



NOTICE OF MEETING

COMMITTEE OF COUNCIL

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

**Tuesday 14 November 2017
at 5.30pm**

MARK R NEWMAN

Chief Executive Officer
8 November 2017

COMMITTEE MEMBERS

Mayor Williams

Deputy Mayor Councillor Knight

Councillor Wortley

Councillor Jackson

Councillor Lee

Councillor Lynn Rodgers

Councillor Shane Jones

Hon Councillor Riebeling

Councillor Tahlia Jones

Councillor Darcy

Councillor Schumacher

Councillor Peter Rogers

Councillor Matt Rogers

AGENDA:

- 1 OPENING OF MEETING**
- 2 ELECTION OF CHAIRPERSON**
- 3 ATTENDANCE AND APOLOGIES**
- 4 IMPORTANT NOTE:**

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

5 PUBLIC QUESTION TIME

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

6 PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN**7 DEPUTATIONS**

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

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

8 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**9 QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION**

9.1 Questions of which due notice has been given

9.2 Questions of which notice has not been given

10 BUSINESS LEFT OVER FROM PREVIOUS MEETING

11 REPORTS:

- | | | |
|---|--|---------|
| 1 | Revised Lease: Portion Reserve 27051 - Air Quality Monitoring Station and Automatic Weather Station – McLarty Road, Halls Head | 1 - 6 |
| 2 | Dedication of Right of Ways – Central Mandurah | 7 - 18 |
| 3 | Mandjar Square: Future Works | 19 - 23 |
| 4 | Tender 20-2017: Mandurah Ocean Marina Chalet Park Management | 24 - 26 |
| 5 | Audit and Risk Committee: Appointment of External Representatives | 27 - 28 |
| 6 | Appointment of Community Representatives to Advisory Groups | 29 - 43 |

12 LATE AND URGENT BUSINESS ITEMS**13 CONFIDENTIAL ITEMS****14 CLOSE OF MEETING**

1. SUBJECT:	Revised Lease – Portion of Reserve 27051 – Air Quality Monitoring Station and Automatic Weather Station
CONTACT OFFICER/S:	Ben Dreckow
AUTHOR:	Lesley Petchell/Vicki Kelly
FILE NO:	F119212 (Parcel 48944)

Summary

In April 2017, Council endorsed the excision of 185 square metres within Reserve 27051 at Lot 1878 McLarty Road, Halls Head, for a new lot to be created with the Power to Lease to enable a lease of approximately 69 square metres to the Department of Water and Environmental Regulation for the purpose of housing an Air Quality Monitoring Station (AQMS).

The Bureau of Meteorology have now approached the City requesting co-location upon the new lot for the purpose of housing their Mandurah Automatic Weather Station as the current location of the facility within Reserve 48150 at Breakwater Parade, Mandurah is no longer suitable.

Officers are supportive of the proposal, as both facilities provide a similar and valuable service to the community. A mutually agreeable arrangement has been negotiated between the two parties to co-locate on the site, with a proposed head lease between the City and the Department of Water and Environmental Regulation for the entire lot, and a sub-lease between the Department of Water and Environmental Regulation and the Bureau of Meteorology for the area that the Bureau of Meteorology require.

Council is, therefore, requested to approve:

- (a) a revised lease area to the Department of Water and Environmental Regulation of approximately 185 square metres upon Reserve 27051, for a term of ten years with an eleven year option of renewal (10+11 years); with the rent to be in accordance with the City's Schedule of Fees and Charges for sporting and community groups, subject to approval from the Minister for Lands; and
- (b) a new sub-lease between the Department of Water and Environmental Regulation and the Bureau of Meteorology of approximately 73.6 square metres upon Reserve 27051, with the term to be at least one day less than the head lease expiry date and the rent to be no greater than the City's Schedule of Fees and Charges for sporting and community groups, subject to approval from the Minister for Lands.

