Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus / (Deficit)	1(c)	2,197,002	2,197,002	1,194,780			
Revenue from operating activities							
Governance		2,025	184	2	(182)	(98.91%)	▼
General Purpose Funding - Rates		80,192,181	79,867,181	80,159,067	291,886	0.37%	
General Purpose Funding - Other		3,320,549	644,880	468,931	(175,949)	(27.28%)	▼
Law, Order and Public Safety		1,033,710	234,272	397,819	163,547	69.81%	▲
Health		319,825	179,359	180,705	1,346	0.75%	
Education and Welfare		625,044	193,442	194,882	1,440	0.74%	
Community Amenities		14,137,854	12,261,795	12,942,495	680,700	5.55%	
Recreation and Culture		6,904,554	2,095,468	2,113,042	17,574	0.84%	
Transport		2,394,436	1,621,831	1,885,175	263,344	16.24%	▲
Economic Services		1,628,244	537,564	854,398	316,834	58.94%	▲
Other Property and Services		334,933	100,851	617,309	516,458	512.10%	▲
		110,893,355	97,736,827	99,813,825	2,076,998	2.13%	
Expenditure from operating activities							
Governance		(6,142,176)	(2,142,292)	(2,202,013)	(59,721)	(2.79%)	
General Purpose Funding		(2,151,554)	(1,160,437)	(716,516)	443,921	38.25%	▲
Law, Order and Public Safety		(3,966,714)	(1,341,589)	(1,161,287)	180,302	13.44%	▲
Health		(2,092,102)	(734,630)	(715,521)	19,109	2.60%	
Education and Welfare		(5,518,355)	(1,835,456)	(1,411,640)	423,816	23.09%	▲
Community Amenities		(21,286,650)	(7,041,125)	(6,119,054)	922,071	13.10%	▲
Recreation and Culture		(47,350,605)	(15,528,775)	(10,140,190)	5,388,585	34.70%	▲
Transport		(26,321,636)	(8,761,929)	(6,951,550)	1,810,379	20.66%	▲
Economic Services		(9,568,220)	(3,193,403)	(3,778,515)	(585,112)	(18.32%)	▼
Other Property and Services		(11,029,716)	(4,464,941)	(3,540,605)	924,336	20.70%	▲
		(135,427,728)	(46,204,577)	(36,736,891)	9,467,686	20.49%	
Non-cash amounts excluded from operating activities	1(a)	35,775,661	11,836,795	11,594,164	(242,631)	(2.05%)	
Amount attributable to operating activities		11,241,288	63,369,045	74,671,098	11,302,053	(17.84%)	
Investing Activities							
Non-operating grants, subsidies and contributions	9	12,162,222	4,611,163	3,506,583	(1,104,580)	(23.95%)	▼
Proceeds from disposal of assets	4	1,020,562	340,187	1,216,482	876,295	257.59%	▲
Purchase of property, plant and equipment	6	(44,717,948)	(16,571,098)	(5,248,999)	11,322,099	68.32%	▲
Amount attributable to investing activities		(31,535,164)	(11,619,748)	(525,934)	11,093,814	95.47%	
Financing Activities							
Proceeds from New Debentures	7	27,500,000	-	-	0	0.00%	
Unspent Loans		1,200,612	-	-	0	0.00%	
Payment of lease liability		(807,905)	(201,976)	(266,817)	(64,841)	32.10%	▼
Proceeds from community loans		100,000	33,333	45,231	11,898	35.69%	▲
Transfer from Reserves		19,061,504	-	-	0	0.00%	
Repayment of Debentures	7	(25,410,640)	(1,803,547)	(1,770,266)	33,281	1.85%	
Transfer to Reserves		(4,282,611)	-	-	0	0.00%	
Amount attributable to financing activities		17,360,960	(1,972,190)	(1,991,852)	(19,662)	(1.00%)	
Closing Funding Surplus / (Deficit)	1(c)	(735,915)	51,974,110	73,348,092	21,373,982	41.12%	

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Budget data as per the adopted materiality threshold.

Refer to Note 12 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020-21 year is 10.00%

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

BY NATURE OR TYPE

	Ref Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus / (Deficit)	1(c)	2,197,002	2,197,002	1,194,780			
Revenue from operating activities							
Rates		80,192,181	79,867,181	80,159,067	291,886	0.37%	
Operating grants, subsidies and contributions		3,778,982	923,724	1,749,575	825,851	89.40%	▲
Fees and charges		25,208,293	16,362,494	17,593,141	1,230,647	7.52%	
Interest earnings		1,460,000	486,557	202,006	(284,551)	(58.48%)	▼
Other revenue		235,500	78,472	110,036	31,564	40.22%	▲
Profit on disposal of assets		18,399	18,399	-	(18,399)	(100.00%)	▼
		110,893,355	97,736,827	99,813,825	2,076,998	2.13%	
Expenditure from operating activities							
Employee costs		(48,409,528)	(16,724,031)	(13,087,437)	3,636,594	21.74%	▲
Materials and contracts		(44,790,555)	(14,772,030)	(11,869,141)	2,902,889	19.65%	▲
Utility charges		(4,126,414)	(1,327,309)	(1,040,912)	286,397	21.58%	▲
Depreciation on non-current assets		(35,440,869)	(11,808,896)	(10,117,063)	1,691,833	14.33%	▲
Interest expenses		(1,234,093)	(837,948)	(142,052)	695,896	83.05%	▲
Insurance expenses		(870,578)	(290,056)	(288,255)	1,801	0.62%	
Other expenditure		(202,500)	(91,116)	(192,031)	(100,915)	(110.75%)	▼
Loss on disposal of assets		(353,191)	(353,191)	-	353,191	100.00%	▲
		(135,427,728)	(46,204,577)	(36,736,891)	9,467,686	20.49%	
Non-cash amounts excluded from operating activities	1(a)	35,775,661	11,836,795	11,594,164	(242,631)	(2.05%)	
Amount attributable to operating activities		11,241,288	63,369,045	74,671,098	11,302,053	(17.84%)	
Investing activities							
Non-operating grants, subsidies and contributions	9	12,162,222	4,611,163	3,506,583	(1,104,580)	(23.95%)	▼
Proceeds from disposal of assets	4	1,020,562	340,187	1,216,482	876,295	257.59%	▲
Payments for property, plant and equipment	6	(44,717,948)	(16,571,098)	(5,248,999)	11,322,099	68.32%	▲
Amount attributable to investing activities		(31,535,164)	(11,619,748)	(525,934)	11,093,814	95.47%	
Financing Activities							
Proceeds from new debentures	7	27,500,000	-	-	0	0.00%	
Unspent Loans Utilised		1,200,612	-	-	0	0.00%	
Payment of lease liability		(807,905)	(201,976)	(266,817)	(64,841)	(32.10%)	▼
Proceeds from community loans		100,000	33,333	45,231	11,898	35.69%	▲
Transfer from reserves		19,061,504	-	-	0	0.00%	
Repayment of debentures	7	(25,410,640)	(1,803,547)	(1,770,266)	33,281	1.85%	
Transfer to reserves		(4,282,611)	-	-	0	0.00%	
Amount attributable to financing activities		17,360,960	(1,972,190)	(1,991,852)	(19,662)	(1.00%)	
Closing Funding Surplus / (Deficit)	1(c)	(735,915)	51,974,110	73,348,092	21,373,982	41.12%	

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Budget data as per the adopted materiality threshold.

Refer to Note 12 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Local Government (Financial Management) Regulation 1996.

	Notes	Annual Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals		(18,399)	(1,533)	-
Movement in pensioner deferred rates (non-current)		-	-	(144,478)
Movement in employee benefit provisions (non-current)		-	-	1,621,579
Add: Loss on asset disposals		353,191	29,433	-
Add: Depreciation on assets		35,440,869	11,808,896	10,117,063
Total non-cash items excluded from operating activities		35,775,661	11,836,795	11,594,164

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with regulation 32 of the Local Government (Financial Management) Regulations 1996 to agree to the surplus/(deficit) after imposition of general rates.

		Budget Closing 30 Jun 2020	Budget Closing 30 Jun 2021	Year to Date 31 Oct 2020
Adjustments to net current assets				
Less: Reserves - restricted cash		(34,557,228)	(20,116,870)	(39,199,174)
Less: Unspent loans		-	(431,591)	(1,531,765)
Less: ESL debtors		185,905	-	(5,143,068)
Less: Prepaid Rates		(2,455,879)	(2,455,879)	-
Less: Clearing accounts				(574,573)
Add: Borrowings	7	5,410,639	7,499,999	3,016,491
Add: Other liabilities		7,437,433	3,081,188	-
Add: Lease liability		1,416,287	608,382	748,690
Add: Provisions - employee		4,944,527	5,041,426	5,103,667
Add: Loan Facility offset		-	-	13,000,000
Total adjustments to net current assets		(17,618,316)	(6,773,345)	(24,579,732)

(c) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	2	39,407,751	23,099,413	40,780,907
Rates receivables	3	4,019,116	3,519,116	52,447,227
Receivables	3	4,444,928	3,644,928	19,732,793
Other current assets		428,974	524,062	650,868
Less: Current liabilities				
Payables		(7,761,299)	(4,555,419)	(5,535,479)
Borrowings	7	(5,410,639)	(7,499,999)	(3,016,491)
Other current liabilities		(5,275,266)	(3,464,329)	(85,840)
Lease liabilities		(1,416,287)	(608,382)	(748,690)
Provisions		(8,621,960)	(8,621,960)	(6,297,471)
Less: Total adjustments to net current assets	1(b)	(17,618,316)	(6,773,345)	(24,579,732)
Closing Funding Surplus / (Deficit)		2,197,002	(735,915)	73,348,092

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

	Total Amount	Interest rate	Total calculated interest Earnings	Institution	S&P rating	Deposit Date	Maturity Date	Term days
	\$	\$	\$	\$				
Cash on hand								
Westpac Municipal Bank Account	9,083,253	Variable		Westpac	AA-	NA	NA	
	9,083,253							
Municipal Investments								
Muni 10 - 9652-46197	29,770	0.25%	74	ANZ	AA-	1/10/2020	1/10/2021	365
MNS 31 - 582058	6,106,465	0.75%	3,762	Westpac	AA-	30/09/2020	30/10/2020	30
MNS 60 - 582007	338,869	0.80%	223	Westpac	AA-	30/09/2020	30/10/2020	30
	6,475,104							
Reserve Investments								
Reserve 30 - 78-911-3263	3,043,982	0.70%	5,303	NAB	AA-	7/09/2020	7/12/2020	91
Reserve 31 - 78-920-6945	3,044,432	0.62%	4,647	NAB	AA-	24/09/2020	24/12/2020	91
Reserve 32 - 33713404	3,017,573	0.48%	3,607	Commonwealth	AA-	24/08/2020	23/11/2020	91
Reserve 33 - 93-656-8445	3,041,505	0.60%	4,543	NAB	AA-	1/10/2020	31/12/2020	91
Reserve 34 - 72-684-2987	3,040,367	0.65%	4,919	NAB	AA-	22/09/2020	22/12/2020	91
RNS 31 - 581565	6,826,898	0.75%	4,206	Westpac	AA-	30/09/2020	30/10/2020	30
RNS 60 - 581573	3,207,792	0.80%	2,108	Westpac	AA-	30/09/2020	30/10/2020	30
	25,222,550							
Total	40,780,907		33,392					

Interest revenue

Investment Interest Accrued	33,392
Investment Interest Matured	36,366
Rates Interest	132,248
	202,006

Interest Earned

\$202,006

Total Municipal and Reserve Funds 40,780,907

	Amount	Interest rate on loans	Interest Saved	YTD Interest Saved
Loan Offset Facility				
Westpac	13,000,000	1.97%	21,551	71,101

KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of twelve months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Total Municipal Cash	Unrestricted
\$53.78 M	\$28.56 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020

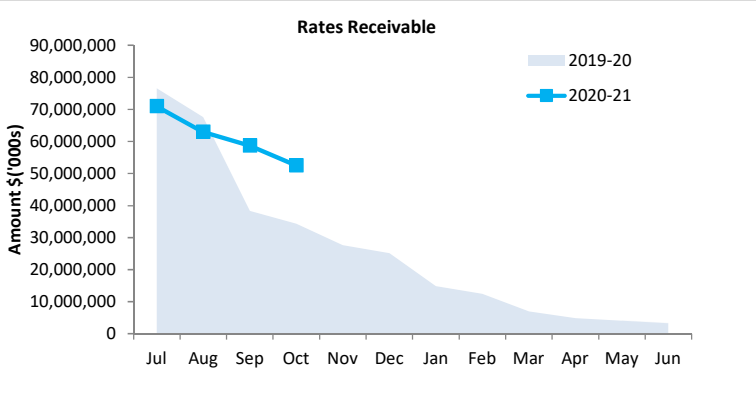
OPERATING ACTIVITIES
NOTE 3
RECEIVABLES

Rates Receivable	30-Jun-20	31-Oct-19	31 Oct 20
	\$		\$
Opening Arrears Previous Years	2,873,789	2,873,789	3,317,555
Rates levied	80,212,522	78,487,059	80,045,904
Less - Collections to date	(79,768,756)	(46,956,267)	(30,916,231)
Equals Current Outstanding	3,317,555	34,404,582	52,447,227
Net Rates Collectable	3,317,555	34,404,582	52,447,227
% Collected	96%	57.7%	37.1%
No. of Legal Proceedings Commenced for the 2020/21 year			4
No. of properties > \$10,000 outstanding			27
No. of properties between \$3,000 and \$10,000 outstanding			178
Value of Rates Concession			73,427
Value of Rates Exemptions			1,988,179

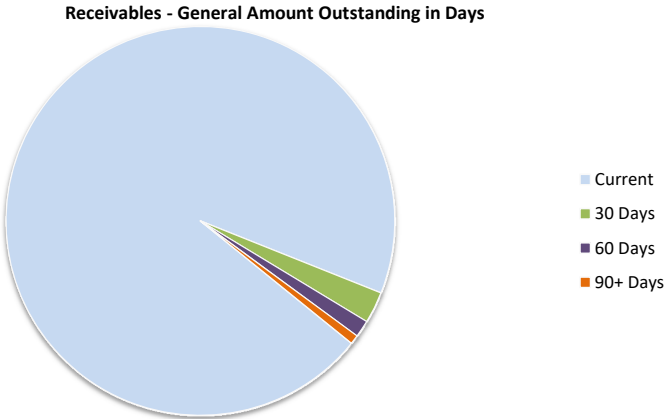
Receivables - General	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Balance per Trial Balance						
Sundry receivable		2,088,948	374,456	249,976	148,201	2,861,582
Recreation Centres		124,700				124,700
Mandurah Ocean Marina		151,396	142,529	31,915		325,840
GST receivable		944,536				944,536
Allowance for impairment of receivables		(139,014)				(139,014)
Infringements		1,001,616				1,001,616
Pensioners rates and ESL deferred		5,052,055				5,052,055
Other Receivables		9,561,477				9,561,477
Total Receivables General Outstanding		18,785,716	516,985	281,891	148,201	19,732,793
Percentage		95.2%	2.6%	1.4%	0.8%	

KEY INFORMATION

Rates and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of rates and other receivables is reviewed on an ongoing basis. Other receivables that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



Collected	Rates Due
37.1%	\$52,447,227

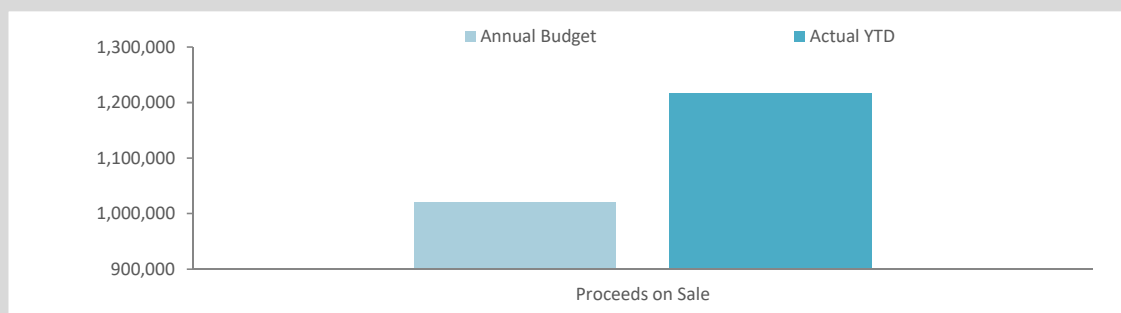


Debtors Due
\$19,732,793
Over 30 Days
5%
Over 90 Days
1%

Asset	Asset Description	Budget	YTD Actual
		Proceeds	Proceeds
		\$	\$
	Sale of Land - Shearwater L102, L105, L109	0	856,601
<u>Light Passenger Vehicles - Replacement</u>			
MAZDA CX-5 - C00316	SUSTAINABLE DEVELOPMENT	15,502	
MITSUBISHI OUTLANDER - C00816	WORKS AND SERVICES	13,669	
MITSUBISHI OUTLANDER - C01016	SUSTAINABLE DEVELOPMENT	11,419	
TOYOTA PRADO - C01117	MAYORS OFFICE	24,367	
MITSUBISHI OUTLANDER - C02217	WORKS AND SERVICES	11,574	
MAZDA CX-5 - C02817	SUSTAINABLE DEVELOPMENT	13,467	
VOLKSWAGEN GOLF - C03717	WORKS AND SERVICES	11,924	13,464
MAZDA CX-5 - C03917	WORKS AND SERVICES	15,975	
MAZDA CX-5 - C04016	WORKS AND SERVICES	16,150	
MITSUBISHI OUTLANDER - C04217	PEOPLE AND COMMUNITIES	11,815	
FORD MONDEO - C04516	SUSTAINABLE DEVELOPMENT	15,917	14,600
MAZDA CX-5 - C04617	SUSTAINABLE DEVELOPMENT	16,460	
TOYOTA RAV4 - C04916	SUSTAINABLE DEVELOPMENT	14,438	
TOYOTA RAV4 - C05117	SUSTAINABLE DEVELOPMENT	14,002	
MAZDA CX-5 - C05216	PEOPLE AND COMMUNITIES	15,502	
MAZDA CX-5 - C05317	SUSTAINABLE DEVELOPMENT	16,460	
MAZDA CX-5 - C05517	STRATEGY AND BUSINESS PERFORMANCE	16,460	
HOLDEN TRAILBLAZER - C06716	WORKS AND SERVICES	19,159	28,009
VW Golf - C072	WORKS AND SERVICES	9,939	
MAZDA CX-5 - C07317	WORKS AND SERVICES	16,460	
HYUNDAI I30 - C07718	WORKS AND SERVICES	8,662	14,145
<u>Light Commercial Vehicles - Replacement</u>			
FORD RANGER - U00116	PARKS-SOUTHERN	18,762	
MITSUBISHI TRITON - U00517	PARKS PROJECTS	13,650	
ISUZU D'MAX - U00916	PARKS ASSETS	15,169	
FORD RANGER - U01116	WASTE MANAGEMENT	19,283	
FORD RANGER - U01417	PARKS CENTRAL	18,915	
FORD RANGER - U01517	PARKS MAINTENANCE - RETIC	13,839	
FORD RANGER - U01617	PARKS MAINTENANCE - RETIC	18,450	
TOYOTA HIACE - U01716	PARKS MAINTENANCE - RETIC	16,157	
FORD RANGER - U01816	PARKS PROJECTS	19,630	
FORD RANGER - U02617	PARKS NORTHERN	16,100	
FORD RANGER - U03017	PARKS MAINTENANCE - RETIC	13,839	
HOLDEN COLORADO - U03317	RANGERS	16,822	
FORD RANGER - U03716	MARINA AND DEPOT	18,607	
FORD RANGER - U04116	HEALTH SERVICES	18,809	
FORD RANGER - U04417	PARKS CENTRAL	14,715	
TOYOTA HIACE - U04617	PARKS MAINTENANCE - RETIC	16,588	
FORD RANGER - U05517	PARKS MAINTENANCE - RETIC	15,760	
FORD RANGER - U05617	LANDSCAPING SERVICES	15,544	
FORD RANGER - U06017	WORKS CONSTRUCTION	19,430	
HOLDEN COLORADO - U06118	SURVEYING SERVICES	17,356	
FORD RANGER - U06217	RECREATION SERVICES COORDINATOR	16,100	
FORD RANGER - U06317	CIVIL MAINTENANCE	19,720	
FORD RANGER - U06417	PARKS-SOUTHERN	16,315	
FORD RANGER - U06517	PARKS ASSETS	18,408	
FORD RANGER - U06617	EMERGENCY MANAGEMENT SDBFB	19,720	
<u>Trucks & Buses Replacements</u>			
TOYOTA HIACE 12 SEAT BUS - T028	EMERGENCY MANAGEMENT	23,876	
<u>Trailers</u>			
FLAT TOP 1500KG - P016	WORKS CONSTRUCTION	700	
MOWING 4500KG - V003	PARKS-SOUTHERN	3,040	
MOWING 4500KG - V004	PARKS NORTHERN	3,040	
MOWING 4500KG - V005	PARKS-SOUTHERN	3,040	
BOXTOP 2000KG - V022	WORKS CONSTRUCTION	700	
BOXTOP 2000KG - V025	CIVIL CONSTRUCTION(DRAINAGE)	700	
BOXTOP 1500KG - V026	CITYBUILD	750	
3T TANDEM TIPPER - V033	CIVIL MAINTENANCE	1,660	
2T TANDEM TIPPER - V034	CIVIL CONSTRUCTION (DRAINAGE)	1,330	
LUGGAGE TRAILER SINGLE AXLE 2000KG - V040	PARKS ASSETS	1,090	
WASTECH SEMI TRAILER - V050		35,327	
WASTECH SEMI TRAILER - V051		35,327	
WASTECH CONVERTED DOLLY TRAILER - V052		35,327	

		Budget	YTD Actual
Asset	Asset Description	Proceeds	Proceeds
<u>Parks & Mowers</u>			
TORO REELMASTER 7000D - M02517	PARKS ASSETS	18,252	
KUBOTA OFD 72 INCH - CAB+TRAILER - M01516	PARKS ASSETS	7,500	
KUBOTA ZERO TURN 72 INCH - M01916	PARKS SOUTH	6,000	
KUBOTA OFD 72 INCH - M03416	PARKS NORTH	7,500	
TURF CUTTER - P302	PARKS SOUTH	1,000	
<u>Miscellaneous Equipment >\$1500</u>			
ROBIN TRASH PUMP - S107	CIVIL CONSTRUCTION (DRAINAGE)	890	
EARLEX ELECTRIC SPRAY UNIT - P021	CITYBUILD	640	
VERTI MOWER - M008	PARKS ASSETS	400	
<u>Construction Vehicles - Replacement</u>			
KOMATSU WA250PZ-6 WHEEL LOADER - G006	WORKS CONSTRUCTION	79,405	
BOMAG BW24R MULTI TYRE ROLLER - R002	WORKS CONSTRUCTION	45,900	
<u>Plant Disposed from 2019/20 budget</u>			
FORD RANGER - U043	WORKS CONSTRUCTION	0	15,509
FORD RANGER - U05216	PARKS ASSETS	0	24,600
FORD RANGER - U0516	PARKS CENTRAL	0	23,918
DEUTSCHER H660-11 ROTARY MOWER - AM100	PARKS ASSETS	0	667
HYUNDAI I30 HATCH - C00116	MARINA AND DEPOT	0	12,782
MITSUBISHI OUTLANDER - C02316	ASSET MANAGEMENT	0	17,782
HOLDEN COLORADO - U03216	RANGERS	0	21,418
ROADSWEEPER - T051	CIVIL MAINTENANCE	0	65,613
TRALIER SINGLE AXLE - V01716	PARKS CENTRAL	0	2,312
FORD RANGER - U05916	PARKS ASSETS	0	20,282
FORD RANGER - U00316	HEALTH SERVICES	0	29,145
FORD RANGER - U05316	PARKS ASSETS	0	25,509
HOLDEN COLORADO - U069	SUSTAINABLE DEVELOPMENT	0	22,555
AIR COMPRESSOR - P054	WORKS AND SERVICES	0	417
ROTARY MOWER - M02616	PARKS ASSETS	0	7,154
		1,020,562	1,216,482

KEY INFORMATION



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020

NOTE 5
TENDERS AWARDED FOR THE MONTH

CEO delegation – accepted tenders during the month
Delegation over \$250,000

Tender code	Tender Description	Company Awarded to	Contract Term	Contract Amount
				\$
T13-2020	Demolish and Construct of Ablution Block at Novara Foreshore	Palace Homes and Construction Pty Ltd	16 Weeks	161,982
RFQ11-2020	Supply and Delivery of Asphalt	Downer Infrastructure - Australia West	3 years	2,800,000

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

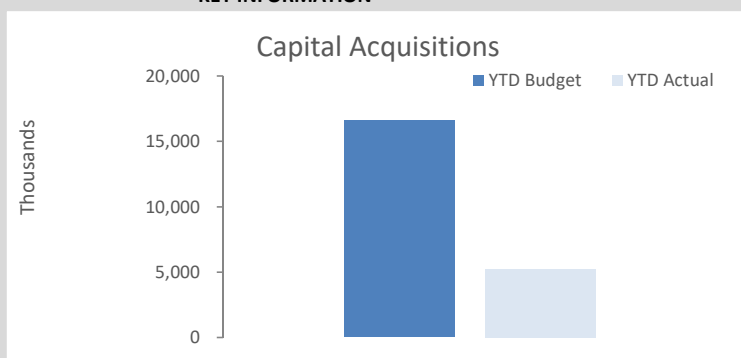
**INVESTING ACTIVITIES
NOTE 6
CAPITAL ACQUISITIONS**

Capital Acquisitions	Adopted Budget	Annual Budget	YTD Budget	YTD Actual	YTD Actual Variance
	\$		\$	\$	\$
Buildings	3,271,990	3,192,454	1,106,686	550,505	(556,181)
Equipment	336,820	336,820	142,914	49,815	(93,099)
Machinery	3,506,697	3,506,697	1,059,154	270,885	(788,269)
Infrastructure - Roads	10,964,511	12,190,158	5,599,588	1,820,909	(3,778,680)
Bridges	400,000	750,000	248,620	0	(248,620)
Parks	19,901,580	21,110,352	7,435,970	2,187,923	(5,248,048)
Drainage	1,118,523	1,107,601	485,096	150,543	(334,552)
Coastal & Estuary	422,601	499,600	273,804	131,214	(142,590)
Other Infrastructure	3,143,492	2,024,266	219,266	87,206	(132,060)
Capital Expenditure Totals	43,066,214	44,717,948	16,571,098	5,248,999	(11,322,099)
Capital Acquisitions Funded By:					
	\$		\$	\$	\$
City of Mandurah Contribution	8,553,048	8,829,336	11,846,539	1,382,535	(10,464,004)
Capital grants and contributions	11,279,174	12,162,222	4,611,163	3,506,583	(1,104,580)
Borrowings	7,931,591	8,700,611		0	0
Other (Disposals & C/Fwd)	1,020,562	1,020,562	113,396	359,881	246,485
Cash Backed Reserves					
Building Reserve	2,161,990	2,069,292		0	0
Asset Management Reserve	1,404,778	1,444,816		0	0
Property Acquisition Reserve	1,830,000	780,000		0	0
Sustainability Reserve	229,180	229,180		0	0
Sanitation Reserve	756,471	756,471		0	0
Traffic Bridge Reserve	400,000	400,000		0	0
Waterways Reserve	40,990	40,990		0	0
Unspent Grants & Contributions Reserve	5,258,590	6,084,628		0	0
City Centre Land Acquisition Reserve	2,000,000	2,000,000		0	0
Plant Reserve	199,841	199,841		0	0
Capital Funding Total	43,066,214	44,717,948	16,571,098	5,248,999	(11,322,099)

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

KEY INFORMATION



Acquisitions	Annual Budget	YTD Actual	% Spent
	\$44.72 M	\$5.25 M	12%
Capital Grant	Annual Budget	YTD Actual	% Received
	\$12.16 M	\$3.51 M	29%



Level of completion indicator, please see table at the end of this note for further detail.

Account Description		Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
Buildings							
400030	Owen Avenue Ablution	298,889	298,889	111,288	168	298,721	Tender being awarded.
750619	Community Sport and Recreation Facility Fund Program - Small Grants	160,119	54,556	(8,160)	0	54,556	Funding allocated to Peel Hockey Assoc Floodlighting \$95,443 and Sth Mh Tennis Club Resurfacing \$10,120.
750620	Solar Plan	64,048	64,048	0	0	64,048	Construction to commence Q4.
750621	Milgar St Reserve Water Service Replacement	21,350	21,350	21,351	1,350	20,000	Construction to commence Q2.
750622	Installation of Air Conditioning at Halls Head Parade Community and Sports Facility	48,035	20,145	6,648	0	20,145	Project has been deferred and budget reallocated to Mandurah Bowling Club Compressor (Sept FR) and Mandurah Visitors Centre Upgrade (October FR).
750623	Administration Building - Foyer Security	80,059	80,059	0	0	80,059	Construction to commence Q3.
750624	Seniors Centre Heating Cooling System Upgrade	48,035	48,035	48,036	0	48,035	Construction to commence Q2.
750625	Mandurah Community Museum Roof Replacement.	160,119	160,119	0	0	160,119	Construction to commence Q3.
750626	Site Main Switchboard Program	53,373	18,373	0	0	18,373	Construction to commence Q4.
750627	Administration Centre External Painting Project	84,329	84,329	0	0	84,329	Construction to commence Q3.
750628	Civic Building-Mayors Office Reconfiguration	53,373	53,373	0	3,873	49,500	Construction to commence Q2.
750629	Health & Safety Improvements at Pottery Place	16,011	16,011	5,284	0	16,011	Construction to commence Q2.
750630	Mandurah Ocean Marina Chalets - External Refurbishment	160,119	160,119	0	0	160,119	Construction to commence Q3.
750631	Mandurah Bowling & Recreation Club - Bar Repairs	21,350	21,350	7,046	0	21,350	Structural assessment being undertaken.
750632	Falcon Pavilion Re Roofing Project	77,924	77,924	25,715	0	77,924	Construction to commence Q3.
750633	Stage 2 of Upgrades to Peelwood Reserve Changerooms	106,746	106,746	0	0	106,746	Construction to commence Q4.
750634	MARC - Hardstands for Pool Blankets	10,674	10,674	3,522	0	10,674	Construction to commence Q2.
750635	MARC - Aquatic Plant Rooms Automatic Pool Acid Feed System	5,337	5,337	1,761	0	5,337	Construction to commence Q2.
750636	WMC - Upgrade Alarm System	30,000	30,000	30,000	0	30,000	Construction to commence Q2.
400015	South Mandurah Football Club Changeroom Project	106,746	136,746	45,126	0	136,746	Construction to commence Q2.
750638	Ablution Bortolo Reserve	213,492	213,492	0	0	213,492	Construction to commence Q3.
400021	Mh Mustangs FC - Facility Development	176,131	176,131	0	0	176,131	Construction to commence Q3.
400022	Peelwood Res - Changeroom Upgrade	21,350	21,350	0	0	21,350	Construction to commence Q4.
400007	CASM Ablution Upgrade	47,020	47,020	47,021	42,383	4,637	Completed.
400031	Admin Building First Floor Carpet	38,535	38,535	12,717	0	38,535	Out to quote.
400009	Change Rooms Upgrade Program	213,487	213,487	213,488	136,161	77,326	Construction complete. Finances to be finalised.
400004	MARC/Waste Transfer Station - Solar Plan Phase 5	309,414	159,411	159,412	170,045	(10,634)	Construction complete. Finances to be finalised. Budget Variation for overspend to be processed in due course, as savings are identified in completed CityBuild projects.
400046	Site Main Switchboards	89,133	95,133	0	0	95,133	Construction to commence Q4.
400042	Southern Ops Transportable Meeting Room	79,832	79,832	52,688	57,576	22,256	Construction 75% complete.
400033	Civic Chamber Meeting Rooms	64,403	16,510	16,509	12,959	3,551	Completed.
400013	Civic Building - Tuckey Room	121,177	91,705	91,704	118,113	(26,408)	Construction complete. Scope increased as per request for further works and inclusion of landscaping. Budget Variation for overspend to be processed in due course, as savings are identified in completed CityBuild projects.
400026	Peel Community Kitchen	247,200	248,200	81,906	2,818	245,382	Construction to commence Q2.
400028	MARC LED & Lighting Control	44,180	59,012	59,012	0	59,012	Construction 85% complete.
750639	Peel Hockey Association - Floodlighting	0	95,443	31,800	0	95,443	Construction to commence Q3.
750640	South Mnd Tennis Club - Resurfacing	0	10,120	3,372	5,060	5,060	Construction to commence Q2.
750641	Reading Cinema Complex FIP	0	35,000	11,550	0	35,000	Construction complete. Finances to be finalised.
750642	Mandurah Bowling Club Compressor	0	27,890	27,890	0	27,890	Construction complete. Finances to be finalised.
750643	Falcon Family Centre Upgrade	0	96,000	0	0	96,000	Construction to commence Q3.
Bridges							
880000	Old Mandurah Bridge	400,000	400,000	132,000	0	400,000	Construction to commence Q2.
880012	Lakelands-Madora Bay Pedestrian Bridge	0	350,000	116,620	0	350,000	Budget reallocation to be processed once funding body approval received.
Parks							
700439	Enclosed Dog Park	213,492	213,492	0	19,862	193,630	Construction to commence Q3.
700440	Major Public Artworks	125,000	125,000	41,652	0	125,000	Ongoing Program 2020/21.
700441	Bortolo Reserve - Shade Sail	33,926	33,926	11,196	0	33,926	Construction to commence Q4.
700471	Hermitage Park - Shade Sail	45,234	45,234	14,927	0	45,234	Construction to commence Q4.
700472	Country Club Drive - Shade Sail	33,926	33,926	11,196	0	33,926	Construction to commence Q4.

Level of completion indicator, please see table at the end of this note for further detail.

Account Description			Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
	700442	Shade Sail Renewal Program	56,544	56,544	18,660	49,384	7,160	Ongoing Program 2020/21 to commence in Q2.
	700443	Falcon Bay Upgrade - Stage 4 of 5	339,261	339,261	56,521	77,876	261,385	Construction 25% complete.
	700444	Novara Foreshore Stage 4	452,348	452,348	0	1,186	451,162	Construction to commence Q3.
		Wittenoom Reserve - Drinking Fountain	9,047	0	0	0	0	
	700466	Calypso Reserve - Drinking Fountain	9,047	18,192	0	0	18,192	Construction to commence Q2.
	700467	Halls Head Foreshore - Drinking Fountain	9,047	17,529	0	0	17,529	Construction to commence Q2.
	700468	Lord Hobart Reserve - Drinking Fountain	16,963	19,225	0	0	19,225	Construction to commence Q2.
		Mogum Reserve - Drinking Fountain	12,440	0	0	0	0	
	700446	BBQ Caterpillar Park	26,687	26,687	8,807	0	26,687	Construction to commence Q2.
	700470	BBQ Templetonia Reserve, Coodanup	26,687	26,687	8,807	0	26,687	Construction to commence Q2.
	700447	Rakoa Reserve and Bridgewater South Replace Fencing	33,926	33,926	0	0	33,926	Construction 75% complete.
	700448	Melaleuca Tce - Replace broken pine fencing	67,852	67,852	0	1,104	66,748	Construction 50% complete.
	700449	Pump Station Replacement of Pumps	46,599	46,599	15,528	0	46,599	Ongoing Program 2020/21 to commence in Q2.
	700450	San Remo deck modifications	11,308	11,308	3,732	1,808	9,500	Construction to commence Q2.
	700451	Halls Cottage Fencing	53,373	53,373	0	0	53,373	Construction to commence Q4.
	700452	Seascape Village Precinct - Shade Structure Refurbishment	32,024	32,024	0	940	31,084	Construction to commence Q2.
	700453	Falcon Reserve Activation Plan - Stage 2	226,173	226,173	37,681	40,360	185,813	Construction 25% complete.
	700454	Cemetery - Upgrade of lakes	96,125	96,125	0	0	96,125	Construction to commence Q4.
	700455	Lakes Cemetery Fencing - renewal	35,058	35,058	35,060	0	35,058	Construction 25% complete.
	700456	Old Coast Road/Wilderness Drive - Playground Renewal	31,665	63,330	0	0	63,330	Construction to commence Q3.
	700457	BMX Track Renewal Program	56,544	56,544	9,421	0	56,544	Construction to commence Q3.
	700458	Yalgor Heights Reserve - Playground Renewal	31,665	0	0	0	0	Project has been deferred and budget reallocated to Old Coast Road/Wilderness Drive - Playground Renewal.
	700459	War Memorial - Redesign and replace reticulation	22,618	22,618	7,464	0	22,618	Construction to commence Q2.
	700438	Riverside Gardens Boardwalk	22,416	22,416	7,397	0	22,416	Construction to commence Q3.
	700460	Westbury Way Reserve Revegetation Plan (Offset) Capital	21,486	21,486	0	0	21,486	Construction to commence Q4.
	700461	Hexham Wetland Fencing	20,340	20,340	20,340	20,852	(512)	Completed.
	700462	Madora Bay Beach	113,087	113,087	0	0	113,087	Construction to commence Q4.
	700463	Madora Bay Shade Shelters	67,852	67,852	22,391	162	67,690	Construction to commence Q3.
	700464	Shade Sails Over Playgrounds	226,173	226,173	74,637	6,097	220,076	Construction to commence Q3.
	700465	Dawesville Channel SE Foreshore Upgrade	226,173	226,173	0	0	226,173	Construction to commence Q3.
	700009	Falcon Reserve Activation Plan	209,035	203,365	134,222	169,664	33,701	Construction 75% complete.
	700013	Lakelands Community Garden	30,000	30,000	9,900	0	30,000	Construction to commence Q3.
	700020	Pebble Beach Boulevard Res 46649	156,945	156,945	103,584	19,669	137,276	Construction 25% complete.
	700017	Grahame Heal Reserve	67,177	36,882	12,170	30,538	6,344	Construction to commence Q2. Journal to be processed to reallocate actuals to Duverney & Templetonia capital projects.
	700035	Louis Dawe Park	46,212	51,218	51,217	51,280	(62)	Completed.
	700006	MARC improvement to car park area	10,000	12,418	12,419	13,625	(1,207)	Completed.
	700010	Falcon Skate Park Upgrade	160,000	161,791	161,791	135,010	26,781	Construction complete. Finances to be finalised.
	700034	Eastern Foreshore Softfall Renewal	0	9,091	9,091	9,091	0	Completed.
	700036	Mogum Reserve Softfall Renewal	0	23,400	23,400	23,400	0	Completed.
	700042	Kerosene Tank Bunding	0	6,071	6,071	6,451	(380)	Completed.
	700027	Duverney Park Picnic Facilities	0	40,000	40,000	14,964	25,036	Construction complete. Finances to be finalised. Savings to be reallocated to Grahame Heal Reserve at Budget Review.
	700473	Templetonia Reserve	0	5,000	5,000	0	5,000	Construction 95% complete. Post to be replaced.
Roads								
								Project being deferred until 2021/22 due to Black Spot Funding application. Budget to be reallocated to other resurfacing projects within the Roads Renewal - Reseal Program in due course.
	501036	RS Aldgate Street	97,535	97,535	97,535	0	97,535	
	501066	RS Castlewood Place	17,340	17,340	0	0	17,340	Construction to commence Q3.
	501067	RS Mississippi Drive Stage 2	232,999	232,999	0	0	232,999	Construction to commence Q3.
	501068	RS Oakmont Avenue Cool Seal	97,535	97,535	0	0	97,535	Construction to commence Q4.
	501069	RS Oakmont Avenue	86,697	86,697	86,697	3,401	83,296	Construction has been rescheduled to Q3 to align with extensive school holiday break.
	501070	RS Perie Banou Close	92,116	92,116	30,399	0	92,116	Construction to commence Q2.
	501071	RS Sedgemere Terrace	24,925	24,925	0	0	24,925	Construction to commence Q3.
	501072	RS Valley Road	27,093	27,093	8,941	0	27,093	Construction to commence Q2.
	501073	RS Valley Road	70,442	70,442	23,247	0	70,442	Construction to commence Q2.
	501074	Donnelly Gardens	205,906	205,906	67,949	0	205,906	Construction to commence Q2.
	501075	Westbourn Pass	28,177	28,177	0	0	28,177	Construction to commence Q3.
	501026	Bortolo Reserve - Shared Use Parking and Fire Track Facility	417,233	417,233	417,233	43,451	373,782	Construction 25% complete.
	501027	RR Pinjarra Road Stage 1	812,789	1,625,578	536,440	128,034	1,497,544	Construction to commence Q4.
	501028	RR Peel Street	812,789	812,789	812,788	70,752	742,037	Construction is 25% complete.
		RR Pinjarra Road Stage 2	812,789	0	0	0	0	
	501030	RR Leslie Street	812,789	812,789	536,440	0	812,789	Construction to commence Q2.
	501031	RR Catalina Dr/Badgerup Ave Roundabout	596,045	596,045	99,301	0	596,045	Construction to commence Q3.
	501032	RR Thera St Stage 2	184,233	184,233	184,233	189,395	(5,162)	Construction complete. Finances to be finalised.
	501033	RR Old Coast Road/Albany Drive	140,883	140,883	46,491	0	140,883	Construction to commence Q2.
	501034	RR Old Coast Rd - Cossack Way to Shoshone View	270,930	270,930	0	0	270,930	Construction to commence Q4.
	501035	CP Halls Head Parade - Roberts Point	88,865	88,865	88,864	40,072	48,793	Construction 95% complete.
	501025	SP Halls Head Parade PSP	21,674	21,674	0	0	21,674	Design to commence Q4.

Level of completion indicator, please see table at the end of this note for further detail.

Account Description			Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
	501055	SP Casuarina Drive	16,256	16,256	0	0	16,256	Construction to commence Q3.
	501056	SP Eldora Crescent	54,186	54,186	54,187	36,609	17,577	Construction 95% complete.
	501057	SP First Avenue	34,679	34,679	11,444	0	34,679	To be combined with SP Lanyon Street to improve project efficiencies within the Shared Paths Program.
	501058	SP Lanyon Street	70,442	70,442	23,247	7,545	62,897	Construction to commence Q2.
	501059	SP Melita Street	45,516	45,516	45,518	38,507	7,009	Construction 95% complete.
	501060	SP Murdoch Drive	91,032	91,032	30,040	0	91,032	Construction to commence Q2.
	501061	SP Pinjarra Road	81,279	81,279	0	0	81,279	Construction to commence Q4.
	501062	SP Pinjarra Road Park	72,609	72,609	0	8,133	64,476	Construction has been rescheduled to Q2 due to design and public interface resolution.
	501063	SP Wanjeep Street	102,953	102,953	0	0	102,953	Construction to commence Q4.
	501064	Mulberry Close PAW	26,009	26,009	0	2,185	23,825	Construction to commence Q3.
	501065	Missing Links	33,595	33,595	0	5,553	28,042	Ongoing program 2020/21 to commence in Q2.
	501037	SP Cox Bay Footpath Renewal	117,041	117,041	117,042	111,811	5,230	Construction is 95% complete.
	501038	SP Stingray Point Footpath Replacement	146,302	146,302	48,281	0	146,302	Construction to commence Q4.
	501039	SL Street Lighting New Program	162,558	162,558	54,164	23,265	139,293	Ongoing Program 2020/21.
	501040	SL Upgrade of the older lighting Poles on Peelwood Reserve Oval 2	53,373	53,373	0	0	53,373	Construction to commence Q3.
	501041	SL Rushton Sports Flood Lighting - Replacement	106,746	106,746	35,226	0	106,746	Rebudget in 2021-2022.
	501042	SL Light pole replacement	53,373	38,541	0	0	38,541	Construction to commence Q3.
	501043	SL Mandurah Marina canal light pole rectification	53,373	53,373	17,613	0	53,373	Construction to commence Q2.
	501044	SL Carpark Lighting Replacement Program	58,711	58,711	0	0	58,711	Construction to commence Q3.
	501045	SL Mandurah Scoop Lighting Replacement	18,147	18,147	5,989	0	18,147	Construction to commence Q2.
	501046	SL Parks and Reserves LED Program	80,059	80,059	0	0	80,059	Ongoing Program 2020/21.
	501047	Pinjarra Road East - Median Stage 3	33,926	24,525	24,527	23,001	1,524	Completed.
	501048	TM Discretionary Traffic Management Program	162,558	157,782	52,577	23,223	134,559	Ongoing Program 2020/21.
	501049	TM Merlin St/Mistral St Roundabout	243,837	273,837	180,730	23,185	250,652	Construction to commence Q2.
	501050	Mandurah Road Median	169,631	169,631	0	0	169,631	Construction to commence Q3.
	501051	SF Street Furniture New Program	65,024	65,024	21,664	0	65,024	Ongoing Program 2020/21.
	500016	Smart Street Mall	2,000,000	2,351,939	783,668	259,590	2,092,349	Electrical and lighting works to be completed December 2020. Hard and soft landscape works to be completed after Christmas holiday period.
	501052	WMC Loading Area - Column Protection	35,000	35,000	11,550	0	35,000	Construction to commence Q2.
	501053	SL MARC Carpark Additional Lights	21,675	21,675	7,153	0	21,675	Construction to commence Q2.
	501054	Waste Transfer Station Road Construction	108,371	108,371	0	0	108,371	Construction to commence Q4.
	500019	Peel Street	250,000	495,287	495,286	507,604	(12,317)	Construction complete. Finances to be finalised.
	500004	Coodanup Drive	111,930	111,930	111,930	125,459	(13,529)	Construction complete. Finances to be finalised. Overspend is due to costs associated with TM Discretionary Traffic Mgmt being coded to this project (\$15,615) which has been reallocated in November.
	500029	TM Discretionary Traffic Mgmt	46,628	45,657	45,655	46,175	(518)	Completed.
	500028	RR Thera Street	80,000	158,206	158,203	80,378	77,828	Completed.
	500082	WMC Recovery Facility Hardstand	205,907	205,907	67,949	0	205,907	Construction to commence Q4.
	500055	SP Cox Bay	0	22,672	22,672	19,185	3,487	Completed.
	501076	Guava Way	0	351,000	116,952	0	351,000	Construction to commence Q4.
	501077	SP Harbord Avenue	0	59,331	19,764	0	59,331	Construction to commence Q3.
	501078	SP Sandforth Crescent	0	66,131	0	0	66,131	Construction to commence Q3.
	501079	Pallas Way - Troy Place PAW	0	13,531	0	0	13,531	Construction to commence Q3.
	501080	Boundary Road PAW	0	37,531	0	0	37,531	Construction to commence Q3.
	500031	Wilderness Dr/Old Coast Rd	0	0	0	4,397	(4,397)	Expense to be allocated in November.
Drainage								
	600171	DR Leighton Road/Halls Head Parade	27,093	60,093	60,096	3,903	56,190	Construction 95% complete.
	600172	DR Rainbow Way Swale Reinstatement	81,278	48,278	48,279	8,597	39,681	Construction to commence Q2.
	600173	DR Koolinda Street	162,558	162,558	53,644	0	162,558	Construction to commence Q2.
	600174	DR Yeedong Road	108,371	108,371	35,762	0	108,371	Construction to commence Q2.
	600175	DR 294 Estuary Road	81,278	81,278	81,281	0	81,278	Construction to commence Q2.
	600176	DR Northport Boulevard	81,278	81,278	26,823	0	81,278	Construction to commence Q3.
	600177	DR Discretionary Drainage	92,116	92,116	30,696	10,683	81,433	Ongoing Program 2020/21.
	600178	DR Halls Head Parade - Roberts Point	73,693	73,693	73,695	42,298	31,395	Construction 95% complete.
	600179	DR Estuary View Road Flooding Stage 2	65,024	65,024	65,025	73,237	(8,213)	Construction complete. Finances to be finalised.
	600180	Bortolo Sump - Water Sensitive Urban Design	325,116	325,116	0	2,030	323,086	Construction to commence Q3.
	600011	DR Orion Rd Park Stage 2	20,719	9,796	9,795	9,796	0	Construction 95% complete.
Coastal & Estuary								
	910106	Keith Holmes Reserve POS Upgrade	97,307	97,307	97,308	41,714	55,593	Construction 50% complete.
	910107	Marina Pens WIFI	20,000	20,000	6,600	0	20,000	Construction to commence Q3.
	910108	South Harbour Paving Upgrade Stage 2	183,801	183,801	60,655	16,375	167,426	Construction 20% complete.
	910109	Cambria Island abutment walls repair	32,435	32,435	32,436	0	32,435	Construction 80% complete.
	900012	Parkridge Boat Ramp	62,060	62,060	0	0	62,060	Grant application for RBFS Round 25 submitted. Notification of outcome in April 2021.
	900002	Avalon Foreshore	27,000	63,211	63,217	38,432	24,779	Construction 95% complete.
	900009	South Harbour Paving Replacement	0	40,786	13,588	34,694	6,092	Construction 90% complete.
Equipment								
	820175	MARC Pool Covers Program Pool	37,361	37,361	12,329	0	37,361	Construction to commence Q2.
	820176	Sign / sticker printer	37,930	37,930	37,930	37,962	(32)	Completed.