Disclosure of Interest

Nil

Location



Previous Relevant Documentation

- G.27/4/17 26 April 2017 Council approved the excision of an approximate 185 square metres of land within Reserve 27051 and creation of a new lot which will maintain the purpose of Recreation with addition of Power to Lease, to enable a lease to the Department of Environment Regulation for an approximate lease area of 69 square metres.

Background

In April 2017, Council granted support to the excision of approximately 185 square metres from Reserve 27051 at Lot 1878 McLarty Road, Halls Head, to enable a new lot to be created with Power to Lease and a subsequent lease agreement to the Department of Water and Environmental Regulation of approximately 69 square metres to house an Air Quality Monitoring Station (AQMS).

Officers supported the installation of the facility upon the reserve as it will provide valuable data on the air quality and pollutants at the location which has been identified as an action within the Perth and Peel Green Growth Plan for 3.5 million.

The excision of the new lot is nearly complete, upon which the new leasing arrangements will be able to be put in place.

The original intent was that the area outside of the lease area upon this newly created lot would be utilised as Public Recreation until such time as the Department of Water and Environmental Regulation might require extra land for expansion of services, however, officers have been approached by the Bureau of Meteorology who have requested a lease over the remaining portion of this newly created lot for installation

of their Mandurah Automatic Weather Station which they are seeking to relocate from its existing location upon Reserve 48150 at Breakwater Parade, Mandurah.

Comment

Currently the Bureau of Meteorology (BOM) have two facilities in Mandurah, one being an Automatic Weather Station which is located upon Reserve 48150 at the Mandurah Offshore Fishing and Sailing Club, Breakwater Parade, Mandurah and the other being a manual rain gauge which is located upon the City of Mandurah owned land at 16 Marsh Place, Halls Head .

The data obtained from the two sites is used to provide valuable weather forecasting information to the community, including daily media weather reports.

The BOM are seeking to relocate the weather station from its existing location to the new lot upon Reserve 27051, as they are experiencing difficulties with the equipment readings. Several factors including interference from the severe weather conditions, large objects such as boats and trailers being stored too close to the station, and Norfolk pine trees in close proximity which have now grown to such a height that they are threatening to impede the data.

Refer sketch of existing AWS upon Reserve 48150 below:



The BOM have advised that the new site, which is only 2.68km in a straight line from the existing site, would be ideal as it is still in close proximity to the water but is more greatly protected from the weather elements, will not be impeded by any objects, and has all of the natural elements to allow the capture of the required data.

A weather station is a valuable community facility which measures atmospheric conditions that provide information for weather forecasts and the study of the weather and climate. Typically measurements taken include temperature, atmospheric pressure, humidity, wind speed, wind direction and precipitation amounts.

The weather station includes three main components, which are required to be installed in close proximity to each other up to five metres apart, either in a triangle or a straight line:

- An automatic Rain Gauge [203mm diameter collection funnel 300mm above ground mounted on a (approx.) 250mm square concrete pad, although sometimes they are mounted on a post],
- A Stevenson Screen [Slatted, usually wooden, screen that houses the thermometers, mounted on a post],

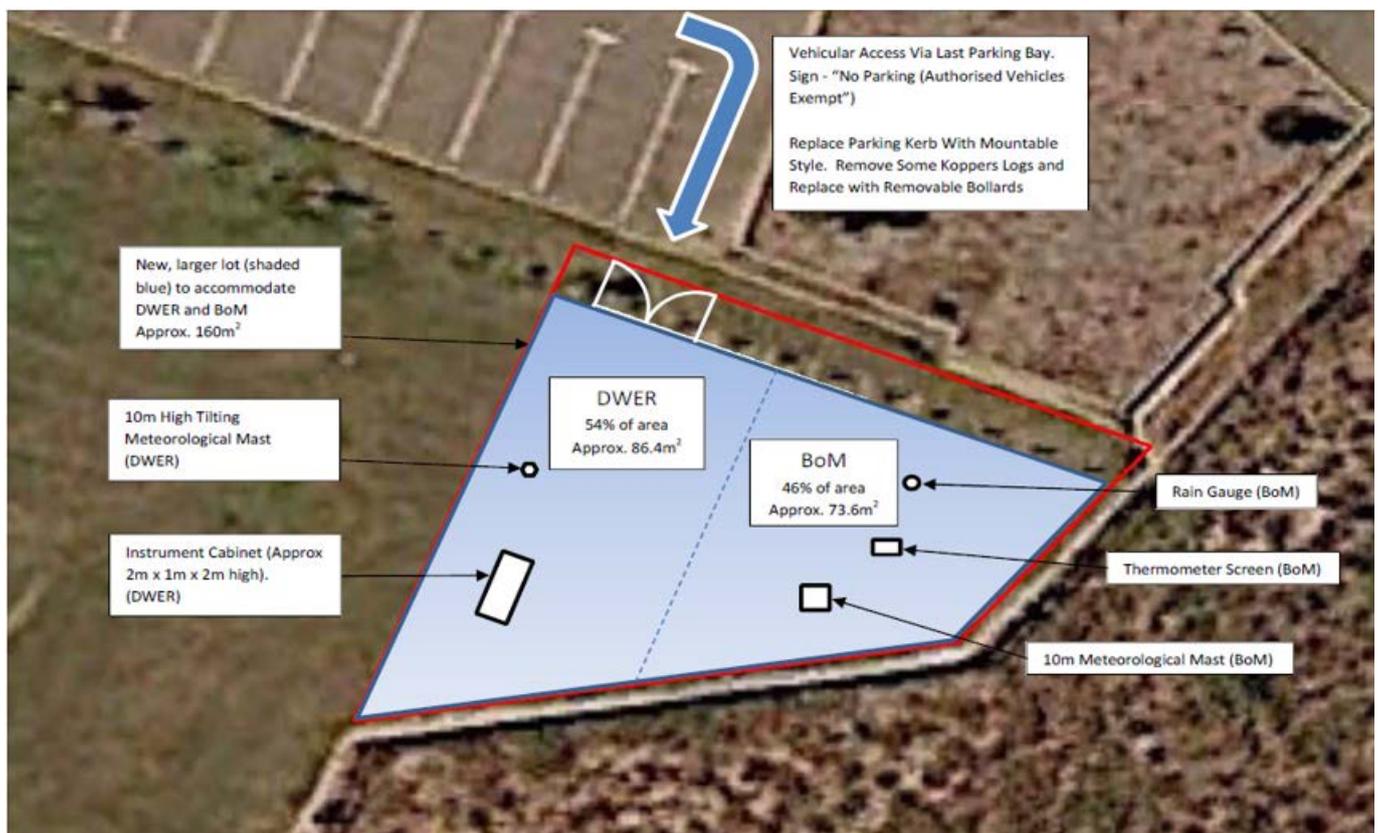
- An Anemometer mounted on a ten metre tall tilting mast. The base of this mast is swollen and houses the electronics and the barometer. This is mounted on a (approx.) 1.5 metre square concrete pad.

The facility will be remotely monitored, with the inspectors and technicians only required to attend the site twice per year for maintenance and calibration checks, therefore, no special access is required to the site.

Whilst the facility is not required to be fenced, the AQMS is, and as the new configuration to fit the two types of equipment upon the lot negates the ability to easily fence off each type of equipment, the entire lot is proposed to be fenced with a garrison style of fencing which is considered to be appropriate to officers.

It is proposed, to facilitate easier management of the joint infrastructure such as fencing, access and the ground area, an appropriate leasing arrangement would be a head lease between the City and the Department of Water and Environmental Regulation for the entire lot, with a sub-lease between the Department of Water and Environmental Regulation and the Bureau of Meteorology, which the City will be required to consent to as head lessor, for the Bureau of Meteorology area.

Refer sketch of proposed co-location on the site below:



The Department of Planning, Lands & Heritage have advised their support to the proposal, as the respective monitoring stations are similar in nature in that they both serve the greater public's best interests. They do request, however, due to the community benefit that the weather station facility provides, that any rent derived from the sub-lease is no greater than a community based rate, and the Department of Water and Environmental Regulation have advised they are agreeable to this condition.