Level of completion indicator, please see table at the end of this note for further detail.

Account Description			Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
	820177	MARC CCTV Aquatic Facilities	32,024	32,024	10,568	0	32,024	Construction to commence Q2.
	820178	CCTV Upgrade at Meadow Springs Sports Facility	21,350	21,350	7,046	0	21,350	Construction to commence Q2.
	820179	MARC Pool Covers Leisure Exercise Pool	24,552	24,552	8,102	0	24,552	Construction to commence Q2.
	820180	Furniture & Equipment Renewal Program	55,508	55,508	24,668	0	55,508	Construction to commence Q2.
	820174	MPAC Orchestra Lift	128,095	128,095	42,271	11,853	116,242	Construction to commence Q3.
Plant & Machinery								
	770001	Light Passenger Vehicles - Replacement	672,651	672,651	224,128	115,289	557,362	
	770002	Light Commercial Vehicles - Replacement	981,185	981,185	326,932	40,059	941,126	
		Light Passenger Vehicles - New	0	0	0	0	0	
	770018	Light Commercial Vehicles - New	36,000	36,000	11,996	0	36,000	
	770006	Trucks & Buses Replacements	72,893	72,893	12,144	0	72,893	
	770007	Trailers	743,550	743,550	247,752	0	743,550	
	770009	Parks & Mowers	285,438	285,438	95,108	83,880	201,558	
	770011	Miscellaneous Equipment >\$1500	131,919	131,919	43,956	31,656	100,263	
	770008	Construction Vehicles	583,061	583,061	97,138	0	583,061	
Other Infrastructure								
	930033	Christmas Decorations 2020	213,492	213,492	213,491	81,266	132,226	Project delivery Q2.
	930034	Waste Transfer Station increase hardstand area with concrete	100,000	100,000	0	0	100,000	Construction to commence Q4.
	930035	Restart Mandurah - Other	2,785,000	1,705,000	0	0	1,705,000	Remaining Restart Mandurah funding available.
	930002	Road Sweeper Spoil	45,000	5,774	5,775	5,940	(166)	Completed.
	400050	Lakelands DOS Clubroom Facility	200,000	762,524	503,266	450,706	311,818	Clubroom Facility complete. Landscaping around building to commence early November.
	700052	Lakelands DOS	1,000,000	1,143,257	754,550	168	1,143,089	Refer to Financial Report, Key Capital Projects table.
	500085	Lakelands DOS Parking	0	3,594	1,196	900	2,694	Refer to Financial Report, Key Capital Projects table.
	700050	Lakelands DOS - Irrigation	0	26,125	8,704	4,144	21,981	Refer to Financial Report, Key Capital Projects table.
	700053	Lakelands DOS - Sports Specific Infr	0	23,763	7,916	0	23,763	Refer to Financial Report, Key Capital Projects table.
	700054	Lakelands DOS - Water Provision Infr	0	311,941	103,940	1,785	310,156	Refer to Financial Report, Key Capital Projects table.
	700055	Eastern Foreshore South Precinct	6,870,103	6,936,603	2,311,272	49,809	6,886,794	Refer to Financial Report, Key Capital Projects table.
	700056	Western Foreshore Recreation Precinct	8,300,000	8,315,856	2,770,844	987,088	7,328,768	Refer to Financial Report, Key Capital Projects table.
	Grand Total		43,066,214	44,717,948	16,571,098	5,248,999	39,468,949	

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

FINANCING ACTIVITIES

NOTE 7

BORROWINGS

Repayments - Borrowings

Information on Borrowings Particulars	1 July 2020	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Law, order, public safety									
Port Bouvard Surf Life Saving Club [WTC 316(v)]	0		0		110		(110)		0
Health									
Community amenities									
Compactor Waste Trailers and Dolly [336]	240,815		0	19,062	54,610	221,753	186,205	1,842	8,102
Waste Water Reuse [349]	146,255		0	7,450	20,376	138,805	125,879	1,090	5,244
Halls Head Ablution Block [350]	97,505		0	4,966	13,580	92,539	83,925	726	3,496
Halls Head Recycled Water 2019/20	200,051		0	5,953	17,389	194,098	182,662	1,551	5,891
Ablutions 2020/21	0		200,000	-	17,344	0	182,656	0	5,935
Recreation and culture									
Allnutt Reserve Community Facility [316(iii)]	0		0	-	513	0	(513)	0	0
Town Beach Ablutions [316(vii)]	0		0	-	220	0	(220)	0	0
Rushton Park Redevelopment [318(ii)]	334,327		0	31,298	83,095	303,029	251,232	487	10,917
Meadow Springs Recreation Facility [318(iii)]	250,493		0	23,510	63,310	226,983	187,183	366	8,317
Mandurah Rugby Club [320]	42,468		0	13,834	39,316	28,634	3,152	270	763
Mandurah Cricket Club [321]	14,145		0	4,614	13,094	9,531	1,051	90	254
Mandurah Football & Sporting Club [324]	165,129		0	26,658	78,869	138,471	86,260	1,202	4,711
Mandurah Rugby Club [325]	12,698		0	2,052	6,070	10,646	6,628	92	362
Bowling Club Relocation [326]	1,092,880		0	186,650	537,467	906,230	555,413	3,206	32,101
Ablutions - Netball Centre [329(i)]	88,582		0	14,160	41,873	74,422	46,709	631	2,501
Parks Construction [329(v)]	87,089		0	14,160	41,873	72,929	45,216	631	2,501
Halls Head Bowling Club upgrade [331]	310,795		0	12,055	32,228	298,740	278,567	2,433	11,236
Parks - Falcon Bay Reserve [333(i)]	72,390		0	7,828	22,739	64,562	49,651	532	2,339
MARC Redevelopment [338]	763,964		0	53,795	144,275	710,169	619,689	3,305	27,025
MARC Redevelopment Stage 1 [340]	503,911		0	27,214	72,790	476,697	431,121	3,050	18,002
MARC Redevelopment Stage 2 [341]	1,277,816		0	73,335	187,831	1,204,481	1,089,985	4,761	46,457
Eastern Foreshore Wall [344]	835,933		0	47,688	121,623	788,245	714,310	2,880	30,081
MARC Stage 2 [345]	1,228,894		0	68,499	174,502	1,160,395	1,054,392	4,249	43,742
Falcon Bay Seawall [351]	244,836		0	12,452	34,049	232,384	210,787	1,824	8,779
MARC Solar Plan [353]	173,490		0	6,654	17,759	166,836	155,731	1,358	6,277
Novara Foreshore Development [355]	346,980		0	13,307	35,518	333,673	311,462	2,717	12,554
Falcon Bay Foreshore Upgrades [356]	346,980		0	13,307	35,518	333,673	311,462	2,717	12,554
Mandjar Square Development [358]	433,630		0	16,633	44,391	416,997	389,239	3,395	15,693
Lakelands DOS [360]	2,365,997		0	107,083	248,575	2,258,914	2,117,422	5,069	87,881
Mandjar Square Stage 3 and 4	458,859		0	15,013	82,410	443,846	376,449	3,267	27,270
Falcon Seawall	908,175		0	33,145	41,205	875,030	866,970	3,415	13,635
Novara Foreshore Stage 3	183,582		0	6,005	16,482	177,577	167,100	1,307	5,454
Smart Street Mall Upgrade 2019/20	500,127		0	16,375	43,460	483,752	456,667	3,873	14,728
Falcon Bay Foreshore Stage 3 of 4	300,076		0	8,929	26,083	291,147	273,993	2,327	8,837
Mandjar Square Final Stage	300,076		0	8,929	26,083	291,147	273,993	2,327	8,837
Falcon Skate Park Upgrade	120,030		0	3,931	10,433	116,100	109,597	929	3,535
Westbury Way North side POS Stage 3	200,051		0	5,948	17,389	194,103	182,662	1,556	5,891
Eastern/ Western Foreshore 2020/21	0		2,770,000	-	240,145	0	2,529,855	0	82,211
Smart Street Mall 2020/21	0		2,000,000	-	173,382	0	1,826,618	0	59,358
Novara Foreshore Stage 4	0		400,000	-	34,676	0	365,324	0	11,872
Bortolo Reserve - Shared Use Parking and Fire Track Facility	0		350,000	-	30,352	0	319,648	0	10,387
Falcon Bay Upgrade - Stage 4 of 5	0		300,000	-	26,016	0	273,984	0	8,904
Enclosed Dog Park	0		200,000	-	17,344	0	182,656	0	5,936
South Harbour Paving Upgrade Stage 2	0		50,000	-	4,336	0	45,664	0	1,484
Falcon Skate Park Upgrade 2020/21	0		80,000	-	7,521	0	72,479	0	1,816
Transport									
Road Construction [316(ii)]	0		0	-	1,642	0	(1,642)	0	0
Car Parking [316(iv)]	0		0	-	121	0	(121)	0	0
Drainage [318(iv)]	83,835		0	78,171	19,784	5,664	64,051	1,216	2,599
Road Construction [318(v)]	836,324		0	7,788	213,672	828,536	622,652	121	28,071
Road Construction [329(ii)]	188,410		0	30,820	91,136	157,590	97,274	1,373	5,443
Drainage Construction [329(iii)]	63,624		0	9,996	29,557	53,628	34,067	445	1,765
Peelwood Oval - Parking [329(iv)]	24,957		0	4,165	12,316	20,792	12,641	186	736
Path Construction [329(vi)]	13,856		0	2,499	7,389	11,357	6,467	111	441
Street Lighting [329(viii)]	18,102		0	3,332	9,852	14,770	8,250	148	588
Road Construction [333(ii)]	320,984		0	35,659	103,588	285,325	217,396	2,422	10,654
New Pedestrian Bridge Construction [335]	481,195		0	38,554	110,329	442,642	370,866	3,678	16,367
New Road Construction [339]	544,949		0	36,474	102,919	508,475	442,030	4,198	19,313
New Road Construction [342]	651,651		0	36,565	93,915	615,086	557,736	2,483	23,229
WMC Tims Thicket [343]	98,545		0	5,094	14,096	93,451	84,449	766	3,484
Road Construction [346]	385,053		0	19,615	53,646	365,438	331,407	2,869	13,806
MARC Carpark [347]	292,521		0	14,901	40,752	277,620	251,769	2,179	10,488
MPAC Forecourt [348]	121,886		0	6,208	16,978	115,678	104,908	908	4,370
Mandurah Marina [352]	173,490		0	6,654	17,759	166,836	155,731	1,358	6,277
MARC Carpark [354]	260,243		0	9,978	26,632	250,265	233,611	2,038	9,416
Mandurah Foreshore Boardwalk Renewal [357]	390,262		0	14,968	39,948	375,294	350,314	3,056	14,124
New Road Construction [359]	1,191,883		0	53,291	125,617	1,138,592	1,066,266	3,385	44,411
Smoke Bush Retreat Footpath [361]	86,736		0	3,329	8,886	83,407	77,850	679	3,138
New Boardwalks 18/19	458,859		0	15,013	41,205	443,846	417,654	3,267	13,635
Coodanup Drive - Road Rehabilitation	91,791		0	3,002	8,241	88,789	83,550	654	2,727
Pinjarra Road Carpark	183,582		0	6,005	16,482	177,577	167,100	1,307	5,454
New Road Construction 2018/19	1,497,356		0	56,267	135,963	1,441,089	1,361,393	4,053	44,997
New Road Construction 2019/20	900,229		0	32,544	78,226	867,684	822,003	3,904	26,510
South Harbour Upgrade 2019/20	230,058		0	6,844	19,997	223,214	210,061	1,784	6,774
New Roads 2020/21	0		1,150,000	-	99,693	0	1,050,307	0	34,131

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020

FINANCING ACTIVITIES

NOTE 7

BORROWINGS

Repayments - Borrowings

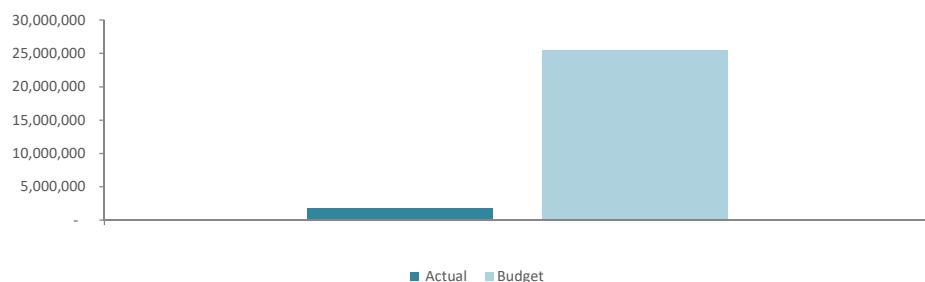
Information on Borrowings	1 July 2020	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
Other property and services					-				
Office Building [272]	215,016		0	84,102	195,631	130,913	19,385	1,290	3,140
Information Systems [316(i)]	0		0	-	110	1	(110)	0	0
IT Server Room Upgrade [316(vi)]	0		0	-	296	0	(296)	0	0
IT Communications Equipment [318(i)]	67,470		0	6,171	15,828	61,299	51,642	96	2,079
IT Equipment [329(vii)]	25,700		0	4,165	12,316	21,535	13,384	186	736
Land Purchase [330]	1,223,995		0	210,590	606,689	1,013,405	617,306	3,718	36,235
Civic Building - Tuckey Room Extension	458,859		0	15,013	41,205	443,846	417,654	3,267	13,634
Short term loan COVID-19	0		20,000,000	-	20,000,000	0	0	0	35,000
	26,230,451	0	27,500,000	1,770,266	25,410,640	24,460,185	28,319,811	126,622	1,127,642
Total	26,230,451	0	27,500,000	1,770,266	25,410,640	24,460,185	28,319,811	126,622	1,127,642
Current borrowings	25,410,640		27,500,000	1,770,266	25,410,640	3,016,491	25,410,640	126,622	1,127,642
Non-current borrowings	819,811					21,443,694	2,909,171		
	26,230,451					24,460,185	28,319,811		

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

2020/21 Principal Repayments



Principal Repayments

\$1,770,266

Interest Expense

\$126,622

Loans Due

\$24.46 M

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

NOTE 8

OPERATING GRANTS AND CONTRIBUTIONS

Operating Grants, Subsidies and Contributions Revenue

Provider	Adopted Budget	Budget Variations	Annual Budget	YTD Revenue Actual
	\$	\$	\$	\$
Operating Grants and Subsidies				
General purpose funding				
Financial Assistance Grant - General Purpose	845,000		845,000	219,247
Financial Assistance Grant - Local Roads	670,000		670,000	150,650
Law, order, public safety				
Lifeguard Service Funding	100,000		100,000	95,667
DFES Bushfire Mitigation Funding	0	318,600	318,600	159,300
Operating Grant SES	64,233		64,233	11,938
Education and welfare				
Waterwise Verge Grant	10,000		10,000	0
NAIDOC	3,038		3,038	0
International Disability Day Grant	1,013	5,000	6,013	5,000
National Australia Day Council	0	0	0	21,000
Gnoonie Youth Football Cup 2019	1,013		1,013	0
CHRMAP	37,500		37,500	0
Lotterywest (Childrens Festival Grant)	8,859		8,859	0
Lotterywest (Christmas Pageant)	10,125		10,125	0
Tourism WA (Crabfest Sponsorship)	141,742		141,742	0
Every Club Funding	20,250		20,250	0
Friday Night Skillz - DLGSCI	14,485		14,485	0
PTA - Annual Bus Shelter Maintenance Assistance Scheme	15,000		15,000	0
	1,942,258	323,600	2,265,858	662,801
TOTALS	1,942,258	323,600	2,265,858	662,801

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**NOTE 9
NON-OPERATING GRANTS AND CONTRIBUTIONS**

Non Operating Grants, Subsidies and Contributions Revenue

Provider	Adopted Budget Revenue	Budget Variations	Annual Budget	YTD Revenue Actual (b)
	\$	\$	\$	\$
Non-Operating Grants and Subsidies				
Community amenities				
: Donnelly Gardens	111,716	0	111,716	0
Recreation and culture				
: Eastern Foreshore South Precinct	2,500,000	0	2,500,000	2,000,000
: Eastern Foreshore South Precinct	1,228,250	0	1,228,250	0
: Western Foreshore Recreation Precinct	3,771,750	0	3,771,750	0
: Parkridge Boat Ramp	16,410	0	16,410	0
: Falcon Skate Park Upgrade	80,000	6,338	86,338	86,338
: Lakelands DOS Clubroom Facility	50,000	0	50,000	0
: Lakelands DOS	325,000	0	325,000	0
Transport				
: RR Pinjarra Road Stage 1	500,000	0	500,000	400,000
: Peel Street	100,000	0	100,000	100,000
: RR Peel Street	500,000	0	500,000	200,000
: RR Pinjarra Road Stage 2	500,000	0	500,000	0
: RR Leslie Street	500,000	0	500,000	200,000
: RR Catalina Dr/Badgerup Ave Roundabout	550,000	0	550,000	0
: RR Thera St Stage 2	170,000	0	170,000	170,000
: RR Old Coast Road/Albany Drive	120,708	0	120,708	110,905
: RR Old Coast Road/Albany Drive	215,000	(814)	214,186	215,000
: Lakelands-Madora Bay Pedestrian Bridge	0	350,000	350,000	0
: Guava Way	0	351,000	351,000	0
: SP Harbord Avenue	0	176,524	176,524	0
Economic services				
: SP Halls Head Parade PSP	20,000	0	20,000	4,000
	11,258,834	883,048	12,141,882	3,486,243
Non-Operating Contributions				
Recreation and culture				
: Hexham Wetland Fencing	20,340	0	20,340	20,340
	20,340	0	20,340	20,340
Total Non-operating grants, subsidies and contributions	11,279,174	883,048	12,162,222	3,506,583

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**NOTE 10
BUDGET AMENDMENTS APPROVED**

Amendments to original budget since budget adoption. Surplus/(Deficit)

A positive number in the amended budget running balance represents an estimated closing surplus.

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GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Budget Adoption		Opening Surplus/(Deficit)				(358,718)
1643.930035.20501.13	Restart Mandurah Other	G. 10/7/20 June FR	Capital Expenses		150,000		(208,718)
9624.102249.14000.13	Mandurah CBD Revitalisation Project	G. 10/7/20 June FR	Operating Expenses			(150,000)	(358,718)
1643.930035.20501.13	Restart Mandurah Other	G. 10/7/20 June FR	Capital Expenses		100,000		(258,718)
9555.101010.14000.10	Community Services: Comm Assistant Grants	G. 10/7/20 June FR	Operating Expenses			(100,000)	(358,718)
1643.930035.20501.13	Restart Mandurah Other	G. 10/7/20 June FR	Capital Expenses		100,000		(258,718)
	Transfer to Unspent Grant Reserve	G. 10/7/20 June FR	Other: Transfer Into Reserve			(100,000)	(358,718)
1635.700421.20501.13	Eastern Foreshore Softfall Renewal	G. 10/7/20 June FR	Capital Expenses			(9,091)	(367,809)
1635.700423.20501.13	Mogum Softfall Renewal	G. 10/7/20 June FR	Capital Expenses			(23,400)	(391,209)
1635.700430.20501.10	Kerosene Tank Bunding	G. 10/7/20 June FR	Capital Expenses			(6,071)	(397,280)
1636.500990.20501.13	SP Cox Bay	G. 10/7/20 June FR	Capital Expenses			(22,672)	(419,952)
9676.138750.14000.10	WSUD	G. 10/7/20 June FR	Operating Expenses			(52,859)	(472,811)
308810.9200.10	Corp Comms: Corp Projects	G. 10/7/20 June FR	Operating Expenses			(22,250)	(495,061)
308810.9058.10	Corp Comms: General Advertising	G. 10/7/20 June FR	Operating Expenses			(19,500)	(514,561)
9655.163032.10058.13	Emergency Management: Bushfire Mitigation	G. 10/7/20 June FR	Operating Expenses			(318,600)	(833,161)
318910.0050.55	Emergency Management Grants	G. 10/7/20 June FR	Operating Revenue		318,600		(514,561)
	Capital Works 2019/20 Carryovers Reconciliation	G. 6/8/20 July FR	Capital Expenses			(1,723,043)	(2,237,604)
	Capital Works 2019/20 Carryovers Reconciliation	G. 6/8/20 July FR	Capital Revenue		6,338		(2,231,266)
	Capital Works 2019/20 Carryovers Reconciliation	G. 6/8/20 July FR	Other: Unutilised Loans		825,088		(1,406,178)
	Capital Works 2019/20 Carryovers Reconciliation	G. 6/8/20 July FR	Other: Transfer Out of Reserve		677,377		(728,801)
1634.880012.	Lakelands-Madora Bay Pedestrian Bridge	G. 6/8/20 July FR	Capital Expenses			(350,000)	(1,078,801)
1636.501076.	Guava Way	G. 6/8/20 July FR	Capital Expenses			(351,000)	(1,429,801)
Various	Shared Paths	G. 6/8/20 July FR	Capital Expenses			(176,524)	(1,606,325)
386915.0070.60	Bridge Mtce Grants & Subs Non-op	G. 6/8/20 July FR	Capital Revenue		350,000		(1,256,325)
381915.0070.60	Road Planned Mtce Grants & Subs Non-op	G. 6/8/20 July FR	Capital Revenue		351,000		(905,325)
394915.0070.60	Footpath Mtce Grants & Subs Non-op	G. 6/8/20 July FR	Capital Revenue		176,524		(728,801)
1636.501027.	RR Pinjarra Road Stage 1	G. 6/8/20 July FR	Capital Expenses			(812,789)	(1,541,590)
1636.501029.	RR Pinjarra Road Stage 2	G. 6/8/20 July FR	Capital Expenses		812,789		(728,801)
9564.102701.14000.10	Cultural Development: Arts & Culture Group Grants	G. 6/8/20 July FR	Operating Expenses		30,375		(698,426)
9555.101010.14000.10	Community Services: Comm Assitant Grants	G. 6/8/20 July FR	Operating Expenses			(30,375)	(728,801)
9637.102608.14000.05	Community Safety Projects: ADF Grant Expenditure	G. 6/8/20 July FR	Operating Expenses			(6,300)	(735,101)
9555.101012.10057.10	Community Services: In Day for People with a Disability	G. 6/8/20 July FR	Operating Expenses			(5,000)	(740,101)
0555.101012.31012.55	Community Services Revenue: Operating Grant	G. 6/8/20 July FR	Operating Revenue		5,000		(735,101)
381915.0070.60	Road Planned Mtce Grants & Subs Non-op	G. 6/8/20 July FR	Capital Revenue			(814)	(735,915)
1632.750586.	MARC LED & Lighting Control	G. 6/8/20 July FR	Capital Expenses			(14,832)	(750,747)
1636.501042.	SL Light Pole Replacement Program	G. 6/8/20 July FR	Capital Expenses				(735,915)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**NOTE 10
BUDGET AMENDMENTS APPROVED**

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1639.910095.	Avalon Foreshore	G. 6/8/20 July FR	Capital Expenses			(10,000)	(745,915)
1637.600164.	DR Orion Rd Park Stage 2	G. 6/8/20 July FR	Capital Expenses		10,000		(735,915)
1632.750639.	Peel Hockey Association - Floodlighting	G. 6/8/20 July FR	Capital Expenses			(95,443)	(831,358)
1632.750640.	South Mnd Tennis Club - Resurfacing	G. 6/8/20 July FR	Capital Expenses			(10,120)	(841,478)
1632.750619.	CSRFF Program - Small Grants	G. 6/8/20 July FR	Capital Expenses		105,563		(735,915)
1636.500950.	Smart Street Mall	G.11/9/20 Aug FR	Capital Expenses		20,197		(715,718)
1636.500953.	Peel Street	G.11/9/20 Aug FR	Capital Expenses		35,871		(679,847)
		G.11/9/20 Aug FR	Other: Unutilised Loans			(56,068)	(735,915)
1637.600171.	DR Leighton Road/Halls Head Parade	G.11/9/20 Aug FR	Capital Expenses			(33,000)	(768,915)
1637.600172.	DR Rainbow Way Swale Reinstatement	G.11/9/20 Aug FR	Capital Expenses		33,000		(735,915)
1636.501049.	TM Merlin St/Mistral St Roundabout	G.11/9/20 Aug FR	Capital Expenses			(30,000)	(765,915)
1636.500962.	RR Thera Street	G.11/9/20 Aug FR	Capital Expenses		30,000		(735,915)
1635.700456.	Old Coast Road/Wilderness Drive - Playground Renewal	G.11/9/20 Aug FR	Capital Expenses			(31,665)	(767,580)
1635.700458.	Yalgor Heights Reserve - Playground Renewal	G.11/9/20 Aug FR	Capital Expenses		31,665		(735,915)
1635.700422.	Louis Dawe Park	G.11/9/20 Aug FR	Capital Expenses			(6,500)	(742,415)
1636.501047.	Pinjarra Road East - Median Stage 3	G.11/9/20 Aug FR	Capital Expenses		6,500		(735,915)
1635.700413.	Duverney Park Picnic Facilities	G.11/9/20 Aug FR	Capital Expenses			(40,000)	(775,915)
1635.700473.	Templetonia Reserve	G.11/9/20 Aug FR	Capital Expenses			(5,000)	(780,915)
1635.700403.	Grahame Heal Reserve	G.11/9/20 Aug FR	Capital Expenses		45,000		(735,915)
9564.102734.	CASM Education Programs	G.11/9/20 Aug FR	Operating Expenses			(20,000)	(755,915)
9564.102707.	Arts and Culture Projects	G.11/9/20 Aug FR	Operating Expenses		20,000		(735,915)
1632.750641.	Reading Cinema Complex FIP	G.11/9/20 Aug FR	Capital Expenses			(35,000)	(770,915)
1632.750626.	Site Main Switchboard Program	G.11/9/20 Aug FR	Capital Expenses		35,000		(735,915)
100050-1110-1001-63171	Ready Now - Business Capability Grants	S. 6/10/20 Restart	Operating Expenses			(100,000)	(835,915)
930035-6500-1045-61129	Restart Mandurah - Other	S. 6/10/20 Restart	Capital Expenses		100,000		(735,915)
100051-1110-1001-63171	Grow Now - Investment Attraction Fund	S. 6/10/20 Restart	Operating Expenses			(250,000)	(985,915)
930035-6500-1045-61129	Restart Mandurah - Other	S. 6/10/20 Restart	Capital Expenses		250,000		(735,915)
	Admininstration Materials and Contracts - Community Facility						(737,615)
100005-3470-1166-61001	Management	G.12/10/20 Sep FR	Operating Expenses			(1,700)	(735,915)
	Sports Club Maintenance Levy Reserve	G.12/10/20 Sep FR	Other: Transfer Out of Reserve		1,700		(763,805)
750642-6100-1045	Mandurah Bowling Club Compressor	G.12/10/20 Sep FR	Capital Expenses			(27,890)	(735,915)
	Installation of Air Conditioning at Halls Head Parade						(735,915)
750622-6100-1045	Community and Sports Facility	G.12/10/20 Sep FR	Capital Expenses		27,890		(765,915)
400015-6100-1045	South Mandurah Football Club Changeroom Project	G.12/10/20 Sep FR	Capital Expenses			(30,000)	(735,915)
930035-6500-1045-61129	Restart Mandurah - Other	G.12/10/20 Sep FR	Capital Expenses		30,000		(737,513)
700006-6600-1045	MARC Improvement to Car Park Area	G.12/10/20 Sep FR	Capital Expenses			(1,598)	(735,915)
700466-6600-1045	Calypso Reserve - Drinking Fountain	G.12/10/20 Sep FR	Capital Expenses		1,598		

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**NOTE 10
BUDGET AMENDMENTS APPROVED**

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500029-6250-1045	TM Discretionary Traffic Mgmt	G.12/10/20 Sep FR	Capital Expenses			(4,776)	(740,691)
501048-6250-1045	TM Discretionary Traffic Management Program	G.12/10/20 Sep FR	Capital Expenses		4,776		(735,915)
600011-6200-1045	DR Orion Rd Park Stage 2	G.12/10/20 Sep FR	Capital Expenses			(2,901)	(738,816)
501047-6250-1045	Pinjarra Road East - Median Stage 3	G.12/10/20 Sep FR	Capital Expenses		2,901		(735,915)
	Transfer to Unspent Grant Reserve	G.12/10/20 Sep FR	Other: Transfer Into Reserve			(350,000)	(1,085,915)
930035-6500-1045-61129	Restart Mandurah Other	G.12/10/20 Sep FR	Capital Expenses		350,000		(735,915)
750643-6100-1045	Falcon Family Centre Upgrade	G.12/10/20 Sep FR	Capital Expenses			(96,000)	(831,915)
	Asset Management Reserve	G.12/10/20 Sep FR	Other: Transfer Out of Reserve		96,000		(735,915)
				0	5,155,584	(5,532,781)	

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**NOTE 11
PROPOSED BUDGET VARIATIONS FOR COUNCIL APPROVAL**

The following are for consideration for Council to approve as budget variations

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
			Opening Surplus/(Deficit)				(735,915)
New-6100-1045	Mandurah Visitors Centre Refurbishment		Capital Expenses			(142,145)	(878,060)
	Installation of Air Conditioning at Halls Head Parade						
750622-6100-1045	Community and Sports Facility \$		Capital Expenses		20,145		(857,915)
100005-1200-1001-63402	Mandurah Visitors Centre - Other Operating Costs		Operating Expenses		122,000		(735,915)
New-3400-1045-61001	Australia Day 2021 - Iconic Event Grant		Operating Expenses			(507,360)	(1,243,275)
New-3400-1045-61001	Australia Day 2021 - COVID Safe Grant		Operating Expenses			(20,000)	(1,263,275)
New-3400-1045-61001	Australia Day 2021 - Branding		Operating Expenses			(1,000)	(1,264,275)
102203-3400-1568-41400	Australia Day - Festivals & Events		Operating Revenue		528,360		(735,915)
101031-4500-1045-61001	Mandurah Mental Health Initiative		Operating Expenses			(100,000)	(835,915)
101031-4500-1247-41400	Administration - Grants & Subs Operating		Operating Revenue		100,000		(735,915)
New-4510-1045-61001	Mandurah Assertive Outreach Trial		Operating Expenses			(365,000)	(1,100,915)
100015-4510-1247-41400	Administration - Grants & Subs Operating - Community Safety		Operating Revenue		350,000		(750,915)
102600-4510-1045-61001	Community Safety Programmes - Community Safety		Operating Expenses		15,000		(735,915)
New-4700-1045-61001	Colours of Mandurah Artwork Project		Operating Expenses			(16,500)	(752,415)
100015-4700-1247-41400	Administration - Grants & Subs Operating - City Centre Activation		Operating Revenue		9,000		(743,415)
101902-4700-1045-61001	Linger Longer Day - City Centre Activation		Operating Expenses		7,500		(735,915)
100004-1110	Payroll Services - Economic Development		Operating Expenses		50,332		(685,583)
100004-2100	Payroll Services - Governance, Procurement and Land		Operating Expenses			(50,332)	(735,915)
				0	1,202,337	(1,202,337)	

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020

NOTE 12
EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2020-21 year is 10.00%

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Operating grants, subsidies and contributions	825,851	89.40%	▲ Timing	Received Lifeguard Service funding, 50% DFES Bushfire Mitigation funding and the CLAG 2020/21 Mosquito Management contribution earlier than expected.
Interest earnings	(284,551)	(58.48%)	▼ Timing	Interest earnings not yet received.
Other revenue	31,564	40.22%	▲ Timing	Early receipt of other revenue and will be monitored as year progresses.
Profit on disposal of assets	(18,399)	(100.00%)	▼ Timing	Non-cash variance from disposal of assets to be monitored throughout the year.
Expenditure from operating activities				
Employee costs	3,636,594	21.74%	▲ Timing	Expenditure to increase as projects pick up during the year mainly in Cityparks, Cityworks and MARC.
Materials and contracts	2,902,889	19.65%	▲ Timing	Expenditure to increase as projects pick up during the year.
Utility charges	286,397	21.58%	▲ Timing	Invoices have been received later then expected and will be monitored throughout the year.
Depreciation on non-current assets	1,691,833	14.33%	▲ Timing	Will be adjusted at budget review to reflect 2019/20 actuals.
Interest expenses	695,896	83.05%	▲ Permanent	Favourable variance an indication of interest savings from loan off-set facility. This will be reviewed as part of budget review.
Other expenditure	(100,915)	(110.75%)	▼ Timing	Payment made in August for the Peel Mosquito Management program 2020/21 season.
Loss on disposal of assets	353,191	100.00%	▲ Timing	Non-cash variance from disposal of assets to be monitored throughout the year.
Investing Activities				
Non-operating Grants, Subsidies and Contributions	(1,104,580)	(23.95%)	▼ Timing	Milestones not met yet for the receival of capital grants. Will be monitored throughout the year.
Proceeds from Disposal of Assets	876,295	257.59%	▲ Permanent	Favourable variance as a result of unbudgeted land sales and unbudgeted proceeds on sale of plant that were not sold in 2019/20. This will be reviewed at budget review.
Capital Acquisitions	11,322,099	68.32%	▲ Timing	Refer to note 4.
Financing Activities				
Payment of lease liability	(64,841)	(32.10%)	▼ Permanent	Additional leases taken up in 2020/21. To be adjusted at Budget Review,

2	SUBJECT:	Alfresco Dining Licence: Reserve 27622 (No. 7) Mandurah Terrace, Mandurah
	DIRECTOR:	Business Services
	MEETING:	Ordinary Council Meeting
	MEETING DATE:	24 November 2020

Summary

In 2017, Council supported the assignment of an alfresco dining licence over 76 square metres, being a portion of Reserve 27622 adjoining Lot 123 (No. 7) Mandurah Terrace, Mandurah. The Council's support of the assignment was conditional on the then pending sale of 7 Mandurah Terrace Mandurah, to ensure that the ground floor tenant Golden Cloud Spur Restaurant had the continuing use of the alfresco dining area.

The remaining term on the original ten year licence agreement was three years which expired on the 18 October 2020. The landowner has approached City officers with a request to enter into a new five + five year licence agreement over the same 76 square metre portion of Reserve 27622.

In accordance with section 3.58(4) of the *Local Government Act 1995 (LGA)*, an independent valuation is required to determine the current market value for the licensed area. Independent valuers were appointed to undertake the valuation which was assessed at \$6,080 per annum (excluding GST) or \$80 per square metre. Officers propose a new alfresco dining licence be granted to the current landowners of Lot 123 (No. 7) Mandurah Terrace Mandurah, on similar terms and conditions as the current agreement.

Council is requested to approve the advertising of, and if no submissions received, the disposal of the alfresco dining licence to John and Elizabeth Baltyn, over a 76 square metre portion of Reserve 27622 adjoining (No.7) Mandurah Terrace, Mandurah, for a term of five years with a further five year term option (5+5 years). An annual rent of \$6,080 (excluding GST), with market rent review due at the end of the first term, and Consumer Price Index (CPI) rate applied annually. The licence is also conditional upon the approval of the Minister for Lands.

Disclosure of Interest

Nil

Location



Alfresco Dining Licence area

Previous Relevant Documentation

- G.14/9/17 12 September 2017 Council supported the assignment of the Alfresco Licence over portion of Reserve 27622 from Tremolat Group Pty Ltd to John and Elizabeth Baltyn;
- 17/10/11 11 October 2011 Council supported a sub-licence of the alfresco dining area being portion of Reserve 27622 adjoining the property known as No. 7 Mandurah Terrace, Mandurah, to West Coast Inspirations Pty Ltd trading as Golden Cloud Spur Restaurant;
- G.30/1/10 27 January 2010 Council supported the alfresco dining licence to Tremolat the landowners of No. 7 Mandurah Terrace, Mandurah, for a maximum term of ten years;
- G.27/10/09 13 October 2009 Advertising the disposal of the alfresco licence and balcony lease was approved by Council with 14 days local advertising being undertaken and no submissions being received.

Background

The site was redeveloped in 2009 to accommodate a restaurant, with the potential for future office accommodation and apartments. As part of the redevelopment, a boardwalk alfresco dining area was constructed at the rear of the property (estuary side), into the adjoining Crown Reserve 27622.

In 2010, Council supported a licence to occupy a 76 square metre alfresco area, and in October 2011, Council supported the sub-licence of the alfresco area from Tremolat Group Australia Pty Ltd to the tenants of the Golden Cloud Spur Restaurant, who are the current holders of the alfresco sub-licence.

In 2017, the property was sold by Tremolat Group Australia Pty Ltd to John and Elizabeth Baltyn, conditional on the assignment of the alfresco dining licence, as well as the sub-licence agreement to West Coast Inspirations Pty Ltd trading as Golden Cloud Spur.

Comment

City officers contacted the landowners in late March 2020 in an attempt to gauge their position regarding the option to apply for a new alfresco licence agreement.

COVID-19 significantly impacted the business operations of the licensee's sub-tenants upon the implementation of the State Government restrictions which commenced in March 2020. As such, the licensee required further time to consider their position. As the current agreement does not contain a holding over clause the City received legal advice which confirmed a short extension to the renewal term would allow the licensee continued use of the site as a periodical tenant, to be bound by the terms and conditions of the current licence until the licensee had the appropriate time to consider their options.

In May 2020, the landowner confirmed their desire to enter into a new agreement, and requested support for a new five plus five year licence which would give them security of tenure, and enable them to enter into a sub-licence agreement with a new tenant, who has requested the continuing use of the alfresco dining space.

Independent valuers were engaged to determine the current market rental value for the 76 square metre area which was assessed at \$6,080 per annum (excluding GST) or \$80 per square metre. The current annual rent is \$7,222.68 per annum or \$90 per square metre. The reduction in the square metre rate is reflective of the current market response to COVID-19 which is impacting commercial rental rates.

To align with the current licence agreement, officers propose the following terms and conditions for the new alfresco dining licence subject to the approval of Council to advertise and the Minister for Lands consent;

- Term of five years with a further five-year term option
- Area of 76 square metres
- Annual rent commencing at \$6,080 + GST
- Market rent review at the end of the first term with annual CPI rates applied
- Commencement date after the approval of the Minister for Lands

A new agreement will be subject to Council support to advertise the disposal and if no submissions are received during the advertising period, approve the disposal via a licence agreement to Mr and Mrs Baltyn.

Consultation

Independent valuers calculated the current market licence fee for the subject area by applying a rate between \$70- to \$90 per square metre, with the mid-range of \$80 per square metre being adopted.

Representatives of the landowners of 7 Mandurah Terrace, Mandurah.

Statutory Environment

Section 3.58 of the *Local Government Act 1995* – Disposal of Property

'Dispose' includes to sell, lease, or otherwise dispose of, whether absolutely or not.

Section 3.58 (3) of the *Local Government Act 1995*

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Section 3.58 (4) of the *Local Government Act 1995*

The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Section 18(1)(2)(3) and (4) of the *Land Administration Act 1997* Crown land transactions that need Minister's approval.

(1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown Land;

(2) A person must not without authorisation under subsection (7) –

(a) grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a manager reserve;

(b) being the holder of such a lease or licence, grant a sublease or sublicense in respect of the whole or any part of that Crown land; and

- (3) *A person must not without authorisation under section (7) mortgage a lease of Crown land: and*
(4) *A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.*

Policy Implications

Nil

Economic Implications

The City will receive rental income of \$6,080 (excluding GST) per annum, with market rent review at the end of the first term, and CPI rate to be applied annually.

In accordance with the City of Mandurah 2020/21 Fees and Charges Schedule, the Licence Preparation Administration Charge of \$620.00 (incl GST) and Council Report fee of \$580.00 (Incl GST) are to be borne by the Licensee.

All legal costs associated with the preparation of the Alfresco Dining Licence are to be borne by the licensee.

Risk Analysis

Nil

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.

Social:

- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.

Organisational Excellence:

- Build and retain a skilled, agile, motivated and healthy workforce.
- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.

Conclusion

The landowners of Lot 123 (No. 7) Mandurah Terrace Mandurah, John and Elizabeth Baltyn have formally requested support to enter into a new alfresco dining licence agreement with the City of Mandurah upon the expiry of the current renewal term which occurred on 18 October 2020.

Council is requested to approve the advertising of, and if no submissions received, the disposal of an alfresco dining licence to John and Elizabeth Baltyn, over a portion of Reserve 27622 adjoining (No. 7) Mandurah Terrace, Mandurah, for a term of five years with a further five-year term option (5+5 years). An annual rent of \$6,080 (excluding GST), with market rent review due at the end of the first term, and Consumer Price Index (CPI) rate applied annually. The licence is also conditional upon the approval of the Minister for Lands.

NOTE:

- Refer **Attachment 2.1 Alfresco Dining Licence Area**

RECOMMENDATION

That Council:

- 1. Approves the advertisement of, and if no submissions received, the disposal of an alfresco dining licence to John and Elizabeth Baltyn, over a portion of Reserve 27622 with the following terms and conditions:**
 - 1.1 Term of five years with a further five year term option;**
 - 1.2 Licensed area of 76 square metres;**
 - 1.3 Annual rent commencing at \$6,080 (excluding GST);**
 - 1.4 Market rent review at the end of the first term, and annual CPIs to apply;**
 - 1.5 Commencement date after the approval of the Minister for Lands; and**
 - 1.6 Subject to the Minister for Lands consent.**
- 2. Acknowledge any submissions will be reported to Council, if no submissions are received the licence will be disposed to John and Elizabeth Baltyn.**
- 3. Acknowledges all legal costs associated with the preparation of the alfresco dining licence are to be borne by the licensee.**
- 4. Authorises the Chief Executive Officer to finalise the conditions of the licence agreement.**

NOTES:

- 1. CADASTRAL BOUNDARIES DERIVED FROM LANDGATE INFORMATION, DIMENSIONS SUBJECT TO SURVEY BY LICENCE SURVEYOR
- 2. TOTAL STATION SURVEY

ATTACHMENT 2.1

PEEL INLET



LEASE AREA = 76m²

2026
DP 404907

123
D 1222

R 27622
2025
DP 209581
111m²

ALFRESCO

BUILDING

123
D 1334
(SP62868)
331m²

503
DP 404907

504
DP 404907

MANDURAH TERRACE

FOR INFORMATION



A3

A	ISSUED FOR INFORMATION	PB	24/07/2020
NO.	REVISION	APPR	DATE
AMENDMENTS			



3 Peel Street PO Box 210
Mandurah WA 6210
T (08) 9550 3777
F (08) 9550 3888

METADATA	
HORIZONTAL DATUM : PCG 94	
VERTICAL DATUM : AHD	
FILE LOCATION :	
L:\SURVEY DATA\MANDURAH NORTH	
WEST\AUTOCAD\S20-1403 RESERVE 27622 LOT 2025	
MANDURAH TCE LEASE AREA SKETCH.DWG	

	BY	DATE
SURVEYED	JS	15/07/2020
DRAWN	JS	16/07/2020
CHECK	PB	24/07/2020
APPROVED	PB	24/07/2020
ACCOUNT NUMBER	N/A	
CLIENT	R.L.	

PROJECT – LEASE AREA SKETCH FOR SPURS		
SITE – R 27622 LOT 2025 MANDURAH TCE, MANDURAH		
TITLE – LEASE AREA SKETCH		
SHEET 01 OF 01	DWG NO.	REVISION
	S20-1403-01	A

3	SUBJECT:	Naming: Mandurah Skate Park
	DIRECTOR:	Director Business Services/Director Built and Natural Environment
	MEETING:	Ordinary Council Meeting
	MEETING DATE:	24 November 2020

Summary

The redevelopment of the existing Western Foreshore skate park into a regional scale skate and activity space for the Mandurah community and visitors alike is nearing completion, with an anticipated opening date of mid December 2020.

As the skate and activity space will be a greatly enhanced destination for the local community and visitors, with an international competition level facility, officers recommend that the existing name of 'Bill Bowler Skate Park' should be reconsidered. The current name is not easily recognisable and therefore a new name providing greater prominence around the location by including 'Mandurah' in its name should be considered for the facility.

Consultation processes, both internal and external, have suggested the name 'Mandurah Skate Park' would be considered a natural choice, with anecdotal evidence inferring the community will likely refer to the facility by this name irrespective of any other name applied.

The Geographic Naming Committee (GNC) at Landgate has given their consent to the decommissioning of the existing name subject to family support, which has been obtained; and GNC have confirmed their approval of the new name.

Although a Council resolution is not required for GNC approvals, City Officers considered that due to the prominence of the site and possible public interest in both the new name and the decommissioning of the existing commemorative name, Council support is recommended. An alternative form of commemoration for Mr Bowler will be installed on the Western Foreshore.

Council approval is therefore sought to officially apply to GNC for the decommissioning of the existing topographic feature name 'Bill Bowler Skate Park' and the approval of the new topographic feature name of 'Mandurah Skate Park'.