As one of the requirements for optimisation of the equipment readings is clearance from obstructions such as equipment or trees, the City will, where possible, ensure that suitable clearances are in place as part of the general management of the reserve.

There is no requirement under Section 3.58 (*Disposal of Land*) of the *Local Government Act 1995* to advertise the revised lease area or the new sub-lease, as a disposition of land is exempt from such requirements if disposed of to a department, agent or the State or Commonwealth.

Consultation

Department of Planning, Lands & Heritage
Department of Environmental Regulation
Bureau of Meteorology

Statutory Environment

Disposing of Property – Section 3.58 *Local Government Act 1995 (LGA)*
Dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not.

Exemption of Disposition of Property – Section 30 *Local Government (Functions and General) Regulations 1996*. A disposition of land is exempt if the land is disposed of to a department, agency of the State or Commonwealth.

Land Administration Act 1997 Section 18(2) Minister for Lands Approval
Various transactions relating to Crown land to be approved by Minister. A person must not without authorisation assign, sell, transfer or otherwise deal with interest in Crown Land.

Policy Implications

Nil

Economic Implications

All fees and legal costs associated with the head lease will be borne by the Department of Water and Environmental Regulation with the Bureau of Meteorology to meet all costs associated with the sub-lease.

The annual community rental rate in accordance with City's Fees and Charges 2016/17 equates to \$950 per annum.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2013 – 2033* are relevant to this report:

Environment:

- Encourage and enable the community to take ownership of natural assets, and to adopt behaviours that assist in achieving the City's environmental targets.
- Become a leader in proactive and innovative environmental management.
- Factor climate change predictions into land-use planning, building design and future Council decisions.

Conclusion

Further to the April 2017 Council approval to the excision of a portion of Reserve 27051 to create a new lot to enable a lease to the Department of Water and Environmental Regulation for the purpose of installing an Air Quality Monitoring Station, officers have been approached by the Bureau of Meteorology for a similar leasing arrangement over the remaining portion of the lot for the purpose of installing their Mandurah Weather Station.

All parties are supportive of the arrangement as both facilities are similar in nature and provide a valuable service to the community. A suitable co-location has been negotiated, with a recommended head lease

between the City and the Department of Water and Environmental Regulation for the entire approximately 185 square metre lot, and a subsequent sub-lease between the Department of Water and Environmental Regulation and the Bureau of Meteorology for approximately 73.6 square metres.

Council is, therefore, requested to approve a revised lease area to the Department of Water and Environmental Regulation of approximately 185 square metres upon Reserve 27051, for a term of ten years with an eleven year option of renewal (10+11 years); and a new sub-lease between the Department of Water and Environmental Regulation and the Bureau of Meteorology for approximately 73.6 square metres upon Reserve 27051, with the term of the sub-lease to be at least one day less than the head lease. The rent for both leases is to align with the City's Schedule of Fees and Charges for sporting and community groups, subject to approval from the Minister for Lands.

RECOMMENDATION

That Council:

- 1. Approves a head lease to the Department of Water and Environmental Regulation for an approximate lease area of 185 square metres over the newly created lot upon Reserve 27051, Lot 1878 (221) McLarty Road, Halls Head with the following conditions:**
 - 1.1 Ten year lease with eleven year option of renewal (10+11 years);**
 - 1.2 Commencement date after Minister for Lands approval;**
 - 1.3 The rent will be in accordance with the City's Schedule of Fees and Charges for sporting and community groups;**
 - 1.4 Subject to approval of the Minister for Lands.**
- 2. All costs associated with the head lease agreement are to be borne by the Department of Water and Environmental Regulation;**
- 3. Approves a sub-lease between the Department of Water and Environmental Regulation and the Bureau of Meteorology for an approximate lease area of 73.6 square metres over the newly created lot upon Reserve 27051, Lot 1878 (221) McLarty Road, Halls Head with the following conditions:**
 - 3.1 Term to be at least one day less than the expiry of the Head lease;**
 - 3.2 The rent to be no greater than the City's Schedule of Fees and Charges for sporting and community groups;**
 - 3.3 Commencement date after Minister for Lands approval;**
 - 3.4 Subject to approval of the Minister for Lands.**
- 4. All costs associated with the sub-lease agreement are to be borne by the Bureau of Meteorology;**
- 5. Authorises the Chief Executive Officer to finalise the conditions of the head lease and sub-lease.**

As the parcels are being utilised as public road, in order to eliminate any confusion surrounding their legal identity and to ensure a consistent tenure for constructed road land across the City, officers propose to dedicate them as road pursuant to Section 56 of the Land Administration Act 1997 (LAA).

Comment

The right of ways which are the subject of this report are shown below, along with their current ownership information and dates of creation as ROWs:

Public (Crown) ROWs

			<u>Created</u>
• Lot 66 on Plan 8724 (Park Rd)	C/T 17-229A	State of W.A.	1967
• Lot 67 on Plan 8549 (Park Rd)	C/T 2775-66	State of W.A.	1966
• Lot 166 on Plan 8435 (Park Rd)	C/T 2758-841	State of W.A.	1965
• Lot 66 on Diagram 83600 (Loaring St)	C/T 2141-210	State of W.A.	1968
• Lot 166 on Diagram 61161 (Hancock St)	C/T 2773-901	State of W.A.	1955
• Lot 66 on Diagram 58228 (Shannon Rd)	C/T 2773-595	State of W.A.	1955
• Lot 66 on Diagram 34442 (Forward St)	C/T 2774-660	State of W.A.	1967
• Lot 67 on Diagram 37986 (Hobley St)	C/T 2774-657	State of W.A.	1970

Private (Freehold) ROWs

			<u>Created</u>
• Lot 68 on Plan 7437 (Park Rd)	C/T 1239-297	Eastwood, E M	1960
• Lot 73 on Plan 6960 (Park Rd)	C/T 2932-622	Eastwood, E M	1957
• Lot 69 on Plan 7097 (Park Rd)	C/T 2711-458	Eastwood, E M	1963
• Lot 68 on Plan 7096 (Park Rd)	C/T 2711-481	France, D A	1961
• Lot 66 on Diagram 16508 (Hobley St)	C/T 1150-617	King, C A	1952
• Lot 68 on Diagram 39576 (Hobley St)	C/T 1088-665	Watts, H L	1970
• Lot 69 on Diagram 14846 (Hobley St)	C/T 1089-244	Hood, H	1945
• Lot 71 on Diagram 51408 (Hobley St)	C/T 2713-498	Owners of Strata Plan 4979*	1945

- This lot is in the name of the landowners who owned property at the time of its creation in Strata Plan 4979 at Lot 45 (56) Hackett St, Mandurah, which immediately adjoins it.

When the land parcels were created it was standard practice at the time to create a right of way rather than a road, and whilst the usage of a public and private right of way is essentially the same, being utilised as a thoroughfare, a public ROW is intended for public use whereas a private ROW is only intended to be used by the registered proprietors of the lots on the plan that encompasses the ROW land.

The Public ROWs, which are held in freehold by the State of W.A., were ceded on subdivision under Section 20A of the former *Town Planning & Development Act 1928 (TP&D)*. The Private Right of Ways are still registered in the name of the original subdividers.

General practice for subdivisions today is right of ways are not created as part of a development, with easements for access arrangements being more common, and the automatic dedication of roads in accordance with Section 168 of the Planning & Development Act 2005 (PDA) on the lodgement and approval of a subdivision deposited plan being the normal process.

However historically when subdivisions occurred, this process was not automatic and a separate legal action was required to be undertaken by the developer or landowner. As a cost would be involved to action this, and there was no trigger to ensure it was undertaken, if it was not acted upon at the time of the subdivision, then it would often remain as a 'balance of title' contained in a Certificate of Title still registered in the name of the original subdivider.

Although the private ROWs are held in private ownership, the land cannot be utilised for any other purpose other than a thoroughfare. The City has in due course constructed road infrastructure upon the land and has been managing the land accordingly.