Disclosure of Interest

Nil

Location

- Hall Park (Reserve 27581) Old Coast Road, Halls Head



Previous Relevant Documentation

- G.38/11/99. 16 November 1999 Council endorses the naming of the skate park as 'The Bill Bowler Skate Park'.

Background

The demolition of the existing skate park (officially approved topographic feature name of 'Bill Bowler Skate Park') and construction of a new regional, competition level facility is a key part of the re-development of the Western Foreshore Recreation Precinct and Mandurah Waterfront Project.

The pre-existing skate park, located in Hall Park, was built in late 1999 and commemoratively named upon implementation after Bill Bowler, the owner of King Carnival at the time, for his contribution to the community, in particular the young and disabled. The skate park has been a prominent and well-utilised facility by the Mandurah youth and families since its inception.

The site is key to the City's strategic development objective as part of the City Centre Waterfront project and, as one of the foremost youth spaces within the area, and will be a strategic public realm hub for Mandurah and the wider area, becoming a destination for youth and families within the region.

The pre-existing skate park has now been demolished with the new skate and activity space is on target for completion by mid December 2020. Entry and management signs needs to be developed, with the City's new branding, and the signs procured, fabricated and installed to coincide with the opening of the facility, therefore the naming of the new space needs to be confirmed and official approvals arranged through Landgate.

The name 'Bill Bowler Skate Park' was endorsed by Council in November 1999, as a commemorative naming after Mr Alan George "Bill" Bowler who was the owner of the King Carnival fairground at the time, however, it was not officially approved as a feature at Landgate until May 2012.

The Landgate approval for the name advises:

'Alan George "Bill" Bowler, as he was always known, was a compassionate man who is remembered for his generosity to the community and the compassion he showed to the young and disabled from rural areas, to whom he gave free access and rides at his King Carnival site which was located near this skate park. His contribution to the Mandurah Lions saw him receive a "Melvin Jones Fellowship" in 1990, an award from the Family and Children's Services in 1995 and

Mandurah's "Citizen of the Year" from the National Australia Day Council in 1998. Mr Bowler passed away on 18 March 2000 aged 78 years.'

Comment

The GNC advise that the existing name can be decommissioned as the skate park has now been demolished and subject to the written consent of the family of Mr Bowler. City officers have obtained this consent from the family, who have advised they are agreeable and understand the reasoning for decommissioning the current name.

As official names are intended to be enduring, City officers propose to arrange an alternative form of commemoration for Mr Bowler such as signage within the Western Foreshore development area, and propose to liaise with the Bowler family and the Mandurah Lions Club, whom Mr Bowler was heavily affiliated with.

With respect to determining a new name for the facility, community members were asked the question of a name (being something meaningful to Mandurah), with many creative responses and discussion with the following responses received:

- *Most Common* - Mandurah Skate Park; Mandjoogoordap Skate Park (indigenous meaning 'meeting place of the heart'); and the retention of the current name of Bill Bowler Skate Park.
- Other suggestions included Blue Manna Park, Sixty-Two Ten Skate Park and The Crab Pit, Crab Park, Claw Park, Bon Scott Skatepark and Peel Plaza.

Analysis of similar such facilities around the globe indicate a multitude of name origins applied as follows:

- Most commonly - Location based, with local relatively new skate parks of a similar scale within Western Australia primarily named on this basis, i.e. Busselton Skate Park, Fremantle Skate Park.
- Activity /Theme Based - e.g. The Snake Run (Albany), The Edge (Kwinana), Monster Skate Park (Sydney), Xtreme Skate Park (Singapore), Skatedome (Denmark), Scarborough Skate Park (known as The Snake Pit), Amazing Square Skate Park (Tokyo).
- Design based – Fitzroy Bowl, Subi Bowl, 'Le Bowl' France, The Level Brighton.

The matter has been considered by City officers with the outcome being a recommendation that the existing name be decommissioned and the name 'Mandurah Skate Park' be applied to the new facility.

Reasons supporting the proposed name include:

- References it being located in Mandurah, which is preferable for a destination, international competition level facility.
- Anecdotally, it is understood the existing name was not well known or used by the general public and the facility was more commonly referred to as the 'Mandurah Skate Park'.
- Bill Bowler's community contribution has more relevance to the King Carnival site (currently Hall Park/Western Foreshore) and previously in location of Mandurah Performing Arts Centre/Reading Cinemas.

The restoration of an Aboriginal Place Name for the Hall Park Western Foreshore area (Diddaalaamaap) along with other areas is being progressed and will be subject to a separate approval process. The new skate park signage will feature the approved facility name and message 'Wandjoo, Welcome to Didaalamaap, Binjareb Boodja' to acknowledge the country on which the facility exists.

Consultation

City officers have obtained this consent from Bill Bowler's family, who have advised they are agreeable and understand the reasoning for decommissioning the current name.

Statutory Environment

- *Land Administration Act 1997 – Section 25 (c) Subject to 25A the Minister may name, rename and cancel the name of any topographical feature, road or reserve; - Section 26A – If the local government approves a name it is forwarded to the Minister for Lands for final approval;*
- *Geographic Names Committee – Policies and Standards for Geographical Naming in Western Australia provided by Landgate.*

Policy Implications

- POL-PKR 04 – Naming of Community Infrastructure and Public Places

Economic Implications

Nil

Risk Analysis

Nil

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

Social:

- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.

Health:

- Provide and facilitate quality infrastructure that is accessible, and conducive to a healthy, active community.

Conclusion

The new skate and activity space on the Western Foreshore, which is a key infrastructure component of the City Centre Waterfront development, is nearing completion and a name for the new space is required to enable signage to be installed at the entrance to the facility.

The existing skate park has been removed and therefore its name, the 'Bill Bowler Skate Park', is able to be decommissioned, subject to the consent of the family, which has been obtained. City officers recommend that, as the new facility is an international competition level space, a new name incorporating 'Mandurah' should be applied to the site, with consultation both internally and externally supporting the name of 'Mandurah Skate Park'.

Council approval is therefore sought to officially apply to GNC for the decommissioning of the name 'Bill Bowler Skate Park' and the approval of the new name 'Mandurah Skate Park', while acknowledging that Mr Bowler will be appropriately commemorated as part of the redevelopment of the Western Foreshore.

NOTE:

- Refer **Attachment 3.1 Skate and Activity Space - Final Concept Design Overview**

RECOMMENDATION

That Council:

- 1. Supports the decommissioning of the official topographic feature name of 'Bill Bowler Skate Park'.**
- 2. Approves the official naming of the new Western Foreshore skate and activity space as a topographic feature name of 'Mandurah Skate Park'.**
- 3. Supports alternative recognition of Mr Bowler by way of signage and commemoration within the Western foreshore re-development.**

ATTACHMENT 3.1

Skate and Activity Space – Final Concept Design Overview



4	SUBJECT:	Proposed Change of Use to Tavern: 3 Mandurah Terrace, Mandurah
	DIRECTOR:	Business Services
	MEETING:	Council Meeting
	MEETING DATE:	24 November 2020

Summary

Council is requested to consider a development application for a proposed change of use from 'Small Bar' to 'Tavern' at the subject site. The applicant is seeking a Tavern Restricted licence to permit an increase in maximum occupancy from 120 persons to 180 persons. The establishment will continue to run under the existing business model, with the aim to provide a relaxed, comfortable setting.

The proposal was advertised to approximately 200 landowners representing a 150m radius of the site and numerous properties located across the water on San Marco Quays and within the Port Mandurah canals. During the consultation period, six submissions were received. Key comments raised related to noise, anti-social behaviour and security.

It has been demonstrated, via an acoustic assessment, that the proposal can comply with the *Environmental Protection (Noise) Regulations 1997* subject to the existing Noise Management Plan being maintained. These requirements have been implemented through the recommended conditions, with additional conditions to minimise the potential for anti-social behaviour and disruption.

It is considered that the application of appropriate management conditions would minimise the potential for noise and anti-social behaviour, and therefore through these conditions it is recommended that Council approve the proposed change of use.

Disclosure of Interest

Nil

Location



Property Details

Applicant:	Bar Therapy Mandurah ATF Mana Family Trust
Owner:	J & E Baltyn
Scheme No 3 Zoning:	City Centre Development
Peel Region Scheme Zoning:	Regional Centre
Lot Size:	1055m ²
Topography:	Predominately flat
Land Use:	Small Bar

Previous Relevant Documentation

- G.19/2/19 26 February 2019 Council resolved to forward the Central Mandurah Activity Centre Plan to the Western Australian Planning Commission for final approval.

Background

Subject Site

The subject building, known as Tuckey House, is listed on the Local Heritage Inventory as having considerable significance. Previous planning and building approvals have ensured that any alterations or extensions reinforce the significance of the place.

Bar Therapy has occupied the building for a number of years, operating under a Small Bar licence.

Statutory Framework

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2) required the preparation of an Activity Centre Plan for all strategic metropolitan, secondary, district and specialised centres prior to the consideration of any further major development within these centres. In accordance with the requirements of SPP 4.2 and the Deemed Provisions for Local Planning Schemes, an Activity Centre Plan was prepared for the Central Mandurah area, and adopted by Council for advertising in March 2018.

The Central Mandurah Activity Centre Plan (ACP) was prepared in order to meet the requirements of SPP4.2, and combined, consolidated and integrated the three existing Precinct Plans (City Centre, Mandurah Terrace and Inner Mandurah) and two existing Outline Development Plans (Mandurah Ocean Marina and Mandurah Junction) so that planning requirements would be consistent and simplified across Central Mandurah. Of relevance to this application is the City Centre Precinct Plan. Once the ACP is approved by Western Australian Planning Commission (WAPC), the ACP will replace each of these existing Precinct Plans and Outline Development Plans.

In February 2019, Council resolved to forward the ACP to the WAPC for final approval. The WAPC has advised that final approval of the ACP will not be granted until LPS12 is operational. The draft LPS12 has been forward to the WAPC for final approval and endorsement by the Minister for Planning. It is unknown how long the WAPC will take to approve (or require modifications or refuse) LPS12 in order for the draft ACP to subsequently be considered and approved (or require modifications or refuse). However, as the ACP has been supported by Council, the document can be a 'seriously entertained' planning instrument, meaning that the local government is seriously considering adopting or approving. Therefore, Council shall have due regard to both the City Centre Precinct Plan and the ACP when considering this application.

Comment

Proposed Development

The application seeks to change the approved land use from Small Bar to Tavern, with the applicant proposing to operate under a Tavern Restricted Liquor Licence. The primary purpose of the change is to enable an increase in maximum occupancy from 120 persons to 180 persons, as requested by the applicant. The applicant will be required to comply with the maximum occupation certificate issued under the *Health (Public Buildings) Regulations 1992*, which the assessment is independent to the development approval. The establishment will continue to run under the existing business model, with the aim to provide a relaxed, comfortable setting with interactive cocktails and gourmet bar food. The increased occupancy would allow the space to be utilised for special events and functions, whilst still having the capacity for walk in customers.

Land Use

Under the City's Town Planning Scheme No 3 (Scheme) the subject site is zoned City Centre Development. Within this zone, due regard is to be given to the City Centre Precinct Plan (Precinct Plan). Under the Precinct Plan, a Tavern is an 'X' use within the Heritage Sub Precinct, meaning that it is not permitted. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), Council is to have due regard to, but is not bound by, the Precinct Plan when determining an application.

Under the ACP, the subject site is located within the City Centre Precinct. The site is also noted as being within the Heritage Precinct, however unlike the Precinct Plan, the ACP does not stipulate specific land uses for heritage properties. Within the City Centre Precinct, a Tavern is a 'D' (discretionary) use meaning it can be considered by Council.

In the ACP, the objective for the City Centre precinct is to become the key employment, retail and entertainment destination for the wider region. The ACP also notes that residential land uses should not dominate outcomes necessary to ensure that entertainment land uses prevail. As such, it is clear within the ACP that retail and entertainment are the preferred land uses within the City Centre precinct. The subject site is therefore considered to be a suitable location for a proposed Tavern. As with other existing establishments, harm minimisation conditions can be incorporated into the development approval and subsequent liquor licence to ensure that noise, excessive alcohol consumption and patron behaviour are appropriately managed.

Liquor Licence

There are 15 categories of Liquor Licences available in Western Australia. Each licensed category varies in permitted trading hours and the manner in which liquor can be sold and supplied. The primary difference between a Small Bar licence and Tavern Restricted licence is the number of patrons. A Small Bar licence permits a maximum of 120 persons to be on the premises at any time. The permitted operating hours and type of service (i.e. alcohol without a meal) are the same for a Small Bar and Tavern Restricted licence.

Under the *Liquor Control Act 1988*, an application for a Liquor Licence is made to the Department of Racing Gaming and Liquor (RGL) and is required to include local government certificates demonstrating compliance with:

- the *Public Health Act 2016*;
- the *Food Act 2008*;
- the *Local Government Act 1995*;
- the *Building Act 2011* and,
- specific planning matters.

A local government's local planning scheme serves as an important tool in shaping a community's liquor environment outside of the *Liquor Control Act 1988*. An application for a Liquor Licence cannot be approved by RGL if the local government development approval has not been granted. Through the development application, the City can impose appropriate conditions, which may form part of a subsequent liquor licence, if approved by RGL.

Amenity

The submissions raised issues associated with excessive noise, the likelihood of anti-social behaviour and concerns about security. These matters are relevant planning considerations, however it is possible to impose appropriate mitigation methods via conditions to reduce the potential risks to the public and private amenity. The submissions raised concerns regarding the potential cumulative impact of existing licensed premises in the locality. Whilst it is acknowledged that a cluster of licensed premises may result in an increase in anti-social behaviour, the cumulative impact is reasonable in this location given that the ACP has identified the City Centre as the preferred location for entertainment uses. The cumulative impact can also be reduced and adequately managed through harm minimisation conditions.

The existing noise management conditions will remain applicable and the applicant does not seek to amend the current Bar Therapy Noise Management Plan dated 15 April 2019. The applicant has submitted a noise assessment which demonstrates that the increase in patron levels will not impact the venues ability to comply with the *Environmental Protection (Noise) Regulations 1997*.

Conditions are recommended with the aim of protecting the amenity of the area, and include:

- Requirements for the presence of seating for the majority of patrons to ensure that patrons are seated whilst consuming alcohol.
- Noise management measures for both background music and live music with style, level and time restrictions.
- Patron management plans that include the monitoring of patrons movements at the closure of the venue and provision of calling facilities to assist in monitoring behaviour.
- Requirement for meals to be available to patrons at all times of trade. As with existing venues, a 'meal' can be pre-prepared food and does not necessary require a chef to be on site at all times.

The above requirements represent harm minimisation measures aimed at reducing the impact of noise, discouraging excessive alcohol consumption and monitoring patron behaviour to ensure that the surrounding amenity is not severely impacted.

The Precinct Plan requires that any amplified music venue must be capable of fully enclosing all parts of the licensed area after 10:00pm and be able to demonstrate that they can practically move all patrons from the outdoor area of the venue into an enclosed noise attenuated area after this time. The intent of this requirement was to prevent large "beer garden" situations which can result in very high levels of patron and music noise emissions. Via a submitted acoustic assessment, the applicant has demonstrated that the venue can operate within the allowable noise levels without shifting patrons inside. Officers consider that in this instance, it would not be necessary to apply this requirement, given the smaller scale of this venue and the separation from existing and future residential land uses. It should also be noted that this requirement has not been included within the ACP.

Parking

Under the Precinct Plan, no parking bays are required to be provided on site and no cash-in-lieu payments are required within the Heritage Precinct.

Under the ACP, five car parking bays would be required. It is noted that the same number of bays are required for a Small Bar and a Tavern and therefore no additional bays are required for this land use. It is not considered appropriate or necessary to retrospectively require the provision of five parking bays and/or cash-in-lieu payment.

MEAG Comment

This item does not have any impact on the natural environment and therefore has not been referred to Mandurah Environmental Advisory Group for comment.

Consultation

The proposed tavern at 3 Mandurah Terrace was advertised to approximately 200 surrounding landowners between 5 October 2020 and 23 October 2020. The consultation included a 150m radius from the subject site and various residential properties located across the water, as highlighted in the image below. The WA Police were also consulted during this time.



Map showing extent of advertising.

During the consultation period the following submissions were received in relation to 3 Mandurah Terrace:

Owner / Address	Submission (Summarised comments)	Comment
1. A & S Drummond Halls Head	a. Depending on wind conditions, noise from the tavern may be heard. b. Supportive of the proposed tavern. c. Together with other proximal entertainment and hospitality venues, they are likely to enhance the amenity of this part of	a. The submitted acoustic report demonstrates that the venue will be able to operate within allowable levels. b. Noted. c. Noted.

	“downtown” Mandurah and complement the recent and on-going redevelopment of the near-bridge vicinity.	
2. J Williamson Mandurah	Objects to the proposed tavern for the following reasons: a. There is already an abundance of licensed premises in the area commonly resulting in excessive noise, anti-social behaviour and property damage. b. The establishment should be required to pay for additional security for at least an hour after closure to move patrons on. The responsibility should not fall onto the Police. c. Acknowledge that increased noise is accepted with inner city living, however anti-social behaviour is an issue. d. Increased capacity will exacerbate the existing problems with increased traffic and associated noise.	a. The subject site is located within an entertainment precinct and is the preferred location for this type of establishment. Recommended conditions serve as harm minimisation measures and there are laws in place to deter anti-social behaviour and property damage. b. Noted. Recommended conditions seek to limit anti-social behaviour including the provision of security following closing of the venue. c. Recommended conditions serve as harm minimisation measures and there are laws in place to deter anti-social behaviour and property damage. d. The subject site is located within the city centre area, where increased traffic is generally expected.
3. Council of Owners for One Brighton Mandurah	Object to the proposed tavern for the following reasons: a. There is already an abundance of licensed premises in the area commonly resulting in excessive noise, anti-social behaviour, trespassing and property damage. b. Majority of issues are prevalent at closing time, however can also occur as patrons move between venues. There is currently no effective security dealing with the issue. c. Existing issues will be exacerbated by additional venues and increase in patron numbers.	a. The subject site is located within an entertainment precinct and is the preferred location for this type of establishment. Recommended conditions serve as harm minimisation measures and there are laws in place to deter anti-social behaviour and property damage. b. Noted. Recommended conditions seek to limit anti-social behaviour including the provision of security following closing of the venue. c. As above, the subject site is located within an entertainment precinct and it is considered appropriate for an accumulation

		of night-time entertainment uses in this area. Recommended conditions serve as harm minimisation measures.
4. B Hutchen-Craig Brighton Hotel Mandurah	a. Trust that all RGL and Building Code of Australia requirements for the licence change will be met, with proper toilet facilities.	a. These requirements are not a planning consideration and do not form part of this assessment. The applicant will also be required to obtain Building and Health approvals for the proposed change. Preliminary assessments by the City's Building and Health Services suggest that the existing facilities are sufficient for the proposed number of patrons.
5. J Hutchen Redmanna Restaurant / The Bridge Garden Bar Mandurah	a. Note that the previous application for a Tavern Restricted License on this site was refused by RGL. b. Request that the same rules and regulations for a Tavern Restricted License be applied to all venues.	a. Since the previous application, changes have been made to the statutory framework which would enable the land use to be considered on the subject site. b. The application is for a change of use to a Tavern. The recommended conditions are consistent with other taverns within the area. The liquor licence application for a Tavern Restricted License will be determined by RGL.
6. A Barrett	a. Questions whether the building is suitable for an increase in capacity, in terms of RGL requirements and number of toilet facilities.	a. The liquor licence application and assessment by RGL is a separate process, subsequent to this application. The applicant will also be required to obtain Building and Health approvals for the proposed change. Preliminary assessments by the City's Building and Health Services suggest that the existing facilities are sufficient for the proposed number of patrons.

Statutory Environment

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015* ("Deemed Provisions");
- *Peel Region Scheme*;
- *Town Planning Scheme No. 3*;
- City Centre Precinct Plan; and
- Draft Central Mandurah Activity Centre Plan

The development application was received on 11 September 2020. This is within the required statutory timeframe for assessment of 90 days.

Policy Implications

The City has an Alcohol Management Policy, POL – PBH 04 with objectives to:

1. Guide the City's approach to encouraging environments where the consumption of alcohol can provide economic opportunity and improved vibrancy; and
2. Provide strategic guidance for the community, applicants and City employees regarding considerations associated with licensed venues and events.

The application provides for extensive seating and meal availability supporting a lower risk drinking environment. While there is a number of similar licensed venues nearby, the City officers consider that with appropriate harm minimisation measures as set out in the proposed conditions that any impacts can be successfully managed.

Economic Implications

Nil

Risk Analysis

Should the applicant feel aggrieved by the determination, then an appeal may be lodged with the State Administrative Tribunal.

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.
- Actively partner and engage with business and industry to build Mandurah's entrepreneurial capacity and capability.

Social:

- Promote and encourage community connectedness to create social interaction and a strong sense of security and belonging.
- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.

Organisational Excellence:

- Listen to and engage with our community in the decision-making process.

Conclusion

Council is requested to consider a development application for a proposed change of use from 'Small Bar' to 'Tavern' at the subject site. Six submissions were received, with key comments raised relating to noise, traffic, anti-social behaviour and security. Recommended conditions and management plans serve as harm minimisation measures.

The existing noise management conditions will remain applicable and the applicant does not seek to amend the current Bar Therapy Noise Management Plan. It has been demonstrated via an addendum to the acoustic assessment that with an occupancy of 180 persons, the venue will continue to operate within the allowable levels assigned by the *Environmental Protection (Noise) Regulations 1997*. Appropriate noise management measures have been incorporated into the recommended conditions to ensure that the amenity of the surrounding area is maintained.

It is recommended that Council approve the application subject to conditions.

NOTE:

- Refer **Attachment 4.1 Floor Plan and Seating Layout**

RECOMMENDATION

That in accordance with Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes)*, that Council grant development approval for proposed Change of Use to a Tavern (DA9475) at Lot 504, No 3 Mandurah Terrace, subject to the following conditions:

1. Prior to commencement of the use, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah.
2. The operation of the premises must be carried out in accordance with the Harm Minimization and Management Plan dated June 2020 to the satisfaction of the City of Mandurah.
3. The venue must operate in accordance with the acoustic report AES-890050-R01-1-14032019 and the noise management plan approved by the City of Mandurah (as amended) during the hours of operation.
4. Unless otherwise agreed in writing by the City of Mandurah, the following measures shall be taken to ensure that the proposed operation does not adversely affect the amenity of the neighbourhood:
 - 4.1. The maximum number of patrons shall be 180 at any one time, subject to compliance with the *Health (Public Buildings) Regulations 1992* Maximum Accommodation Certificate and whichever is the lesser amount.
 - 4.2. Seating must be provided for a minimum 75% of the approved maximum accommodation number granted under the *Health (Public Buildings) Regulations 1992* except for one-off events in accordance with the City's Alcohol Management Policy POL-PBH 04.
 - 4.3. Meals must be available to patrons at all times of trade.
 - 4.4. Delivery vehicles, forklifts and waste vehicles must only enter the site or be operated on or adjacent to the site between 7:00am and 7:00pm Monday to Saturday; and 9:00am and 7:00pm on Sundays or Public Holidays. All vehicles must have their engine turned off during loading and unloading of goods/waste associated with the use of the site to the satisfaction of the City of Mandurah.
 - 4.5. The number of crowd controllers must be provided in accordance with the requirements of the Department of Local Government, Sport and Cultural Industries and be present until 1 hour after trading ceases each Friday and Saturday night and each Sunday that proceeds a Monday long weekend.

Advice Notes:

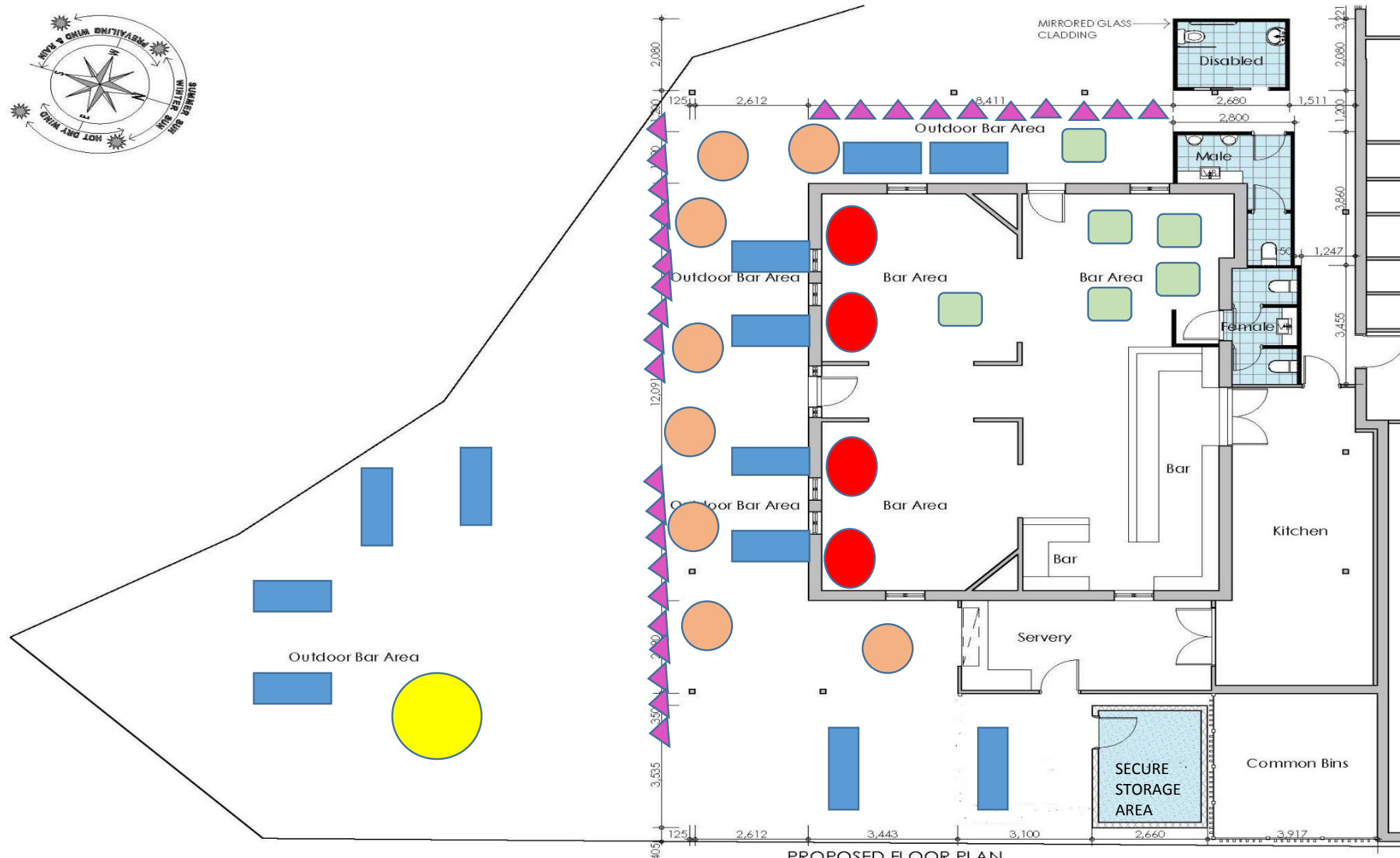
1. The applicant is encouraged to review the City of Mandurah [Waste Management Plan Guidelines for Commercial and Industrial Developments](#).
2. The premises will be subject to the requirements of the *Health (Public Buildings) Regulations 1992*.



ATTACHMENT 4.1

KEY:

-  Round Cane Table 4-6 seats
-  Long Table and Bench seats - 8 seats
-  Slim Jim seating – 12-14 seats
-  Hi Table 4 Stools
-  Booths 8 seats
-  Stools 1 seat X 30 Stools



PROPOSED FLOOR PLAN

1:100



STAGE: CONCEPT SKETCH

CLIENT: BALTYN

PROJECT: ABLUTION EXTENSION
3 Mandurah Terrace
MANDURAH WA 6210

SHEET: PROPOSED FLOOR PLAN

REV	COMMENT	DATE
A	CONCEPT SKETCH (ISSUED FOR CLIENT COMMENT)	6/04/2017 2:33 PM
B	CONCEPT SKETCH (ISSUED FOR COUNCIL COMMENT)	19/04/2017 9:48 AM
C	CONCEPT SKETCH (LEASING PLAN)	20/04/2017 1:16 PM
D	CONCEPT SKETCH (LICENSING PLAN)	17/05/2017 11:43 AM

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SHEET NO:
5 OF 5
JOB NO:
2017-0793
DRAWING NO:
5.A

5	SUBJECT:	Proposed Change of Use to Tavern: 7 Mandurah Terrace, Mandurah
	DIRECTOR:	Business Services
	MEETING:	Ordinary Council Meeting
	MEETING DATE:	24 November 2020

Summary

Council is requested to consider a development application for a proposed change of use from 'Restaurant' to 'Tavern' for the ground floor at the subject site. The applicant will be seeking a Tavern liquor licence to allow for bar service and to enable the small production and sale of packaged liquor. The proposed venue is a 'boutique' style tavern, with tapas style food and an operational distillery making gin and vodka using local produce and ingredients. The proposal includes alfresco dining within the existing pedestrian access easement, providing additional activity and vibrancy to this laneway and waterfront precinct.

The proposal was advertised to approximately 200 landowners representing a 150m radius of the site and numerous properties located across the water on San Marco Quays and within the Port Mandurah canals. During the consultation period, eight submissions were received. Key comments raised related to noise, anti-social behaviour and security.

It has been demonstrated, via an acoustic assessment, that the proposal can comply with the *Environmental Protection (Noise) Regulations 1997*. Appropriate noise management measures have been incorporated into the recommended conditions to ensure that the amenity of the surrounding area is maintained, with additional conditions to minimise the potential for anti-social behaviour and disruption.

It is considered that the application of appropriate management conditions would minimise the potential for noise and anti-social behaviour, and therefore through these conditions it is recommended that Council approve the proposed change of use.

Disclosure of Interest

Nil

Location



Property Details

Applicant:	ATF Mana Family Trust
Owner:	J & E Baltyn
Scheme No 3 Zoning:	City Centre Development
Peel Region Scheme Zoning:	Regional Centre
Lot Size:	656m ²
Topography:	Predominately flat
Land Use:	Restaurant

Previous Relevant Documentation

- G.19/2/19 26 February 2019 Council resolved to forward the Central Mandurah Activity Centre Plan to the Western Australian Planning Commission for final approval.

Background

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2) required the preparation of an Activity Centre Plan for all strategic metropolitan, secondary, district and specialised centres prior to the consideration of any further major development within these centres. In accordance with the requirements of SPP 4.2 and the Deemed Provisions for Local Planning Schemes, an Activity Centre Plan was prepared for the Central Mandurah area, and adopted by Council for advertising in March 2018.

The Central Mandurah Activity Centre Plan (ACP) was prepared in order to meet the requirements of SPP4.2, and combined, consolidated and integrated the three existing Precinct Plans (City Centre, Mandurah Terrace and Inner Mandurah) and two existing Outline Development Plans (Mandurah Ocean Marina and Mandurah Junction) so that planning requirements would be consistent and simplified across Central Mandurah. Of relevance to this application is the City Centre Precinct Plan. Once approved by the Western Australian Planning Commission (WAPC), the ACP will replace each of these existing Precinct Plans and Outline Development Plans.

In February 2019, Council resolved to forward the ACP to the WAPC for final approval. The WAPC have advised that final approval of the ACP will not be granted until LPS12 is operational. The draft LPS12 has been forward to the WAPC for final approval and endorsement by the Minister for Planning. It is unknown how long the WAPC will take to approve (or require modifications or refuse) LPS12 in order for the draft ACP to subsequently be considered and approved (or require modifications or refuse). However, as the ACP has been supported by Council, the document can be a 'seriously entertained' planning instrument, meaning that the local government is seriously considering adopting or approving. Therefore, Council shall have due regard to both the City Centre Precinct Plan and the ACP when considering this application.

Comment

Proposed Development

The application seeks to change the approved land use on the ground floor from Restaurant to Tavern, with the applicant proposing to operate under a Tavern Liquor Licence. The proposed venue is described by the applicant as a 'boutique' style tavern, with an operational distillery making gin and vodka using local produce and ingredients. The venue is intended to be a comfortable, relaxed, family friendly environment where customers can enjoy views of the estuary and surrounds. The commercial kitchen will be fitted out to produce gourmet tapas style food and will be operational during opening hours. The venue does not seek to include a TAB, sports screens, pool tables and loud bands which are generally characteristics that are often associated with taverns. The requested maximum occupancy is 200 persons, however the applicant will be required to comply with the maximum occupation certificate issued under the *Health (Public Buildings) Regulations 1992*, which the assessment is independent to the development approval.

The proposed business operation includes information sessions, distillery tours and tastings available to tourists, visitors and locals. Small batch brews of infused gins and vodkas will be available to taste and purchase.

Land Use

Under the City's Town Planning Scheme No 3 (Scheme), the subject site is zoned City Centre Development. Within this zone, due regard is to be given to the City Centre Precinct Plan (Precinct Plan). Under the Precinct Plan, a Tavern is a 'SA' use within the Mandurah Waterfront Sub Precinct, meaning that it can be considered by Council and must be advertised. Similarly, under the ACP a Tavern is a 'D' (discretionary) use within the City Centre zone meaning it can be considered by Council.

The objective for the City Centre precinct is to become the key employment, retail and entertainment destination for the wider region. The ACP also notes that residential land uses should not dominate outcomes necessary to ensure that entertainment land uses prevail. As such, it is clear within the ACP that retail and entertainment are the preferred land uses within the City Centre precinct. The subject site is therefore considered to be an ideal location for a proposed Tavern. As with other existing establishments, harm minimisation conditions can be incorporated into the development approval and subsequent liquor licence to ensure that noise, excessive alcohol consumption and patron behaviour are appropriately managed.

Site Layout and Use of Laneway

The subject site has an existing easement for the purposes of public access along the southern boundary of the property. The easement area is 2.5m wide and runs the entire length of the property. The adjoining property (3 Mandurah Terrace) has a matching easement, which when combined form the existing laneway. The laneway provides a pedestrian connection between Mandurah Terrace and the boardwalk and contributes to the activation of this waterfront precinct.

As part of this application, the proponent is requesting to utilise half of the laneway space for alfresco dining. The easement area on 3 Mandurah Terrace would remain unobstructed to allow for pedestrian access down the laneway. The laneway is currently split over two levels which acts as a physical separation between the two easements, refer to the image below. Legal advice obtained by the City has confirmed that the use of the area for alfresco dining would not require the easement to be modified, provided that no permanent obstructions or fixtures are installed. Officers consider that the partial use of this laneway for alfresco dining would further activate the space and would be a positive contribution to creating a vibrant city centre. The combined width of the easements would still permit sufficient space for pedestrian movement throughout the area.

Both properties are currently under the same ownership and officers have advised the landowner that should Council approve this proposal, the situation will not be able to be replicated on the adjoining easement at 3 Mandurah Terrace. This is to ensure that pedestrian access is retained. Legal advice obtained by the City suggested that a condition be imposed stipulating that the use of the easement may continue only while the two properties are in the same ownership. This has been reflected in the officer's recommendation.



Pedestrian access easement at 3 & 7 Mandurah Terrace

Liquor Licence

There are 15 categories of Liquor Licences available in Western Australia. Each licensed category varies in permitted trading hours and the manner in which liquor can be sold and supplied. A restaurant licence should be focused on the provision of food and requires that alcohol is consumed with a meal unless a liquor without a meal permit is obtained. Table service is required in all circumstances. The applicant is seeking a change to a Tavern licence to allow for bar service and to enable the small production and sale of packaged liquor, which in this case will be a distillery for gin and vodka. A Restaurant licence does not generally have restrictions on trading hours, whereas a Tavern licence has permitted trading hours of 6:00 am to 12 midnight Monday to Saturday, 10:00 am to 12 midnight on Sundays and varied hours on public holidays.

Under the *Liquor Control Act 1988*, an application for a Liquor Licence is made to the Department of Racing Gaming and Liquor (RGL) and is required to include local government certificates demonstrating compliance with:

- the *Public Health Act 2016*;
- the *Food Act 2008*;
- the *Local Government Act 1995*;
- the *Building Act 2011* and
- specific planning matters.

A local government's local planning scheme serves as an important tool in shaping a community's liquor environment outside of the *Liquor Control Act 1988*. An application for a Liquor Licence cannot be approved by RGL if the local government development approval has not been granted. Through the development application, the City can impose appropriate conditions, which may form part of a subsequent liquor licence if approved by RGL.

Amenity

The submissions raises issues associated with excessive noise, the likelihood of anti-social behaviour and concerns about security. These matters are relevant planning considerations, however it is possible to impose appropriate mitigation methods via conditions to reduce the potential risks to the public and private amenity. The applicant has submitted a noise assessment which demonstrates that the proposed venue

will be able to operate within the allowable levels stipulated within the *Environmental Protection (Noise) Regulations 1997*.

The submissions raised concerns regarding the potential cumulative impact of existing licensed premises in the locality. Whilst it is acknowledged that a cluster of licensed premises may result in an increase in anti-social behaviour, the cumulative impact is reasonable in this location given that the ACP has identified the City Centre as the preferred location for entertainment uses. The cumulative impact can also be reduced and adequately managed through harm minimisation conditions.

Conditions are recommended with the aim of protecting the amenity of the area, and include:

- Requirements for the presence of seating for the majority of patrons to ensure that patrons are seated whilst consuming alcohol.
- Noise management measures for both background music and live music with style, level and time restrictions.
- Patron management plans that include the monitoring of patrons movements at the closure of the venue and provision of calling facilities to assist in monitoring behaviour.
- Requirement for meals to be available to patrons at all times of trade. As with existing venues, a 'meal' can be pre-prepared food and does not necessary require a chef to be on site at all times.

The above requirements represent harm minimisation measures aimed at reducing the impact of noise, discouraging excessive alcohol consumption and monitoring patron behaviour to ensure that surrounding amenity is not severely impacted.

The Precinct Plan requires that any amplified music venue must be capable of fully enclosing all parts of the licensed area after 10:00pm and be able to demonstrate that they can practically move all patrons from the outdoor area of the venue into an enclosed noise attenuated area after this time. The intent of this requirement was to prevent large "beer garden" situations which can result in very high levels of patron and music noise emissions. Via a submitted acoustic assessment, the applicant has demonstrated that the venue can operate within the allowable noise levels without shifting patrons inside. Officers consider that in this instance, it would not be necessary to apply this requirement, given the demonstrated compliance with the *Environmental Protection (Noise) Regulations 1997* and separation from existing and future residential land uses. It should also be noted that this requirement has not been included within the ACP.

Parking

Under the Precinct Plan and ACP, 10 car parking bays would be required. It is noted that the same number of bays are required for a Restaurant and a Tavern and therefore no additional bays are required for this land use. It is not considered appropriate or necessary to retrospectively require the provision of 10 parking bays and/or cash-in-lieu payment.

MEAG Comment

This item does not have any impact on the natural environment and therefore has not been referred to Mandurah Environmental Advisory Group for comment,

Consultation

The proposed tavern at 7 Mandurah Terrace was advertised to approximately 200 surrounding landowners between 5 October 2020 and 23 October 2020. The consultation included a 150m radius from the subject site and various residential properties located across the water, as highlighted in the image below. The WA Police were also consulted during this time.



Map showing extent of advertising.

During the consultation period the following submissions were received in relation to 7 Mandurah Terrace:

Owner / Address	Submission (Summarised comments)	Comment
1. A & S Drummond Halls Head	a. Depending on wind conditions, noise from the taverns may be heard. b. Supportive of the proposed tavern. c. Together with other proximal entertainment and hospitality venues, they are likely to enhance the amenity of this part of "downtown" Mandurah and complement the recent and on-going redevelopment of the near-bridge vicinity.	a. The submitted acoustic report demonstrates that the venue will be able to operate within allowable levels. b. Noted. c. Noted.
2. J Williamson Mandurah	Objects to the proposed tavern for the following reasons: a. There is already an abundance of licensed premises in the area commonly resulting in excessive noise, anti-social behaviour and property damage.	a. The subject site is located within an entertainment precinct and is the preferred location for this type of establishment. Recommended conditions serve as harm

	b. The establishment should be required to pay for additional security for at least an hour after closure to move patrons on. The responsibility should not fall onto the Police. c. Acknowledge that increased noise is accepted with inner city living, however anti-social behaviour is an issue. d. Increased capacity will exacerbate the existing problems with increased traffic and associated noise.	minimisation measures and there are laws in place to deter anti-social behaviour and property damage. b. Noted. Recommended conditions seek to limit anti-social behaviour including the provision of security following closing of the venue. c. Recommended conditions serve as harm minimisation measures and there are laws in place to deter anti-social behaviour and property damage. d. The subject site is located within the city centre area, where increased traffic is generally expected.
3. Council of Owners for One Brighton Mandurah	Object to the proposed tavern for the following reasons: a. There is already an abundance of licensed premises in the area commonly resulting in excessive noise, anti-social behaviour, trespassing and property damage. b. Majority of issues are prevalent at closing time, however can also occur as patrons move between venues. There is currently no effective security dealing with the issue. c. Existing issues will be exacerbated by additional venues and increase in patron numbers.	a. The subject site is located within an entertainment precinct and is the preferred location for this type of establishment. Recommended conditions serve as harm minimisation measures and there are laws in place to deter anti-social behaviour and property damage. b. Noted. Recommended conditions seek to limit anti-social behaviour including the provision of security following closing of the venue. c. As above, the subject site is located within an entertainment precinct and it is considered appropriate for an accumulation of night-time entertainment uses in this area. Recommended conditions serve as harm minimisation measures.
4. S & E Von-Paleske	a. There are sufficient hotels/taverns in the area. b. Prefer Spurs to remain as it provides a safe family friendly environment.	a. The City's ACP encourages entertainment land uses to locate within this precinct. b. The applicant has applied for a change of use to Tavern and the City is assessing the application.

	c. Records of unruly behaviour and complaints at Spurs should be compared with licensed premises in the surrounding area.	c. Recommended conditions serve as harm minimisation measures and there are laws in place to deter anti-social behaviour.
5. B Hutchen-Craig Brighton Hotel Mandurah	a. Trust that all RGL and Building Code of Australia requirements for the licence change will be met, with proper toilet facilities.	a. These requirements are not a planning consideration and do not form part of this assessment. The applicant will also be required to obtain Building and Health approvals for the proposed change. Preliminary assessments by the City's Building and Health Services suggest that the existing facilities are sufficient for the proposed number of patrons.
6. J Hutchen Redmanna Restaurant / The Bridge Garden Bar Mandurah	a. Request that the same rules and regulations for a Tavern Restricted License be applied to all venues.	a. The application is for a change of use to a Tavern. The recommended conditions are consistent with other taverns within the area. The liquor licence application for a Tavern Restricted Licence will be determined by RGL.
7. P Fernades Golden Cloud Spur Mandurah	a. Objects to the proposal and notes that the application was not done on his behalf. b. Currently disputing their rights to extend the lease of the subject tenancy. c. There are already a sufficient number of venues of the same licence category. d. These establishments attract a particular demographic of patron that depreciates the safety and reputation of the community. e. Need a family-friendly venue which caters for all age demographics and contributes positively to the image of the Mandurah CBD.	a. Noted. The landowner has signed the application form. b. Details of the lease does not form part of the planning assessment. c. The City's ACP encourages entertainment land uses to locate within this precinct. d. As above, the subject site is located within an entertainment precinct. Recommended conditions serve as harm minimisation measures and there are laws in place to deter anti-social behaviour. e. The applicant has applied for a change of use to Tavern and the City is assessing the application.
8. A Barrett	a. Questions whether the building is suitable for an increase in capacity, in terms of RGL requirements and number of toilet facilities.	a. The liquor licence application and assessment by RGL is a separate process, subsequent to this application. The applicant will also be required to obtain Building and Health approvals for the proposed change. Preliminary assessments by the City's Building and Health Services

		suggest that the existing facilities are sufficient for the proposed number of patrons.
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Statutory Environment

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015* (“Deemed Provisions”);
- *Peel Region Scheme*;
- *Town Planning Scheme No. 3*;
- City Centre Precinct Plan; and
- Draft Central Mandurah Activity Centre Plan (ACP)

Policy Implications

The City has an Alcohol Management Policy, POL – PBH 04 with objectives to:

1. Guide the City’s approach to encouraging environments where the consumption of alcohol can provide economic opportunity and improved vibrancy; and
2. Provide strategic guidance for the community, applicants and City employees regarding considerations associated with licensed venues and events.

The application provides for extensive seating and meal availability supporting a lower risk drinking environment. While there is a number of similar licensed venues nearby, the City officers consider that with appropriate harm minimisation measures as set out in the proposed conditions that any impacts can be successfully managed.

Economic Implications

Nil

Risk Analysis

Should the applicant feel aggrieved by the determination, then an appeal may be lodged with the State Administrative Tribunal.

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.
- Actively partner and engage with business and industry to build Mandurah’s entrepreneurial capacity and capability.

Social:

- Promote and encourage community connectedness to create social interaction and a strong sense of security and belonging.
- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.

Organisational Excellence:

- Listen to and engage with our community in the decision-making process.

Conclusion

Council is requested to consider a development application for a proposed change of use from 'Restaurant' to 'Tavern' for the ground floor at the subject site. Eight submissions were received, with key comments raised relating to noise, traffic, anti-social behaviour and security. Recommended conditions and management plans serve as harm minimisation measures.

It has been demonstrated via an acoustic assessment that the proposed venue can operate within the allowable levels assigned by the *Environmental Protection (Noise) Regulations 1997*. Appropriate noise management measures have been incorporated into the recommended conditions to ensure that the amenity of the surrounding area is maintained.

It is recommended that Council approve the application subject to conditions.

NOTE:

- Refer **Attachment 5.1 Floor Plans**

RECOMMENDATION

That in accordance with Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes)*, that Council grant development approval for proposed Change of Use to a Tavern (DA9475) at Lot 123, No 7 Mandurah Terrace, subject to the following conditions:

1. Prior to commencement of the use, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah.
2. Prior to commencement of the use, a harm minimisation and management plan shall be submitted to and approved by the City of Mandurah. The operation of the premises must be carried out in accordance with the approved harm minimisation and management plan to the satisfaction of the City of Mandurah.
3. Prior to commencement of the use, a sign concept plan shall be submitted to and approved by the City of Mandurah, and shall indicate all the intended locations of signs to be placed within the site and on any building(s).
4. The venue must operate in accordance with the acoustic report AES-890122-R01-0-31082020 during the hours of operation.
5. Unless otherwise agreed in writing by the City of Mandurah, the following measures shall be taken to ensure that the proposed operation does not adversely affect the amenity of the neighbourhood:
 - 5.1. Seating must be provided for a minimum 75% of the approved maximum accommodation number granted under the *Health (Public Buildings) Regulations 1992* except for one-off events in accordance with the City's Alcohol Management Policy POL-PBH 04.
 - 5.2. Meals must be available to patrons at all times of trade.
 - 5.3. Delivery vehicles, forklifts and waste vehicles must only enter the site or be operated on or adjacent to the site between 7:00am and 7:00pm Monday to Saturday; and 9:00am and 7:00pm on Sundays or Public Holidays. All vehicles must have their engine turned off during loading and unloading of goods/waste associated with the use of the site to the satisfaction of the City of Mandurah.