Many of these historic ROWs located throughout the state have been dedicated as road as the lots have been re-subdivided over the years, however, there are still remnant parcels such as the ones which are the subject of this report that need to be corrected.

Whilst the parcels can be left as they are and the roads managed as they have always been by the City, now they have been identified, officers recommend they be amended as they present as an anomaly on the City's GIS database, which is confusing for users of the system.

Officers have consulted with the Department of Planning, Lands & Heritage (DoPLH), who have advised consent to the proposal and outlined the process required to arrange the dedication of the parcels.

As the Public ROWs were vested to the Crown under Section 20A of the former TP&D, they are able to be dedicated pursuant to Section 56 of the LAA upon provision of a sketch of the land and a council resolution indemnifying the Minister for Lands against any claims for compensation in respect of the land.

The Private ROWs are also able to be dedicated under the same terms and conditions, pursuant to Section 56 of the LAA, but with an extra requirement that the land must have been constructed to road standard with the public having had uninterrupted access to it for no less than 10 years.

To assist Local governments in more easily achieving the dedication of Private ROWs, the process has been simplified with amendments made to section 56 of the LAA by the Land Administration Act Amendment Act 2000 now providing that a private road, being alienated (i.e. freehold) land, can be dedicated directly as a road for public use, without it having to first re-vest as unallocated Crown land. The dedication process will also extinguish any encumbrances, interests or caveats affecting the land.

Section 56 of the LAA also states that, in the case of land comprising a private road (which a right of way is) constructed and maintained to the satisfaction of the local government, and of which the public has had interrupted use for a period of not less than 10 years, a person with an interest in that land (including a person who has the benefit of an easement created under Section 167A of the TLA) is not entitled to compensation because of that dedication.

Officers confirm that none of the ROWs have ever been rated by the City and the GIS database reflects their ownership as either Road Reserves in Private Names or Main Roads (a standard City definition for Public ROWs). Officers have obtained recent Certificates of Title from Landgate for each of the parcels to verify their current ownership details as shown above.

Due to the fact that the titles were created over 50 years ago in many instances, in order to contact the landowners or their descendants directly to advise them of the change in title details would be a difficult one, involving contact with the Registry of Births, Deaths & Marriages to source the information.

Whilst a number of factors, as outlined below, negate the requirement to notify the landowners of the proposed action:

- a) The land is legally able to be transferred to the Crown where it has been constructed as road and utilised as road for no less than 10 years;
- b) The land has been unrated by the City since it was created;
- c) In accordance with Section 56 of the LAA, a person with an interest in the land (including a person who has the benefit of an easement created under Section 167A of the TLA) is not entitled to compensation because of that dedication;

- d) The land has no value to the landowner as it has been designated purely as a right of way therefore it cannot be developed upon;
- e) The Department of Lands Planning & Heritage do not require any consultation to be carried out to progress the matter;

Officers propose to advertise the dedication of the subject parcels of land in the local paper for a period of 30 days, with any submissions being presented to Council. If no submissions are received during this period, then officers will proceed to arrange the dedication of the land as proposed.

Council is, therefore, requested to approve the dedication of sixteen (16) right of ways at Park Road, Loaring Street, Hancock Street, Shannon Road, Forward Street and Hobley Streets, Mandurah as road, pursuant to Section 56 of the Land Administration Act 1997 (*LAA*), subject to the advertising of the eight privately owned right of ways, and if no submissions received dedicate the land as road; and to indemnify the Minister for Lands against any claims for compensation in respect of the road dedication.

Consultation

Department of Planning, Lands & Heritage
Landgate Survey Co-ordination Officer

Manager, Works & Services confirms that all of the parcels have been constructed as road and utilised by the public as such for many decades.

Statutory Environment

- Section 56 *Land Administration Act 1997* – Dedication of roads

If in the district of a local government land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government or, in the case of land comprising a private road, constructed and maintained to the satisfaction of the local government whereby the public has had interrupted use of the land for a period of not less than 10 years, and that land is described in a survey, sketch plan or document, the local government may request the Minister to dedicate the land as a road.