- 5.4. The number of crowd controllers must be provided in accordance with the requirements of the Department of Local Government, Sport and Cultural Industries and be present until 1 hour after trading ceases each Friday and Saturday night and each Sunday that proceeds a Monday long weekend.**
- 6. The use of the easement area is restricted to temporary furniture (packable tables and chairs etc) only, to the specification and satisfaction of the City of Mandurah. No permanent obstructions or fixtures are permitted to be installed. The use of the easement area may only continue while the two adjoining properties (3 Mandurah Terrace and 7 Mandurah Terrace) are in the same ownership.**

Advice Notes:

- 1. The applicant is encouraged to review the City of Mandurah [Waste Management Plan Guidelines for Commercial and Industrial Developments](#).**
- 2. The premises will be subject to the requirements of the *Health (Public Buildings) Regulations 1992*.**
- 3. Any changes to the lay out of the food preparation area must be approved by the City's Health Services team.**
- 4. Prior to commencement of the use, an application for a building permit and occupancy permit are to be submitted to and approved by the City of Mandurah. The applicant is advised to consult a private building surveyor to obtain the appropriate advice and certificates needed for these applications.**

APPDX 2

FOH PATRON AREAS

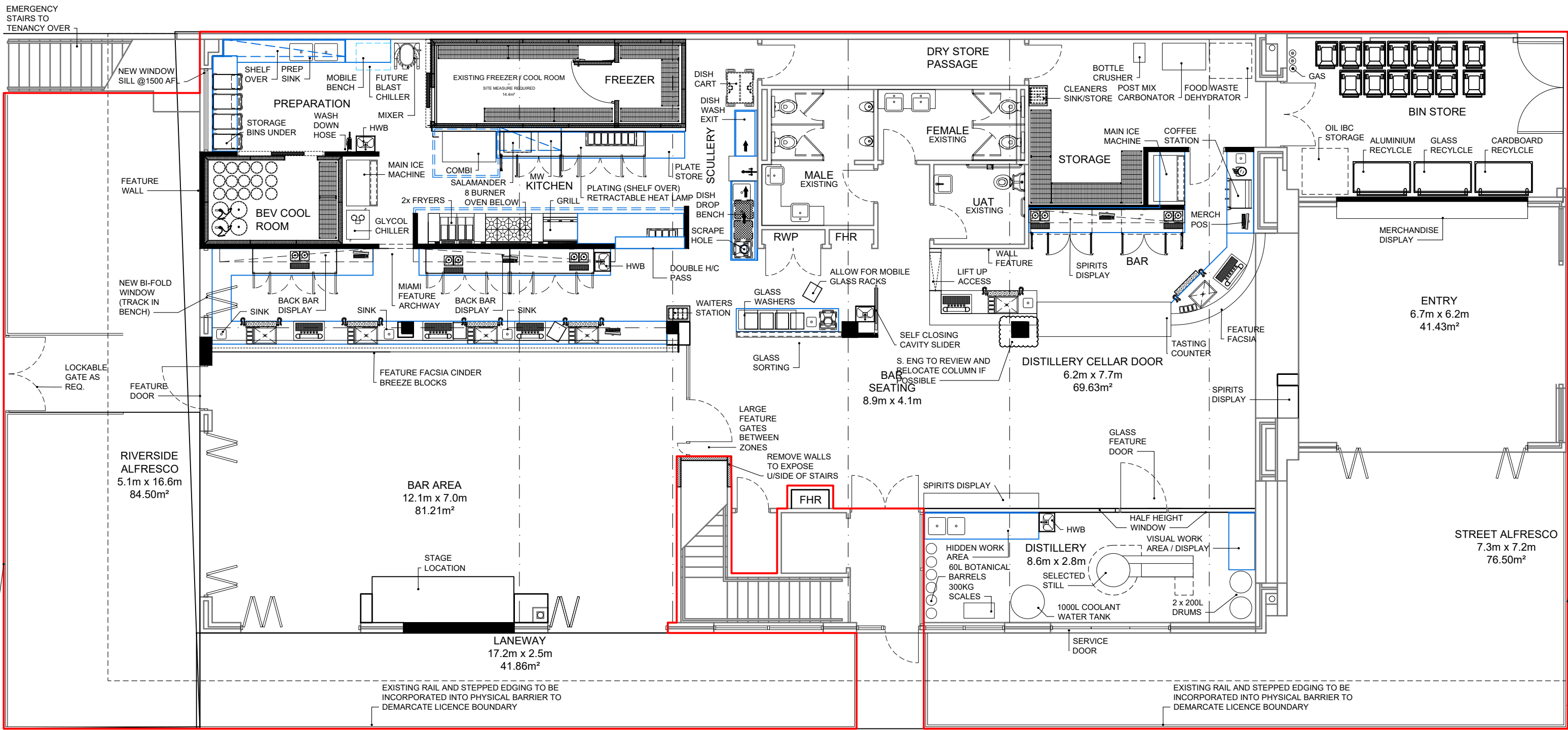
ENTRY	= 41.43m ²
STREET ALFRESCO	= 76.50m ²
DISTILLERY CELLAR DOOR	= 69.63m ²
BAR AREA	= 81.21m ²
RIVERSIDE ALFRESCO	= 84.50m ²
LANEWAY ALFRESCO	= 41.86m ²

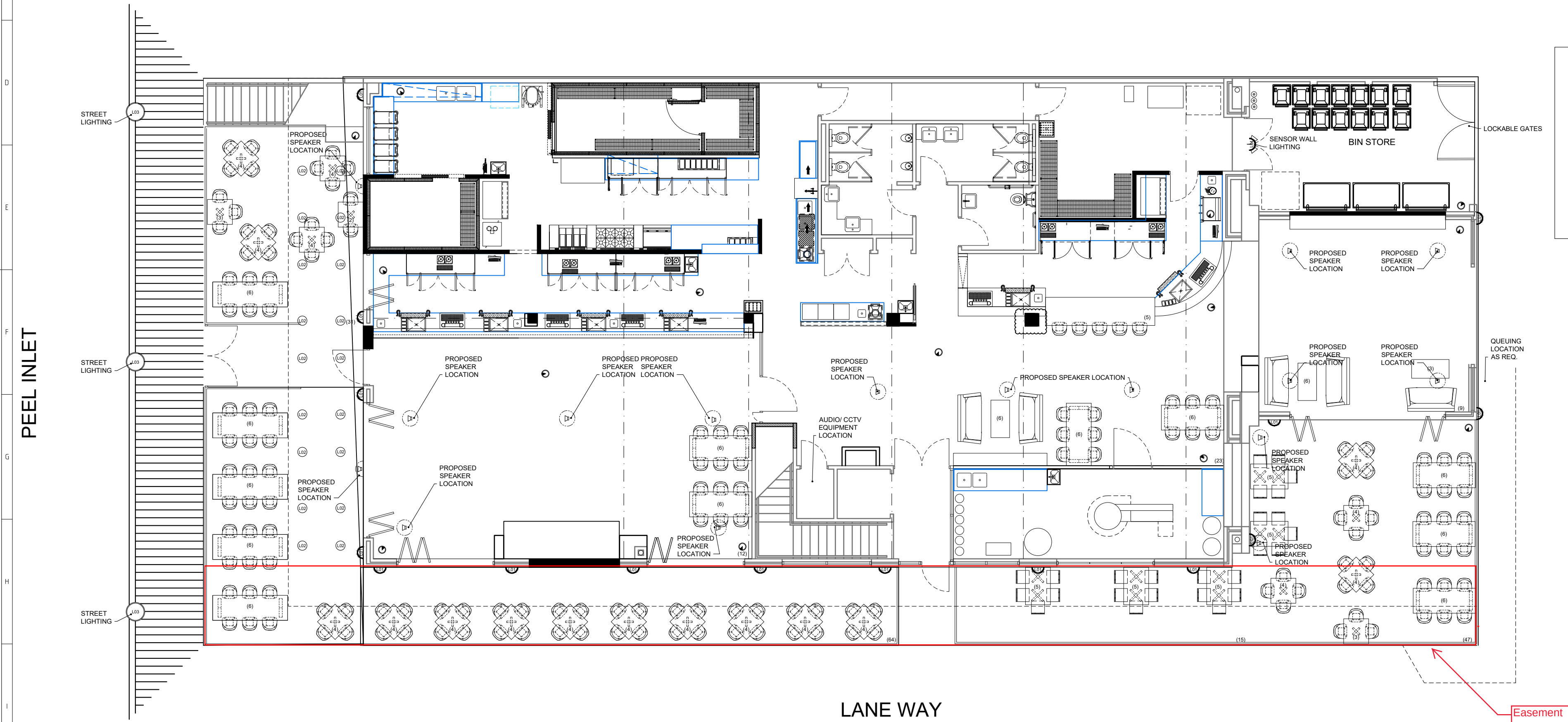
TOTAL APPROX PATRON AREAS =395.13m²
= 464 PATRONS (@1/0.85m²)

SERVICE AREAS

BIN STORE	= 33.06m ²
STORAGE	= 29.59m ²
TOILETS	= 29.31m ²
STREET BAR AREA	= 27.63m ²
RIVERSIDE BAR AREA	= 44.43m ²
DISTILLERY	= 24.94m ²
KITCHEN	= 76.84m ²

TOTAL BACK OF HOUSE AREAS =265.80m²





AUDIO / SECURITY AND EXTERNAL LIGHTING LEGEND

- EXISTING WALL LIGHT
- EXISTING EXTERNAL DOWNLIGHT
- EXISTING STREET LIGHT
- NEW WALL MOUNTED SENSOR LIGHT
- SPEAKER
- WALL SPEAKER
- PROPOSED SECURITY CAMERA (TBC BY SECURITY CONSULTANT)

Easement

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6	SUBJECT:	Commercial Vehicle Parking
	DIRECTOR:	Director Business Services
	MEETING:	Council Meeting
	MEETING DATE:	24 November 2020

Summary

At the Ordinary Council Meeting of 25 August 2020, a Notice of Motion was carried that requested City officers to review of the approval process and outcomes for the parking of Commercial Vehicles in residential areas. The Notice of Motion sought to provide an overview of the local planning scheme and policy provisions and the history of approvals issued.

Officers have undertaken a review of the process and provided responses to the Notice of Motion questions. It is noted that a small number of commercial vehicle development approvals have been issued over recent years.

As a result of this review and in light of the impending gazettal of the City of Mandurah Local Planning Scheme 12 (LPS12) it recommended that a Local Planning Policy incorporating Commercial Vehicle parking be prepared for consideration by Council prior by 31 March 2021.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.10/8/20 25 August 2020 That Council directs officers to provide a report outlining a review of the approval process and outcomes for the parking of Commercial Vehicles in Residential Areas.
- G.16/7/20 28 July 2020 Council approved Commercial Vehicle Parking at 8 Copperfield Close, Greenfields.

Background

Commercial vehicle parking in residential areas is a long-standing practice commonly seen throughout local government areas. There are numerous reasons a Commercial Vehicle owner would seek to house their vehicle at their place of residence, with cost savings and convenience the primary reasons. A Commercial Vehicle is, by nature, the source of income and when in use, is away from the premises. The current planning framework allows for the accommodation of such vehicles at residential properties subject to the protection of amenity to other residents in the surrounding area.

A Notice of Motion was carried by Council at the meeting of 25 August 2020 in regards to the parking of Commercial Vehicles in residential areas. The motion moved that Council directs officers to provide a report outlining a review of the approval process and outcomes for the parking of Commercial Vehicles in residential areas. The reason for the motion was noted as aiding Council in gaining a further understanding of the implications of decision making by providing an overview of the current local planning scheme and policy provisions relating to Commercial Vehicles in residential areas.

The following outlines the history of Commercial Vehicle applications the City has received, summarising the different types of vehicles, locations and implications of parking Commercial Vehicles within the residential zone in contrast to confining them to an industrial zone. Officers have also compared the practices of the City of Mandurah with comparable local governments and discovers similarities in the consideration of such proposals. Given all historical and current Commercial Vehicle parking proposals

have been under the provisions of the City's Town Planning Scheme 3 (TPS3), the recommendations consider the future implications with the impending gazettal of LPS12.

Comment

State of Emergency provisions introduced by the Minister for Planning have provided an exemption for the requirement of obtaining development approval for a Commercial Vehicle in a residential area. It is noted this is a temporary exemption brought about as a result of the global pandemic and upon the lifting of the State of Emergency, the requirements specified below will continue to apply.

Current Town Planning Scheme requirements and approvals process

Under the provisions of TPS3, a 'Commercial Vehicle'

"means a vehicle that is used or is designed for the use by a business, a trade or for commercial purposes including a:

- utility and any attachment;*
- van and any attachment;*
- truck and any attachment;*
- trailer and any attachment;*
- tractor and any attachment;*
- bus and any attachment; or*
- any earthmoving machine, whether self-propelled or not.*

The term shall not include any vehicle designed as a:

- passenger car including a trailer or any other thing most commonly used as an attachment to a car, or*
- a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1½ tonnes."*

Section 5.17 of TPS3 sets out the current framework for considering Commercial Vehicle parking. It prohibits a Commercial Vehicle from being parked, or remain stationary for more than two hours on any land zoned Residential, Urban Development, Canal, Rural Residential or City Centre Development, where the predominant land use is residential, unless:

- a) it is housed in a domestic garage or domestic outbuilding or,
- b) the vehicle is being used in connection with building, construction works or any other use approved by Council for that land;
- c) Council has issued a planning approval permitting the parking of such a vehicle.

In undertaking an assessment for a Commercial Vehicle, the criteria is stipulated in clause 5.17.2 of Scheme 3 and is outlined as follows:

- a) *The number of dwellings contained on the lot where the vehicle is proposed to be parked;*
- b) *The proposed on-site parking location;*
- c) *The potential impacts on neighbourhood residents with respect to noise, emissions, visual appearance or any other nuisance;*
- d) *The frequency and times of arrival and departure, with such a vehicle not to be taken from or brought to the lot between the hours of 10pm and 6:30am.*

Any approvals granted through TPS3, as specified in section 5.17.3, are granted to a specific person; are not transferable; relate to a specific vehicle; and does not run with the land. This means a new approval is

necessary if the vehicle changes, the ownership changes or a relocation occurs. Section 5.17.4 provides that any approval granted can be rescinded if it is sufficiently demonstrated the Commercial Vehicle is causing a nuisance and section 5.17.5 restricts the servicing or repair of any Commercial Vehicles in the zones where planning approval is required.

Further, TPS 3 section 7.1.3 also states:

"Without limiting the generality of the expression "development" for the purposes of the Scheme the Council's Development Approval is required in writing in respect of the following:

(e) The parking of a Commercial Vehicle on any land zoned Residential, Urban Development, Canal, Rural Residential or City Centre Development, where the predominant land use is residential."

Officers currently assess a Commercial Vehicle proposal against the above-mentioned framework. Given the potential impact on amenity, officers assessments will seek to ensure that the affected neighbours have been provided the opportunity to comment. This may, and most often does, take the form of formal consultation, however where a proponent has provided documented support from affected neighbours, this can provide that surety.

If, through the process of assessment, the proposal is deemed acceptable, and consultation indicates there are no objections, the proposal is generally granted conditional approval under delegated authority. If, however, significant objection is received and officers cannot reach a resolution through negotiation with the parties affected, a report is generally presented to Council with a recommendation. In either event, if the proposal is supported and approval is granted, it is always subject to conditions to ensure the amenity remains.

City of Mandurah Commercial Vehicle parking approvals

Since 1994, the City has received 44 applications for Commercial Vehicles. The below table shows the determination of those applications:

Determination:	Number of Applications:
Approved by Delegated Authority	25
Refused by Delegated Authority	6
Approved by Council	6
Refused by Council	1
Withdrawn/Cancelled	5
Not Considered	1
Total:	44

Between 2015 - 2020, 16 Commercial Vehicles have been approved, four have been approved by Council and 12 have been approved under delegated authority:

Year	No. of Approvals	Determination
2020	2	One approved by Council and one under delegated authority
2019	2	Both approved under delegated authority
2018	7	Two approved by Council and five under delegated authority
2017	3	All approved under delegated authority
2016	0	N/A
2015	2	One approved by Council and one under delegated authority

During this five-year period, of the 16 Commercial Vehicles approved, six were as a result of complaints raised and the initiation of compliance action. Through the subsequent assessment and application of conditions, compliance has been managed and the City has received minimal complaints.

Development Compliance

The City's Development and Compliance team has historically received between 5-8 complaints per year for Commercial Vehicles within residential areas. Whilst a number of these are where the owner has not made application for planning approval and results in an application for planning approval, a number are not considered acceptable and results in the offending vehicles being moved on. For example, this year has seen eight items raised through the Development Compliance team. Of these, one has been granted conditional approval by Council, two are exercising their rights under the State of Emergency, one is within the statutory timeframe outlined on their directions notice and four have resulted in the trucks being removed from the properties.

Local Planning Scheme 12 (LPS12)

LPS12 is currently with the Western Australian Planning Commission for approval. LPS12 includes the following definitions relating to Commercial Vehicles:

Commercial Vehicle: means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including;

- (a) A utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) A vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a)

Commercial Vehicle parking: means premises used for parking of one or 2 Commercial Vehicles but does not include:

- (a) Any part of a public road used for parking or for a taxi rank; or
- (b) Parking of Commercial Vehicles incidental to the predominant use of the land.

Commercial Vehicle Parking is included in the land use table of Draft LPS12:

Use Class	C1 – Strategic Centre	C2 – District Centre	C3 – Neighbourhood Centre	C4 – Local Centre	Service Commercial	Light Industry	Mixed Use	Residential	Rural Residential	Rural Smallholdings	Rural	Private Clubs, Institutions and Place of Public Worship	Tourism	Urban Development
Specific Land Uses														
brewery	Refer to Clause 3.3.7	Refer to Clause 3.3.7	X	X	P	P	X	X	X	X	X	X	I	Refer to Clause 3.3.7
fast food outlet			P	X	X	X	X	X	X	X	X	X	X	
garden centre			X	X	P	P	X	X	D	D	X	X	X	
hospital			P	D	D	D	X	X	X	X	X	X	X	
commercial vehicle parking			D	D	P	P	X	D	D	D	D	X	X	
service station			P	X	D	D	X	X	X	X	X	X	X	
telecommunications infrastructure	Refer to Clause 3.3.7	Refer to Clause 3.3.7	P	D	P	P	D	D	D	D	X	D	D	Refer to Clause 3.3.7
veterinary centre			D	X	P	P	X	X	D	D	D	X	X	

Commercial Vehicle Parking is only permitted within the Service Commercial and Light Industry Zone. It is a discretionary use in all Residential Zones and not permitted within the Mixed Use, Private Clubs, Institutions and Place of Public Worship and the Tourism Zone.

In regards to the Residential Zone, a discretionary land use means that the use is not permitted unless the local government has exercised its discretion by granting development approval. This process would include consultation with neighbouring properties.

Unlike TPS3, the draft LPS12 does not include an assessment criteria and it is considered this should be addressed through the formulation of a local planning policy.

Comparison to other Local Governments

Commercial Vehicle parking in residential areas can be approved in other similarly located local governments such as City of Rockingham, City of Kwinana and City of Cockburn. In these local government areas, the framework for Commercial Vehicle parking within residential areas are controlled through their Scheme and/or a Local Planning Policy. Similarities between these local government examples and the City of Mandurah include restricted hours of arrival/departure; impacts of amenity; preference of the Commercial Vehicle being garaged or screened; similar definitions; and the number of vehicles is limited to 1 or 2 Commercial Vehicles per property. There are also similarities regarding consultation, conditions and compliance.

Ranger Involvement:

The approval to park a Commercial Vehicle under the planning framework applies to vehicles parked within private property boundaries. Rangers generally deal with Commercial Vehicles in residential areas that are parked in the street or on verges (i.e. in the public domain). This may be as a result of a complaint or as a result of a patrol.

The City of Mandurah *Parking and Parking Facilities Local Law 2015* provides as follows:

7.12 Stopping on a carriageway—heavy and long vehicles

- 1. A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a Gross Vehicle Mass of 4.5 tonnes on a*
 - a) carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or*
 - b) carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of heavy and long vehicles.*
- 2. Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or sign relating to the parking or stopping of vehicles.*

If the City receives a complaint that a Commercial Vehicle is parked on private property, then the matter is referred to compliance.

MEAG Comment

This item does not have any impact on the natural environment and therefore has not been referred to Mandurah Environmental Advisory Group for comment.

Consultation

Officers consulted with contemporary local governments.

Statutory Environment

- *Town Planning Scheme No 3*
- *Planning and Development Act 2005*

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Draft Local Planning Scheme No 12
- *Parking and Parking Facilities Amendment Local Law 2015*

Notice of Exemption (State of Emergency)

In response to the current State of Emergency, a number of changes have been made to the statutory planning framework. A Notice of Exemption was issued on 8 April 2020 which temporarily exempts parking of Commercial Vehicles on residential properties from requiring Development Approval. The Commercial Vehicle parking requirements stipulated in TPS3 still continue to apply and this includes restrictions on times that the Commercial Vehicle can be brought to / leave the property. This exemption will remain in effect until 90 days after the end of the State of Emergency.

Enforcement of Conditions

Should the City receive complaints regarding alleged non-compliance with the conditions of a Development Approval, an investigation will be carried out and enforcement action may be taken.

The City can gather evidence following any complaints of non-compliance with development conditions or exceedance of assigned noise levels. The City may utilise a recording device at neighbouring properties that can record decibel level, time and also audio of the vehicle. City officers can also undertake on site assessments to verify breaches of legislation.

Subject to the provision of appropriate evidence, there are a range of enforcement options under the provisions of the *Planning and Development Act 2005* (Act). In accordance with Section 223 of the Act, a person who commits an offence under the provisions of the Act, is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues. In accordance with Regulation 42 of the *Planning and Development Regulations 2009*, infringement notices of \$500 may be issued as an enforcement option in lieu of prosecution.

Policy Implications

There is not currently a Local Planning Policy that incorporates Commercial Vehicle parking. It is recommended that Council request officers to commence the formulation of a Local Planning Policy that incorporates Commercial Vehicle parking in residential zones and present to Council for consideration.

Economic Implications

The ability to accommodate Commercial Vehicles within the residential area provides potentially significant economic relief for small business owners.

The City can incur additional maintenance costs on its local roads as a result of Commercial Vehicles frequently using these roads and may result in major works being required earlier than anticipated. There are additional costs the City incurs from managing complaints and monitoring compliance.

Risk Analysis

While there are sufficient provisions within TPS 3 and LPS12 to control Commercial Vehicle parking in the residential areas, the risk to amenity could be strengthened by developing a thorough local planning policy. This provides greater certainty to the City and community and reduces the risks of appeal.

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.

Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.

Conclusion

The practice of accommodating Commercial Vehicles in the residential zone is common throughout the State and provides some small businesses the opportunity to be more economically viable. Whilst at times contentious, the majority of complaints raised with Commercial Vehicle parking are for those that are unapproved. The application of conditions as part of approvals for Commercial Vehicle parking in residential areas can largely be successfully managed. It is considered that while the existing framework allows for assessment and approvals to be issued, the preparation of a local planning policy to address in greater detail the assessment criteria and acceptable provisions for future applications, is warranted.

NOTE:

- Refer **Attachment 6.1** *Examples of Commercial Vehicles*

RECOMMENDATION

That Council requests officers to prepare for Council, consideration of a Local Planning Policy addressing Commercial Vehicles within the residential zone prior to 31 March 2021.

Note: The Local Planning Policy will provide a detailed framework that includes clear definitions, assessment criteria, decision making process, implications of conditions and compliance.

ATTACHMENT 6.1

Examples of Commercial Vehicles:





Examples of vehicles that are not a Commercial Vehicle:



7	SUBJECT:	Lakelands North-East Structure Plan Amendment No. 1
	DIRECTOR:	Director Business Services
	MEETING:	Council Meeting
	MEETING DATE:	24 November 2020

Summary

Council is requested to consider modifications to the Lakelands North-East Structure Plan, located at Lot 105 Stock Road, Lakelands.

In summary, the proposal seeks the following modifications to the Structure Plan:

1. Modify the residential density range from R25 – R40, to R25 – R60;
2. Provide a two-storey boundary wall provision for RMD-40 (R40) and RMD-60 (R60) lots; and,
3. Reconfigure public open space areas (POS) resulting in a decrease in POS allocation from 15.9% to 12.09%, and adjust residential areas and road alignments.

The Structure Plan was advertised for a minimum of 28 days with one submission being received and three submissions from government agencies.

A local government report including any recommendations is required to be submitted to the Western Australian Planning Commission (WAPC) for a decision. It is recommended that Council provide this report to the WAPC outlining that the Structure Plan be approved subject to modifications.

Disclosure of Interest

Nil

Location



Property Details

Applicant:	CDP Town Planning & Urban Design
Owner:	Lot 105 Lakelands Pty Ltd
Scheme No 3 Zoning:	Urban Development, Regional Open Space
Peel Region Scheme Zoning:	Urban, Regional Open Space
Lot Size:	132 hectares
Topography:	2m AHD to 21m AHD
Land Use:	Vacant Urban, Regional Open Space

Previous Relevant Documentation

- G.7/8/17 8 August 2017 Council resolved to support the Lakelands North-East Structure Plan subject to modifications.

Background

The Structure Plan area is bound by Regional Open Space to the North, Stock Road to the East, the Lakelands East Structure Plan to the South, and the Perth-to-Mandurah train line immediately to the West and the Lakelands North ('Ocean Hill') Structure Plan area.

The site has an area of 132.46ha, however 94ha is reserved as Regional Open Space, resulting in an urban zoned area of 38ha.

The Mandurah North Structure Plan identifies the subject site as being future urban development, subject to the submission of a Structure Plan.

In April 2018, the WAPC granted final approval of the Lakelands North-East Structure Plan which facilitates the development of the Urban portion of the site for residential purposes.

In December 2019, the Minister for Environment issued an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), enabling implementation of the proposed action. The action being the clearing of black cockatoo habitat and banksia woodland threatened ecological communities vegetation to enable the implementation of residential development across the site.

The EPBC Act approval includes conditions which the developer is required to implement. In response to this approval, the developer has sought to reconfigure the extent of POS areas.

Comment

Proposal

In summary, the proposal seeks the following modifications to the Structure Plan:

1. Modify the residential density range from R25 – R40, to R25 – R60;
2. Provide a two-storey boundary wall provision for RMD-40 (R40) and RMD-60 (R60) lots; and,
3. Reconfigure POS areas resulting in a decrease in POS allocation from 15.9% to 12.09%, and adjust residential areas and road alignments.

1. Density Range

The subject site is approximately 132ha in total, however the Urban portion equates to approximately 38ha.

The revised Structure Plan seeks to modify the density range for the estate from R25 – R40 to R25 - R60. The applicant has highlighted a greater interest from home builders / prospective landowners for alternative (smaller) lot product, therefore the introduction of an R60 density coding is now proposed.

Application of the medium densities (i.e. R40 and R60) is proposed subject to the relevant locational criteria including laneway product and other walkable catchment development areas (i.e. POS frontage, bus routes, proximity to school site).

Directions 2031 sets the following dwelling target for the Lakelands locality: 15 dwellings per hectare (gross urban zone) which would result in a projection of 569 dwellings for the subject site. A 'business as usual' scenario is based on 10 dwellings per hectare, resulting in a projection of 379 dwellings.

Based on the revised Structure Plan, it is anticipated that a total of 488 lots/dwellings will be provided. Despite the introduction of R60 coding, the revised Structure Plan projects an increase of only 27 lots/dwellings. The proposed yield is projected to be lower than the targets set by the State Government given the developers projected product mix and amount of POS being proposed (being in excess of the minimum 10% as per WAPC policy).

2. Two-Storey Boundary Wall Provision

The provisions under WAPC *Planning Bulletin 112/2016 Medium-density single house development standards – Structure Plan areas* ("RMD Codes") are applicable to the Structure Plan area. Given that these provisions have now been adopted by the City within Local Planning Policy 1, 'estate wide' LDP's are no longer considered to be required to facilitate the application of the RMD Codes.

Notwithstanding the above, the RMD Codes do not reference two-storey building height despite two-storey dwellings being prevalent in residential areas coded R40 and R60 – this is particularly applicable to laneway 'terrace' dwelling product.

The revised Structure Plan seeks to provide a two-storey boundary wall provision for RMD-40 (R40) and RMD-60 (R60) lots. The specific wording states:

"No maximum length to both side boundaries for wall height 7m or less".

This wording is considered to be consistent with Local Development Plan 1 (LDP) approved in October 2019. Local Development Plan 1 applies to 44 lots coded RMD-40 within the south-east corner of the Structure Plan area. Given that the LDP sought this variation to the medium density code standards, the approval of the WAPC was also required given it represents 'innovative housing typologies' (not considered in the specified type). The changes sought to the Structure Plan facilitate the developers desire of pursuing additional two-storey 'terraced' housing product within 'pockets' of the estate, and ultimately their demand will be market driven.

Officers consider the two-storey boundary wall provision to be acceptable in circumstances where an LDP mandates a minimum two-storey height for dwellings, to ensure the desired built form outcome is realised and to avoid instances of varying dwelling height / typologies (i.e. to avoid impacts when situated adjacent to single storey dwellings).

It is considered that the majority of R40 and R60 coded dwellings will be single storey, and assessed as per the standard residential design provisions. It is the developer's intention to ensure that these lots are either all two-storey or all single-storey, and therefore the mandatory height will be determined via an LDP. It is therefore recommended that the Structure Plan be modified to ensure that the boundary wall provision is only applicable where two-storey dwellings are mandated through an LDP. This approach is considered to be supported by the proponent

3. Public Open Space and SP adjustments

In December 2019, the Minister for Environment issued an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), enabling implementation of the proposed action. The action being the clearing of black cockatoo habitat and banksia woodland threatened ecological communities (TEC) vegetation to enable the implementation of residential development across the site.

The EPBC Act approval includes conditions which the developer is required to implement, these relate to:

- The maximum area of black cockatoo habitat and potential habitat trees allowed to be cleared;
- Revegetation planting of flora species known to be utilised by black cockatoos, within two areas of the subject site:
 - On the east side of Paganoni Swamp, within the 50m Core Conservation Wetland (CCW) buffer; and,
 - On the west side of Paganoni Swamp, within the 50m CCW buffer and existing cleared land up to the western cadastral boundary.
- Identification and implementation of an offsite offset for black cockatoos; and
- Installation of artificial black cockatoo nesting hollows.

The developer is currently implementing the EPBC Act approval as part of their works within the site. The applicant has highlighted that no further approvals under the EPBC Act are required to facilitate implementation of the proposed Structure Plan modifications.

In response to this approval, the developer has sought to reconfigure the extent of POS areas, reducing the approved 15.9% contribution (creditable surplus of 1.96ha) to a 12.09% contribution (creditable surplus of 0.69ha). It is important to note that the reduced POS area is still consistent with Liveable Neighbourhoods and WAPC's Development Control Policy 2.3 Public Open Space in Residential Areas, which specify a minimum of 10%. Furthermore, the CCW buffer (2.569ha) and future primary school site (2.001ha) do not form part of the POS area but contribute to the overall 'greening' of the Structure Plan area, and present opportunities for tree retention.

Collectively, the revised Structure Plan design allows for the future retention of up to 177 native trees (with a diameter at breast height of at least 300mm) within POS areas and the CCW buffer area. The proponents tree survey identifies a total of 468 trees – 205 of which with a diameter at breast height (DBH) of 300-500mm and 263 with a DBH greater than 500mm.

A landscape master plan has been prepared to demonstrate the intended amenities being provided within each of the POS areas (i.e. provision of play and fitness equipment, bbq facilities, shelter and seating, etc) – all but one POS area is located adjacent to the CCW buffer areas to maximise retention of significant remnant vegetation on-site.

Bushfire Planning

The revised Bushfire Management Plan (BMP) was assessed by the Department of Fire and Emergency Services (DFES). The BMP does not adequately address the policy requirements of State Planning Policy 3.7 and the Guidelines for Planning in Bushfire Prone Areas in the following ways:

- Landscaping plans should be included to demonstrate how and who will maintain the POS area as 'low threat' vegetation;
- Further information is required to ensure vegetation classification for a specific portion of the site ('vegetation plot 3') can be confirmed;
- Demonstration of POS area as 'low threat' vegetation will ensure future development meets the Guidelines;
- Recommended that Stock Road be upgraded to emergency access way standard providing connectivity to Paganoni Road, given the three permanent neighbourhood connector roads rely on the progress of the development to the south. Further information to be provided to demonstrate a performance based solution against the Guidelines, which involves the provision of a suitable emergency access way (including minimum surface treatment, horizontal and vertical clearance and maximum length).

It is important to note that greater detail will be provided at subdivision stage, and subject to the proponents staging plan will determine the level of bushfire threat. The creation of titled lots is subject to those lots achieving a suitable Bushfire Attack Level (BAL). Officers have come to a preliminary agreement regarding the 'low threat' nature and management of the vegetation within POS areas. Furthermore, the approval of

LDP's as a condition of subdivision approval is a standard tool used to demonstrate required setbacks in order to achieve separation from bushfire risk and as a result achieve a particular BAL.

DFES acknowledge that the land is zoned Urban Development with an expectation of subdivision, and that the current Structure Plan was previously assessed, however the areas to the west, north and east present an extreme bushfire risk and the precautionary principle should apply.

It is recommended that the BMP be revised as required by DFES, prior to final approval of the proposal – this forms part of the officer recommendation.

MEAG Comment

This item was considered by the Mandurah Environmental Advisory Group at its meeting on 22 September 2020. MEAG previously considered the Structure Plan (now approved) at its meeting on 7 July 2017, at the time MEAG provided the following recommendations which they now wish to reiterate. MEAG does not support the proposal in its current form for the following reasons:

1. *Tuart woodlands are on the final priority assessment list for threatened ecological communities, (TEC) protected under the EPBC Act and technically should be awarded the same level of protection until a final assessment is made. The structure plan does not appear to have taken appropriate consideration of this.*

Officer Comment:

An approval under the EPBC Act has now been issued for the proposed action. Under this approval the proponent must not clear more than 10.9 ha of black cockatoo habitat, 158 potential breeding trees and 6 suitable nesting hollows. A range of conditions under this approval are intended to offset the loss of black cockatoo habitat.

2. *Tree retention is limited only to the Public Open Space areas immediately adjacent to the wetland area and opportunities to retain trees of significance should be established throughout the site. This should not just be limited to mature trees.*

Officer Comment:

The proposal provides in excess of the 10% POS requirement providing opportunities for tree retention. There are also opportunities for retention within the CCW buffer which does not form part of the POS requirement. The proponent has acknowledged that there may be further opportunities for the retention of trees within road reserves and lots subject to future detailed design. The revised Structure Plan allows for the retention of up to 177 native trees within POS and CCW buffer areas.

3. *There are no considerations currently for Fauna Management which is an important concern at this site.*

Officer Comment:

The approval of a Fauna Management Plan as a condition of subdivision approval forms part of the Structure Plan.

MEAG also suggested the following recommendations should be considered in a review of the Structure Plan and associated reports:

4. *Early consideration of Fauna Management be conducted with particular reference to the management of kangaroos, venomous snake species, phascogales, chuditch, and quenda, and ensuring connectivity between wetland sites.*

Officer Comment:

Noted, see officer comment above (point 3).

5. *Opportunities be investigated to harvest and utilise timber from trees felled for development purposes.*

Officer Comment:

Noted, this advice can be provided to the proponent.

6. *Any activity shown to be adding a nutrient load to Paganoni Swamp be controlled or ceased as this wetland already has a high nutrient load due to previous farming practices at this site. This should be established through a water monitoring program.*

Officer Comment:

The approval of a Wetland Management Plan and a Local Water Management Strategy as conditions of subdivision approval forms part of the Structure Plan.

7. *Request of reduction in POS (to 12.09%) is not supported by MEAG. MEAG suggest more POS be provided so that a north/south movement of wildlife corridor can be provided.*

Officer Comment:

Noted, whilst the reduction in POS area is disappointing, the proposal maintains compliance with relevant WAPC policy (minimum 10%) and the proponent has highlighted that the conditions of the EPBC Act approval have influenced their design.

8. *Bushfire Management Plan is lacking.*

Officer Comment:

Noted, the recommendation highlights that the BMP is required to be revised in order to satisfy the comments made by the Department of Fire and Emergency Services.

9. *Relocation of the pumping station into POS is not supported by MEAG.*

Officer Comment:

The sewer pump station is considered to be essential infrastructure required to service future lots, and has been relocated from the north of the site where it was previously proposed to be directly adjacent to POS and Regional Open Space. Whilst the site is located adjacent to POS, it is not included with the POS area calculation.

10. *That the buffer on the northern section near Paganoni Reserve be increased.*

Officer Comment:

See officer comment above (point 7). The proponent has demonstrated the application of the required 50m CCW buffer.

11. *MEAG does not support the increased residential density.*

Officer Comment:

The increased density is intended to be applied in 'pockets' and is subject to locational criteria including laneway product and other walkable catchment development areas (i.e. POS frontage, bus routes, proximity to school site). The increased density is projected to result in an additional 27 lots/dwellings, whilst the projected yield remains below the density target set by the State Government for this locality.

12. *MEAG request to view the Management Plans when completed at development stage.*

Officer Comment:

Noted, any relevant management plans that undergo public advertising can be considered by MEAG.

Consultation

The Structure Plan was advertised via the City's consultation website Mandurah Matters for a minimum of 28 days. One submission was received as well as responses from three external agencies, all of which have been summarised and responded to in the Schedule of Submissions (refer *Attachment 7.2*).

Statutory Environment

The procedures for preparing a structure plan are prescribed by the *Planning and Development (Local Planning Schemes) Regulations 2015*. The local government is required to forward a report to the decision maker (being the WAPC).

Policy Implications

Nil

Economic Implications

The proposal seeks to provide for residential development.

Risk Analysis

N/A

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

Social:

- Facilitate safe neighbourhoods and lifestyles by influencing the built form through urban design.

Organisational Excellence:

- Listen to and engage with our community in the decision-making process.

Conclusion

Based on the proponents lot/dwelling mix proposed, the revised Structure Plan is anticipated to result in an additional 27 lots/dwellings despite an increase in density range being proposed. The introduction of R60 density provides an alternative/smaller lot product for builders to accommodate alternative housing product, however its application is subject to locational criteria (i.e. laneway product, walkable catchment, etc.).

The introduction of a two-storey boundary wall height provision is intended to facilitate 'terrace' style dwellings in concentrated 'pockets'. It is recommended that these 'pockets' be identified through a Local Development Plan which mandates a minimum dwelling height of two-storeys in order to achieve the dwelling typology proposed, and avoid impacts when situated adjacent to single storey dwellings. This modification to the Structure Plan is supported by the applicant.

Whilst the reduction in POS area is disappointing, the proposal maintains compliance with relevant WAPC policy (proposed 12.9% in lieu of 10%) and the proponent has highlighted that the conditions of the EPBC Act approval have influenced their design. The CCW buffer and future primary school site do not form part of the POS area but contribute to the overall 'greening' of the Structure Plan area. The applicant has demonstrated the intended amenities to be provided within the POS area via the preparation of a landscape master plan.

It is recommended that Council provide this report to the WAPC outlining that the Structure Plan be approved subject to modifications.

NOTE:

- Refer ***Attachment 7.1 Lakelands North-East Structure Plan Amendment 1***
Attachment 7.2 Schedule of Submissions

RECOMMENDATION

That Council under Clause 20(2) of *Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, provides this report to the Western Australian Planning Commission for the Lakelands North-East Structure Plan (Dated June 2020) recommending that the proposed Structure Plan should be approved subject to the following modifications and advice:

1. The wording of Clause 5.2 (b) which relates to the provision of two-storey boundary walls shall be further expanded to ensure that its application only occurs where two-storey dwelling height is mandated by a Local Development Plan.
2. Prior to the final approval of the Structure Plan by the WAPC, the developer shall revise the Bushfire Management Plan in line with Department of Fire and Emergency Services referral comments dated 30 September 2020.
3. The Local Water Management Strategy, Wetland Management Plan and Fauna Management Plan shall be amended as a condition of subdivision approval, given that the proposal seeks an increase to lot densities as well as reconfigured lots, roads and public open space.

PART ONE

Implementation.

Lakelands North-East Structure Plan

- 1 Structure Plan Area
- 2 Operation
- 3 Staging
- 4 Subdivision & Development Requirements
- 5 Local Development Plans
- 6 Other Requirements
- 7 Additional Requirements
- 8 Lakelands North-East Structure Plan (Plan 1)

Part One – Implementation.

1 Structure Plan Area

This Structure Plan applies to Lot 105 Stock Road, Lakelands, being the land contained within the inner edge of the line denoting the Structure Plan boundary on the Structure Plan (Plan 1).

The Structure Plan is identified as the Lakelands North-East Structure Plan (Structure Plan).

2 Operation

This Structure Plan comes into effect on the date it is approved by the Western Australian Planning Commission.

The Structure Plan is to be given due regard when considering development of subdivision applications.

3 Staging

The development of the subject land will be implemented in multiple stages. The staging plan is indicative as timing, location and composition of the future stages will be dependent on market demand.

The staging will commence in the southern portion of the subject land, with secure and sufficient vehicular access to be provided. The staging will generally move northwards.

The provision of engineering infrastructure and primary internal road network will also need to be staged to suit development demand. A detailed programme for this will be prepared as part of ongoing detailed planning and design of service infrastructure.

4 Subdivision & Development Requirements

4.1 Land Use Permissibility

- a) Land use permissibility within the subject land is to be in accordance with the corresponding zone or reserve under the City of Mandurah Town Planning Scheme No.3 (the 'Scheme').

4.2 Hazards and Separation Areas

- a) Residential lots identified within the Bushfire Prone Area of the Bushfire Management Plan (**Appendix 4.1**) will require a Bushfire Attack Level assessment to be undertaken at subdivision stage.
- b) A Detailed Noise Management Plan is to be prepared and implemented in accordance with State Planning Policy 5.4 *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* for lots identified as affected by noise under Figure B1 of Appendix B in the Acoustic Assessment prepared by Lloyd George Acoustics (**Appendix 4.2**).
- c) A modified Bushfire Management Plan demonstrating compliance with Element 3: Vehicular Access requirements of State Planning Policy 3.7 *Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas*.

4.3 Major Infrastructure

- a) Primary access to the subject land is proposed via three road connections to the south, approved as *Neighbourhood Connectors* in the *Lakelands East Structure Plan* (January 2015, as amended).
- b) Prior to lodging a request to the WAPC for clearance of the 101st lot, additional traffic modelling and assessment is required to be provided to the specification and satisfaction of Main Roads Western Australia to determine the requirement for the signalisation of the Mandjoogoordap Drive/Lilydale Drive intersection.

4.4 Public Open Space

- a) The Structure Plan (**Plan 1**) nominates an area of 4.25ha as creditable Public Open Space. The proposed Public Open Space meets the minimum 10% requirement as outlined in Part Two of this report.
- b) An updated Public Open Space schedule is to be provided at the time of subdivision for determination by the WAPC upon advice of the City of Mandurah.

4.5 Residential Density Targets

- a) Density Targets within the 'Urban' portion of the Structure Plan area include:
 - i. The density target for the '*gross urban zone*' is 15 dwellings per hectare across the subject land; and
 - ii. The density target in terms of '*site hectare*' is 25 dwellings per hectare across the subject land.
- b) Residential density codes shall be in accordance with those shown on the plan. The allocation of residential densities will generally be in accordance with the following locational criteria:

Density Code	General Location Principles	Criteria
R25	Applies to majority of the subject land, supporting delivery of traditional front loaded product.	Applies as the base code to single dwelling units on lots that do not have a laneway abutting the rear boundary.
R40	Located in general proximity to public open space, key distributor roads, key public transport nodes and routes.	Applies to: a) lots generally within, but not exclusive to, 100m walking distance of public open space, key distributor roads, and public transport routes; b) lots with a laneway abutting the rear boundary; and/or c) lots with a site area less than 300m² to a maximum density of R40.
R60	Similar locational principles to R40 but of a more intensive development than R40.	In addition to R40 criteria a) – b), the R60 density applies to: a) lots with a minimum site area less than 180m² to a maximum density of R60; or b) development sites designated 'Grouped Dwelling' via a WAPC approved subdivision.

4.6 Density Plans

The Structure Plan defines the residential ranges that apply to specific areas within the Structure Plan. Lot specific residential densities, within the defined residential density ranges, are to be subsequently assigned in accordance with a Residential Density Code Plan approved by the WAPC at the subdivision stage.

- a) A Residential Density Code Plan is to be submitted at the time of subdivision to the WAPC and shall indicate the Residential Density Coding applicable to each lot within the subdivision and shall be consistent with the Structure Plan, and the Residential Density Ranges identified on the Structure Plan and location criteria contained in Clause 4.5.

The Density Plan is to include a summary of the proposed dwelling yield of the subdivision and demonstrate how the density target within the Structure Plan, as specified in Clause 4.5, is progressively being achieved.

Approval of the Density Plan is to be undertaken at the time of determination of the subdivision application by the WAPC. The approved Density Plan is to then form part of the Structure Plan and is to be used for the determination of future development applications.

- b) Density Plans are not required if the WAPC considers that the subdivision is for one or more of the following:
 - i. the amalgamation of lots;
 - ii. the purposes of facilitating the provision of access, services or infrastructure;
 - iii. land which, by virtue of its zoning or reservation under the Structure Plan, cannot be developed for residential purposes; or
 - iv. land which, by virtue of its zoning under the Structure Plan, is not subject to a density range.

5 Local Development Plans

Local Development Plans will be prepared for the subject land pursuant to the WAPC's *Local Development Plan Framework* and Schedule 2, 'Deemed Provisions for Local Planning Schemes' of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5.1 Prescribed Requirements

- a) Local Development Plans are to be prepared to inform applications for subdivision and development regarding the following:
 - i. Lots affected by noise which exceeds the noise target as defined by *State Planning Policy 5.4* in relation to the Kwinana Freeway.

5.2 WAPC Planning Bulletin 112/2016 and LPP1 – Residential Design Codes Policy

- a) A Local Development Plan is not required to vary 'Deemed to Comply' provisions of the Residential Design Codes where such variations are adopted under the City of Mandurah *Policy LPP1 – Residential Design Codes Policy*, this in accordance with WAPC Planning Bulletin 112/2016 *Medium-density single house development standards – Structure Plan areas*.

Such variations may include (but are not exclusive to) design provisions relating to:

- Street setback and front fences;
- Boundary setbacks;
- Boundary walls;
- Open space;
- Garage setbacks and width and vehicular access;
- Overshadowing; and
- Privacy

- b) In the case of RMD-40 (R40) and RMD-60 (R60) coded lots, adopted LPP1 Provision 5.3 Walls to Boundary (R-Codes Ref. 5.1.3) is to allow for additional wording to the provision as follows:

'No maximum length to both side boundaries for wall height 7m or less.'

6 Other Requirements

6.1 Notification on Title

- a) Notifications are to be placed on titles of all affected lots to advise of:
 - i. Construction standards to achieve higher noise standards in accordance with State Planning Policy 5.4 Road and Rail, Transportation Noise and Freight Considerations in Land Use Planning;
 - ii. Building setbacks and construction standards to achieve a Bushfire Attack Level (BAL) rating of BAL-29 or lower in accordance with Australian Standards (AS3959-2019): Construction of buildings in bushfire prone areas.

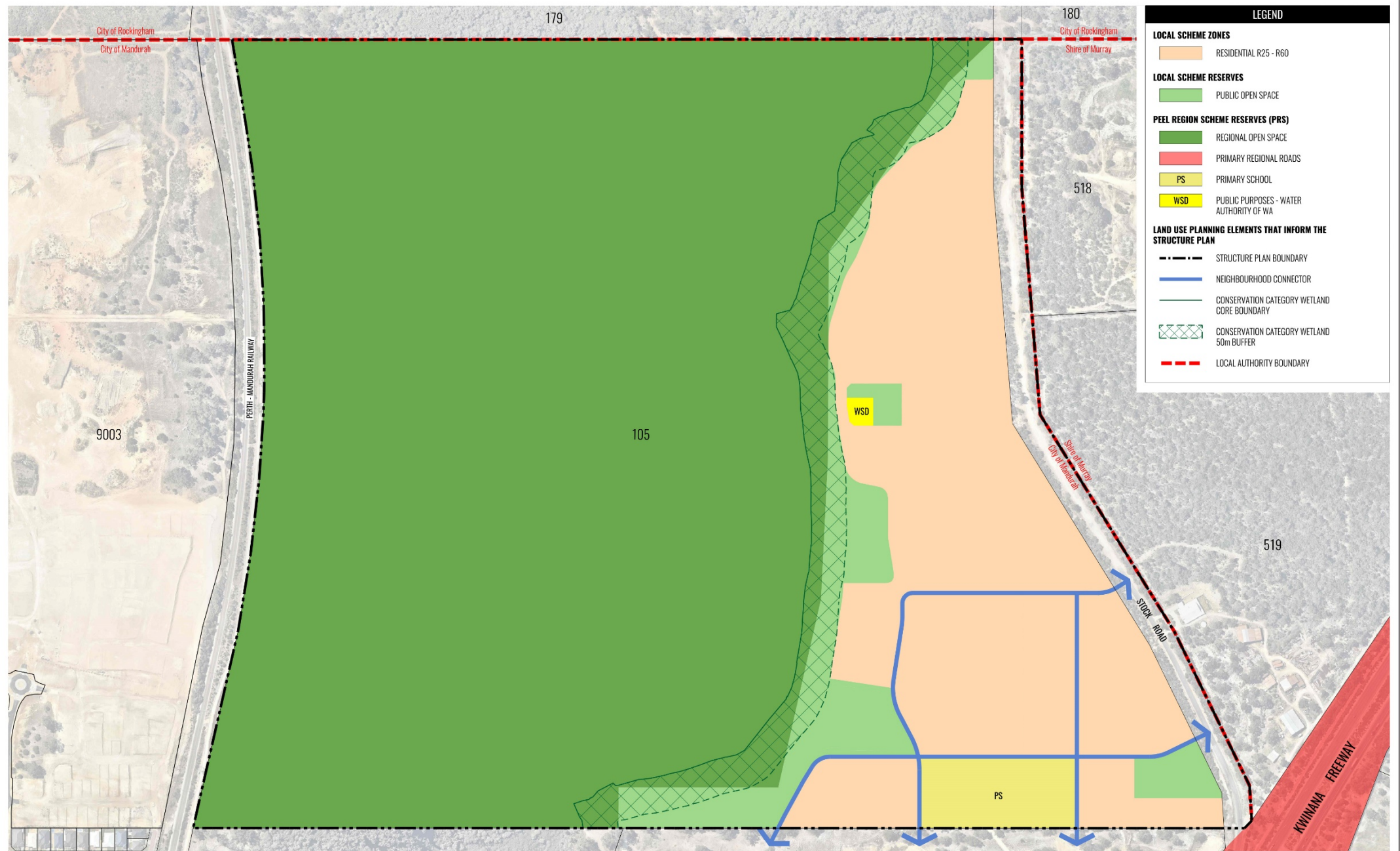
6.2 Developer Contributions

- a) The proposed development is not encompassed by a Development Contributions Plan area.

7 Additional Information

Additional Information	Approval Stage	Approval / Consultation Required
Density Plans	Subdivision Application	WAPC; City of Mandurah
Public Open Space	Subdivision Application	WAPC; City of Mandurah
Bushfire Attack Level Assessment	Subdivision application/condition of subdivision for identified lots; or Development application for identified lots	City of Mandurah; Dept. Fire and Emergency Services
Bushfire Management Plan	Subdivision Application	Department of Fire and Emergency Services
Wetland Management Plan	Condition of subdivision approval	City of Mandurah
Fauna Management Plan	Condition of subdivision approval	City of Mandurah
Detailed Noise Management Plan	Subdivision application/condition of	City of Mandurah;

Additional Information	Approval Stage	Approval / Consultation Required
	subdivision for identified lots; or Development application for identified lots	Main Roads Western Australia; Dept. Water and Environmental Regulation
Traffic Impact Assessment – Mandjoogoordap – Lilydale Intersection	Subdivision Application	Main Roads Western Australia
Stock Road verge landscaping plan	Subdivision Application (as required)	City of Mandurah, in consultation with Western Power
Plan demonstrating passive surveillance opportunities over Stock Road	Subdivision Application (where proposed stage of subdivision abuts Stock Road)	City of Mandurah



LAKELANDS NORTH-EAST STRUCTURE PLAN

Plan 1

NORTH
Scale: 1:5000 @ A3
0 50 100 150m
PLAN: URBAN2-S-004C
DATE: 24/01/2020
PROJECTION: PCG 94
DATUM: AHD

REVISION: C
DRAWN: JP
PLANNER: BH
CHECK: JH

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ATTACHMENT 7.2

Lakelands North-East Structure Plan – Amendment 1 Submissions Table

Owner / Address	Submission (Summarised comments)	Comment
1. Friends of Paganoni Swamp (received via email)	a. management of interface between conservation reserve and dwellings; b. impact of domestic pets on fauna; c. increase buffer to 150m between dwellings east of Paganoni Swamp; d. groundwater use and impact on swamp, a monitoring program should be implemented; e. entry to conservation reserve, a small car park should be included; f. ensure developers commitment to best practice.	a. Environmental management plans are required to be implemented to mitigate such issues. On expiration of initial developer maintenance area, it does become the responsibility of local and state government to maintain the POS and ROS areas. b. The City's <i>Cat Local Law 2019</i> does currently specify four cat prohibited areas. The inclusion of Paganoni Swamp can be considered. c. The applicant has demonstrated the required 50m CCW buffer. d. Environmental management plans are required to be implemented to mitigate such issues. e. Subject to detailed POS design, the inclusion of car bays can be considered on-street. f. Noted.
2. Department of Fire and Emergency Services	Not supported, modifications to BMP required: a. BMP does not adequately address the policy requirements of SPP3.7 and the Guidelines. b. Several issues need to be addressed before DFES can support the proposal.	a. Noted, applicant made aware of DFES comments – recommend modifications to be made prior to WAPC determination. b. As above (a).
3. Department of Biodiversity, Conservation and Attractions	a. No comment to make on proposal.	a. Noted
4. Department of Water and Environmental Regulation	a. Given increase to lot densities as well as reconfigured lots, roads and POS – recommend that the Local Water Management Strategy be amended to account for likely change in stormwater management features and infrastructure.	a. Noted, applicant made aware of DWER comments – recommend modification to Structure Plan to ensure this occurs.

8	SUBJECT:	Ordinary Council and Committee Meeting Dates 2021
	DIRECTOR:	Business Services
	MEETING:	Council Meeting
	MEETING DATE:	24 November 2020

Summary

Council is requested to set the Ordinary Council and Committee meeting dates for 2021. In accordance with Section 5.25(1)(g) of the *Local Government Act 1995* (the Act) and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, Council is required to resolve to advertise each year, the days and times when Ordinary Council and Committee meetings will be held.

Council is requested to endorse the Ordinary Council and Committee meeting dates for 2021 and where applicable advertise via local public notice.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.33/12/19 17 December 2019 Membership, Powers and Duties of Council's Strategy and Planning Committee and Council Meeting Schedule 2020
- •SP.2/10/19 29 October 2019 Membership, Powers and Duties of Council's Committees Council Meeting Schedule 2019
- • G.24/7/19 23 July 2019 Membership of Council's Committee of Council and Strategy Committee
- • G.34/12/17 19 December 2017 Membership, Powers and Duties of Council's Strategy Committee and Audit and Risk Committee 2017-2019
- • SP.3/10/17 31 October 2017 Membership, Powers and Duties of Council's Committees 2017-2019

Background

At the Special Council Meeting on 29 October 2019, Council resolved to establish the Audit and Risk Committee and the Executive Committee for a period of two-years, expiring on 15 October 2021. These Committees were established to enable the Council to progress key operational items.

Following the Special Council Meeting, a Council workshop was held to discuss the Council's committee meeting structure preference. This enabled existing and newly Elected Members the opportunity to discuss options and review the committee structure, membership and powers and duties to ensure that the proposed meeting structure met the needs of the Council. Council did not resolve to establish any additional committee meetings other than Audit and Risk and Executive Committee for the 2020 year.

At the Ordinary Council Meeting on 28 July 2020, Elected Members requested that the Ordinary Council Meeting agenda be circulated eight business days prior to the Ordinary Council meetings. This will enable Elected Members and the community with additional time to consider the report items. Whilst section 5.5 of the Act requires the meeting agendas to be circulated 72 hours prior to the meeting, circulating the agenda earlier may enable greater community participation.

Comment

Ordinary Council meetings are generally held on the fourth Tuesday of each month with agendas distributed eight business days prior to the Council Meeting.

Council adopted the powers and duties of the Audit and Risk Committee and Executive Committee at the meeting of 29 October 2019 and appointed members to these committees for two-years, expiring on 15 October 2021. Both Committees generally meet four times per year, however additional meetings can be scheduled as required to enable the Committees to discharge their functions.

To improve transparency, the Audit and Risk Committee Terms of References were modified in 2019 to be open to the public. Where a matter that is being dealt with is required to be closed to the members of the public in accordance with section 5.23 of the Act, the Audit and Risk Committee will go behind closed doors to discuss the matter and then return from behind closed doors once the matter has been dealt with. Given the confidential nature of the matters considered by the Executive Committee, these meetings are held behind closed doors.

The meeting dates also consider the 2021 Local Government Elections, which are usually held on the third Saturday in October (16 October 2021). Post the 2021 Local Government Election, the newly appointed Elected Members will be sworn in at a Special Council Meeting on 19 October. Following this meeting, at the proposed Ordinary Council meeting scheduled for the 26 October 2021, Council will consider the appointment of Elected Members to advisory groups, external agencies, working groups and panels and consider the establishment of committees and Terms of Reference.

Consultation

Nil.

Statutory Environment

Section 5.25(1)(g) of the *Local Government Act 1995*

Local Government (Administration) Regulations 1996 states:

12. Meetings, public notice of (Act s. 5.25(1)(g))

(1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

(c) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

(3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.

(4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications

POL GVN-06 Council Caretaker Policy

In accordance with the Council Caretaker Policy GVN-06, so far as reasonably practicable, the CEO should avoid scheduling major policy decisions for Council's consideration during a Caretaker Period. The Caretaker Period for Local Government Elections takes effect at the period of time from close of nominations being 37 days prior to the Election Day in accordance with section 4.49(a) of the Act until 6pm on Election Day. A major policy decision includes any new major policy decisions or significant changes

to policy, approvals of unbudgeted expenditure or significant decisions which would bind the incoming Council. In accordance with the Policy, the CEO should reasonably ensure that decisions are either, considered by Council prior to the Caretaker Period commencing, or are scheduled for determination by the incoming Council.

Economic Implications

Nil

Risk Analysis

N/A

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

Organisational Excellence:

- Listen to and engage with our community in the decision-making process.
- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.

Conclusion

Council is requested to endorse the Ordinary Council and Committee meeting dates for 2021 and advertise via local public notice.

RECOMMENDATION

That Council:

1. **Approve the following Ordinary Council Meeting dates commencing at 5:30pm, to be held in the Council Chambers, and advertise via local public notice:**

Meeting	Date
Council Meeting	19 January 2021
Council Meeting	23 February 2021
Council Meeting	23 March 2021
Council Meeting	27 April 2021
Council Meeting	25 May 2021
Council Meeting	22 June 2021
Council Meeting	27 July 2021
Council Meeting	24 August 2021
Council Meeting	28 September 2021

Council Meeting	26 October 2021
Council Meeting	23 November 2021
Council Meeting	14 December 2021

2. Approve the following Audit and Risk Committee Meeting dates commencing at 5:30pm, to be held in the Council Chambers, and advertise via local public notice:

Meeting	Date
Audit and Risk Committee	9 March 2021
Audit and Risk Committee	11 May 2021
Audit and Risk Committee	14 September 2021
Audit and Risk Committee	9 November 2021
Audit and Risk Committee	7 December 2021

3. Approve the following Executive Committee Meeting dates commencing at 4:00pm, to be held in the Council Chambers:

Meeting	Date
Executive Committee	8 March 2021
Executive Committee	10 May 2021
Executive Committee	9 August 2021
Executive Committee	8 November 2021

4. Approve the Special Council Meeting commencing at 5:30pm, to be held in the Council Chambers, and advertise via local public notice:

Meeting	Date
Special Council Meeting – Swearing in ceremony	19 October 2021

ABSOLUTE MAJORITY REQUIRED

9	SUBJECT:	Mandurah Scout Group: Upgrades and Licence Renewal
	DIRECTOR:	Director, Place & Community
	MEETING:	Ordinary Council Meeting
	MEETING DATE:	24 November 2020

Summary

In April 2020, the City received written communication from 1st Mandurah Scout Group (Scouts) detailing a variety of capital and operational requests that would enhance their capacity to deliver programs for young people at the Coodanup Community Centre.

The Scouts indicated the need for improvements to fencing, lighting, pathways, furnishings, native plantings, term of licence, hire fees and bookings management. It is anticipated that addressing these issues would improve security and access to the community centre, foster a sense of pride and promote long-term stability for the Scouts.

The Scouts advised the City of their ability and willingness to contribute financially to capital works through use of building funds in trust, secured over many years through a levy on Scout member fees. It is considered, however, that two of the requested capital items, being the carpark lighting and accessible pathway, are a core responsibility for the City to fund given they are of general community benefit in the public realm. It is proposed the City undertake these capital works utilising funds from the Restart Mandurah allocation in the 2020/2021 financial year, with a local supplier to be contracted to undertake the work. The Scouts are considered to benefit solely from the fulfilment of other requests such as the proposed perimeter fencing and as such, it is suitable for Scouts to pay for full costs.

Furthermore, Council approval is sought to acknowledge the proposed facility improvement arrangements and approve a new licence agreement with The Scouts Association of Australia, Western Australian Branch, over a portion of Reserve 25297 Lot 1873 (No. 26) Broun Road, Coodanup, for 130 sq. metres which includes office space and two storage sheds, for a maximum term of ten years.

The purpose of this report is to detail the requests from Mandurah Scouts, outline progress to date and recommend a course of action to address the requests.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.19/11/14 15 November 2014 Subject to the sale of Lot 10 (No. 2) Aldgate Street Mandurah, approves a licence agreement to Scouts Association of Australia over a portion of Reserve 25297 (No. 26 Broun Road Coodanup).
- G.25/4/12 17 April 2012 Approves a licence to Scouts Association of Australia for a term of three years with a further two-year option of renewal licence commencing 1 May 2012, over portion of Lot 10 (No.2) Aldgate Street Mandurah

Background

In 2015, Mandurah Scouts were relocated from the Baden Powell Hall, to both the Coodanup Community Centre and Madora Bay Hall. This relocation was required due to Lot 10 (No.2) Aldgate Street being sold by the City to ALDI Foods PTY LTD. As part of the relocation, the City constructed a new storage shed on a portion of Reserve 25297 (Coodanup Community Centre), with the Scouts holding a licence to occupy.

In 2019, when additional space at the Coodanup Community Centre became available, the Mandurah Scouts relocated all programs from the Madora Bay Hall to the one venue. They currently hire the Coodanup Community Hall and playgroup area and have exclusive use of the storage shed and two offices to successfully run their programs. Mandurah Scouts currently have 100 members including 74 youth members aged between 6 to 25 who participate in a variety of development activities and experiences.

The Scouts have recently carried out a minor refurbishment to the storage shed by installing steel cages, shelving and security lighting. In addition, they have also installed new signage, completed improvements to the acoustics in the playgroup area along with replacing blinds and carpet in the office area.

The Scouts currently hold a licence agreement with the City over a portion of Reserve 25297 (No. 26 Broun Road Coodanup) comprising approximately 120sq. metres of office accommodation and storage shed, with the current licence term ended on 5 October 2020. The group has formally requested support from Council to enter into a new long-term licence. Mandurah Scouts are currently in a holding over period in accordance with the current licence terms until a new agreement is approved and implemented.

Details

The table below outlines the requests by Mandurah Scouts requiring a Council decision:

Requests by Mandurah Scouts	Progress	Comments
Installation of a new garrison fence at the rear of the building to improve security.	Community Led project. Scouts have liaised with contractor and sought quote (\$24,609.09).	The fencing will primarily benefit Mandurah Scouts and is additional to the general community provision requirements. It is recommended that the Scouts pay in full for the installation and maintenance of the fencing, subject to submission of the detailed design and approval by the City prior to commencement.
Improve lighting in car park for safety and security	City of Mandurah to manage through current works. The City has sought a quote (\$11,665.87)	The lighting in the public car park is considered of benefit to all users of Coodanup Hall and a responsibility of the City. It is recommended that the City install the lighting, financed through the Restart Mandurah fund using local suppliers.
Improved pathway around the building to improve safety by reducing trip hazards, as well as improve general accessibility.	City of Mandurah to manage through current works. City has sought a quote (\$21,836.56)	Providing safe and continuous paths of travel at the community centre will benefit all users and is a responsibility of the City. It is recommended that the City remove the entry brick paving and replace with installation of a new concrete pathway, financed through the Restart Mandurah fund using local suppliers.
Provide a 50% hall hire reduction of the hourly fees for 20 years.	Apply charges consistent with the annual community rent aligning with the City's fees and charges schedule for Sporting and Community groups. The Licence is also conditional upon the approval of the Minister for Lands.	It is recommended that a 10-year licence agreement to The Scouts Association of Australia over a portion of Reserve 25297 Lot 1873 (No.26) Broun Road be approved with the application of certain conditions. The request for a 50% hall hire reduction is not supported due to: the City paying for the paving and lighting; and the preference to charge consistent with endorsed fees and charges schedule adopted by Council.

The table below outlines the requests by Mandurah Scouts that are being managed administratively by the City in communication with Mandurah Scouts:

Request by Mandurah Scouts	Progress
Inclusion of current playgroup shed in the new Licence Agreement.	This request can be accommodated and the additional shed in the Playgroup area will be added to licence.
Provide native plants to the Scouts to enable them to plant out the garden beds in the car park area.	As part of the Scouts activities the group has requested native plants to plant and can manage the upkeep of these.
Install carpet in playgroup room to improve acoustics and usability.	Complete. Scouts paid for and installed new carpet in April 2020.
Replace blinds and carpet in the two office rooms	Complete. Scouts paid for and installed new blinds and carpet in April 2020.
Install external signage at Coodanup Hall to create a sense of pride in place.	Complete. Scouts paid for and installed new signage in January 2020.
Install shelving and security lighting on shed facilities.	Complete. Scouts paid for the shelving and security lighting which was installed by the City of Mandurah in July 2020.

Comment

The Mandurah Scouts have been pro-active in identifying improvements at the Coodanup Community Centre that can help their group operate smoothly, sustainably and meeting the needs of members. Furthermore, the Scouts have demonstrated an ability and willingness to pay for these improvements which is commendable. As detailed, the City and Scouts have worked together to resolve a number of issues identified and seek Council support to address the outstanding matters.

Consultation

City officers have liaised closely with Mandurah Scouts since May 2020 in relation to addressing the requests in the letter. The Scouts had originally investigated constructing a new facility on the site at Boundary Road however the cost to clear the site rendered the project not viable.

As the Scouts are not able to construct their own building, the proposed facility improvements at Coodanup Community Centre are considered by Mandurah Scouts as their next best option to secure the group's future and allow growth into a more purposeful space.

On further discussion with City officers, it became apparent that the upgrade to the pathway connections and carpark lighting have a safety and security benefit to the Scouts but also to community members attending the facility for various different user groups and should be delivered by the City.

The Scouts have indicated their aspiration to progress with the installation of the garrison fencing at a cost of \$24,609.09. Officer recommendation regarding this project is that the fencing directly benefits the Mandurah Scouts and provides increased security to the group's shed and outdoor activities. Fencing around the shed and replacing the current bushland fence is not an improvement to the functionality of the venue for other user groups. In return for their investment regarding upgrades to the facility, officers propose a licence term of ten years as appropriate, this will ensure security of tenure for the group into the future.

Due to the relocation of the Scouts programs from the Madora Bay Hall to the Coodanup Community Centre, additional storage requirements are now required due to a lack of space in the current storage facility. The Mandurah Scouts has requested exclusive use of an existing shed at the venue to be added to the new licence upon the expiry of their current agreement.

Statutory Environment

Section 3.58 of the Local Government Act 1995 – Disposal of Property

'Dispose' includes to sell, lease, or otherwise dispose of, whether absolutely or not.

Section 30 Local Government (Functions and General) Regulations 1996 – Exemption of Disposition of Property.

A disposition of land is exempt if the land is disposed of to a body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

Land Administration Act 1997 Section 18 (2) Minister for Lands Approval. Various transactions relating to Crown land to be approved by the Minister. As persons must not without authorisation, assign, sell transfer or otherwise deal with the interest in Crown Land.

Policy Implications

POL-CNP 07 – Community and Recreation Facilities

Financial Implications

The City has not budgeted for this project in 2020/2021. It is recommended that the Restart Mandurah Fund is utilised to finance this project with local suppliers being sourced to undertake the works.

Quotes for the works have been obtained by City Officers and the estimated cost of improvement works proposed to be carried out by the City are as follows:

Project/Works	Delivery of Works	Cost (ex GST)
Installation of new Carpark lighting	City of Mandurah to manage through current works contract.	\$11,665
Removal of entry pavers and replace with concrete path	City of Mandurah to manage through current works contract.	\$21,836
Project Logistics	Site survey to provide vital information to identify the underground services and costs for site preparation.	\$16,499
Total		\$50,000

The Mandurah Scouts will be charged consistent with the City's fees and charges schedule, currently being an annual licence fee of \$1,020.00 (including GST) with CPI applied annually and a document preparation fee of \$610.00 (including GST) in accordance with the Council approved fees and charges schedule for Sporting and Community Groups.

Risk Analysis

- Installation of Fencing – The fence has been designed to incorporate emergency access and has been signed off by a Building Surveyor. All emergency exit gates are required to be readily openable by a person from within the fenced area, without the use of a key or other device.
- Pathway – Potholing will be required to enable all services are easily located and accessible and that no drainage is covered by concrete.
- Carpark Lighting – The installation of the carpark lighting and its subsequent usage will not cause lighting pollution or impact any residents around the building.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2020 – 2040* are relevant to this report:

Social:

- Facilitate opportunities that promote community led initiatives and build local capacity and capability.

Health:

- Provide and facilitate quality infrastructure that is accessible, and conducive to a healthy, active community.

Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

Conclusion

Correspondence has been received from the Mandurah Scouts regarding facility improvements at the Coodanup Community Centre. The proposed improvements are in relation to access and security in and around the venue such as an upgrade of the carpark lighting, improvements to the pathway connections and the installation of garrison fencing.

The upgrade to the pathway connections and carpark lighting have a safety and security benefit to the Scouts but also to community members attending the facility for various different user groups and should be delivered by the City.

The Scouts will proceed with the installation of the garrison fence at their cost and have also requested to add an additional shed to their licenced area to use for storage purposes. The Scouts currently hold a licence agreement with the City over a portion of Reserve 25297 (No. 26 Broun Road Coodanup) being approximately 120sq. metres of office accommodation and storage shed, with the licence term having expired on 5 October 2020. They will remain on a holding over period until Council consider the proposed licence and approval from Minister for Lands.

NOTE:

- Refer ***Attachment 9.1 Location of Garrison fence and leased area***

RECOMMENDATION

That Council:

- 1. Supports the request by Mandurah Scout Group to pay in full the installation and maintenance of a garrison fence at the Coodanup Community Facility, subject to the submission of a detailed design for approval by the City prior to installation.**
- 2. Approves unbudgeted capital expenditure of \$50,000* from the Restart Mandurah Fund to undertake upgrades to pathway and carpark lighting at Coodanup Community Centre with the work to be undertaken by local suppliers.**
- 3. Approves a licence agreement to The Scouts Association of Australia over a portion of Reserve 25297 Lot 1873 (No.26) Broun Road, Coodanup with the following terms and conditions;**
 - 3.1. Maximum tenure term of ten years;**
 - 3.2. Use of 130sq. metres of office accommodation and two onsite storage sheds;**
 - 3.3. Community rental rate to be applied in accordance with the City's Council approved Fees and Charges Schedule;**
 - 3.4. Subject to the Minister for Lands approval and commencement date thereafter;**
 - 3.5. All fees associated with the preparation of the Licence Agreement to be borne by the Licensee.**

ABSOLUTE MAJORITY REQUIRED

ATTACHMENT 9.1



**Mandurah Scout Group
Proposed New Lease Area
Coodanup Community Centre**



Drawn : Graham Doherty

Project Name : Mh_Scout_Lease_Area.qgz

Last Updated : 3/11/2020

Scale 1:500

The City of Mandurah accepts no responsibility whatsoever for the accuracy or otherwise of any information on this map. The information has been compiled from a variety of different sources and should not be used for legal purposes. But reference made to original documents.



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Drawing produced by City of Mandurah IT/GIS Department.

10	SUBJECT:	Youth Advisory Group Terms of Reference
	DIRECTOR:	Director Place & Community
	MEETING:	Ordinary Council Meeting
	MEETING DATE:	24 November 2020

Summary

The purpose of the Youth Advisory Group (YAG) is to have a formal means for the City to consult youth aged 15-24 years and provide opportunities to empower them to be involved in their community and be passionate about the place they live.

Following endorsement by Council to appoint 13 young people to the group in July 2020, the YAG have been meeting monthly since August. One of their initial tasks was to co-design the YAG Terms of Reference. It is recommended that Council endorse the Youth Advisory Group Terms of Reference as designed by the YAG.

Disclosure of Interest

Nil

Previous Relevant Documentation

G.27/12/19	17 December 2019	Council endorsed the establishment of a Youth Advisory Group, approving an expression of interest process.
G.14/7/20	28 July 2020	Council endorsed 1) the proposed applicants to the Youth Advisory Group, 2) Supports the Chair to be nominated and elected by members and rotated on a four monthly basis 3) Notes that the Terms of Reference will be co-developed with the Youth Advisory Group and presented to Council for approval.

Background

In December 2019, Council endorsed the establishment of a YAG to create a formal process for youth consultation.

The purpose of the YAG is to;

- Obtain young people's unique perspective on Council-related matters.
- Create a formal process for City of Mandurah staff and Council to consult young people.
- Assist Council to identify local challenges young people are facing.
- Encourage young people to address challenges relevant to them.
- Deliver projects, campaigns and events as identified by the YAG.
- Empower young people to develop their organisational leadership skills, confidence and capacity, so they can use these skills in other community settings.

A call for nominations for young people aged 15-24 to join the newly named Mandurah Youth Advisory Group was held during the months of March to May. A total of 25 applications to join the YAG were received and 13 were subsequently selected who were deemed to reflect the highest passion and unique experience reflecting a diversity across age, locality, gender, sexuality, education and employment. Following endorsement by Council of the 13 candidates in July, the group then came together in August. They have spent two meetings designing the Terms of Reference.

Comment

Successes to Date

The group have met on the first Wednesday of every month since August. Meeting content has been designed to build group cohesion and connection as well as achieve specific outcomes such as; designing the Terms of Reference and electing the Chair and Vice Chair. The group have also had their first consultation which enabled them to contribute to the draft Youth Strategy and make suggestions for improvement. They have also formed a Sub-Group which will be focusing on Youth Events.

Group members have had the opportunity to attend a number of events including the Mandurah Liquor Accord Meeting, Power to the People conference, meeting the Governor of Western Australia, the Youth Affairs Council of WA youth consultation, Youth Connectors Training by Act Belong Commit and a team building day.

YAG members have continued to impress with their level of critical thinking, inspiring discussions and commitment.

Election of Chair and Vice Chair

Seven of the 13 members nominated for the role of Chair and Vice Chair. Prior to voting, each nominee briefly shared with the group their reasons for nominating. After listening to these inspiring words, members voted for their preference for each role using the 'first-past-the-post' voting system. Mark Agero was elected as Chair, and Indiana Devlin as Vice Chair. They chaired their first meeting in October and set the standard for what the role will look like into the future.

Formation of the Events Sub-Group

Nine group members have formed the first sub-group based on one topic they are passionate about, the desire for more youth events in Mandurah. The sub-committee is planning the Beats Under the Bridge Summer Youth Festival, an event for 13-17 year olds on 29 January 2-5pm on the Western Foreshore. They are also looking to collaborate with the MARC to deliver a series of similar events over the January holidays.

Feedback from Members

The YAG members have given feedback about their experience so far;

"I feel so incredibly grateful for this opportunity to share my voice. Being able to have input on important matters is a great chance to benefit our community".

"This opportunity showcases how Mandurah values young people and I am grateful for this. I'm lucky to have the opportunity to collaborate with inspiring and passionate people about our community".

"Already, our group has grown close and works well as a team. It is a very welcoming environment, and everyone feels free to share their opinions, allowing for diverse ideas and inspiring discussions".

"Meeting so many influential people is truly one of the most extraordinary experiences I've ever had. I realise the importance each and every role play for Mandurah's development".

Terms of Reference

The Terms of Reference were developed through a co-design process between City staff and the Youth Advisory Group over two meetings (Refer Attachment 2). The Terms of Reference of other government Youth Advisory Groups were considered in the development of this document.

The Terms of Reference addresses elements including;

- Purpose of the YAG;
- Membership composition, duration and subsequent recruitment should young people leave the group within the two-year period;
- Meeting frequency and duration;
- YAG consultation process;
- Decision making process and recording of recommendations; and
- Role of Chair, including duration, selection process and responsibilities.

- Engagement with Elected Members – while Elected Members are invited to observe meetings, the YAG felt it appropriate to actively engage with Elected Members, and the ToR include a focused engagement by invitation every two months.

Many of these topics created great debate among the Youth Advisory Group, with shared consensus ultimately reached and respected by the group. The Youth Advisory group felt that the frequency provided a significant opportunity for two-way discussion with Elected Members

The group agreed that the Terms of Reference be reviewed in six months to evaluate how they are functioning. Following review, any proposed amendments to the Terms of Reference would form the subject of a further report to Council for approval. Following this period, the Youth Advisory Group recommend they be reviewed every two years.

Consultation

The Youth Advisory Group spent two meetings designing the Terms of Reference.

Statutory Environment

Nil

Policy Implications

Nil

Economic Implications

Nil

Risk Analysis

The Youth Advisory Group are aware that whilst they have had input, adoption of the Terms of Reference rests with Council as the deciding body as per previous Report to Council.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2020 – 2040* are relevant to this report:

Economic:

- Advocate for and facilitate opportunities for improved pathways to education and learning outcomes in Mandurah.

Social:

- Promote a positive identity and image of Mandurah and the contributions of its youth.
- Facilitate opportunities that promote community led initiatives and build local capacity and capability.
- Promote and encourage community connectedness to create social interaction and a strong sense of security and belonging.
- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.

Environment:

- Partner and engage with our community to deliver environmental sustainability outcomes.

Organisational Excellence:

- Listen to and engage with our community in the decision-making process.

Conclusion

It is evident the formation of the Youth Advisory Group has already been considerably advantageous to those selected. Endorsement of the Terms of Reference will ensure the group can continue to establish itself and become an asset both within the City of Mandurah as an organisation as well as benefit the wider community.

NOTE:

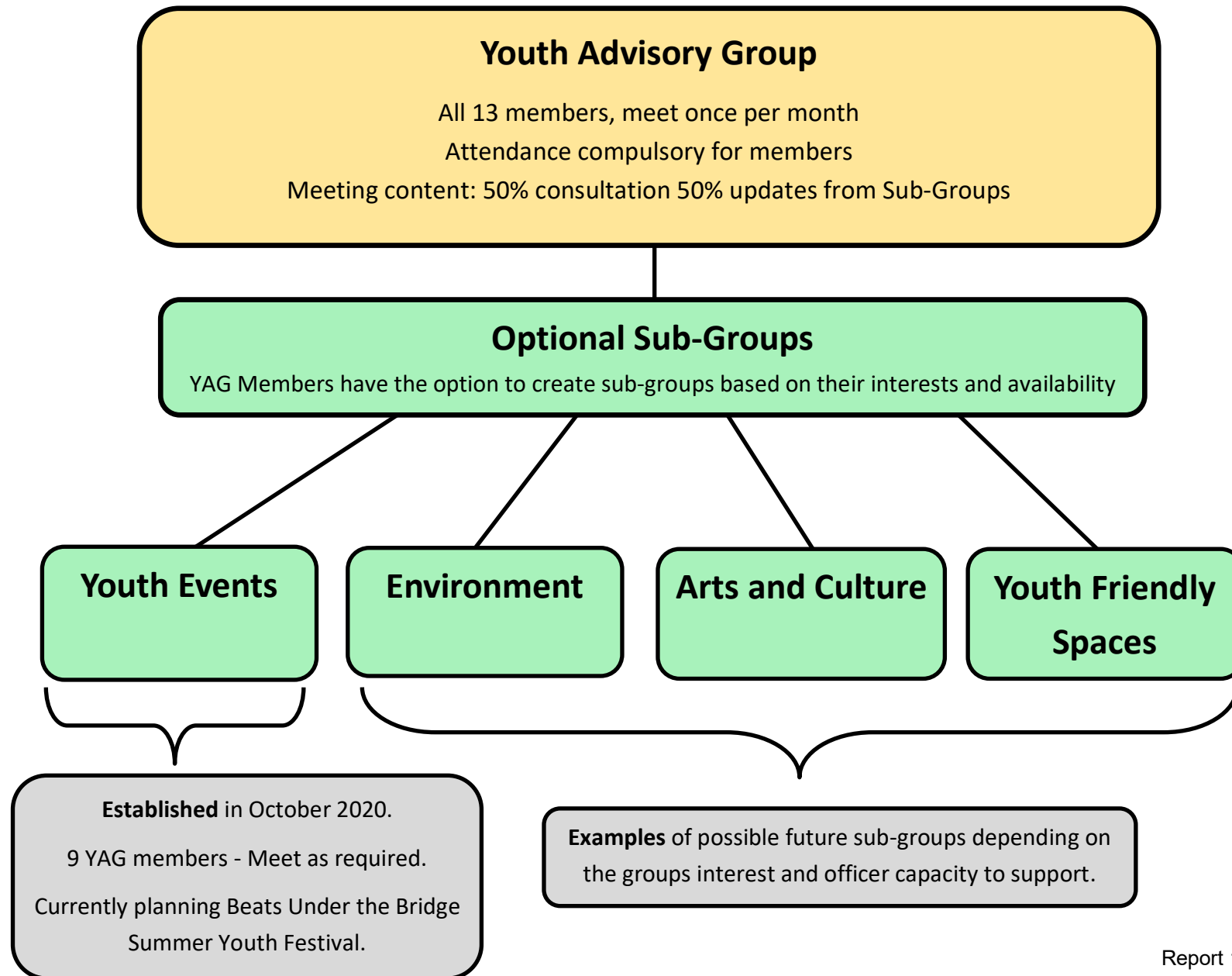
- Refer **Attachment 10.1 Sub-Group Structure**
Attachment 10.2 Terms of Reference

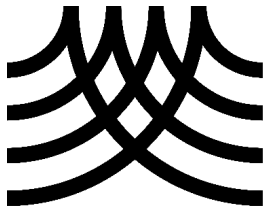
RECOMMENDATION

That Council approve the Youth Advisory Group Terms of Reference as per Attachment 10.2.

Youth Advisory Group—Sub-Group Structure

ATTACHMENT 10.1





City of Mandurah
Youth Advisory Group
TERMS OF REFERENCE

1. Name – Mandurah Youth Advisory Group (YAG)

2. Purpose & Objective

- 2.1** Provide a voice for young people within the community through participation in relevant City consultation processes.
- 2.2** Plan and deliver activities, projects and events for local young people, in line with the needs of the community.
- 2.3** Empower young people to develop their leadership skills, confidence and capacity, so they can use these skills in other community settings.

3. Membership

3.1 Eligibility

- Open to young people aged 15 to 24 who live, work or study within the City of Mandurah.
- Members must remain eligible for the duration of their membership and advise City officers of any changes to their eligibility.

3.2 Number of Members

- Membership will include up to thirteen young people, and up to three City of Mandurah officers.
- City officers will coordinate and support the operations of the YAG. They will have no voting rights.

3.3 Resignation

- Members may resign at any time by notifying City officers in writing.

3.4 Responsibilities of YAG Members

- Participate in all Youth Advisory Group meetings, events and training opportunities where possible.
- Consult young people through own networks about their views on specific issues.
- Represent the voice of young people within the community when consulted on City projects.
- Promote and represent the Youth Advisory Group in a positive manner at all times.
- Assist with the design, planning and implementation of youth projects and events.
- Distribute information about opportunities for young people amongst peer networks, community connections and social media.
- Maintain confidentiality with regard to specific City of Mandurah information.

3.5 Responsibilities of City officers

- Liaise and coordinate guests to consult with YAG
- Prepare meeting agendas and minutes in collaboration with Chair and Vice Chair
- Support the Chairperson to facilitate meetings
- Seek training opportunities for YAG members
- Seek new members when needed.

4. Tenure of Membership

- 4.1** Tenure is for a period of 2 years, aligned with the Local Government elections
- 4.2** The opportunity will be advertised to the general public at least every two years. Current members having the option of re-nominating for the position.
- 4.3** Should membership of young people fall below 13, recruitment may occur if deemed necessary, however if membership falls below 8, recruitment shall take place.
- 4.4** Applications will be reviewed by a panel consisting of Elected Members and City officers and referred to Council for final approval.

5. Meeting Details

5.1 Frequency

- Formal meetings are intended to occur monthly for at least ten months of each year.
 - Additional meetings may be held for sub-group planning as required.
- 5.2 Chairperson**
- Meetings will be facilitated by a Chairperson elected by group members.
 - The Chair and the Vice Chair are elected separately using the “first-past-the-post” voting system in alignment with standard local government election processes.
 - The Chair will hold the position for a period of 4 months.
 - In the event that the Chair is unavailable, the Vice Chair will facilitate the meeting.
 - Members will have the opportunity to nominate for the role of Chair and Vice Chair every 4 months.
 - The Chair and or Vice Chair can only hold a consecutive term of their nominated position in the event that there are no other nominations for that position.
- 5.3** A meeting agenda will be prepared in collaboration with City officers, the Chair and Vice Chair.
- 5.4** The meeting agenda will be forwarded to group members before each meeting.
- 5.5** Minutes will be taken by City officers, unless a YAG member would like to volunteer for this role as a learning opportunity, in which case City officers will offer support.
- 5.6** The quorum shall be one more than half the total number of current members.
- 5.7** Decision making:
- It is preferable that decisions of the group are made by consensus.
 - When consensus cannot be reached, a decision will be made by majority of members present.
 - Each member is entitled to one vote.
 - In the event of a tie, the chair may cast an additional deciding vote.
- 5.8** Guests may attend meetings by invitation or through request and acceptance of City officers, to consult with YAG members.
- 5.9** Elected Members are invited to observe a meeting every 2 months. Selection of Elected Members to be invited is to be determined by YAG.

6. Members Code of Conduct

- 6.1** Communication:
- Chair to facilitate all formal discussions, and ensure equal opportunity for members to speak and/or express their opinions.
 - All members should remain respectful by: participating in active listening, communicating respectfully and giving each other equal opportunities to convey ideas and perspectives.
 - All-important correspondence will occur via email. Social media platforms may be used for informal correspondence as deemed necessary.
 - Members must not behave in a way that reflects adversely upon the reputation of the Council, City or Youth Advisory Group.
 - Members must not use social media in a way that might negatively impact on the reputation of the Council, City or Youth Advisory Group.
- 6.2** Differences in opinion and dealing with conflict:
- Differing opinions and individual expression are encouraged, and the group will respect this.
 - In the event that conflict occurs between members and/or City officers we encourage the use of the DEAR script:
 - Describe - address the situation
 - Express – how the situation impacts you and makes you feel
 - Ask – what you would like
 - Reinforce – why action is beneficial for all involved
 - In the event conflict occurs with the group and a consensus can't be reached, decision will be made by majority vote.

- A Council or City decision is to be upheld and respected, even if it is different to the individual or collective views of the Youth Advisory Group.

6.3 Inclusivity:

- Everyone should respect people's individuality regardless of personal opinion.
- Everyone should be open to building connections with all members of the group and community.
- Social team building days should be offered at least once a year. Members are highly encouraged to attend to foster group unity.

6.4 Confidentiality:

- Assume everything is confidential unless specifically stated otherwise.

6.5 Attendance:

- Members are expected to attend a minimum of 80% of meetings per year.
- In the event that a member cannot attend or will be late to a meeting, they will provide immediate notice to the Chair and/or City officers.
- In the event a member cannot attend they may request another group member to share thoughts on an agenda item on their behalf.
- If attendance of a member falls below 80%, a conversation between City officers and the Group Member about their capacity to contribute to the group shall take place.

7. Consultation

- 7.1** City officers may seek a comment from the YAG on relevant Council reports, projects or community consultations as considered applicable.
- 7.2** City officers may present information at YAG meetings for consultation in a youth-friendly way.
- 7.3** The Youth Development officer will capture outcomes of YAG discussions and forward to other relevant City officers to incorporate into Council reports.
- 7.4** Community organisations may also request to consult the YAG on youth related topics.

8. Changes to the Terms of Reference

- 8.1** Changes to the Terms of Reference will be made through a report to Council seeking approval for proposed amendments.
- 8.2** Terms of Reference will be reviewed initially in 6 months' time, and following this, they will be reviewed every 2 years in line with the appointment of a new Youth Advisory Group.

11	SUBJECT:	RYDE Program
	DIRECTOR:	Director Place & Community
	MEETING:	Ordinary Council Meeting
	MEETING DATE:	24 November 2020

Summary

The Mandurah RYDE (Regional Youth Driver Education) program supports disadvantaged young people complete their 50 hours of supervised driving so they can obtain their Provisional Driver's License. After endorsement from Council in December 2017, Mandurah launched the program in July 2018, which included adding a manual vehicle to City Fleet that was sponsored to the program.

While successful, Mandurah RYDE currently only offers a manual vehicle. A trial period using an automatic vehicle in the RYDE program has demonstrated a higher demand for young people to book sessions to complete their logbook hours.

There is considerable 'in principal' community and local business support to donate funds for an additional automatic vehicle, which will allow the program to offer both a manual and automatic option. It is recommended that Council endorse the seeking of external funding to purchase an automatic vehicle for the RYDE program, and incorporate the new vehicle into City fleet.

Disclosure of Interest

Nil

Previous Relevant Documentation

CC.13/12/17	5 December 2017	Council endorsed the implementation and delivery of the RYDE Program in Mandurah in collaboration with community stakeholders, and for an additional vehicle be added to City Fleet.
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Background

The Mandurah RYDE (Regional Youth Driver Education) program supports disadvantaged young people complete their 50 hours of supervised driving so they can obtain their Provisional Driver's License (P Plates). This program leverages the successful program developed and coordinated by the Town of Bassendean. It is designed to support young people who do not have access to a vehicle or a responsible adult with a driver's licence to assist them with their 50 hours driving.

In December 2017 Council endorsed the implementation and delivery of the RYDE program in Mandurah and supported the car being maintained by City fleet as per the current standards. The original RYDE car was donated by Bendigo Bank who stipulated it must be a manual vehicle. The car is maintained by the City Fleet team.

The Mandurah RYDE program commenced in July 2018. The City of Mandurah has developed a collaboration with key local services providers including; Streetnet Youth Services, Peel Youth Services, Matchworks Employment Service Group and Peel Volunteer Resource Centre (PVRC) to implement this locally.

Peel Volunteer Resource Centre recruit, train and support the volunteer mentors throughout the program and the City manages the software, facilitates program improvements and manages the vehicle. There are currently 26 local services who are signed up to the Mandurah RYDE Program as a "RYDE Provider", which allows them to refer their young people into the program.

The RYDE software supports sessions to be booked through an online platform with a volunteer mentor and a vehicle at a designated time for a 90-minute driving session. The cost is \$15 per 90-minute session that is paid through PayPal by the participant. The vehicle is housed at the Mandurah Library and sessions start and conclude at the Library. Sessions are equivalent to achieving young people completing their 50 logbook hours with a parent or family friend as a passenger and are not intended to be a learner driving lesson.

The Town of Bassendean hold the licence for the RYDE software and regularly provide support to City officers. They are committed to continuous improvement, inviting suggestions for program enhancements to create a high-quality experience for all users.

Comment

Successes to Date

27 young people have used the RYDE program to help them obtain their drivers licence. Feedback from young people includes:

- *Because of RYDE I now have my licence. It is a great program now people need to know about.*
- *Without the RYDE program I wouldn't have made a dent in my hours. I simply don't have anyone at home to help me.*
- *I found the website easy to use*
- *The driving mentors are always so nice. If I ever make a mistake they never get angry, they just correct and help me fix it.*
- *As someone with anxiety, having someone to help me learn who doesn't add extra pressure is really helpful. It is also nice to be able to have a nice chat with someone kind.*

The program has attracted a number of passionate mentors. Two mentors in particular have completed over 60 sessions each in the RYDE Program, equating to over 90 hours on the road each supporting these young people.

Challenges of a Manual Vehicle

Multiple service providers and volunteer mentors have given regular feedback that the manual car is too stressful for some young people, and is currently a barrier to participation. For some young people facing significant disadvantage, just obtaining an automatic licence is a huge achievement, while a manual licence, at least initially, is seen as unrealistic and unattainable due to their circumstances.