- Regulation 8(a) of the *Land Administration Regulations 1998*

Local government request to dedicate land as a road (Act s.56), requirements for.

For the purposes of preparing and delivering under section 56(2)(a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require.

- Section 3.53 of the Local Government Act 1995

A local government is responsible for controlling and managing every otherwise unvested facility within its district. Being a private road under the LAA, ROWs created under section 152 of the Planning & Development Act 2005 (formerly section 20A of the Town Planning & Development Act 1928) also come within the definition of 'thoroughfare' in section 1.4 of the Local Government Act 1995. As such, all ROWs come within the control and management of local governments under section 3.53 of that Act.

Policy Implications

Nil

Economic Implications

Nil

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2013 – 2033* are relevant to this report:

Infrastructure:

- Enhance traffic management and parking infrastructure for the future.

Organisational Excellence:

- Ensure the City has the capacity and capability to deliver services and facilities that meet community expectations.

Conclusion

Officers have identified sixteen (16) right of ways within various locations in central Mandurah which have been utilised by the public as road for many years and should, therefore, be dedicated as such.

Through consultation with the Department of Planning, Lands & Heritage, officers have established the steps to enable the dedication of the land, including the requirement that the Private ROWs have been constructed as road and utilised as such for no less than 10 years.

Due to the difficulty in directly contacting the registered proprietors of the privately owned ROWs, Officers seek council support to advertise the dedication of the privately owned ROWs within the local paper for 30 days and, should no submissions be received, undertake the dedication of the land.

Council is, therefore, requested to approve the dedication of sixteen (16) right of ways at Park Road, Loaring Street, Hancock Street, Shannon Road, Forward Street and Hobley Streets, Mandurah as road, pursuant to Section 56 of the Land Administration Act 1997 (*LAA*), subject to the advertising of the eight privately owned right of ways, and if no submissions received dedicate the land as road; and to indemnify the Minister for Lands against any claims for compensation in respect of the road dedication.

NOTE:

- Refer **Attachment 1 ROW Locations**

RECOMMENDATION

That Council:

- 1. Requests the Minister for Lands to approve the dedication as road of eight Public right of ways as follows, pursuant to Section 56 of the Land Administration Act 1997:**

- | | |
|---|--------------|
| • Lot 66 on Plan 8724 (Park Rd) | C/T 17-229A |
| • Lot 67 on Plan 8549 (Park Rd) | C/T 2775-66 |
| • Lot 166 on Plan 8435 (Park Rd) | C/T 2758-841 |
| • Lot 66 on Diagram 83600 (Loaring St) | C/T 2141-210 |
| • Lot 166 on Diagram 61161 (Hancock St) | C/T 2773-901 |
| • Lot 66 on Diagram 58228 (Shannon Rd) | C/T 2773-595 |
| • Lot 66 on Diagram 34442 (Forward St) | C/T 2774-660 |
| • Lot 67 on Diagram 37986 (Hobley St) | C/T 2774-657 |

2. Approves the advertising of, and if no submissions received, request the Minister for Lands to dedicate as road eight Private right of ways as follows, pursuant to Section 56 of the Land Administration Act 1997;