Whilst the uptake of the manual vehicle has been fair, the feedback was clear from many of the local service providers that providing an automatic vehicle would greatly increase the number of disadvantaged young people to get their licence.

To gain a better understanding of this concern, the Peel Volunteer Resource Centre (PVRC) was used for RYDE on a trial basis to assess the difference in uptake between an automatic and a manual vehicle. The Peel Volunteer Resource Centre provided an automatic vehicle for a 5-month period from July-November 2019, for young people to book driving sessions.

The following table shows the uptake of each vehicle during the trial period:

Vehicle type	Sessions available	Sessions booked by client	Percentage uptake
Automatic (PVRC vehicle)	61	56	92%
Manual (existing RYDE vehicle)	85	40	47%

Of the sessions available during this period, 92% bookings were taken up for the automatic compared to 47% for the manual vehicle, despite more manual sessions being available to select.

This trial demonstrates that the demand for the automatic vehicle during this period was much higher compared to the manual vehicle. The trial supports anecdotal feedback that an automatic vehicle is the preferred option for young people.

Considerations for purchasing an Automatic Vehicle

A passionate RYDE mentor has been championing the cause to raise money to purchase an automatic vehicle. He has already gained pledges from local businesses of several thousand dollars. The City's Youth Development team has received a \$3,000 donation from Mandurah Murray Mayday which can be allocated to this project.

Mandurah Library supports the additional vehicle being housed at the Library compound alongside the existing RYDE vehicle.

The vehicle purchased would be of the highest level, a 5-star ANCAP safety rating, as per all fleet vehicle standards and advice will be sought from Fleet Manager prior to any vehicle purchase.

Once purchased, the automatic vehicle would become a City asset. The life of the vehicle is anticipated at 7 years, with an annual depreciation of \$2,428. After such time, the City would consider replacement of the vehicle if there is still a community need for the RYDE program.

Should the total funds required not be able to be raised, the purchase of an automatic vehicle will not go ahead and the existing manual car will continue to be the only option for young people to use.

Financial Considerations

The RYDE program this financial year will break even with the current take up of the manual vehicle. Adding an automatic vehicle to the RYDE program is estimated to create revenue due to the increased uptake of the vehicle.

With regard to any donations or grant funds received, finance advise the proposal be incorporated at budget review and if not finalised this financial year, unspent funds obtained through donations or grants can be transferred to reserve and allocated for expenditure in 2021/22.

Purchasing an additional RYDE vehicle to expand the program will require the following one-off costs:

What	Cost	Funding Source
Vehicle purchase and fitting of additional brake pedal (<i>Mitsubishi Mirage, quote received Feb 2020</i>)	\$17,000 (approximately)	funded by external grants, donations and sponsorships
RYDE branding Car Wrap	\$1,600	City of Mandurah

The following table presents the expected income and expenditure associated with operating an additional vehicle, based on actuals and extrapolated from current take up of the automatic vehicle that was trialled. Figures are based on estimated 10 bookings per week, 50 weeks per year.

Expected Annual Expenditure – Fleet ¹		Expected Annual Income	
Fuel <i>20,000km per year, 1100 L fuel</i>	\$1,500	Client fee @ \$15 per session <i>(less \$2.50 admin fee to Town of Bassendean)</i>	\$6,250
Registration	\$350		
Car service	\$200		
Insurance (<i>premium increase</i>)	\$135		
Tyres & maintenance	\$1,200		
Total Expenditure	\$3,385	Total Revenue	\$6,250

As can be seen from the table above, the ongoing costs will be offset by income from RYDE bookings for the automatic vehicle and this vehicle is likely to generate a surplus of \$2,865 per year.

Consultation

RYDE operates as a consortium model, relying on sector collaboration. The following services are in favour of an automatic vehicle being added to the RYDE program, as they have clients who could benefit:

- Peel Youth Services
- Streetnet Youth Services
- Passages Resource Centre
- Clontarf Academy, Coodanup College
- Stirling Skills Training
- Peel Volunteer Resource Centre
- Mandurah Districts Rotary Club – Interested in assisting to collect funds for a new vehicle.

Statutory Environment

Nil

Policy Implications

Nil

Economic Implications

The RYDE program and its fee structure ensure that the program becomes cost neutral, or indeed makes a small surplus, over time.

Renewal Plan for Vehicles

Should the City be successful in sourcing external funding for a second RYDE vehicle, the City would then have two vehicles, a manual and an automatic. The manual would be required to be replaced in 2024/25 and potentially the automatic in 2027/28. Funding bodies will generally not support grant funding for the replacement of an existing vehicle/program and should the RYDE program continue to be viable (programs ongoing success) and its replacement supported, the City would need to fund a replacement within its future capital budget. It is estimated that the RYDE program will generate a surplus of approximately \$3,000 annually. Any surplus funds are to be placed into the Plant Reserve to offset the costs of future replacement vehicles.

Risk Analysis

Supporting initiatives that can lead to employment is a key strategy of the City's community plan. The additional automatic vehicle should increase the ability for young people to obtain their drivers licence, which will increase employment and training prospects. If a decision is made not to support the acceptance of an automatic RYDE vehicle, it is anticipated fewer young people will participate resulting in fewer young people obtaining their licence.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2020 – 2040* are relevant to this report:

Economic:

- Facilitate and advocate for sustainable local job creation and industry diversification.

- Advocate for and facilitate opportunities for improved pathways to education and learning outcomes in Mandurah.

Social:

- Promote a positive identity and image of Mandurah and the contributions of its youth.
- Promote and encourage community connectedness to create social interaction and a strong sense of security and belonging.
- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.

Conclusion

Purchasing an automatic vehicle for the RYDE program, will provide a valuable addition to the manual vehicle. It will increase the capacity of the program and provide more options for disadvantaged young people.

By making available increased options through providing an automatic vehicle, the RYDE program will add even more value to local young people, reducing the likelihood of young people either not gaining their licence and potentially driving without a licence or falsifying log books.

Retaining the manual vehicle will continue to support young people to gain a manual licence which provides further pathways to employment.

RECOMMENDATION

That Council:

1. **Supports the expansion of the Mandurah 'RYDE Program' with addition of an automatic vehicle.**
2. **Notes should funding be obtained, the new vehicle will become part of the City fleet which includes the City being responsible for ongoing maintenance as per current fleet standards.**
3. **Supports officers to pursue external funding opportunities in collaboration with community to purchase a new automatic vehicle for the RYDE Program.**
4. **Approves the income generated through the RYDE program to be held in the Plant Reserve and accumulated over time, to allow the purchase of future vehicles on completion of their serviceable life.**

12	SUBJECT:	Greening Mandurah Framework
	DIRECTOR:	Built and Natural Environment
	MEETING:	Ordinary Council
	MEETING DATE:	24 November 2020

Summary

The physical greening of Mandurah is important because it:

1. Improves the appearance, economic value and liveability of our City.
2. Provides a connection to nature in our City.
3. Increases resilience to climate change, mitigates the urban heat island effect, provides air and water filtration and provides for fauna habitat.

In the urban environment however, vegetation is increasingly under threat, particularly in new and infill development areas. Mandurah's population has more than doubled in the last 20 years, and in order to accommodate this growth there has been a subsequent loss of trees and vegetation as land is cleared for housing.

The City, with the support of the community, has a long history of working to manage and improve the City's natural environment with many existing programs and policies aimed at increasing vegetation cover to combat these losses. Whilst these programs have been successful in increasing the average canopy cover across the City, the need for an overarching strategy was identified to clearly articulate the City's vision for a 'greener' Mandurah, and set the context in which all the efforts of the City to manage the urban ecosystem, are clearly identified and understood.

For this reason, the Greening Mandurah Framework has been developed and is presented for Council's consideration.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.41/12/02 11 December 2002 Council endorsed the release of the draft Bushland Protection Strategy for public consultation.
- G.47/1/04 27 January 2004 Council established a Bushland Acquisition Fund for of bushland under threat of development.
- G.55/5/05 24 May 2005 Council resolved to support the development of a Greening Mandurah Landscape Master Plan to improve the landscape development of existing and future streetscapes.
- G.33/11/13 26 November 2013 Council adopted the City of Mandurah Biodiversity Strategy, which set targets for the protection of natural biodiversity in Mandurah.

Background

Trees and other vegetation are an essential part of the urban environment. Often valued for aesthetic and recreation value, urban vegetation and in particular trees, also provide much broader benefits to the community including:

- Environmental benefits through natural vegetation: provides air and water filtration, removing pollutants from the environment; provides shade and releases water vapour into the atmosphere, cooling the surrounding areas; mitigates the urban heat island effect; provides for fauna habitat; sequesters carbon; reduce stormwater runoff and increase resilience to climate change.
- Economic benefits through trees and vegetation within the urban environment: improves amenity, increases property values; prolong the lifespan of key assets such as road surfaces; and reduces the energy costs of heating and cooling.
- Healthy benefits through quality streetscapes and well-designed public spaces, which incorporate natural vegetation and shade; are important in meeting the needs of a healthy community; encourage outdoor activity; improves mental wellbeing; provides a sense of place; and encourages community interaction.

In the early 2000's, following a period of significant growth in urban development, the City of Mandurah recognised the need to become proactive in ensuring that trees and other vegetation were retained, and that a concentrated effort would be required to renew trees and vegetation that had been lost.

This led to the development of the Bushland Protection Strategy in 2003 which set a goal of protecting 150 hectares of bushland under threat of development, the Greening Mandurah Landscape Masterplan in 2005 which focused on improving the landscape development of Mandurah's streetscapes and the Biodiversity Strategy in 2013, which set targets for the retention of local natural areas.

In addition to the development of these strategies/plans, the City of Mandurah, with the support of the community, have, and are continuing to deliver numerous programs designed to improve the natural environment, including:

- Bushland Acquisition – following the adoption of the City's Bushland Protection Strategy in 2003, Council approved the creation of a Bushland Acquisition Reserve with an annual transfer of \$500,000 for the purchase of bushland threatened by development. Since this time, 66.22 hectares of bushland have been purchased by the City for protection.
- Annual Planting Program – the City Parks team implement an annual planting program which in the 2019/20 resulted in the planting of over 1,000 trees and 15,000 shrubs and groundcovers.
- Community Engagement Program – the community engagement program seeks to create opportunities for the community to be involved in the greening of Mandurah and includes annual planting days, such as National Tree Day, the City's Waterwise Verge Program which assists landowners to develop their verge into waterwise gardens, and the Embrace the Space Program which offers groups an opportunity to care for and revitalise their community spaces.
- Environmental Volunteer Program – the City has over 570 registered volunteers and works with 31 community groups/organisations to care for the City's natural areas.
- Statutory Protection – through Town Planning Scheme No. 3, tree preservation provisions ensure the protection of trees from inappropriate clearing within designated tree preservation areas.

Whilst the City has been active in protecting and improving the vegetation and canopy cover across Mandurah, a need was identified for an overarching framework to clearly articulate the City's vision for a 'greener' Mandurah, and set the context in which all the efforts of the City to manage the urban ecosystem, are clearly identified and understood.

To assist in the development of this framework, the City undertook a vegetation cover assessment using remote sensing techniques and thermal imaging analysis for the years 2007 and 2016. The results of this assessment together with information collected as part of the City's street tree audit, and an analysis of the opportunities and threats to the City's existing vegetation, were used to inform the development of the

Greening Mandurah Framework. A copy of the draft Greening Mandurah Framework is provided in *Attachment 12.1*.

Comment

The protection and management of the City's natural environment is a key objective of the Strategic Community Plan 2020-2040, with 'growth in tree canopy coverage' being a key measure of success.

The results of the vegetation cover assessments showed an increase in the average canopy cover, within the City of Mandurah, of 5.7% between 2007 and 2016, rising from 13.3% to 19%. In comparison, the overall canopy cover for the Perth and Peel Metropolitan Region in 2016 was 16%, whilst the national urban average was 24.6%. A peak development period occurred within the City of Mandurah between 2000 and 2008 with large tracts of land cleared for subdivision prior to the 2007 canopy cover assessment. Since this time, development rates have reduced significantly and efforts to improve vegetation levels within the City have resulted in an overall increase in canopy cover.

Levels of canopy cover vary greatly within the City of Mandurah. Suburbs within the Southern Rural and Parklands localities had the highest levels of canopy cover with upwards of 25%, reflective of the significant areas of national park and rural lifestyle lots within these areas. Older suburbs such as Greenfields and Dawesville also had relatively high levels of canopy cover (greater than 17%), whilst suburbs such as Madora Bay and Dudley Park had extremely low levels of canopy cover (<5% and 5.3% respectively). Factors affecting vegetation cover include the age of the suburb, average lot size, availability of public open space, development type and location.

In addition to undertaking a vegetation cover assessment, the threats and challenges faced by the City in maintaining its canopy cover were identified. The key challenges identified are summarised as follows:

- Ageing tree population - as trees age, they become more susceptible to disease, are less resilient to surrounding disturbance and can represent an increased risk of dropping limbs or causing root damage. The results of the street tree audit identified more than 70% of existing audited street trees have a lifespan of less than 40 years. This means that in order to maintain the current level of canopy cover, succession planting will be required to be planned in order to allow time for new trees to grow and develop canopy.
- Public perception - whilst trees and other vegetation provide significant benefits, they can often be seen as a nuisance, particularly where trees are located in close proximity to houses, are seen to interrupt views, shade solar panels, or impact on infrastructure including paths and paved areas. Where trees are not valued, they are more likely to come under threat of vandalism and damage from inappropriate pruning, or be removed all together. With close to 50% of Mandurah's canopy cover occurring on private property, it is important to understand and respond to community concerns regarding trees, increase tolerance of perceived nuisance, and increase awareness of the benefits of a 'green' Mandurah.
- Development - with half of Mandurah's canopy cover occurring on private property, infill development and continued urbanisation are significant threats to the City's levels of canopy cover. Within Central Mandurah, an additional 8,000 dwellings are proposed to be accommodated through urban infill. An immediate impact of increasing urban density, is the loss of trees on private property, with lot sizes reducing, and subsequent reductions in outdoor living spaces providing limited space for canopy cover. Outside of central Mandurah, there are a number of large landholdings yet to be developed which currently contribute to the City's canopy cover. These include developments in Madora Bay, Lakelands, Greenfields, Halls Head, Erskine and Dawesville. It is estimated that up to 105 hectares of canopy cover could be lost as a result of this development.
- Competing land interests - as density within Mandurah increases reducing the ability to retain vegetation on private land, the reliance on public spaces to contribute to City's overall canopy cover increases. At the same time, demands on public spaces are increasing. Public open space needs to cater for passive and active recreation, drainage, vegetation retention and infrastructure

provision. Similarly, road reserve widths have been decreasing yet still need to provide for additional infrastructure, footpaths, road pavement, lighting as well as street trees. The management of these increasing conflicts will impact the City's ability to increase canopy cover.

- Disease: Trees are vulnerable to disease, which if left unmanaged, can cause widespread decline in health and loss of vegetation. The cause of plant diseases are organisms such as fungi, bacteria and viruses, broadly known as pathogens. Pathogens can occur naturally within the soil or can be introduced through the movement of soil and plant materials such as mulch, pruning equipment and vehicles. Pathogens of concern include Dieback, Marri Canker, Honey fungus and Myrtle rust. To protect against disease, effective pathogen management, along with the creation of a diverse, resilient tree population is required.

Based on the above information, four key objectives aimed at creating a 'greener' Mandurah were identified, building on the objectives of the Strategic Community Plan 2020-2040, as outlined below.

Nurture

Manage the local natural environment to ensure the long term growth, health and viability of the City's urban canopy.

Actions identified to achieve this strategy are largely related to the care and management of existing and proposed vegetation on City managed land. This includes ensuring that the City engages appropriately qualified staff to oversee and carry out all tree planting and maintenance activities, ensuring best management practices are utilised, increasing the resilience of the City's tree population and preventing the spread of diseases and pests through pathogen management.

Value

Create opportunities for the community to celebrate, preserve and contribute to the urban canopy.

Whilst trees provide significant benefits to our health, the environment and our economy, trees can sometimes be seen as a nuisance. This is particularly the case when trees are located in close proximity to houses, are seen to interrupt views, shade solar panels, or impact on infrastructure, notably paths and paved areas. Community concerns can often outweigh an appreciation of their importance in ensuring ongoing liveability and climate resilience. Where trees are not valued, they are more likely to come under threat of vandalism and damage from inappropriate pruning, or be removed altogether.

For this reason, the Greening Mandurah Framework recognises the need to raise community awareness of the benefits and value of an urban canopy, foster community engagement and ownership in the urban canopy and encourage innovation and versatility in greening Mandurah.

Enhance

Continue to grow the City's urban canopy.

In order to continue to counteract losses in vegetation, a continued focus on the ongoing replacement and renewal of trees and vegetation is required, using the urban canopy data analysis to inform priority planning.

To support the physical planting of trees, the development and review of reserve masterplans, the preparation and implementation of a Street Tree Masterplan, and a review of the minimum guidelines and standards for the provision of open space, landscaping and urban canopy will be required.

Protect

Protect the existing and future urban canopy for generations to come.

Providing long term protection of significant vegetation within the City of Mandurah and encouraging the retention of existing canopy within private property is also needed to minimise future losses of canopy cover. The City's planning framework has well established protection mechanisms for significant vegetation and the City's bush buyback scheme has resulted in 66 hectares of bushland

being protected from development, however, there is further scope for improving retention rates of existing vegetation.

This can be achieved through the provision of incentives, recognition and development options to encourage tree retention on development sites, identifying mature trees within infill areas worthy of retention, ensuring appropriate conditions are placed on development approvals and ensuring ongoing management of the City's bushland reserve including bushland purchased through the bushland buyback scheme.

In order to continually refine the Greening Mandurah Framework, the ongoing monitoring and evaluation of the City's Urban Canopy is required. Tree Canopy monitoring is proposed to be undertaken every five years and will be used as a measure of the change in canopy over time, providing a basis to determine success and identify improvements required to achieve the growth and management of the City's urban canopy.

MEAG/MCCAG Comment

This item was considered by the Mandurah Environmental Advisory Group (MEAG) at its meeting on Friday 13 November 2020. As the City officer report was prepared prior to this meeting, MEAG's recommendation will be included as additional information and provided prior to the Council Meeting.

Consultation

Elected Member briefing on 3 November 2020.

Statutory Environment

Nil

Policy Implications

Council's Tree Management Policy, Bushland Conservation and Management Policy and Bush Fire Prevention Control Policy are relevant to the preparation and implementation of the Greening Mandurah Framework. Modifications to the Tree Management Policy, are proposed, to ensure alignment with the Greening Mandurah Framework.

Economic Implications

Many of the programs identified within the Greening Mandurah Framework will have economic implications. The next stage of the Greening Mandurah Framework will be the development of an implementation plan which will look at detailed costings for consideration as part of the Long Term Financial Plan review process.

Risk Analysis

Whilst the City has been successful in increasing the canopy cover within Mandurah, the programs and activities that have contributed to this success have been operating without an overarching guiding framework. The Greening Mandurah Framework seeks to set the context for decision making regarding the urban canopy to ensure all decisions made will contribute to the objective of a "beautiful, clean and sustainable' Mandurah.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2020 – 2040* are relevant to this report:

Social:

- Facilitate safe neighbourhoods and lifestyles by influencing the built form through urban design.
- Facilitate opportunities that promote community led initiatives and build local capacity and capability.
- Promote and encourage community connectedness to create social interaction and a strong sense of security and belonging.
- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.
- Advocate for and facilitate the provision of diverse and environmentally sustainable places and spaces for people to enjoy an inclusive and active lifestyle.

Health:

- Provide and facilitate quality infrastructure that is accessible, and conducive to a healthy, active community.
- Promote the importance of a healthy, active lifestyle and the role the natural environment plays in preventative health, within our community.

Environment:

- Advocate for and partner with all levels of Government and other agencies to ensure environmental impacts are considered in all strategy development and decision making.
- Protect and manage our local natural environment and ensure that our actions to manage land-based assets don't adversely impact our waterways.
- Create opportunities for our community to celebrate and preserve our local natural environment.
- Educate our community on global environmental sustainability issues and demonstrate leadership in the field.
- Partner and engage with our community to deliver environmental sustainability outcomes.

Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.
- Listen to and engage with our community in the decision-making process.
- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

Conclusion

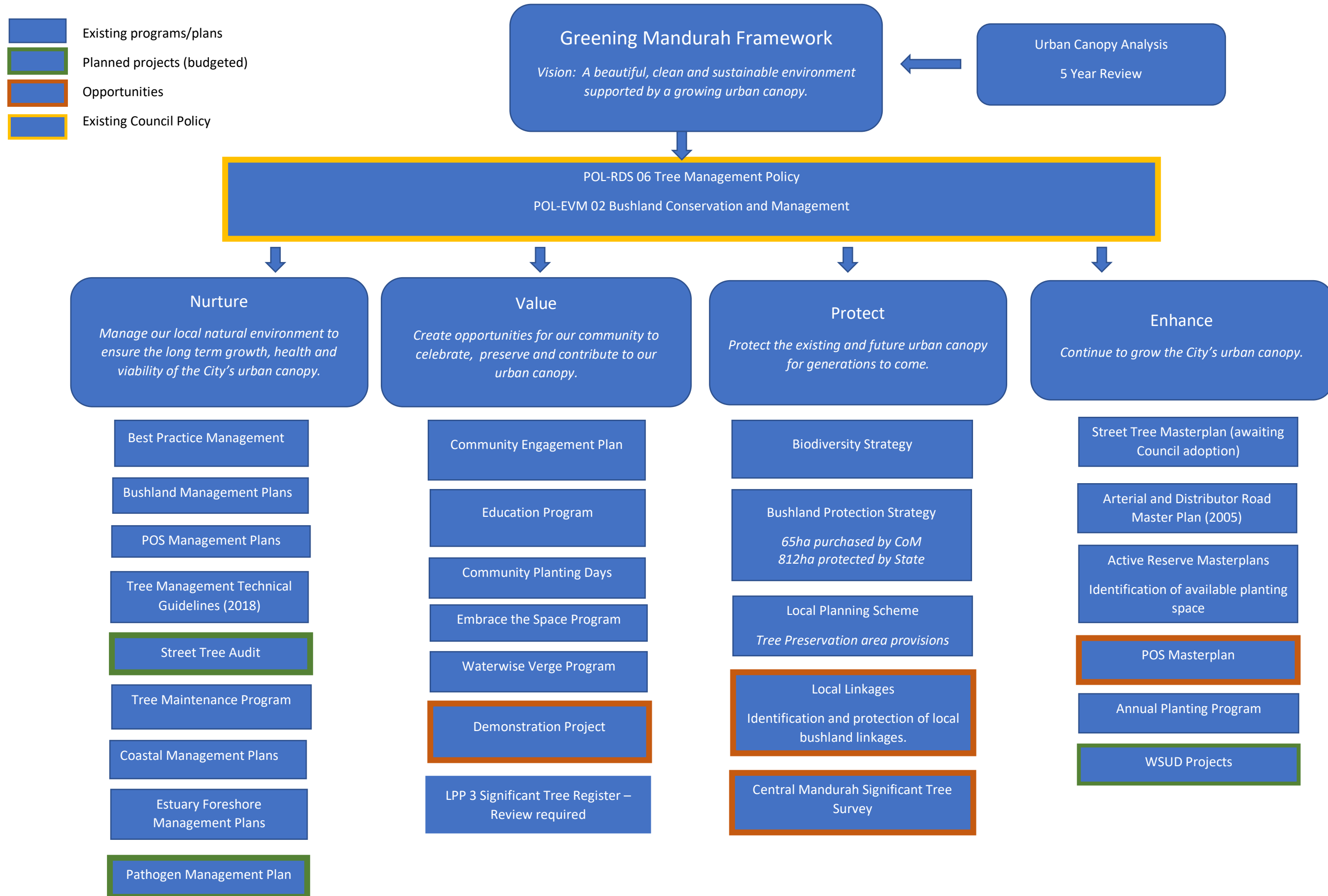
Whilst the City, with the support of the community, has had a long history of working to manage and improve the City's urban canopy, if adopted, the Greening Mandurah Framework will provide an overarching long-term strategy for the ongoing management, monitoring and improvement of the City's urban canopy. It is therefore recommended that Council endorse the draft Greening Mandurah Framework.

NOTE:

- Refer ***Attachment 12.1 Draft Greening Mandurah Framework***

RECOMMENDATION

That Council endorses the Greening Mandurah Framework as detailed in Attachment 12.1.



Nurture	
Best Management Practice	Ensure the City continues to update its practices and trains all ‘tree’ staff in line with current best management practice. Actions would include training, review and update of standard procedures, and ensuring contractors are suitably qualified and skilled.
Bushland Management Plans	Plans prepared for natural areas outlining management objectives, rehabilitation/revegetation requirements, threatening processes, fire management, access, roles & responsibilities.
POS Management Plans	Plans prepared for public open space areas defining play areas/garden beds/natural areas.
Tree Management Technical Guidelines	Details appropriate and sustainable tree management objectives and strategies to ensure that Mandurah’s tree population is enhanced, protected, diversified, and maintained for long term benefits while minimising public risk, damage to infrastructure and maintenance costs.
Street Tree Audit	Audit of existing street trees detailing species, age, health, value.
Tree Maintenance Program	Existing program ensuring health and safety of trees within streets and reserves.
Coastal Management Plans	As per Bushland Management Plans but for Coastal reserves.
Estuary Foreshore Management Plans	As per Bushland Management Plans but for Estuary reserves.
Pathogen Management Plan	Management Plan outlining identification and management of disease and pests within the urban canopy. Will include hygiene procedures to prevent spread of disease, need for species diversity and age spread of trees to increase resilience and management of areas affect by pests and/or disease.
Value	
Community Engagement Plan	Plan aimed at raising awareness of the importance of Mandurah’s urban canopy, inspire action to preserve, promote and connect to the urban canopy and celebrate the City’s programs and activities aimed at increasing Mandurah’s Urban Canopy.
Education Program	Program aimed at improving the value placed on trees in both public and private property. Would include education on the benefits of trees, appropriate tree species for small spaces, tree management etc. With close to 50% of trees existing on private property it is important that the community recognises the value of trees.
Community Planting Days	Planting days designed to foster community engagement and ownership. Would include National Tree Day.
Embrace the Space Program	Program which encourages neighbourhood connection to community places through offering groups an opportunity to care for and revitalising their community spaces.
Waterwise Verge Program	Program assisting landowners to develop their verge into waterwise gardens.
Demonstration Project	Develop and encourage demonstration projects which highlight opportunities to increase the urban canopy eg Green walls, small garden displays.
Significant Tree Register	Register of significant trees that are valued by the community for environmental, cultural and historical reasons.
Protect	
Biodiversity Strategy	Identifies natural areas worthy of retention. Adopted by Council in 2013
Bushland Protection Strategy	The Bushland Protection Strategy has the key objective of acquiring and protection 150 hectares of land. Following the adoption of the Strategy in 2003, Council established an environmental reserve fund for the purchase of bushland under threat of development. To date just over 65ha has been purchased by Council.
Local Planning Scheme	Introduces tree preservation provisions which prevent clearing of trees without prior approval in designated tree preservation areas.
Local Linkages	Project to identify and protect ecological linkages between bushland reserves.
Central Mandurah Significant Tree Survey	Infill development within Central Mandurah is a significant threat to existing canopy on private land. Survey will identify mature trees that are considered suitable for retention within infill areas, which can then be used to identify incentives and development options designed to encourage the retention of these trees.
Enhance	
Street Tree Masterplan	Informs and directs the enhancement of the future tree canopy cover through the identification of suitable tree species for individual streets.
Arterial and Distributor Road Masterplan	Informs streetscape planting opportunities within arterial and distributor road reserves (including median, verge and landscape buffer planting).
Active Reserve Masterplans	Active Reserve Masterplans determine playing surfaces, ancillary facilities and infrastructure and will identify areas available for planting.
POS Masterplan	The development of the POS Masterplan will set out standards for varying types of POS regarding minimum canopy cover, identification of planting areas, play spaces, accessibility and facilities.
Annual Planting Program	Includes street tree plantings, City parks and bushland reserves.
WSUD Projects	Retrofitting of existing drainage infrastructure to align with water sensitive urban design.

13	SUBJECT:	Mandurah Tree Management Policy Review
	DIRECTOR:	Built and Natural Environment
	MEETING:	Council Meeting
	MEETING DATE:	24 November 2020

Summary

Council, at its meeting on 22 September 2020, considered a Notice of Motion with respect to the City of Mandurah Tree Management Policy (Policy), and resolved to:

1. Direct Officers to undertake a review of the City of Mandurah Tree Management Policy (POL-RDS06)
2. That the review consider the following:
 - a. Inclusion of the Norfolk Island Pine Tree within the 'inappropriate tree species' list
3. That the review be undertaken prior to the November 2020 Ordinary Council Meeting, with the Policy to be considered by Council at that meeting
4. That a workshop be held with Elected Members as part of the Tree Management Policy review.

In accordance with Council's resolution, City officers have reviewed the City of Mandurah Tree Management Policy (POL-RDS06) and in doing so, propose a new draft Council Policy for Management of Trees in Streets and Public Open Spaces for consideration.

On review, it was felt that the existing Policy could be improved by providing additional information to provide a clearer and unambiguous direction on how trees are managed within the City.

Given that the Policy will ultimately underpin the draft Greening Mandurah Framework and inform the draft Locality Street Tree Masterplan (both also being the subject of reports on this agenda), amongst other things, the proposed new draft Policy attempts to balance the objectives of the Framework with sound management practices for trees within the City's street and public open spaces.

Officers have also considered the request to have the "inclusion of Norfolk Island Pine Trees within the 'inappropriate tree species' list". The use and suitability of Norfolk Island Pines was considered following officer consultation, a desktop audit of available scientific literature, review of previous arborist reports, a consultant arborist technical review along with an Elected Member workshop and previous Council recommendations. Following this review, City officers have formed the view that Norfolk Island Pine trees remain a suitable tree selection in specific locations that take into consideration the ultimate size and growth characteristics of the tree. They should not be considered for planting in locations where adjacent infrastructure is at significant risk of damage due to the ultimate size and growth characteristics of the tree, does not align with the Street Tree Masterplan or other guiding documents. If adopted, the technical guidelines that inform tree selection and locality will be updated to accurately reflect these considerations.

Council are asked to endorse the new draft Council Policy for Management of Trees in Streets and Public Open Spaces.

Disclosure of Interest

Nil

Previous Relevant Documentation

- | | | |
|--------------|--------------|-------------------------------------|
| • G. 12/7/19 | 23 July 2019 | Policy – Tree Management POL-RDS 06 |
| • G. 30/6/04 | 15 June 2004 | Norfolk Island Pines |

Background

From time to time, the community raise issues regarding the negative impact that trees can have on infrastructure, particularly in cases where the growth characteristics of the tree are not suitable for the location. There are also instances where there are safety issues because the health of the tree is such that its structural integrity may be compromised and also, instances where people feel that the type of tree does not enhance the amenity of the area in which they are located.

When people raise such issues, it is incumbent on the City to have a clear and unambiguous policy that supports the rationale for all decision making with regard to tree management. Not only does the Policy need to be clear and easily understood but any supporting documentation that relate directly to the Policy should be equally unambiguous.

On occasion, Norfolk Island Pine trees have been identified as a tree that some in the community have concerns with. Council have recently requested City officers to undertake a review of the existing City of Mandurah Tree Management Policy (POL-RDS06), in part, to address these issues and resolved that the review consider "Inclusion of the Norfolk Island Pine Tree within the 'inappropriate tree species' list.

As background information, in 2004, Council resolved:

1. That Norfolk Island Pines continue to be used in landscaping with due consideration to the landscape character of the surrounding area.
2. That Norfolk Island Pine trees are not used to the exclusion of alternative Australian native trees.

During the preparation of the 2004 Council Report on Norfolk Island Pine trees, an Arboricultural Consultant, Mr John Banks, was commissioned to prepare a report that contained the following information regarding the Norfolk Island Pine.

This tree is eminently well suited to warm coastal locations such as many places within the City of Mandurah. It grows well in alkaline soil. It is tolerant of strong, salt laden winds and by comparison with many other trees that are grown in such circumstances, rarely sheds branches.

It has a very predictable growth habit and the space that its structure will eventually fill is able to be determined with reasonable accuracy. It has perfectly symmetrical, pyramidal form which appears balanced from all viewing angles.

It can grow to a height of up to 35m in Perth with a canopy diameter of up to 18m. It is anticipated that it will live for anywhere between 100 and 140 years in our climate.

The root system will extend for a distance of at least 30m from the trunk. The trunk will usually cause ground swelling at distances within one metre. Beyond this the roots are not notoriously destructive of hard services. Like many trees, however, the roots will tend to grow close to the surface and become a nuisance when a specimen is grown in soil that is reticulated.

It constitutes a significant presence in a street and, when grown as a boulevard or avenue, will become the main dominating feature.

It is therefore highly recommended for planting as a boulevard or avenue but an area of soil must be kept free around the trunk to allow for the swelling that will occur. Given the ultimate trunk diameter that can be attained for this species, such an area would need to measure about three metres square.

Having stated the above, it should not be used to the exclusion of other trees which would also have the ability to provide a significant, albeit completely different type of beauty.

In the past, Norfolk Island Pines have been selected and used by developers in formal avenue, median and boulevard plantings in Mandurah, generally planted at approximately 15 metre spacings. It has also been used as a shade tree in grassed parks and as a feature in entry statements, roundabouts and boulevards in various residential developments. Given the extent that they are able to dominate a landscape, and the prominent locations that they are located in it is conceivable that people are given the impression that the tree is being used at the exclusion of other species. This is not the case as the majority of street and public open space landscaping projects use native trees such as Sheoak, Native Peppermints and Eucalyptus species.

Comment

Given that protecting, valuing and planting trees that add to our urban canopy has been recognised as desirable and important to Mandurah's identity, having a tree management policy that clearly outlines how this can be achieved is vital. After being asked to review the Policy for tree management, it was evident that the existing policy did not provide enough detail to make it clear on exactly what the objectives were and especially on how the Policy would underpin the proposed Greening Mandurah Framework. Subsequently, City officers have prepared a draft Council Policy on Tree Management in Street and Public Open Spaces. This draft Policy now includes more specific information on tree management with regard to tree selection, maintenance, removal and/or replacement and enforcement.

As part of this review, City officers also considered that it would be timely to undertake a brief review of the arborist advice that had been received previously on Norfolk Island Pine trees given that this information is now over 15 years old. Arbor Logic (arboricultural consultancy) were asked to provide comment on the use of Norfolk Island Pine Trees in Mandurah and the following advice was received:

Norfolk Island Pine remain a widely used species throughout many parts of Western Australia and have proven to be a useful species for various landscape situations including parks and open spaces, roundabouts, and streetscape scenarios, and their potential size and form at maturity can be used to great effect to create landscape features and unique characteristics.

They are generally considered to be low risk species in terms of their propensity for branch failures, and low maintenance species in terms of their pruning requirements and as such are in many respects are a suitable species for urbanised situations as a result. They have also proven to be tolerable of poor urban soil conditions and perform well in coastal situations and sandy soils. Until recently they have been generally pest/disease free, although there has been a recent spate of incidences of what looks to be a fungal pathogen that can impact their health. Whilst being of note, this factor should not discourage their use as a landscape planting.

Given their potential size at maturity, consideration should be given to where they are planted in relation to surrounding infrastructure so to avoid potential issues of displacement and disturbance to their surrounds as they mature.

Overall though the Norfolk Island Pine are one of a number of species that would be considered highly suitable for use within parks and streetscapes within the Mandurah region, and their use, where considered suitable for the given situation, would be encouraged to be maintained and continued.

In general, these comments are in keeping with the advice previously received on the suitability of Norfolk Island Pine trees for use in suitable locations in Mandurah. However, it is an imperative that lessons from the past are recognised and that all historical evidence that provides information on locations and situations that could lead to undesirable outcomes should be carefully considered in all future decisions. To this end, the draft Street Tree Masterplan has flexible provisions that would allow for alternative species selection even in cases where the Masterplan has identified that Norfolk Island Pine trees as a suitable tree selection.

Policies may often have a number of guiding documents that should be read in conjunction with the Policy and as such, are usually designed to provide greater detail on how the objectives of the Policy are to be achieved. It is very important to ensure that these guiding documents relate directly to the Policy and together, provide a clear and defensible basis for decision making. The new draft Policy and changes to associated guiding documentation now achieve this aim.

With regard to Norfolk Island Pine trees, it is acknowledged that they may be deemed unsuitable for certain locations, particularly where the dimensions of the streetscape are not likely to yield a large enough footprint to accommodate the tree's well-defined growth characteristics. However, the City already has a significant number of Norfolk Island Pine trees within our streetscapes and many of these trees are fitting successfully into their locations and continue to provide amenity, resilience and a sense of place which are all fundamental values of the draft Greening Mandurah Framework.

It is important to note that any large tree, not only the Norfolk Island Pine tree, has the potential to create issues when planted in and around hard infrastructure and that the same criteria should apply to all trees when considering whether they should be removed or not. Briefly, these criteria relate to health of the tree, whether or not the tree is causing unmanageable damage to adjacent infrastructure or lastly, where the tree is not in keeping with the desired values and amenity for the area in which they are located. Given that many large trees can be 40 to 50 years of age by the time that they start causing issues, any decision to remove them should only be contemplated when all other options for addressing the issues have been thoroughly considered.

In moving forward, by ensuring that all trees are planted in appropriate locations that allow for the growth characteristics of the specific tree it should be possible to minimise any risks and undesirable outcomes in the future. Appropriate locations will have been carefully considered and identified in the Street Tree Masterplan and as a consequence it should be possible to minimise the negative impacts that can occur from time to time. Finally, it is important to note that there may be occasions in which a tree, for whatever reason, creates unforeseen issues and in such circumstances, the City should make a decision on managing the tree based on those individual circumstances.

MEAG Comment

This item was considered by the Mandurah Environmental Advisory Group (MEAG) at its meeting of Friday 13 November 2020. As the agenda was prepared prior to this meeting, MEAG's recommendation will be presented at Council.

Consultation

Elected Members have been consulted on the draft Trees in Streets and Public Open Spaces policy and an Elected Members workshop was held on 3 November 2020.

Statutory Environment

N/A

Policy Implications

This draft Policy Management of Trees in Streets and Public Open Spaces (POL-RDS 06) will replace the previous policy City of Mandurah Tree Management Policy (POL-RDS 06) if adopted by Council.

Economic Implications

The planting, removal and ongoing maintenance of City owned trees has financial implications. Overall tree management by the City incurs significant annual budget allocations. Whilst there is an ongoing cost to the City for maintaining its tree population, there are also recurring costs for undertaking remedial works to infrastructure where trees have impacted that infrastructure and there will also be costs associated with

removing and replacing trees where this is deemed appropriate. Notwithstanding this, trees provide significant benefit to the community and in particular, those related to a prevalent and sustainable urban canopy as outlined in the proposed Greening Mandurah Framework.

Risk Analysis

The Policy provides for clear and consistent decision making and addresses ambiguities under the old policy document.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2020 – 2040* are relevant to this report:

Social:

- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.
- Advocate for and facilitate the provision of diverse and environmentally sustainable places and spaces for people to enjoy an inclusive and active lifestyle.

Health:

- Provide and facilitate quality infrastructure that is accessible, and conducive to a healthy, active community.
- Promote the importance of a healthy, active lifestyle and the role the natural environment plays in preventative health, within our community.

Environment:

- Protect and manage our local natural environment and ensure that our actions to manage land-based assets don't adversely impact our waterways.
- Create opportunities for our community to celebrate and preserve our local natural environment.
- Educate our community on global environmental sustainability issues and demonstrate leadership in the field.
- Partner and engage with our community to deliver environmental sustainability outcomes.

Organisational Excellence:

- Listen to and engage with our community in the decision-making process.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

Conclusion

Officers have reviewed the City of Mandurah Tree Management Policy (POL-RDS06) and in doing so present a new draft Council Policy for Management of Trees in Street and Public Open Spaces for consideration. This draft Policy now underpins the proposed Greening Mandurah Framework and includes more specific information on tree management with specific regard to tree selection, maintenance, removal and/or replacement.

As part of this review, City officers also considered the request to have the "inclusion of Norfolk Island Pine Trees within the 'inappropriate tree species' list". After carefully review, it is considered that there are still locations in which Norfolk Island Pine trees would be a suitable species selection based on the available evidence and advice received which has been presented in this report.

Council are asked to endorse the new draft Council Policy for Management of Trees in Street and Public Open Spaces and not include Norfolk Island Pine trees on the 'inappropriate tree species' list.

NOTE:

- Refer ***Attachment 13.1 Management of Trees in Streets and Public Open Spaces Policy (POL-RDS 06)***.

RECOMMENDATION

That Council:

1. **Endorse the new draft Council Policy Management of Trees in Streets and Public Open Spaces (POL-RDS 06) as detailed in Attachment 13.1; and**
2. **Does not include Norfolk Island Pine trees on the inappropriate tree species list.**

Management of Trees in Streets and Public Open Spaces

POL-RDS 06

COUNCIL POLICY

Policy Objective

To provide direction to City officers in relation to the management of trees in streets and public open spaces managed by the City of Mandurah in order to provide an attractive, healthy, resilient and diverse urban environment, and action the objectives of the Greening Mandurah Framework.

Policy Statement

Statement:

The City of Mandurah (the City) will manage and maintain trees in streets and public open space that are under the care and control or ownership of the City in accordance with best practice industry standards and this Policy.

The City's operational tree management processes and procedures will ensure consistency with this Policy and alignment with the Greening Mandurah Framework and its objectives including to nurture, value, protect and enhance the urban tree canopy and ecosystem.

Tree management processes and procedures will fall under the following categories:

1) Tree species selection and planting

City officers will prepare masterplans to guide the selection and planting of trees in streets and public open spaces. The preparation of masterplans will include an appropriate level of community consultation, as defined in the City's Community Engagement Strategy and reflect the outcomes of this consultation where appropriate. Specific consideration will be given to:

- 1.1) Appropriate species selection for each individual street or public open space;
- 1.2) Promoting and enhancing cultural characteristics of locations; and
- 1.3) Protecting and enhancing environmental value and characteristics of locations.

2) Tree maintenance

City officers will prepare a Tree Management Technical Guideline detailing best practice industry standards and providing a thorough operational methodology for the management of trees in streets and public open spaces. The City will conduct tree maintenance **at the City's expense**. The Tree Management Technical Guidelines will cover all aspects relating to:

- Tree planting site requirements;
- Tree stock specifications and quality;
- New tree planting and establishment methodology;
- Tree maintenance requirements and methodology;
- Asset management;
- Methodology relating to the removal of trees; and
- Tree protection.

Management of Trees in Streets and Public Open Spaces

POL-RDS 06

- 2.1) Private street tree maintenance may be undertaken by a requesting person(s), in addition to any tree maintenance performed by the City, if approved by the City under a Permit issued pursuant to the City of Mandurah *Local Government Property and Public Places Local Law 2016*, at the expense of the requesting person(s). Approval will, among other things, be conditional on the private maintenance works having no detrimental impact on the health of the street tree and the requesting person(s) being the adjacent property owner.

3) Consideration of Tree Removal

City officers may consider the removal and replacement of established trees in streets and public open spaces, **at the City's expense**, where:

- 3.1) the species of the tree is listed as a pest plant under the City's *Animals, Environment and Nuisance Local Law 2010*;
- 3.2) the tree is dead, in decline, diseased or damaged past the point of recovery and no remedial treatment will be effective; and
- 3.3) the tree has been deemed, by a suitably qualified arborist, as a hazard to persons or property and no practical remedial techniques can alleviate the hazard.

City officers may also consider the removal and replacement of established trees in streets and public open spaces, at the expense of the requesting person(s), where:

- 3.4) a development or works approved by the City deems removal necessary, in which case the developer or owner of the works shall be responsible for expenses related to the tree removal and establishment of a replacement tree, as directed by the City; or
- 3.5) the tree was not approved by the City before it was planted and it is in significant contrast to the objectives of the relevant masterplan guiding the selection of trees in streets or public open space, in which case the requesting person(s) shall be responsible for expenses related to the removal and establishment of a replacement tree, as directed by the City.

City officers will ensure a resident can make application for:

- The City to undertake works in relation to tree removal in a street or public open space (where the City or the resident will incur costs associated with the works approved); and
- A Permit for private street tree maintenance in accordance with the City of Mandurah *Local Government Property and Public Places Local Law 2016* (where the resident will incur the costs associated with the works approved).

This application will include details of how to lodge a request, the assessment method that will be used by City officers to determine whether or not a tree will be removed, and details of how a removed tree will be replaced.

4) Review of City officers decision to refuse removal of a tree in a street or public open space

Where a request for removal of a tree is not granted by the City officer, the requesting person(s) may request a review of the decision through the presentation of a suitably qualified arborist report, to the City, engaged at the requesting person(s) expense, recommending removal of the tree for one of the reasons outlined in 3.1 to 3.3 of this Policy.

Management of Trees in Streets and Public Open Spaces

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If there is conflict between advice given by the City's arborist (who is employed by the City) and the requesting person(s) arborist, the City will engage a separate and independent consultant arborist to make a determination on the matter. Where there is conflict between advice given by the City's arborist (who is engaged and is not an employee of the City) and the requesting person(s) arborist, the City's arborist report will prevail.

A suitably qualified arborist under this Policy is a person who holds an AQF5 (Australian Qualified Framework Level 5) Diploma in Arboriculture qualification.

Legislative Context

Animals, Environment and Nuisance Local Law 2010 – Schedule 5 Pest plants *Local Government Property and Public Places Local Law 2016*

Review

At a minimum this Council Policy will be reviewed every two years.

Related Documents

These documents are mandatory and required to give effect to this policy:

- Greening Mandurah Framework
- City of Mandurah operational processes and procedures
- Locality Street Tree Masterplan
-

Responsible Directorate: Built and Natural Environment

Responsible Department: Landscape Services

Reviewer: Manager Environmental Services

Creation date and reference: 20 March 2007 Minute G.26/3/07

Last Review: 23 July 2019 Minute G.12/7/19

Version #	Type (Minor, Major)	Amendment (Reasoning)	Reviewer	Council Approval Date and Reference	Date Document In force	Date Document Ceased
1						
2						

15	SUBJECT:	Yalgorup National Park Recreational Master Plan
	DIRECTOR:	A/Director Strategy & Economic Development
	MEETING:	Council Meeting
	MEETING DATE:	24 November 2020

Summary

Since Council's decision in 2012 to seek National and eventual World Heritage listing of Lake Clifton and the Yalgorup Lakes system, the City has undertaken various initiatives to ensure the ongoing protection and conservation of Yalgorup National Park and the Peel-Yalgorup Wetlands System. One of these measures is nature-based tourism.

The City's economic development strategy, *'Mandurah and Murray: a Shared Economic Future'*, adopted by Council in October 2018, contains a number of programs and projects across Mandurah and Murray, including several trails and eco-tourism projects. One of these is Peel-Yalgorup Wetlands Trails, which in turn is comprised of two inter-related sub-projects; Yalgorup National Park, and Peel-Harvey Estuary Trails. These sub-projects aim to develop a range of environmentally sustainable trails, attractions and accommodation within Yalgorup National Park and the Peel-Harvey Estuary.

In May 2019, Council endorsed the City's intention to partner with the Department of Biodiversity, Conservation and Attractions (DBCA) to undertake the *Yalgorup National Park Recreational Master Plan*. The City funded the master planning process, which commenced in August 2019 with DBCA's engagement of a consultant to develop the master plan. Targeted stakeholder engagement commenced in late 2019, with 16 community, environmental, recreational, professional and local government groups engaged as part of the process.

In January, the first draft of the recreational master plan was provided to the City for stakeholder feedback. After seeking feedback from internal and external stakeholders, officers subsequently met with DBCA in February to provide feedback on the draft master plan. A revised draft master plan was provided to the City by DBCA in April, with a further revised draft provided in May, containing six recommended actions and recreation opportunities. The latest version of the working document was provided to the City by DBCA in September (Confidential Attachment 1). The master plan is a confidential attachment as it is a DBCA document that will be released at a future date by DBCA rather than the City.

Of the six recommended actions in the recreational master plan, only the first directly impacts the City of Mandurah. The other five recommended actions are primarily concerned with activities that would take place within Yalgorup National Park, and that are therefore under the control of DBCA. The first recommended action involves aligning local government land management actions with DBCA's management objectives to address concerns of 4WD and trailbike access into Yalgorup National Park from adjoining Local Government lands.

Council is requested to support all six recommended actions of the Yalgorup National Park Recreational Master Plan, and to endorse the plan as a DBCA working document that will outline future investment opportunities within Yalgorup National Park.

Council is also requested to approve and resource the development of a Beach Access Management Plan for Mandurah's southern beaches adjacent to Yalgorup National Park, in partnership with DBCA, the Shire of Waroona and other stakeholders. This is in response to an identified need to align DBCA and Local Government land management actions on beach access adjacent to Yalgorup National Park.

Council is also requested to commence advocacy for Government funding that would enable DBCA to undertake detailed planning and implementation of the Yalgorup National Park Recreational Master Plan.

Disclosure of Interest

N/A

Previous Relevant Documentation

- G.9/05/19 28/05/2019 Council endorsed the City's intention to partner with the Department of Biodiversity, Conservation and Attractions to undertake the Yalgorup National Park Recreational Master Plan. Council also acknowledged and endorsed the Mandurah Environmental Advisory Group's request for indigenous involvement in the Yalgorup National Park Recreational Master Plan, and acknowledged and endorsed MEAG's request to be kept informed on the process/progress of the Yalgorup National Park Recreational Master Plan, and that the item is referred back to the Mandurah Environmental Advisory Group at management plan stage.
- G.16/03/19 26/03/2019 Council acknowledged the update on the proposed National Heritage listing of Yalgorup National Park, including the results of the community engagement campaign, and supported the park's nomination for National Heritage listing without an intensive and ongoing community engagement campaign.
- G.20/10/18 23/10/2018 Council adopted '*Mandurah and Murray: a Shared Economic Future*' as the City's new economic development strategy. Council also endorsed 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.

Background

In 2012, Council resolved to nominate Yalgorup National Park for National Heritage listing, and to subsequently seek World Heritage listing. In April 2017, Council agreed to undertake community consultation to assess the level of support for Yalgorup's nomination for National Heritage listing. The resultant community engagement process was overwhelmingly positive, with 96% of respondents supportive of National Heritage listing. As a result, Council resolved in March 2019 to support the nomination of Yalgorup National Park for National Heritage listing without an intensive and ongoing community engagement campaign.

In October 2018, Council adopted '*Mandurah and Murray: a Shared Economic Future*', the City of Mandurah and Shire of Murray's new collaborative economic development strategy. The strategy is a 'living' document, designed to change and evolve according to Mandurah and Murray's changing environment, priorities and opportunities. The strategy contains six broad programs; Water Economy, Daytrip Capital, Arts, Culture and Sport, City Centre, Food and Agribusiness, Resources and Energy. Within these programs are eight inter-related projects across Mandurah and Murray, including several with a tourism focus. One of these is Peel-Yalgorup Wetlands Trails, comprised of two inter-related sub-projects; Yalgorup National Park, and Peel-Harvey Estuary Trails.

As part of the Yalgorup National Park project, in early 2018 officers commenced discussions with DBCA and other agencies to determine the project's potential scope and parameters. In March 2019, the Department's Director General formally advised the City of DBCA's willingness to jointly develop a recreational master plan for Yalgorup National Park. In May 2019, Council endorsed the City's intention to partner with DBCA to undertake the Yalgorup National Park Recreational Master Plan, and approved the allocation of \$30,000 from the City's Economic Development budget to be provided to DBCA for the project. The master planning process commenced in August 2019 with DBCA's engagement of a consultant to undertake community engagement and planning.

Comment

The Yalgorup National Park Recreational Master Plan is a DBCA working document that will outline future investment opportunities within Yalgorup National Park. The consultant commenced targeted stakeholder engagement in October 2019, with 16 community, environmental, recreational, professional and local government groups engaged as part of the process. MEAG was also consulted prior to the master plan's commencement, and Visit Mandurah was regularly updated and consulted on the plan's progress.

In January, the first draft of the recreational master plan was provided to the City for stakeholder feedback. After seeking feedback internally and with Visit Mandurah, as well as the Shires of Murray, Waroona and Harvey, officers subsequently met with DBCA in February to provide feedback on the draft master plan. A revised master plan was provided to the City in April, with a further revised version provided in May, and another in September. The master plan will remain a working document that sits beneath DBCA's *Swan Coastal Plain South Management Plan*.

Published in March 2016, the *Swan Coastal Plain South Management Plan* provides broad direction for parks and reserves on the southern part of the Swan Coastal Plain vested in the Conservation Commission and managed on behalf of the Conservation Commission by DBCA. It also identifies the key values, management issues and opportunities to ensure that management priorities to minimise impacts are determined at a strategic level.

The Yalgorup National Park Recreational Master Plan contains six recommended actions and recreation opportunities:

1. *Align DBCA and Local Government Association land management actions;*
2. *Create new long-distance cycling and walking routes;*
3. *Scope potential for new day-use areas and short walk opportunities;*
4. *Explore new visitor education and interpretive opportunities;*
5. *Investigate new and diverse accommodation opportunities;*
6. *Expand tourism and commercial operator opportunities.*

1. Align DBCA and LGA land management actions

The first recommended action involves aligning local government land management actions with DBCA's management objectives to address concerns of 4WD and trailbike access into Yalgorup National Park from adjoining LGA lands. The recreational master plan recommends reviewing 4WD vehicle beach access from Tims Thicket and White Hills Beach, and reviewing future beach access between White Hills Beach and Preston Beach, in an endeavour to strike an appropriate balance between promoting recreational activity and ensuring environmental protection.

2. Create new long-distance cycling and walking routes

The creation of long-distance cycling and walking routes through Yalgorup National Park is designed to encourage greater participation by novice hikers, cyclists, families and active older adults. The proposal involves the creation of a new 33km cycle and walking trail from Tims Thicket to Preston Beach. The trail could potentially incorporate a range of complementary nature-based day-use facilities, and public or

private new camping areas and/or small, low impact huts along with structured camping 'pads' at regular distances.

3. Scope potential for new day-use areas and short walk opportunities

The creation of new day-use areas and short walk opportunities is designed to enhance visitors' access to Yalgorup National Park, enabling a greater appreciation of the park's uniqueness. These would be located in the Park's Northern and Lakes precincts, and could offer short walks (30 minutes to 2 hours), low-impact board walks, lookouts and bird hides.

4. Explore new visitor education and interpretive opportunities

The creation of new visitor education and interpretive opportunities involves expansion of existing interpretive information within the park, and creation of a visitor centre building that would play an important role in telling the story of the park's environment, culture and history. Feedback from both Visit Mandurah and DBCA indicates that a permanent visitor centre facility within Yalgorup National Park would be unlikely to be supported, however the establishment of a pop-up visitor centre to be operated by Visit Mandurah would be supported.

5. Investigate new and diverse accommodation opportunities

The investigation of new and diverse accommodation opportunities to cater for an increasingly diverse visitor market and to increase the spectrum of available accommodation types for visitors both within and adjacent to the park. New accommodation opportunities could include low impact environmental cabins, public campgrounds regulated and maintained by a commercial operator, and special interest-specific lodges.

6. Expand tourism and commercial operator opportunities

Expanded tourism and commercial operator opportunities could potentially include commercially managed accommodation, cycle hire, dedicated bus transfers for hikers and cyclists, food trucks, indigenous tourism and alternative adventure tourism. The master plan also recommended that separate investigations be undertaken into potential alternative locations within the Peel Region for 4WD and trail bike recreation in conjunction with private commercial operators to ease environmental pressure on the park caused by illegal 4WD and trail bike access.

Related land management issues

During the early planning stage of the recreational master plan, officers canvassed potential to establish a dedicated off-road 4WD and trailbike park in Myalup State Forest, to the east of Yalgorup National Park. This proposal sought to provide an alternative location for 4WD and trailbike users to utilise, which in turn would aim to ease environmental pressure on the national park and surrounding beaches. However, DBCA advised that this proposal was unlikely to be supported by the Forest Products Commission (the landowner), and it was therefore subsequently removed from the master plan.

Concurrently, the Department of Local Government, Sport and Cultural Industries (DLGSC) is collaborating with the Department of Planning, Lands and Heritage (DPLH) to undertake an assessment of potential off-road vehicle sites within the Perth Metropolitan and Peel Regions. The DLGSC has held initial discussions with the Peel Alliance (formerly Peel Regional Leaders Forum) on the site assessment process, and Peel Alliance is in turn liaising with individual Peel local governments to identify potential suitable off-road vehicle sites within the Peel Region that could be included in the site assessment.

The City has also been made aware of a private development proposal, *Peel Moto Park*, which seeks to create a commercial off-road trail bike park within the Peel Region. The proponent is seeking to identify a suitable property within the Peel Region, and has been engaging with Peel local governments to seek help identifying a suitable site. Officers have advised the proponent that whilst the City of Mandurah LGA is

heavily constrained in its geography, environmental values and residential interface, opportunities for a commercial off-road site may exist within other Peel LGAs. To this end, City officers have engaged with officers from other Peel Local Governments, as well as the DLGSC on behalf of the proponent in an endeavour to identify a potentially suitable location for a commercial off-road trail bike park.

Related Programs and Strategies

In June, the WA Government released the *WA Hiking Strategy 2020-2030*. The strategy contains four strategic objectives to develop safe and sustainable hiking experiences, guide government investment and create stronger community development and economic outcomes:

1. *Maximise participation outcomes;*
2. *Grow the visitor economy;*
3. *Sustainable trail development and maintenance;*
4. *Effective governance and advocacy.*

Specific projects within the Yalgorup National Park Recreational Master Plan contain hiking elements that align with the objectives of the WA Hiking Strategy. As such, the strategy may lead to future funding opportunities for the project.

In August, the WA Government announced a market-led proposals process, seeking opportunities for nature-based tourism in Western Australian national, marine and conservation parks. The market-led proposals process called for innovative submissions from industry, which may include, including new adventure activities, tourism experiences, infrastructure, tour products, eco-accommodation and Aboriginal cultural tourism opportunities.

In October, the WA Government announced round 3 recipients under the *Aboriginal Rangers Program*. Round 3 will provide \$4.7 million for 10 projects across WA, creating 73 ranger jobs and more than 100 training opportunities. Winjan Aboriginal Corporation will receive \$308,000 under Round 3 over a two-year program, creating three part-time ranger positions and up to 12 traineeships in a partnership with DBCA, Peel-Harvey Catchment Council and the City of Mandurah. Winjan's Aboriginal Ranger Program will have an on-ground works focus on Yalgorup National Park, Serpentine River and Lake Goegrup, and will include cultural burning training, monitoring and research activities, revegetation and weed control, trails and recreation sites maintenance, and guided cultural tours.

Aligning DBCA and LGA land management actions

Of the six recommended actions in the Yalgorup National Park Recreational Master Plan, only the first (*Align DBCA and LGA land management actions*) directly impacts the City of Mandurah. The other five recommended actions are primarily concerned with activities that would take place within Yalgorup National Park, and therefore under the control of DBCA.

These five recommended actions have already been approved by the WA Government via the existing *Swan Coastal Plain South Management Plan*, and therefore do not require further government approval. However, DBCA does require State Government approval to undertake an expression of interest process for commercial accommodation leases within the park, and intends to seek the necessary approvals once the recreational master plan has been finalised and further detailed design and concept planning has been undertaken.

In an endeavour to better align the City's and DBCA's land management actions within and adjacent to Yalgorup National Park, it is recommended that the City develops a dedicated *Beach Access Management Plan* for Mandurah's southern beaches adjacent to Yalgorup National Park. The beach access management plan would be developed in partnership with DBCA, the Shire of Waroona and other relevant stakeholders, and would ideally be a rolling 10-year plan with regular reviews programmed.

To assist this process, DBCA has prepared a draft site analysis for Tims Thicket and White Hills beach access. The site analysis was provided to the City by DBCA in September to assist with collaborative long-term beach access management planning for beaches adjacent to Yalgorup National Park, and will be utilised as an early-stage document to inform targeted stakeholder engagement and ongoing development and implementation of the Beach Access Management Plan.

A study released by the WA Government in March 2019 revealed that WA recreational fishers spend \$2.4 billion annually on fishing-related activities. The *Economic Dimensions of Recreational Fishing in Western Australia* report, undertaken by Economic Research Associates, found that the Peel Region was the state's third-largest recreational fishing spend region, at more than \$217 million per year.

Mandurah's southern beaches, including Tims Thicket and White Hills, are highly popular recreational beach fishing locations, as well as being the first locations south of Perth where beach four-wheel-driving

is permitted. As such, this activity forms an important part of Mandurah's economy, and will need to be actively considered during the development of a beach access management plan.

Additional Opportunities

On 12 September, Elected Members conducted a site visit of Yalgorup National Park. The site visit provided an opportunity for Elected Members to discuss beach access management issues and recreational master plan development opportunities with DBCA and City officers. During this visit, the potential to establish northern road access into Yalgorup National Park was also discussed.

Subsequent discussions with DBCA indicate that a northern access road into Yalgorup National Park is potentially feasible. It is therefore recommended that this option be further investigated as part of the detailed planning process for the Yalgorup National Park and surrounding areas. It is also recommended that an assessment of potential sustainable tourism opportunities on privately-owned land adjacent to Yalgorup National Park be undertaken.

Upon Council's endorsement of the Yalgorup National Park Recreational Master Plan, it is envisaged that the City and DBCA will jointly commence advocacy for government funding to undertake detailed design and implementation of the Yalgorup National Park Recreational Master Plan. Funding will be required for detailed design, concept and construction plans as well as subsequent infrastructure investment. Implementation of the master plan is anticipated to be a staged process over several years, pending funding provision. It is therefore recommended that advocacy commence promptly, in line with the City's advocacy framework priorities.

MEAG/MCCAG Comment

MEAG made the following recommendations at its 18 September meeting:

- The Beach Access Management Plan is a high priority and needs to be suitably resourced.
- A survey to be done of beach users (from Whitehills to Preston) – and that data to be included.
- When the Plan is presented, that there is a formal mechanism to ensure that the Plan will be followed through and actively reviewed, monitored and ongoing.
- That the Beach Access Management Plan be embedded into the City's Operational Plan, and form part of the City's KPI's.
- That 4WD access needs to be part of the Plan, and not a separate issue.
- That the Plan forms part of relevant City policies.

Consultation

Targeted stakeholder engagement was undertaken by the consultant as part of the master planning process for the Yalgorup National Park project. 45 stakeholders from 16 different community, environmental, recreational, professional and local government groups were engaged through a series of targeted interviews and an online survey. This sought to provide background into the values, threats and challenges to Yalgorup National Park, and provided guidance for the planning and management of existing and future recreation opportunities for the park. Stakeholders invited to engage with the consultant during the development of the master plan included:

- Bouvard Coast Care;
- City of Mandurah;
- Coastal Waste Warriors;
- Common Ground;
- Fragyle;
- Lake Clifton Herron Landcare Group;
- Mandurah Environment and Heritage Group;
- Nyungar representatives;
- Peel Development Commission;
- Peel 4x4WD club;
- Peel Harvey Catchment Council;
- Shire of Harvey;

- Shire of Waroona;
- The Four-Wheel Drive Club of WA (Inc);
- Track Care;
- Visit Mandurah.

Statutory Environment

DBCA will be responsible for meeting its statutory responsibilities within Yalgorup National Park. Similarly, the City's statutory requirements for its coastal areas adjoining Yalgorup will be assessed during the development of the Beach Access Management Plan.

Under the City of Mandurah's *Local Government Property and Public Place Local Law 2016*, the City is able to make a determination to prevent people taking, riding or driving a vehicle or a particular class of vehicle in a specified place that is marked by signage.

Under the *Civil Liability Act 2002* 5H, a person is not liable for harm caused by that person if the person harmed was 'engaged in a dangerous recreational activity if the harm is the result of the occurrence of something that is an obvious risk of that activity'.

Policy Implications

N/A

Economic Implications

Council and the broader community have identified growing Mandurah's economy as a priority. The City's joint economic development strategy, *Mandurah and Murray: a Shared Economic Future*, aims to facilitate economic growth, with a strong emphasis on delivering tourism growth, including in environmental and trails tourism.

In November 2019, the Peel Development Commission prepared and submitted a business case on behalf of the Peel Alliance to the Department of Primary Industries and Regional Development (DPIRD), seeking State Government funding of \$12.7 million for the *Peel Regional Trails Project*. The Peel Regional Trails Project is comprised of five individual trails across the Peel Region:

- Dwellingup Gap – Shire of Murray (\$2.7 million sought);
- Boddington-Dwellingup Hotham Rail Trail – Shire of Boddington (\$4.4 million sought);
- Byford Trail Centre – Shire of Serpentine-Jarrahdale (\$676,595 sought);
- Sea to Scarp Trails – Shire of Waroona (\$4.1 million sought);
- Peel-Yalgorup Wetlands Trails – City of Mandurah (\$500,000 sought).

The \$500,000 sought for the Peel-Yalgorup Wetlands Trails project was earmarked to undertake detailed designs/concept plans, feasibility studies and business cases for trails development and tourism infrastructure for the Yalgorup National Park and Peel-Harvey Estuary Trails projects. This work would also enable final project costs to be established for the two sub-projects.

The PDC/Peel Alliance submission also noted that the Peel-Yalgorup Wetlands Trails project aligns directly with the WA Government's new *Diversify WA* economic development strategy, whereby the State Government outlined its Tourism priority target of increasing WA's conservation estate by five million hectares by 2023/24, as well as its objective to grow Aboriginal and regional tourism.

At this stage, the outcome of the Peel Regional Trails Project funding application is unknown. It is therefore recommended that the City of Mandurah – in conjunction with DBCA and the Peel Alliance – continues to advocate for State funding for the Peel Regional Trails Project as a key part of its Ecotourism Destination Development initiative for Yalgorup National Park.

Upon finalisation of detailed planning, design and business cases for Yalgorup National Park, the City, DBCA, Peel Development Commission and Peel Alliance will be able to seek WA and Australian Government funding to enable the project's subsequent implementation. The business case will determine the project's final costs, and also economic impacts on the local, regional and state economy.

The Beach Access Management Plan will involve two phases, development and implementation. The development of the Beach Access Management Plan will be completed City Officers in-house with the costs primarily involving officers' time/salaries, plus community engagement on completion of the draft plan. The costs of the subsequent implementation of the plan will be determined during its development.

Risk Analysis

If the Yalgorup National Park Recreational Master Plan is not effectively implemented as a collaborative partnership, the following risks apply:

- **Environmental Risk**
There is a significant risk to the Yalgorup National Park's future sustainability without the development of sufficient management and conservation planning and resourcing including those threats currently posed by unauthorised vehicle access.
- **Economic Risk**
The Yalgorup National Park Recreation Master Plan facilitates opportunities for the park to be opened up and made accessible for visitors allowing the untapped potential of this unique environmental resource to be realised. Similarly, without an iconic nature-based tourism attraction, Mandurah's sustainable tourism potential may not reach its potential and its tourism-related economic growth may be limited.
- **Reputational Risk**
The delivery of the key recommendations of the Master Plan relies on the City's ability to effectively partner with State Government agencies to realise the ecotourism opportunities available and also to manage and protect the fragile environment.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2020 – 2040* are relevant to this report:

Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.
- Actively partner and engage with business and industry to build Mandurah's entrepreneurial capacity and capability.
- Leverage partnerships with key stakeholders to achieve improved economic outcomes with due consideration to environmental impacts.

Social:

- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.
- Advocate for and facilitate the provision of diverse and environmentally sustainable places and spaces for people to enjoy an inclusive and active lifestyle.

Health:

- Provide and facilitate quality infrastructure that is accessible, and conducive to a healthy, active community.

- Promote the importance of a healthy, active lifestyle and the role the natural environment plays in preventative health, within our community.

Environment:

- Advocate for and partner with all levels of Government and other agencies to ensure environmental impacts are considered in all strategy development and decision making.
- Protect and manage our local natural environment and ensure that our actions to manage land-based assets don't adversely impact our waterways.
- Create opportunities for our community to celebrate and preserve our local natural environment.
- Educate our community on global environmental sustainability issues and demonstrate leadership in the field.
- Partner and engage with our community to deliver environmental sustainability outcomes.

Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.
- Listen to and engage with our community in the decision-making process.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

Conclusion

The Yalgorup National Park Recreational Master Plan process was endorsed by Council in May 2019, and commenced planning in August 2019. The Master Plan identifies existing challenges with respect to environmental protection, population growth, climate change and changing visitor patterns and identifies new visitor recreation opportunities and associated recreation infrastructure. Importantly, the inclusion of surrounding LGA lands alongside DBCA lands is considered critical to the plan's success. The development of consistent planning across both land tenures to coordinate and align visitor use, patterns and management is the plan's highest priority.

Council is requested to endorse the Yalgorup National Park Recreational Master Plan as a DBCA working document that will outline future investment opportunities within Yalgorup National Park. Council is also requested to approve and resource the development of a Beach Access Management Plan for Mandurah's southern beaches adjacent to Yalgorup National Park.

Council is requested to commit to a program of advocacy for Government funding to undertake detailed planning and subsequent implementation of the Yalgorup National Park Recreational Master Plan, and also to collaborate and advocate with other government agencies to help identify potential off-road vehicle sites within the Peel Region, including potential commercial opportunities.

NOTE:

- Refer ***Confidential Attachment - Recreational Master Plan for Yalgorup National Park and Coastal Areas (Draft)***

RECOMMENDATION

That Council:

1. **Endorses the *Yalgorup National Park Recreational Master Plan* as a DBCA working document that will outline future investment opportunities within Yalgorup National Park;**
2. **Formally advises the Department of Biodiversity, Conservation and Attractions that the City of Mandurah broadly supports all six recommended actions of the recreational master plan;**

3. **Approves and resources the development of a *Beach Access Management Plan* for Mandurah's southern beaches adjacent to Yalgorup National Park, in partnership with the Department of Biodiversity, Conservation and Attractions and other stakeholders;**
4. **Invites the Department of Biodiversity, Conservation and Attractions to partner with the City and other stakeholders to develop a *Beach Access Management Plan* for Mandurah's southern beaches adjacent to Yalgorup National Park;**
5. **Recognises the importance of a dedicated northern access road into Yalgorup National Park;**
6. **Commences advocacy for Government funding for Ecotourism Destination Development of the Yalgorup National Park;**
7. **Continues to collaborate and advocate with the Department of Local Government, Sport and Cultural Industries and the Peel Alliance to help identify potential off-road vehicle sites within the Peel Region, including potential commercial opportunities.**

16	SUBJECT:	Trolls in Western Australia Project Update
	DIRECTOR:	A/Director Strategy and Economic Development
	MEETING:	Council Meeting
	MEETING DATE:	24 November 2020

Summary

The development of the Trolls in Western Australia project is continuing to progress since the Chief Executive Officer's last update to Council in January 2020. The project initiator FORM, has now secured all of the external funding required to deliver the project with a total of \$925,000 being allocated from various State Government Departments (Tourism WA, the Officer of Premier and Cabinet and the Department for Local Government, Sport and Cultural Industries).

City officers have also met with both the Department of Biodiversity, Conservation and Attractions, and the Department of Transport to discuss possible site locations and approval processes in order to maintain the project's momentum.

With the COVID-19 pandemic still having a major impact on travel and international travel restrictions in WA and across the country, FORM has recently informed the City that the project has now been formally postponed until late 2021. Whilst this delay may be seen as disappointing, City officers have identified a number of benefits which will result in the project's ability to meet its original objectives, including boosting interstate and international visitation to Mandurah. The new timeline has an estimated installation and launch date of December 2021.

Since the last formal update to Council in January 2021, City officers have worked with FORM to understand the full extent of Council's commitment to the project. Under the terms of the draft contract, the City is also responsible for a number of costs related to each of the proposed sites including;

- Lease / license arrangements for each of the locations that are not on City owned or managed land,
- Minor works associated with the preparation of each of the sites,
- Engineer's sign off and advice in relation to the structures to ensure they are safe and in accordance with current building codes,
- Marketing and promotions as part of an integrated communications campaign.

The original funding request which Council provided support in principle was \$250,000. It is now estimated that a further \$135,500 is required to successfully deliver the project with an annual maintenance allowance of \$91,000pa. The annual maintenance allowance incorporates an amount for the ongoing maintenance of the artworks themselves (City officers have estimated maintenance based on a 10% allowance of construction costs – once maintenance plans are developed, the City officers will provide an update to Council), insurance of the assets, an allowance for minor upgrades to path access at each site, cleaning and waste management in and around the sites and ongoing marketing and promotion.

Whilst these additional implementation and ongoing maintenance costs are significant, City officers believe that the Trolls in Western Australia project is a strategic investment that has potential to deliver a unique tourism product for Mandurah. Based on conservative estimates, it is projected that the increased visitor numbers will result in an economic return of almost \$8million in the first year.

At the time when the project was originally proposed, it was seen as an opportunity to provide significant benefit for local business and the Mandurah tourism sector. However, with the impacts of COVID-19 the project can take on a different dimension as part of the City's Restart Mandurah recovery plan to boost tourism opportunities in Mandurah following the pandemic.

The purpose of this report is to update Council on:

- The amended timeline for the Trolls in Western Australia project;
- Outline the key components of the draft funding agreement being negotiated with FORM; and
- Detail the estimated costs required to support the installation of the artworks and the ongoing management and maintenance of the assets.

Council are requested to note the change to the project timeline with the anticipated launch date now being December 2021, approve unbudgeted expenditure of \$135,500 from the Restart Mandurah Fund to deliver the Trolls in Western Australia project, note the estimated costs of \$91,000pa for the ongoing management and maintenance of the project and accept FORM as the unique supplier for the project and authorise the Chief Executive Officer to enter into a contract to deliver the project.

Disclosure of Interest

Nil

Location

Officers are currently working with FORM and the artist Thomas Dambo to finalise five ideal sites for the Trolls in Western Australia project, and have met with both the Department of Biodiversity, Conservation and Attractions and the Department of Transport to discuss possible site locations and approval processes. These proposed sites are intended to showcase the unique estuary environment and promote opportunities for visitors to rediscover and reconnect with nature through exploration.

Below is a brief outline of the proposed sites being considered (subject to change based on final assessments and State Government approvals);

Proposed Site	Land Owner
Riverside Gardens (Serpentine River), Greenfields	City of Mandurah
Creery Wetlands Nature Reserve, Dudley Park	Department of Biodiversity, Conservation and Attractions
Samphire Cove Nature Reserve, Halls Head	Department of Biodiversity, Conservation and Attractions
Len Howard Nature Reserve, Erskine	Department of Biodiversity, Conservation and Attractions
Dawesville Cut (Peel Harvey Estuary), Dawesville	Department of Transport

Previous Relevant Documentation

G.7/1/20	28 January 2020	Council provided support in principle for the "Trolls in Western Australia" project and noted that should the project proceed, the City would contribute \$250,000 towards the project. Council also agreed that subject to evidence of the contractual relationship with Thomas Dambo, it did not intend to go to tender on the project as it believes that in accordance with regulation 11(2)(f) there is only one supplier.
G.36/3/19	26 March 2019	Council provided confirmation of \$100,000 for the Water Tower Art Project for the Caddadup and Allan Place, Halls Head towers.
G.22/5/18	22 May 2018	Council acknowledged the Water Towers Art Project application, noted the inclusion of \$100,000 on the draft 2018/19 budget as a contribution to the project and formally requested PHCC to put a proposal before Council by way of a presentation.

Background

In December 2019, the City was approached by FORM, WA's leading public arts organisation, to partner in the creation of an internationally significant public art trail within the City of Mandurah. The proposal was to create five troll sculptures within or abutting our internationally recognised and RAMSAR listed waterways. The project was estimated to cost \$1,261,000 with Council being requested to contribute \$250,000. See Confidential Attachment 1 for a copy of the draft project budget.

At this time, the project was working towards an ambitious timeframe of October 2020 for the installations to be completed with funding contributions from the following project partners;

✓ Tourism WA	\$450,000
✓ Lotterywest (City of Mandurah to apply)	\$475,000
✓ City of Mandurah	\$250,000
✓ FORM (in-kind)	\$ 86,000

In January 2020, Council supported the project in principle noting that if the project is to proceed, the City's contribution would be \$250,000 and advised FORM that subject to evidence of its contractual relationship with Thomas Dambo, the City intends not to go to tender on the project as it believes that because of the unique nature of the goods and services being requested, there is likely to be only one supplier.

In February 2020, City officers submitted a funding application to Lotterywest focusing on the community engagement and educational outcomes and activities associated with the project. FORM, in conjunction with the City, also hosted the artist in Mandurah which included;

- a project overview presentation held at the Peel Harvey Catchment Council (PHCC) offices and attended by City staff, PHCC staff and representatives from Visit Mandurah and the Peel Development Commission;
- aerial and on water tours of the Peel Harvey estuary area;
- site visits to prominent locations along the estuary and river system;
- a meeting facilitated by Mayor Williams with local aboriginal elders Harry Nannup and George Walley.

Despite the interruptions caused by COVID-19 and the unfortunate outcome whereby the City's Lotterywest application was declined due to the repurposing of all grants toward COVID-19 relief, FORM has now successfully secured all project funding. A breakdown of the project partners is outlined below;

✓ Tourism WA	\$450,000
✓ Officer Premier & Cabinet (to be administered by Tourism WA)	\$275,000
✓ Department for Local Government, Sport & Cultural Industries	\$200,000
✓ City of Mandurah	\$250,000
✓ FORM (in-kind)	\$ 86,000

Comment

The COVID-19 pandemic is still having a major impact on travel with interstate and international restrictions in place for WA and Australia. Due to these challenges, FORM informed the City on the 17th September that the project has now been formally postponed until late 2021. Whilst it is disappointing that this exciting project is now being delayed, a number of benefits have been identified;

- The original outcomes for the project centred on attracting significant interstate and international visitation. Under the current COVID-19 travel restrictions this would not be possible limiting visitation largely to the intrastate market over the first 12 plus months.
- The proposal put forward by FORM includes an intensive 12 month 'Exhibition Period' to create and grow awareness of the artworks. This was again designed to target interstate and international tourists.

- The timeframes that had been established were very tight and as a result there were concerns about the project team's ability to deliver upon all project objectives namely the important community engagement elements central to the project's success. The postponement of the project to late 2021 will enable these elements to be carefully planned and delivered in line with the original intentions of the project.

At the time when the Trolls in Western Australia concept was first proposed and prior to the onset of the COVID-19 pandemic, the project was widely seen as a great initiative due to the significant benefits it could provide to local business and the Mandurah tourism sector. Now it is arguably even more important taking on a different dimension as part of the City's recovery plan to boost tourism opportunities in Mandurah following the pandemic. Outlined below is an overview of the new timeline for the project with an estimated launch date of November 2021.

Month	Activity
September 2020	Finalise Artist Agreement (FORM & Thomas Dambo) - <i>completed</i>
November 2020	Council endorsement to enter into a funding agreement with FORM
December 2020	Finalise Funding Agreement - City of Mandurah & FORM
January 2021	Concept design process and Community Engagement commences
March 2021	Finalise Lease / tenure agreements for all project sites
April 2021	Finalise all design documentation and development approvals
October 2020	Commence installation of artworks
December 2021	Conduct launch events. 12-month exhibition period commences
December 2022	Exhibition period concludes

With consideration to some of the challenges presented to this project as a result of COVID-19, the amended timeline increases the longevity of the project, and its ability to meet its original objectives. It also allows more time for the world to return to a "new normal" where travel is allowed, tourism businesses are operating at a larger capacity, and the local economy can benefit from not only intrastate tourism, but interstate and international tourism as well.

Funding Agreement

Officers are currently in the process of developing the Funding Agreement with FORM that will ensure that the City is adequately protected from a financial, risk, insurance and legal perspective. A number of clauses within the Funding Agreement are being negotiated including:

- The Funding Agreement to end at the point of installation of the structures with the City's responsibilities to FORM during the 12 month exhibition period to be outlined in a separate MoU / agreement.
- Clear separation of roles and responsibilities between the City and FORM on all project elements in the planning and delivery of the project. This is to ensure both parties acknowledge and agree to the associated costs of the project. In the event that the costs of the project exceed the funding amount, FORM will be solely responsible for any additional costs.
- The need for the draft design documentation to be reviewed by a suitably qualified engineering consultant to ensure that the structures meet the relevant building codes and Australian Standards. In addition, the City would also look to engage its insurers to undertake a risk review and assessment as part of the design process. This may also require a possible amendment to the contract between FORM and the artist to ensure the key risks identified are appropriately addressed. Following installation, the City would also re-engage the engineering consultant to ensure the artworks were erected in line with the approved design.

- Inclusion of a default clause to address any circumstances whereby FORM fail to comply with the agreement.
- If FORM is planning to utilise volunteers for the purposes of the project delivery or engagement, the agreement needs to clearly state that the volunteers are under their responsibility and this will extend to insurance obligations and induction including requirement for police checks, age and management of volunteers.
- Insurance clauses to align to the City's existing clauses utilised in funding agreements and contracts. In addition, the insurance will need to extend the period of the construction of the Trolls.
- Clarifications on the Marketing and Communications roles and responsibilities for the City, FORM and opportunities for Visit Mandurah.
- The City would be responsible for the decommissioning of the structures and the need for engagement with the artist following the completion of the artworks.
- Intellectual and Copyright clauses (the City is seeking specialist legal advice through the WALGA panel).
- Amendments to the milestone payment schedule to reflect the City receiving and reviewing key project documentation including;
 1. FORM's agreement with the Artist (already provided)
 2. Project Management Plan
 3. Concept and Design Documentation (including site locations and the project narrative)
 4. Community and Volunteer Engagement Strategies (including specific indigenous engagement activities)
 5. Construction Documentation (including the maintenance manual for the artworks)
 6. Communications & Marketing Plan

MEAG Comment

The Mandurah Environmental Advisory Group will be engaged directly through the project's community consultation process with a formal response from the group to be included in a future report to Council.

Consultation

FORM presented an overview of the Trolls in Western Australia project at the Peel Harvey Catchment Council (PHCC) offices in February 2020, which was attended by City staff, PHCC staff and representatives from Visit Mandurah and the Peel Development Commission. A further meeting with local Aboriginal elders was also facilitated.

On Friday 21 August 2020, FORM was invited to provide a project overview to the Reconciliation Action Plan Steering Group. The project appeared to be well received with a number of members of the group wanting to be further involved. The next step is to develop a proposal for the next stage of consultation to be presented back to the RAP Group. It is envisaged that this will be broken down into 2 parts;

1. Artwork and Storytelling (*possible options may include site visits and workshops*)
2. Project Resources – ie. Educational Kits (*focused on creating cultural & environmental awareness*)

As the project has continued to progress, a small working group has been formed encompassing FORM, Visit Mandurah, Corporate Communications, Festivals and Events, and Strategy to ensure that promotion and engagement opportunities are identified and leveraged throughout the planning and delivery of the project.

In addition to the above, Officers have met with the Department of Transport, and the Department of Biodiversity, Conservation and Attraction to determine the suitability, and required approval processes for each of the sites.

Once the Funding Agreement is finalised and FORM are able to further progress with the project, comprehensive community and volunteer engagement strategies will be implemented to engage with community groups and residents to be involved in the project delivery.

Statutory Environment

Council will need to be aware of its obligations in terms of the *Local Government (Functions and General) Regulations 1996* in relation to Council's procurement obligations.

Regulation 11(2)(f) of those regulations, states that tenders do not have to be publicly invited if the *local government has good reason to believe that, because of unique nature of the goods and services required or for any other reason, it is unlikely that there is more than one potential supplier.*

Following the Council resolution in January 2020, FORM was advised that if the project was to proceed, the City's contribution of \$250,000 would be subject to evidence of FORM's contractual relationship with the artist. Subsequently, the City has now been provided with a copy of the Artists Contract between FORM and Thomas Dambo satisfying this regulation.

Policy Implications

- Council Procurement Policy (POL-CPM 02)
- Authority to Execute Policy (POL-CPM 06)

Economic Implications

The original proposal from FORM made a funding request of \$250,000 as the City of Mandurah's contribution towards the project. However, the proposal also requires the City to be responsible for the preparation of the selected sites, all approvals associated with installation of the artworks and the ongoing management and maintenance of the installations following their completion. Officers have sought further information to provide Council with a more accurate estimate on the upfront and ongoing costs of the project, that factors in the City's roles and responsibilities for installation, signage and possible enhancements, ongoing maintenance and decommissioning of the project once it has realised its value.

Below is a summary of the estimated costs to the City to deliver the project:

Item	Est. Cost of Installation	Notes
Contract Management		
Project Funding	\$250,000	As per the original project request.
Legal Costs	\$8,000	Includes an allowance for contract development and drafting of lease / tenure agreements with land owners.
Site Works		
Site Preparation	\$16,500	Includes costs for site fencing, traffic management and waste management.
Consultancy Fees	\$40,000	Includes costs to engage an engineer to review the design documentation and provide final sign-off on the installations.
Site Access	\$16,000	Includes possible path upgrades and an allowance for way finder signage.
Site Management	\$15,000	Includes an allowance for parking & traffic management actions, and the installation of new bins at each site to manage waste.

Item	Est. Cost of Installation	Notes
Marketing & Promotion	\$40,000	Includes an allowance for promotion and communications for the project and launch events.
Totals	\$385,500	

The table outlined above indicates that in addition to the City's \$250,000 funding contribution, it is estimated that the installation of the Trolls in Western Australia project will cost the City a further \$135,500. These costs relate to the preparation and approvals associated with each of the sites to enable the artworks to be installed, any minor upgrades to ensure the locations can accommodate and service the expected increases in visitation and an allowance for promotional activities to support the integrated marketing campaign. In addition to the costs outlined above, the City is providing in-kind costs for City officers in the areas of project management, governance, project construction advice and supervision and communications.

After the artworks are completed and the sites established, it is estimated that the annual cost to manage and maintain the 5 sites will be approximately \$91,000pa. This estimate is comprised of an allowance for artwork maintenance (10% allowance), insurance of the assets, an allowance for minor upgrades to path access at each site, cleaning and waste management in and around the sites and ongoing marketing and promotion.

The Trolls in Western Australia project has the potential to deliver significant economic benefits, particularly within the realm of tourism. FORM has estimated visitor numbers as a result of the project with conservative estimates being 150,000 day trippers and 5,000 overnight visitors over the course of 12 months. Using the City's current estimate that \$45.00 is spent per day by a day tripper, and \$215.00 per day by an overnight visitor, an economic return of almost \$8 million can be expected in the first year. This would represent a return on investment for the City of more than \$18 for every \$1 spent with potential for this figure to increase in future years once the product has been established and demand recognised.

The timing of this project will also provide local tourism businesses with more opportunity than the previous proposed timeline which was going to fall within the peak of COVID-19. The delay until November 2021 will increase opportunities for local tourism businesses, and provide them with a platform to develop new business products that will assist them with their business recovery.

Risk Analysis

Whilst a full risk assessment will also be submitted by FORM as part of the overall Project Plan, City officers have identified 3 key risks which it is working to mitigate as part of the contract negotiations;

1. Further Project Delays / Cancellation

The current COVID-19 situation has required the City to review many of its contracts in the event of delays and cancellations. Projects of this nature are structured around milestone payments based on project deliverables. Under the draft agreement currently being developed, the milestones are split with an initial payment to be made upon signing of the contract, interim payments linked to the provision of key actions including the approval of design documentation and community engagement activities, with the final payment to be processed upon the successful installation of the 5 artworks. This approach will help to manage the City's risks in the unfortunate situation of further project delays as any financial contributions will be directly linked to works completed.

If in the most extreme case whereby the project was cancelled and the contract terminated, the City would share the risk for any costs incurred in the planning phases up to a set amount.

2. Building Codes & Australian Standards

One of the key risks for the City in FORM's engagement of an international artist, is their understanding of the need to ensure that the structures meet all relevant building codes and Australian Standards. This is important not only from the perspective of structural integrity and the ability of the sculptures to withstand the external environment in which they will be situated, but also in regards to the health and safety of both the general public visiting and engaging with the artworks and staff and volunteers who will be required to maintain the assets. For this reason, the City has built into its budget an allowance for a suitably qualified engineering consultant to be engaged to review the draft design documentation, work with the artist to ensure Australian building standards can be met and provide final sign off that the artworks were constructed in line with the approved design. Additional consultation time may be required to inspect stages of construction which have not been included in the budget and this will depend on the cooperation from the artist.

In addition, the City would also engage its insurers to undertake a risk review and assessment as part of the design process.

3. Ongoing Management & Maintenance

The City will be responsible for the upkeep of each of the sites including all costs associated with access, cleaning and waste management after installation is complete. City officers have also sought further information on the City's obligations to maintain each of the individual sculptures. This will be developed and provided to the City as part of the 'Maintenance Manual' with the costs, currently estimated at \$91,000pa, to be incorporated into the City's Long-Term Financial Plan.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2020 – 2040* are relevant to this report:

Economic:

- Leverage partnerships with key stakeholders to achieve improved economic outcomes with due consideration to environmental impacts.

Social:

- Facilitate opportunities that promote community led initiatives and build local capacity and capability.
- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.
- Advocate for and facilitate the provision of diverse and environmentally sustainable places and spaces for people to enjoy an inclusive and active lifestyle.

Health:

- Promote the importance of a healthy, active lifestyle and the role the natural environment plays in preventative health, within our community.

Environment:

- Advocate for and partner with all levels of Government and other agencies to ensure environmental impacts are considered in all strategy development and decision making.
- Protect and manage our local natural environment and ensure that our actions to manage land-based assets don't adversely impact our waterways.
- Create opportunities for our community to celebrate and preserve our local natural environment.

Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.
- Listen to and engage with our community in the decision-making process.

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

Conclusion

The Trolls in Western Australia project will create an art trail of international significance within the City of Mandurah. After what has been a time of great uncertainty, this project will create a platform for tourism recovery that will provide opportunities to create new business products, and boost patronage into our local businesses who have suffered most from the pandemic.

The postponement of the project will increase its potential to meet the original objectives, and provide greater opportunity for interstate and international visitation to Mandurah. The City is committed to maintaining these sculptures for as long as possible to maximise the economic benefit it will bring to Mandurah. FORM are also committed to implementing a comprehensive volunteer engagement strategy that will provide opportunities for local community groups, businesses and artists to be engaged in the project, and increase pride in place and community connection which will be most needed as our City recovers from this pandemic situation.

NOTE:

- Refer ***Confidential Attachment Trolls in Western Australia Draft Project Budget***

RECOMMENDATION

That Council:

1. **Note the change to the Trolls in Western Australia project timeline resulting from travel restrictions due the impact of the COVID 19 pandemic with the anticipated launch date now being December 2021;**
2. **Approves unbudgeted expenditure of \$135,500 from the Restart Mandurah Fund to deliver the Trolls in Western Australia project;**
3. **Note the estimated costs of \$91,000pa for the ongoing management and maintenance of the project which will be incorporated into the City's Long Term Financial Plan;**
4. **Accept FORM as the unique supplier for the project and authorise the Chief Executive Officer to enter into a contract to deliver the project.**

ABSOLUTE MAJORITY REQUIRED

17	SUBJECT:	Amendments to Corporate Business Plan 2020 – 2024
	DIRECTOR:	A/Director Strategy and Economic Development
	MEETING:	Council Meeting
	MEETING DATE:	24 November 2020

Summary

Council adopted the Strategic Community Plan 2020-2040 in March 2020 and the Corporate Business Plan 2020-2024 in May 2020. A Performance Reporting Framework was developed to report against the Strategic Community Plan and Corporate Business Plan, and presented to Elected Members in March 2020.

To ensure that the City delivers on the Corporate Business Plan, City officers developed a One Year Operational Plan focused on the 2020/2021 financial year. The Plan consists of two components;

- Deliverables - Details of the key projects, programs and activities to be delivered with quarterly targets against each action; and
- KPIs - Indicators that measure the success of our delivery.

This Plan was workshopped with Elected Members in October 2020.

Following a review of the Corporate Business Plan 2020-2024, as a result of the Elected Member discussion in October 2020, City officers have proposed minor changes to the Plan.

Council is requested to adopt the proposed minor modifications to the Corporate Business Plan 2020-2024 (as outlined under the comments section of this report), and the Corporate Business Plan Performance Measures as set out in Attachment 17.1.

Disclosure of Interest

N/A

Previous Relevant Documentation

- G.24/5/20 May 2020 Council adopted the Corporate Business Plan 2020-2024, and noted that officers will undertake a review of the Corporate Business Plan post the COVID-19 pandemic to assess the impacts of the pandemic response and changes to community programs and services.
- G.16/3/20 March 2020 Council approved the Strategic Community Plan 2020-2040 for adoption and public release.

Background

As part of the Western Australian Government's Local Government reform program, introduced in 2010/11, all Local Governments were required to prepare and implement an Integrated Planning and Reporting Framework (IPRF) by 30 June 2013. The IPRF consisted of a Strategic Community Plan, a Corporate Business Plan, and an Annual Budget, and was to be informed by a combination of extensive community engagement and existing Council strategies and plans.

The framework requires all WA Local Governments to periodically review their Strategic Community Plans.

At a minimum, a desk-top review of the Strategic Community Plan should be undertaken every two years with a full review and renewed long term visioning process conducted every four years. This ensures that community priorities and aspirations are kept up-to date and remain relevant.

The City undertook a major review during the 2019/20 financial year resulting in the development and adoption of the Strategic Community Plan 2020-2040.

In line with the review of the Strategic Community Plan, the City of Mandurah Corporate Business Plan 2020-2024 was prepared to operationalise the strategic priorities identified in the Strategic Community Plan (adopted in May 2020), and a performance reporting framework developed to ensure the City measured and monitored the success of the delivery of these Plans.

Comment

The Corporate Business Plan 2020 – 2024 outlines the City's key priorities, projects, services and actions over the next four years. It provides an indication of detail for the implementation of the first four years of the Strategic Community Plan 2020 – 2040 and outlines key service delivery required by the City of Mandurah. It is developed on a four-yearly basis and reviewed annually to ensure projects and services are prioritised. It links annual operations to priorities identified in the Strategic Community Plan and informs the annual budget process.

Supporting the Corporate Business Plan are the annual business plans of each business unit which sit under and inform the CBP. The CBP and all business unit plans are reviewed on an annual basis to ensure the City remains adaptive and responsive to the changing external environment and community need.

Measuring performance is essential for the City's accountability. The City's Reporting Framework enables the City to continually review its approach and make improvements to ensure the best possible outcomes for the community. In measuring progress, the City takes responsibility for measuring its own performance while also choosing to monitor some important community indicators in areas where it is not directly accountable for outcomes.

The City's Performance Reporting Framework will see all measures of success set out in the 20 Year Strategic Community Plan, and performance measures generated from the Corporate Business Plan presented to Council and the community in multiple forms.

Following a review of the Corporate Business Plan 2020-2024, as a result of the Elected Member discussion October 2020, City officers have proposed minor changes to the Plan as follows;

1. Change Key Focus Area

Action	Current	Proposed
Transfer '1.26 <i>Delivery of the Advocacy Strategy, aligned with the Strategic Community Plan</i> ' from Economic to Organisational Excellence	1.5. Leverage partnerships with key stakeholders to achieve improved economic outcomes with due consideration to environmental impacts	5.1. Demonstrate regional leadership and advocate for the needs of our community
Transfer '2.26 <i>Increase Youth access to information on services and opportunities through grants, job skills and networks, and access to education and training</i> ' from Social to Economic	2.2. Promote a positive identity and image of Mandurah and the contributions of its youth	1.2. Facilitate and advocate for sustainable local job creation and industry diversification 1.4. Advocate for and facilitate opportunities for improved pathways to education and learning outcomes in Mandurah
Transfer '2.37 <i>Maintain Mandurah Ocean Marina (MOM) and MOM Chalet Park</i> ' from Social to Economic	2.5. Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in	1.1. Promote and foster business investment aimed at stimulating economic growth
Transfer '5.39 <i>Coordinate Peel Region Youth Services Network (PRYS) Steering group</i> ' from Organisational Excellence to Social	5.1. Demonstrate regional leadership and advocate for the needs of our community	2.2. Promote a positive identity and image of Mandurah and the contributions of its youth 2.3. Facilitate opportunities that promote community led initiatives and build local capacity and capability

Transfer '5.69 Manage and maintain the City's parks and natural areas' from Organisational Excellence to Health	5.4. Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management	3.3. Provide and facilitate quality infrastructure that is accessible, and conducive to a healthy, active community
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2. Remove 'Implement transport plans for community to safely negotiate through areas of environmental significance i.e. opening these areas up to tourists' (under the Environment focus area) as it is a part of the Integrated Transport Strategy already captured elsewhere.
3. Add project 'Manage Waste to Energy contract'

Action: Monitor progress on the construction of the Waste to Energy plant, including provision of regular updates to the community and on the City's website

Focus Area: Environment

Objectives: 4.2. Protect and manage our local natural environment and ensure that our actions to manage land-based assets don't adversely impact our waterways.

Next Steps

Pending Council's decision to adopt the proposed changes to the Corporate Business Plan (outlined above) and the Performance Measures (set out in Attachment 17.1) the next steps are;

- Quarter 1 2020/21 performance against the Corporate Business Plan, and performance against the Strategic Community Plan will be presented to Elected Members; and
- The quarterly reports will then be made publicly available via the Mandurah Matters and City of Mandurah websites.

Consultation

N/A

Statutory Environment

As part of the Western Australian Government's Local Government reform program, introduced in 2010/11, all Western Australian Councils were required to prepare and implement the Integrated Planning and Reporting Framework (IPRF) by 30 June 2013. The IPRF consists of a Strategic Community Plan, a Corporate Business Plan, and an Annual Budget, and is to be informed by a combination of extensive community engagement and existing Council strategies and plans.

Strategic Community Plans are to be reviewed periodically – desktop review two years from adoption and a major review four years from adoption. The Corporate Business Plan is to be reviewed annually.

The regulatory requirements of the Integrated Planning and Reporting Framework include:

- The Corporate Business Plan is to be adopted by Council by absolute majority
- Notice must be given to the public when the Corporate Business Plan is adopted or modified;
- If a significant modification is made during a financial year to a Local Government's Corporate Business Plan, the annual report of the Local Government for the financial year is to contain information about that significant modification;
- Operational plans are to be monitored quarterly.

Policy Implications

N/A

Economic Implications

N/A

Risk Analysis

Risk of noncompliance – failing to adopt modifications to the Corporate Business Plan and failing to measure performance.

Strategic Implications

The following objectives from the *20 Year Strategic Community Plan 2020 – 2040* are relevant to this report:

Organisation Excellence

- Listen to and engage with our community in the decision-making process.
- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

Conclusion

Since the introduction of the State Government's Integrated Planning and Reporting Framework (IPRF) in 2010/11, Local Governments across Western Australian have been required to provide a significant degree of rigour to their long-term strategic planning.

In an endeavour to respond to the community's broad priorities and aspirations, the City developed and adopted the 20 Year Strategic Community Plan 2020-2040 in March 2020, and the Corporate Business Plan 2020-2024 in May 2020.

City officers subsequently prepared a Performance Reporting Framework to ensure the City measured and monitored the delivery of the Plans.

Following a review of the Corporate Business Plan 2020-2024, as a result of an Elected Member workshop in October 2020, City officers have proposed minor changes to the Plan.

Council is requested to adopt the proposed minor modifications to the Corporate Business Plan 2020-2024 (as outlined under the comments section of this report), and the Corporate Business Plan Performance Measures as set out in Attachment 17.1.

NOTE:

- Refer **Attachment 17.1 Corporate Business Plan Performance Measures**

RECOMMENDATION

That Council:

1. **Adopts the proposed minor modifications to the Corporate Business Plan 2020-2024 as outlined in the comment section of the report.**
2. **Adopts the proposed Corporate Business Plan Performance Measures as detailed in Attachment 17.1.**

***ABSOLUTE MAJORITY REQUIRED**

Focus Area 1: Economic

Objectives

1.1. Promote and foster business investment aimed at stimulating economic growth
 1.2. Facilitate and advocate for sustainable local job creation and industry diversification
 1.3. Actively partner and engage with business and industry to build Mandurah's entrepreneurial capacity and capability

1.4. Advocate for and facilitate opportunities for improved pathways to education and learning outcomes in Mandurah
 1.5. Leverage partnerships with key stakeholders to achieve improved economic outcomes with due consideration to environmental impacts

#	Projects/Initiatives	Objective	Unit of Measure	Annual Target	Target 2020/2021				Responsibility
					Q1	Q2	Q3	Q4	
1.1	Number of participants at Entrepreneurial Capacity Building Programs	1.3	#	20	N/A	N/A	N/A	20	Economic Development
1.2	Business Incentives Grants Program (Number of applications received)	1.1	#	10	N/A	N/A	5	10	Economic Development
1.3	Economic development (what the City is doing to attract investors, attract and retain businesses, grow tourism and create more job opportunities)	1.1, 1.2, 1.3, 1.4, 1.5	Index Score	45	N/A	45	45	45	Economic Development
1.4	Number of external events secured/delivered	1.5	#	20	N/A	6	12	20	Festivals & Events
1.5	Number of businesses involved in City of Mandurah events	1.1	#	65	N/A	10	60	65	Festivals & Events
1.6	Economic impact of Events Program	1.5	\$ million	15	N/A	N/A	8	15	Festivals & Events
1.7	Funds committed by third parties for the delivery of City projects (Successful advocacy/lobbying)	1.1	\$	TBC	TBC	TBC	TBC	TBC	Office of the Mayor & Councillors
1.8	How the City centre is being developed Performance Index Score	1.1, 1.5, 1.2, 1.3	Index Score	51	N/A	51	51	51	City Centre
1.9	New Business City Centre Activation Grants Program (\$ Allocated)	1.1	\$'000	150	N/A	50	100	150	City Centre
1.10	Increase in local suppliers responding to procurement opportunities	1.2, 1.3	%	25	N/A	N/A	N/A	25	Governance Services
1.11	Mandurah Ocean Marina (MOM) and MOM Chalet Park occupancy rate	1.1	%	50	50	50	50	50	Marina and Visit Mandurah

Focus Area 2: Social

Objectives

2.1. Facilitate safe neighbourhoods and lifestyles by influencing the built form through urban design
 2.2. Promote a positive identity and image of Mandurah and the contributions of its youth
 2.3. Facilitate opportunities that promote community led initiatives and build local capacity and capability
 2.4. Promote and encourage community connectedness to create social interaction and a strong sense of security and belonging

2.5. Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in
 2.6. Advocate for and facilitate the provision of diverse and environmentally sustainable places and spaces for people to enjoy an inclusive and active lifestyle

#	Projects/Initiatives	Objective	Unit of Measure	Annual Target	Target 2020/2021				Responsibility
					Q1	Q2	Q3	Q4	
2.1	Sport and recreation facilities Performance Index Score	2.6	Index Score	65	N/A	65	65	65	Facilities Management
2.2	Playgrounds, parks and reserves Performance Index Score	2.6	Index Score	68	N/A	68	68	68	Facilities Management
2.3	Recreation Services Customer Satisfaction		%	88	N/A	N/A	N/A	88	Recreation Services
2.4	Services and facilities for youth Performance Index Score	2.6	Index Score	51	N/A	51	51	51	Youth Development
2.5	Access to services and facilities for people with a disability Performance Index Score	2.6	Index Score	56	N/A	56	56	56	Community Capacity Building
2.6	The control of graffiti, vandalism & anti-social behaviour Performance Index Score	2.1	Index Score	50	N/A	50	50	50	Community Capacity Building
2.7	Feel safe in Mandurah Performance Index Score	2.1	Index Score	41	N/A	41	41	41	Community Capacity Building
2.8	Library and information services Performance Index Score	2.4, 2.5	Index Score	72	N/A	72	72	72	Library & Heritage Services
2.9	Lighting of streets and public places Performance Index Score	2.1	Index Score	55	N/A	55	55	55	Technical Services, Operations Services

Focus Area 3: Health

Objectives

3.1. Facilitate and partner with key service providers including State and Federal Government to ensure health outcomes are aligned with community needs and expectations
 3.2. Advocate for and facilitate the provision of a technologically advanced, quality health care system in Mandurah
 3.3. Provide and facilitate quality infrastructure that is accessible, and conducive to a healthy, active community

3.4. Provide quality health and wellbeing programmes and services that target whole of life health from infants to seniors
 3.5. Promote the importance of a healthy, active lifestyle and the role the natural environment plays in preventative health, within our community

#	Projects/Initiatives	Objective	Unit of Measure	Annual Target	Target 2020/2021				Responsibility
					Q1	Q2	Q3	Q4	
3.1	Footpaths and cycleways Performance Index Score	3.3	Index Score	54	N/A	54	54	54	Technical Services, Operations Services
3.2	Number of initiatives undertaken to promote the health benefits linked to connecting people with and protecting the natural environment	3.5	#	40	10	20	30	40	Health Services
3.3	Food Premises inspections carried out within statutory timeframes	3.3	%	100	100	100	100	100	Health Services
3.4	Health Premises inspections carried out within statutory timeframes	3.3	%	100	100	100	100	100	Health Services
3.5	Public Building and Events assessments carried out within statutory timeframes	3.3	%	100	100	100	100	100	Health Services
3.6	Recreational Water Quality assessments carried out within statutory timeframes	3.3	%	100	100	100	100	100	Health Services
3.7	MARC Cost per Attendance	5.4	\$	1.5	1.5	1.5	1.5	1.5	Recreation Centres
3.8	Recreation Centres Customer Satisfaction	3.3	%	88	N/A	N/A	N/A	88	Recreation Centres
3.9	Maintain participation/occupancy rate in Recreation Centres facilitated programs	3.4	%	80	80	80	80	80	Recreation Centres
3.10	Number of new Events delivered to promote active participation	3.4	#	12	3	6	9	12	Recreation Centres
3.11	Increase in, Mandurah sport and recreational clubs, participation/membership within Club Connect development program	3.5	%	20	5	10	15	20	Recreation Centres

Focus Area 4: Environment

Objectives			
4.1. Advocate for and partner with all levels of Government and other agencies to ensure environmental impacts are considered in all strategy development and decision making	4.3. Create opportunities for our community to celebrate and preserve our local natural environment		
4.2. Protect and manage our local natural environment and ensure that our actions to manage land based assets don't adversely impact our waterways	4.4. Educate our community on global environmental sustainability issues and demonstrate leadership in the field		
	4.5. Partner and engage with our community to deliver environmental sustainability outcomes		

#	Projects/Initiatives	Objective	Unit of Measure	Annual Target	Target 2020/2021				Responsibility
					Q1	Q2	Q3	Q4	
4.1	% of clean energy used by the City of Mandurah	4.2	%	19	N/A	N/A	N/A	19	Environmental Services
4.2	Compliance with Environmental regulations	4.2	%	100	100	100	100	100	Environmental Services
4.3	Maintain compliance with Groundwater allocation licenses	4.2	%	100	100	100	100	100	Environmental Services
4.4	Maintain Waterwise Council accreditation	4.2, 4.4, 4.5	%	100	100	100	100	100	Environmental Services
4.5	Increase in number of Natural areas managed by the City that have had a management plan reviewed within the last 5 years	4.2	%	50	42	45	47	50	Environmental Services
4.6	Number of opportunities created for the community to increase awareness of environmental issues and participate in environmental activities	4.2, 4.4, 4.5	#	20	5	10	15	20	Environmental Services
4.7	% waste diversion from landfill	4.2, 4.5	%	>24	N/A	N/A	N/A	>24	Waste Management
4.8	Weekly rubbish collections Performance Index Score	4.2, 4.5	Index Score	76	N/A	76	76	76	Waste Management
4.9	Fortnightly recycling collections Performance Index Score	4.2, 4.5	Index Score	73	N/A	73	73	73	Waste Management
4.10	Verge-side bulk waste collections Performance Index Score	4.2, 4.5	Index Score	71	N/A	71	71	71	Waste Management
4.11	Street tree planting	4.2	#	500	250	250	250	500	Operations Services
4.12	Park tree planting	4.2	#	500	250	250	250	500	Operations Services
4.13	Park infill garden planting	4.2	#	2,000	1,000	1,000	1,000	2,000	Operations Services
4.14	Bushland Planting	4.2	#	10,000	5,000	5,000	5,000	10,000	Operations Services

Focus Area 5: Organisational Excellence

Objectives			
5.1. Demonstrate regional leadership and advocate for the needs of our community	5.4. Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management		
5.2. Listen to and engage with our community in the decision making process	5.5. Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.		
5.3. Build and retain a skilled, agile, motivated and healthy workforce			

#	Projects/Initiatives	Objective	Unit of Measure	Annual Target	Target 2020/2021				Responsibility
					Q1	Q2	Q3	Q4	
5.1	Asset Consumption Ratio	5.4	%	60	N/A	60	60	60	Financial Services
5.2	Asset Renewal Funding Ratio	5.4	%	90	N/A	90	90	90	Financial Services
5.3	Asset Sustainability Ratio	5.4	%	75	N/A	75	75	75	Financial Services
5.6	Private swimming pools inspected within 4 years	5.5, 5.4	%	100	100	100	100	100	
5.7	Reduce Dog Attacks with Injury from 2019-20 levels	5.5, 5.4	%	5	N/A	N/A	N/A	5	Ranger Services
5.8	Post Transaction Customer Satisfaction	5.2	%	88	88	88	88	88	Customer Services
5.9	First Point of Contact (FPOC) Resolution Rate	5.2	%	80	80	80	80	80	Customer Services
5.10	Freedom of Information (FOI) enquiries responded to within regulatory timeframes	5.4	%	100	100	100	100	100	Information Management
5.11	Deliver City Parks Capital Program (% Budget)	5.4	%	100	25	50	75	100	Operations Services
5.12	Deliver City Parks Capital Program (% Projects)	5.4	%	100	25	50	75	100	Operations Services
5.13	Deliver City Parks Maintenance Program (% Budget)	5.4	%	100	25	50	75	100	Operations Services
5.14	Deliver City Works Capital Program (% Budget)	5.4	%	100	25	50	75	100	Operations Services
5.15	Deliver City Works Capital Program (% Projects)	6.4	%	100	25	50	75	100	Operations Services
5.16	Deliver City Works Maintenance Program (% Budget)	5.4	%	100	25	50	75	100	Operations Services
5.17	Deliver City Maintenance Program (% Budget)	5.4	%	100	25	50	75	100	Operations Services
5.18	Deliver City Fleet Capital Program (% Budget)	5.4	%	100	25	50	75	100	Operations Services
5.19	Deliver City Fleet Maintenance Program (% Budget)	5.4	%	100	25	50	75	100	Operations Services
5.20	CRM / Work Management SLAs (% Complete Within Target)	5.4	%	75	75	75	75	75	Operations Services
5.21	Employee Engagement Index	5.3	%	80	N/A	N/A	N/A	80	People and Culture
5.22	OSH Audit compliance score (Survey conducted June 2020)	5.3	%	80	80	80	80	80	People and Culture
5.24	Building and maintaining local roads Performance Index Score	5.4	Index Score	55	N/A	55	55	55	Technical Services, Operations Services
5.25	How the community is informed about what’s happening in the local area Performance Index Score	5.2	Index Score	52	N/A	52	52	52	Corporate Communications
5.26	Community Pride - I am proud to live in Mandurah	5.2	Index Score	76	N/A	76	76	76	Corporate Communications
5.27	Performance rating for City’s website	5.2	Index Score	60	N/A	60	60	60	Corporate Communications
5.28	Increase in Website Hits (YoY)	5.2	%	10	N/A	N/A	N/A	10	Corporate Communications
5.29	Increase in City of Mandurah Facebook Reach and Engagement (with no increase in negative sentiment)	5.2	%	10	N/A	N/A	N/A	10	Corporate Communications
5.30	Increase in City of Mandurah e-newsletter subscription (YoY)	5.2	%	15	N/A	N/A	N/A	15	Corporate Communications
5.31	Increase in City of Mandurah e-newsletter open rate (YoY)	5.2	%	5	N/A	N/A	N/A	5	Corporate Communications
5.32	Increase in City of Mandurah e-newsletter click through rate (YoY)	5.2	%	2.5	N/A	N/A	N/A	2.5	Corporate Communications
5.33	Increase in City of Mandurah e-newsletter traffic (YoY)	5.2	%	100	N/A	N/A	N/A	100	Corporate Communications
5.34	Recommendations implemented stemming from the Operations Internal Audit Plan 2020/2021	5.4	%	50	N/A	N/A	N/A	50	Governance Services
5.35	Advocacy and lobbying on behalf of the community to influence decisions, support local causes, etc Performance Index Score	5.1	Index Score	50	N/A	50	50	50	Office of the Mayor & Councillors
5.36	Community buildings, halls and toilets Performance Index Score	5.4	Index Score	59	N/A	59	59	59	Facilities Management

18	SUBJECT:	Response to Local Government Act Amendments
	DIRECTOR:	Director Business Services
	MEETING:	Council Meeting
	MEETING DATE:	24 November 2020

Summary

On 27 June 2019, the *Local Government Legislation Amendment Act 2019 (Amendment Act)* was passed in Parliament. Following consultation, the Department of Local Government, Sport and Cultural Industries (DLGSC) have now released the draft Local Government (Administration) Amendment Regulations (No. 2) 2020 and the draft Local Government (Model Code of Conduct) Regulations 2020, requesting input by 6 December 2020.

The draft regulations will bring into effect section 22 and sections 48 - 51 of the *Amendment Act* which includes:

- 5.39A Model Standards for CEO recruitment, performance and termination
- 5.39B Adoption of Model Standards
- 5.39C Policy for temporary employment or appointment of a CEO
- 5.103 - Model code of conduct for council members, committee members and candidate
- 5.104 - Adoption of model code of conduct.

Council is requested to endorse the City of Mandurah response to the DLGSC request for feedback on the draft Local Government (Administration) Amendment Regulations (No. 2) 2020 and the Local Government (Model Code of Conduct) Regulations 2020 as set out in Attachment 18.1 and 18.2.

Disclosure

The Chief Executive Officer (CEO) has declared an interest by virtue of the position he holds as CEO.

Previous Relevant Documentation

- | | | | |
|---|------------|------------------|---|
| • | G.42/11/19 | 26 November 2019 | Response to the CEO standards and Code of Conduct |
| • | G.31/3/19 | 26 March 2019 | Local Government Act Review Phase Two |
| • | G.11/12/18 | 27 February 2018 | Local Government Act Review – DLGSC Submission |
| • | G.16/10/17 | 10 October 2017 | Review of the <i>Local Government Act 1995</i> & Regulations – WALGA Submission |

Background

In 2017, the State Government announced a review of the *Local Government Act 1995* (the Act) which is the first significant reform of local government conducted in more than two decades. The objective of the review is for Western Australia to have a new, modern Act that empowers local governments to better provide for their communities.

The review is being conducted in two stages, the first phase focused on making information available online, building capacity through reducing red tape and meeting public expectation around standards and performance. The second phase focusses on delivering an Act for the community based on the key themes of agile, smart and inclusive.

Council has considered legislation proposals and approved submissions to be forwarded to the Western Australian Local Government Association (WALGA) and the DLGSC in response to discussion papers released since 2017.

The Department previously sought feedback on a draft CEO Standards and Model Code of Conduct in November 2019, with submissions closing on 6 December 2019. A Council workshop was held to formulate a response, which was adopted by Council at its Ordinary Council Meeting held on 26 November 2019.

Comment

The City has prepared submissions in relation to the DLGSC's CEO Standards and Model Code of Conduct.

CEO Standards

The draft regulations will bring into effect section 22 of the Amendment Act 2019 which includes:

- 5.39A Model Standards for CEO recruitment, performance and termination
- 5.39B Adoption of Model Standards
- 5.39C Policy for temporary employment or appointment of a CEO.

The draft Local Government (Administration) Amendment Regulations (No. 2) 2020 and Explanatory Notes are available via the DLGSC website: <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-review#regulations2020>

The City has now prepared a submission to the DLGSC on the draft regulations (refer Attachment 18.1). Noting that the City largely supports the majority of the draft amendments and has only provided a response to the components that are inconsistent with Council's position in 2019. City officers have provided each response in line with the position the Council adopted at its Ordinary Council Meeting held on 26 November 2019.

WALGA have also released an Infopage for local government providing commentary on the draft regulations (refer Attachment 18.3).

Model Code

The draft regulations will bring into effect sections 48 to 51 of the *Amendment Act* which includes:

- 5.103 - Model code of conduct for council members, committee members and candidate
- 5.104 - Adoption of model code of conduct.

The draft Local Government (Model Code of Conduct) Regulations 2020 and Explanatory Notes are available via the DLGSC website: <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-review#regulations2020>

The draft regulations repeal the Rules of Conduct regulations as the rules now form part of the Model Code which apply to council members, committee members and candidates. A new section, 5.104 of the Act, will require local governments to adopt the model code of conduct within three months of these Regulations coming into operation. Once the regulations come into effect, the Model Code provides a template for local governments to adopt the code as their own by inserting their local government name. In accordance with section 5.104(3), local governments can include additional behaviours under Division 3 that are not inconsistent with the Code, which may not currently be represented.

The draft regulations also addresses the management of complaints against Elected Members and the CEO. Whilst the draft regulations do not prescribe the process for the management of complaints it does require that after considering the complaint, the local government must make a finding as to whether the breach occurred.

The City has prepared a response to the draft regulations for adoption by Council (refer Attachment 18.2). For the most part the majority of the amendments are largely supported by the City, however the proposed regulations relating to the management of complaints is of concern. This is due to the onerous, complex and potentially costly complaints model proposed by the DLGSC, which ultimately transfers a large

component of the complaints function to local governments. City officers have provided each response in line with the position Council adopted at its Ordinary Council Meeting held on 26 November 2019.

At the time of writing this report, WALGA are yet to release a response to the draft Model Code.

Consultation

The City submitted a detailed response the DLGSC during the last round of consultation on the amendments in November 2019. As part of this process a workshop was held with Elected Members to provide to input and direction to the development of the Council endorsed survey responses.

Statutory Environment

Local Government Act 1995

Local Government Legislation Amendment Act 2019

Draft Local Government (Model Code of Conduct) Regulations 2020

Draft Local Government (Administration) Amendment Regulations (No. 2) 2020

Policy Implications

Code of Conduct – Elected Members City of Mandurah 2016

Code of Conduct – Committee Members City of Mandurah 2016

Annual Performance Review – Chief Executive Officer Policy

Economic Implications

Any changes to legislation requiring a change in process may result in a subsequent financial impost to the City.

Risk Analysis

N/A

Strategic Implications

The following strategy from the City of Mandurah Strategic Community Plan 2020 – 2040 is relevant to this report:

Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.

Conclusion

DLGSC has recently sought feedback from local governments with regard to the draft Local Government (Administration) Amendment Regulations (No. 2) 2020 and the draft Local Government (Model Code of Conduct) Regulations 2020. The preparation of this submission enables the City to contribute to the amendments to the *Local Government Act 1995*.

NOTE:

- Refer **Attachment 18.1** CoM Response to the draft Local Government (Administration) Amendment Regulations (No. 2) 2020
Attachment 18.2 City of Mandurah Response to the draft Local Government (Model Code of Conduct) Regulations 2020
Attachment 18.3 WALGA Infopage on Amendment Regulations

RECOMMENDATION

That Council:

- 1. Endorses the City of Mandurah's submission (as set out in *Attachment 18.1 and 18.2*) in response to the Department of Local Government, Sport and Cultural Industries request for feedback on the draft Local Government (Administration) Amendment Regulations (No. 2) 2020 and draft Local Government (Model Code of Conduct) Regulations 2020.**
- 2. Notes that the City of Mandurah submission will be forwarded to the Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association.**

CITY OF MANDURAH SUBMISSION ON THE

ATTACHMENT 18.1

DRAFT LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS (NO.2) 2020

These regulations will bring into effect section 22 of the *Local Government Legislation Amendment Act 2019*. In particular, the following will take effect: sections 5.39A, 5.39B & 5.39C will be inserted into the *Local Government Act 1995* and Schedule 2 Model Standards for CEO Recruitment, Performance and Termination will be added to the *Local Government (Administration) Regulations 1996*.

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
Establishment of selection panel for appointment of CEO Model Standards Clause 8 requires a local government to establish a selection panel to conduct the selection and recruitment process for appointment of a person to the position of CEO. The selection panel must comprise of council members and at least one independent person who is not a councillor nor an employee of the local government. It is recommended that the independent person or persons have relevant experience in the recruitment and selection of CEO's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of CEO based on the selection criteria outlined in the JDF.	<u>Independent panel member</u> Clause 8 of the Draft Regulations requires the selection panel to include at least one person who is neither a council member nor an employee of the local government. There is no guidance on the skills, experience or knowledge of the independent person, or their role on the panel. This has the potential to pose significant risk to the local government, as there are inadequate controls on the conduct of such a person (i.e. they will not be captured by a Code of Conduct as Panel is not a committee of Council). WALGA supports the ongoing use of an independent qualified and licensed recruitment consultant to provide guidance (as opposed to active participation) in both the recruitment	The requirement to have an independent member on the selection panel is not supported and the membership of the selection panel should be at the sole discretion of the Council. The Department suggestion of the inclusion of community members, former elected members or staff members as an independent person on the selection panel is contrary to the Recruitment and Selection Standards which states that the appointment is made impartially and free from nepotism and bias.	Not Supported The City does not support this amendment. It is unclear how an independent external person could add value and meaningfully participate on a selection panel. As per CoM previous submission, it is strongly recommended that local governments engage an experienced and qualified human resources consultant to facilitate the selection and performance review process and ensure due process is followed. This consultant would in no way contribute to the substance of the performance review or decision in the selection process. The City supports the appointment of a suitably qualified independent HR/recruitment consultant of whom has no voting rights and is free from bias. The appointment of the consultant should be agreed to by the CEO and Council, however it should not be mandated and should be at the discretion of Council.

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
It is at the discretion of the local government to determine the number of people on the selection.	process and to assist with obligations to finalise the employment of a CEO.		Given the extent of the role of the proposed selection panel under cls. 9 of the Models standards, including to exercise due diligence by completing the necessary work history and referee checks and verified qualifications, it is critical that the selection panel is guided by an appropriate qualified HR/recruitment consultant (could be internal using local government employee or external consultant). Further, the selection panel is required to ensure that the process is completed in accordance with the principles set out in s. 5.40 of the Act which deals with Equal Opportunity and Occupational and Health legislation and ensuring processes are free from bias or nepotism. It would be prudent to provide expert and professional assistance to members of the selection panel, who for the most part consist of Elected Members which may or may not have extensive knowledge of human resources processes and legislation. For regional local governments, the Department may consider providing additional financial support for Councils to navigate the application of the regulations if it is mandatory for a local government to engage an external consultant for the recruitment process.

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
			Should the DLGSC consider that the requirement for an independent selection panel member is necessary, the City recommends that the panel member should be an employee from the Public Sector Commission to ensure the principles are adhered to.
Recommendation by Selection Panel Model Standards Clause 9 – Recommendation by selection panel. It is the role of the selection panel to recommend a preferred applicant or applicants for appointment to the position of CEO. Clause 9 requires the selection panel to make an assessment of each applicant's ability to perform the role of CEO based on their knowledge, experience, qualifications and skills as measured against the selection criteria outlined in the JDF. If the selection panel considers none of the applicants suitable for appointment to the position, they must advise the local government of that fact. If the selection panel considers none of the applicants suitable for appointment to	<u>Council decision making authority</u> Schedule 2, Cl. 9(2)(a) requires the selection panel to recommend one or more applicants it considers suitable, with Cl. 9(2)(b) requiring that it advise Council if it considers no applicants are suitable. In the second event, Cl. 10 requires the local government to carry out a new recruitment process. Bypassing Council in this decision-making process appears to directly conflict with Sec. 5.36(2) of the Act, where it is the Council that determines if a person is or is not suitably qualified to be employed as CEO. Note: further comments below in relation to cls.14 confidentiality.	N/A	Not Supported Without further clarity on the role on the Selection Panel, the City does not support the amendments. The draft amendments are clear that Council are the decision maker in providing an offer of appointment to the position of CEO. However, it appears that the Selection Panel have a critical role in determining applicant(s) that may be suitable or not suitable for the role. Model cls. 11 provides the Selection Panel with the authority to find none of the applicants suitable and they must advise the local government of this fact. Given the powerful role of the Selection Panel, many local governments may find that all elected members may elect to be

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
the position of CEO, they may recommend changes be made to the duties and responsibilities of the position or the selection criteria. The selection panel must act in an impartial and transparent manner and in accordance with the principles set out in section 5.40 of the Act. The selection panel is responsible for ensuring that any applicant or applicants they recommend for appointment have demonstrated they meet the selection criteria and have had their qualifications verified. The selection panel must exercise due diligence in verifying referees, work history, skills and any other claims made by the applicant.			part of the selection process and this may create inefficiencies with the process. City of Mandurah proposes the following amendments to cls. 9 and cls.10 of the draft regulations. Note the proposed amendments are in red or strike through. Clause 9: Recommendations by selection panel 1. The selection panel must assess each applicant's knowledge, experience, qualifications and skills against the selection criteria. 2. Following the assessment referred to in subclause (1), the selection panel <u>must provide a report to the council of the local government that is to include –</u> a. <u>An assessment of each applicant that received an interview, against the selection criteria; and</u> i. Recommendations to the <u>council of the</u> local government for one or more applicants who the selection panel considers are suitable for

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
			appointment to the position of CEO; or ii. If the selection panel considers that none of the applicants are suitable for appointment to the position of CEO – <u>justification for this</u> ~~advise the local government of that~~ <u>conclusion</u> fact. 10. New process to be commenced if no suitable applicants (1) ~~If the selection panel advises the local government under clause [9(2)(b)]~~ <u>the council of the local government decides that the selection panel considers</u> that none of the applicants <u>presented to the council under [9(2)]</u> are suitable for appointment to the position of CEO, the local government must carry out a new recruitment and selection process for the position in accordance with these standards.
Process if no suitable applicants Model Standard Clause 10 – New process to be commenced if no suitable applicants.	<u>Council decision making authority</u> Schedule 2, Cl. 9(2)(a) requires the selection panel to recommend one or more applicants it considers suitable, with Cl. 9(2)(b) requiring that it advise Council if it considers no applicants are suitable. In the second event, Cl.	N/A	Not Supported The City does not support this amendment. Under the proposed model standards, if the selection panel considers that none of the applicants are suitable for appointment to the position of CEO, the panel must advise

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
If the selection panel finds that none of the applicants are suitable to be appointed to the position of CEO, they must advise the local government in accordance with 9(2)(b). Clause 10 requires the recruitment and selection process to be undertaken again if the selection panel advises the local government it considers none of the applicants to be suitable for appointment to the position of CEO. Unless the selection panel recommends changes be made to the duties and responsibilities of the position or the selection criteria, clause 5 does not apply. In this instance, the original JDF previously approved by the local government (under clause 5) is the JDF form for the purposes of the new recruitment and selection process.	10 requires the local government to carry out a new recruitment process. Bypassing Council in this decision-making process appears to directly conflict with Sec. 5.36(2) of the Act, where it is the Council that determines if a person is or is not suitably qualified to be employed as CEO.		the Council and it should be Council's decision to determine whether any applicants are suitable or not. Council should have a role in the review of the applicants and determine who to accept or reject from the recruitment process rather than the selection panel providing the recommended applicant for final endorsement. It is important to note that it is Council that employ the CEO, which is made up of every elected member, not just a panel with an independent member. Therefore, Council should be the decision maker and stay informed through each step of the recruitment and selection process.
CEO Contract Model Standard Clause 13 – Recruitment to be undertaken on expiry of certain CEO contracts. Clause 13 applies if a local government CEO has held the position for a period of 10 or more consecutive years upon expiry of the CEO's contract. Clause 13 also applies if a period of 10 or more consecutive years has elapsed since a	<u>Requirement to re-advertise CEO positions after 10 years of continuous service</u> Section 5.39(2)(b) of the Act already limits CEO contracts to a maximum of 5 years and Councils have general competence powers to consider whether to renew the incumbent's contract or advertise the position. Suggesting that a Council must re-advertise the position of a CEO after	Suggesting that a local government CEO must reapply for their position after ten consecutive years is not considered appropriate. Council, as the employer, should determine when the position of CEO is advertised. Council should continue to have sole discretion regarding the CEO's employment which is governed via a fixed-term employment contract which	Not Supported There is no justification as to why a CEO position must be re-advertised after an incumbent CEO has served 10 consecutive years. Comments as per previous CoM submission from November 2019.

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
recruitment and selection process for the position has occurred and the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry. Subclause 13(2)(a)(ii) is drafted to allow for the possibility that a CEO who has, for example, held office for 10 years and has their contract renewed for another 5-year term following the recruitment and selection process. In that case, clause 13(2)(a)(ii) will operate to ensure that another 10 years can pass before another recruitment process is required. In the absence of clause 13(2)(a)(ii), when the renewed term came to an end, the CEO would have held the position for 15 consecutive years and clause 13(2)(a)(i) would operate to require a process to be undertaken. The local government must carry out the recruitment and selection process before expiry of the incumbent CEO's contract. The incumbent CEO may have their contract of employment renewed upon expiry if they are selected in accordance with the recruitment and selection process at subclause (3).	10 years is likely to prove unworkable or counterproductive in any case as: • Councils conducting a selection process known to involve an incumbent CEO will risk allegations of non-compliance with Section 5.40 of the Local Government Act 'Principles affecting Local Government employees' due to actual or perceived bias, nepotism and lack of merit and equity in relation to other applicants; • May result in CEOs actively seeking alternative employment as the 10 year horizon approaches, meaning that a CEO that has provided satisfactory or perhaps exemplary service will be unnecessarily lost to the local government; • Where a CEO is re-employed as a consequence of re-advertising after the 10 year period, this process has incurred unnecessary costs and time waste for the LG, distracting from achieving its strategic objectives and may further entrench perceptions that contracts are for life, thus negating the very purpose of this proposal. Further, Division 3 of the Draft Regulations seeks to improve the capacity of local governments to effectively manage CEO employment.	allows the Council and CEO to end both the contractual and employment relationship if lawful and reasonable causes exist. • The cost associated with a recruitment process are significant. If the Council is satisfied with the CEO's performance, then regulations should not impose such a costly process on the local government, which are ultimately be passed onto the ratepayers. • To the best of the City's knowledge no other level of Government requires CEO's to undergo this process. • High performing CEO's may choose not to reapply for the position after ten years and this may lead to significant loss in skills and leadership from the local government sector.	

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
	This is a far more appropriate and adapted mechanism to address a perceived issue of 'contracts for life', by ensuring that the performance of CEOs, whether long serving or newly appointed, is appropriately assessed and managed		
Confidentiality Model Standards Clause 14 requires confidentiality to be observed by the local government as part of the process of recruitment and selection. Information obtained as part of this process must only be used for, or in connection with, recruitment and selection.	<u>Transparency and procedural fairness – Schedule 2</u> The consultation draft emphasised that it is essential that the recruitment process is transparent and appropriately documented. Similar commentary featured in the <i>Report of the Inquiry into the City of Perth</i>, however the Draft Regulations fail to address these issues. The selection panel is 'established' under cl.8 of Schedule 2 of the Draft Regulations, with no reference to the formation of a committee of Council under Sec. 5.8 of the Act. Cl. 9(4) of Schedule 2 includes a reference to the selection panel acting in accordance with the principles of s.5.40 of the Act. Similarly, cl.14 requires the local government to ensure confidentiality of information provided, rather than imposing this responsibility equally on the selection panel, or individual panel members.	N/A	Support with comment The City supports this inclusion however suggests that confidentiality should extend through the process until an offer of employment is accepted. Independent members of a selection panel would be bound by a confidentiality agreement.

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
	If the selection panel were established as a committee in accordance with s.5.8 of the Act, the requirements relating to the calling and convening of meetings, keeping of minutes and agendas, confidentiality, declaration of conflicts of interest and application of the Code of Conduct would apply. The Draft Regulations will delete current r.18C, requiring a local government to approve a process for the selection and appointment of a CEO. Schedule 2 does not include a similar requirement for the selection panel to follow a process decided upon by the Council. This removes Council from important input in, or oversight of, the process by which the selection panel assesses the candidates and makes recommendations.		
Performance review – agreement on the process Model Standards Clause 16 requires the local government and the CEO to agree on the process for performance review and any performance criteria that are additional to those specified in the contract. For example, the local government and the CEO may wish to include additional performance criteria after 1 or 2 years into a contract term as circumstances and priorities change.	N/A	Council does not support the mandatory CEO standards and any direction given by DLGSC to carry out actions relating to their decisions. Councils should be able to make decisions and have the flexibility to appoint a CEO and carry out performance reviews that best meet the needs of the local government. The Council supports DLGSC issuing guidelines that assists local governments in how each of the processes should be carried out, however no matter relating to the CEO should have further legislation imposed.	Comment The CEO and local government must agree on the process for performance review and any performance criteria that are additional to those specified in the contract. The process is covered in the CEO contract. It is recommended that DLGSC develop a dispute resolution process in the case that the CEO and Council do not agree on this process and criteria. Clause 16:

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
The process for performance review must be consistent with clauses 17 (Carrying out a performance review), 18 (Endorsement of the performance review) and 19 (CEO to be notified of the results of the performance review). The process for performance review and the selection criteria upon which the review will be based must be set out in a written document.		The City requests that there is further clarity in the guidelines in terms of the definition of key performance measures/indicators and examples.	<i>(1) The local government and the CEO must agree on — (a) the process by which the CEO's performance will be reviewed; and (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.</i>
Endorsement of performance review Model Standards Clause 18 – Endorsement of performance review by local government. Clause 18 requires that a performance review is endorsed by an absolute majority of council upon completion. Clause 19 – CEO to be notified of results of performance review. Clause 19(a) requires a local government to notify the CEO of the results of the performance review in writing. If the review identifies any performance issues, the local government must outline how it proposes to address and manage those issues. The local government must notify the CEO of the results of the performance	N/A	N/A	Comment Neither the Model Standard cls. 17 or 18 provides the CEO with the ability to view or provide input to the performance review, prior to the review being endorsed by absolute majority under 18. In the interests of procedural fairness, the CEO should have the opportunity to view and respond to any adverse findings or comments that may form part of the final review. Clause 17(2c) states that the <i>evidence regarding the CEOs performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner.</i> The City recommends that the Department provides an explanation of what would constitute review undertaken in a 'comprehensive manner,' and furthermore

OVERVIEW OF KEY AMENDMENTS TO REGULATIONS	WALGA INFOPAGE COMMENT 2 NOVEMBER 2020	CITY OF MANDURAH RESPONSE FROM COUNCIL MEETING 26 NOVEMBER 2019	CITY OF MANDURAH PROPOSED RESPONSE
review after it has been endorsed by an absolute majority of council.			make clear that this would include procedural fairness provided to the CEO.

To: All Local Governments

**From: Tony Brown
Executive Manager Governance &
Organisational Services**

Date: 2 November 2020

Priority: High

Subject: UPDATE: Draft *Local Government (Administration) Amendment Regulations (No.2) 2020* – Model standards for CEO recruitment, performance and termination



Operational Area:	Governance
Key Issues:	• Amendments to the <i>Local Government Act 1995</i> to provide for mandatory model standards for CEO recruitment, performance and termination were passed in 2019 but are yet to come into effect. • Consultation on draft <i>Local Government (Administration) Amendment Regulations (No.2) 2020</i> prescribing the proposed model standards is open until Friday 13 November. • Local Governments are requested to provide a response to WALGA by 13 November.
Action:	Council Consideration Required: Feedback Requested – 13 November 2020

Background

The *Local Government Legislation Amendment Act 2019* introduced numerous amendments to the *Local Government Act 1995*, including the yet to commence insertion of new sections introducing mandatory Model Standards for CEO recruitment, performance and termination.

In March 2019 the Department of Local Government, Sport and Cultural Industries invited WALGA and other parties to participate in the CEO Recruitment, Performance Review and Termination Working Group to develop Model Standards. The Department discontinued the Working Group in May 2019 and released a Consultation Paper without endorsement by the Working Group in October 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop and endorse Model Standards for further sector consultation, and identified several concerns with the proposals in the Consultation Paper. Throughout 2020, WALGA sought advice from the Department on the progress of draft regulations and a sector consultation process. The Department has now released the draft *Local Government (Administration) Amendment Regulations (No.2) 2020* (Draft Regulations), to prescribe the Model Standards, together with Explanatory Notes. Both documents are available via the [Department's website](#). A short consultation period will close on Sunday 6 December 2020, following WALGA's advocacy for further time to enable Councils to consider this matter.

WALGA notes that the Working Group was not reconvened, and the Draft Regulations include several elements that were highlighted as matters of concern by the sector. Due to the short time frame WALGA provides the following information as our initial concerns;

1. Requirement to re-advertise CEO positions after 10 years of continuous service
Section 5.39(2)(b) of the *Local Government Act* already limits CEO contracts to a maximum of 5 years and Councils have general competence powers to consider whether to renew the incumbent's contract or advertise the position. Suggesting that a Council must re-advertise the position of a CEO after 10 years is likely to prove unworkable or counterproductive in any case as:

- Councils conducting a selection process known to involve an incumbent CEO will risk allegations of non-compliance with Section 5.40 of the Local Government Act '*Principles affecting Local Government employees*' due to actual or perceived bias, nepotism and lack of merit and equity in relation to other applicants;
- May result in CEOs actively seeking alternative employment as the 10 year horizon approaches, meaning that a CEO that has provided satisfactory or perhaps exemplary service will be unnecessarily lost to the local government;
- Where a CEO is re-employed as a consequence of re-advertising after the 10 year period, this process has incurred unnecessary costs and time waste for the LG, distracting from achieving its strategic objectives and may further entrench perceptions that contracts are for life, thus negating the very purpose of this proposal.

Further, Division 3 of the Draft Regulations seeks to improve the capacity of local governments to effectively manage CEO employment. This is a far more appropriate and adapted mechanism to address a perceived issue of 'contracts for life', by ensuring that the performance of CEOs, whether long serving or newly appointed, is appropriately assessed and managed.

2. Independent panel member

Clause 8 of the Draft Regulations requires the selection panel to include at least one person who is neither a council member nor an employee of the local government. There is no guidance on the skills, experience or knowledge of the independent person, or their role on the panel. This has the potential to pose significant risk to the local government, as there are inadequate controls on the conduct of such a person (i.e. they will not be captured by a Code of Conduct as Panel is not a committee of Council). WALGA supports the ongoing use of an independent qualified and licensed recruitment consultant to provide guidance (as opposed to active participation) in both the recruitment process and to assist with obligations to finalise the employment of a CEO.

3. Transparency and procedural fairness – Schedule 2

The consultation draft emphasised that it is essential that the recruitment process is transparent and appropriately documented. Similar commentary featured in the *Report of the Inquiry into the City of Perth*, however the Draft Regulations fail to address these issues.

The selection panel is 'established' under cl.8 of Schedule 2 of the Draft Regulations, with no reference to the formation of a committee of Council under Sec. 5.8 of the Act. Cl. 9(4) of Schedule 2 includes a reference to the selection panel acting in accordance with the principles of s.5.40 of the Act. Similarly, cl.14 requires the local government to ensure confidentiality of information provided, rather than imposing this responsibility equally on the selection panel, or individual panel members.

If the selection panel were established as a committee in accordance with s.5.8 of the Act, the requirements relating to the calling and convening of meetings, keeping of minutes and agendas, confidentiality, declaration of conflicts of interest and application of the Code of Conduct would apply.

The Draft Regulations will delete current r.18C, requiring a local government to approve a process for the selection and appointment of a CEO. Schedule 2 does not include a similar requirement for the selection panel to follow a process decided upon by the Council. This removes Council from important input in, or oversight of, the process by which the selection panel assesses the candidates and makes recommendations.

4. Council decision making authority

Schedule 2, Cl. 9(2)(a) requires the selection panel to recommend one or more applicants it considers suitable, with Cl. 9(2)(b) requiring that it advise Council if it considers no applicants are suitable. In the second event, Cl. 10 requires the local government to carry out a new recruitment process. Bypassing Council in this decision-making process appears to directly conflict with Sec. 5.36(2) of the Act, where it is the Council that determines if a person is or is not suitably qualified to be employed as CEO.

WALGA is seeking to coordinate a sector response and seeks feedback from Member Local Governments on the Draft Regulation. Please provide any comments by **4pm Friday 13th November 2020** to governance@walga.asn.au.

For further information please contact:

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