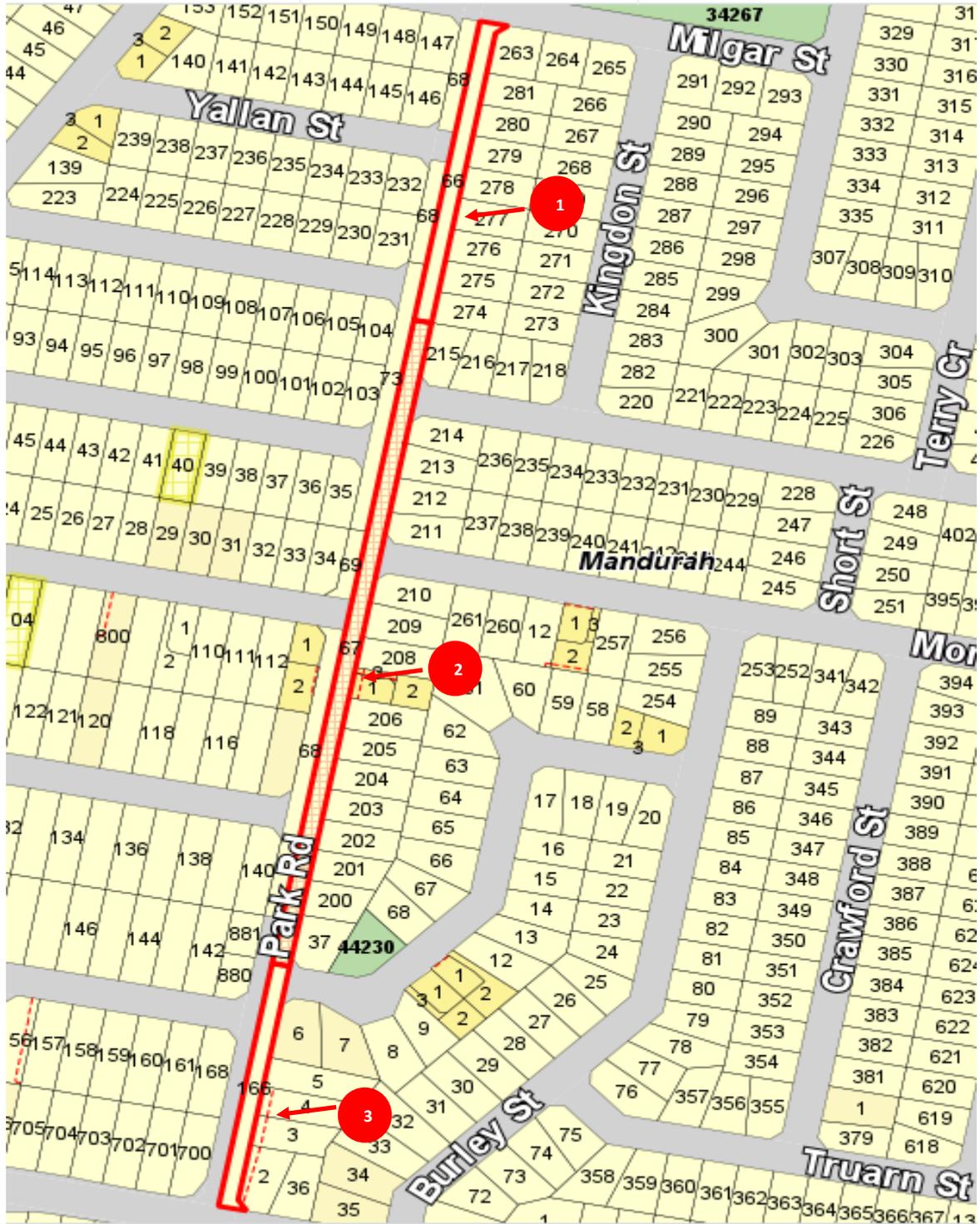
• Lot 68 on Plan 7437 (Park Rd)	C/T 1239-297	Eastwood, E M
• Lot 73 on Plan 6960 (Park Rd)	C/T 2932-622	Eastwood, E M
• Lot 69 on Plan 7097 (Park Rd)	C/T 2711-458	Eastwood, E M
• Lot 68 on Plan 7096 (Park Rd)	C/T 2711-481	France, D A
• Lot 66 on Diagram 16508 (Hobley St)	C/T 1150-617	King, C A
• Lot 68 on Diagram 39576 (Hobley St)	C/T 1088-665	Watts, H L
• Lot 69 on Diagram 14846 (Hobley St)	C/T 1089-244	Hood, H
• Lot 71 on Diagram 51408 (Hobley St) Plan 4979	C/T 2713-498	Owners of Strata

3. Indemnifies the Minister for Lands against any claims for compensation in respect of the road dedication pursuant to Section 56 of the Land Administration Act 1997.

ATTACHMENT 1 – ROW LOCATIONS

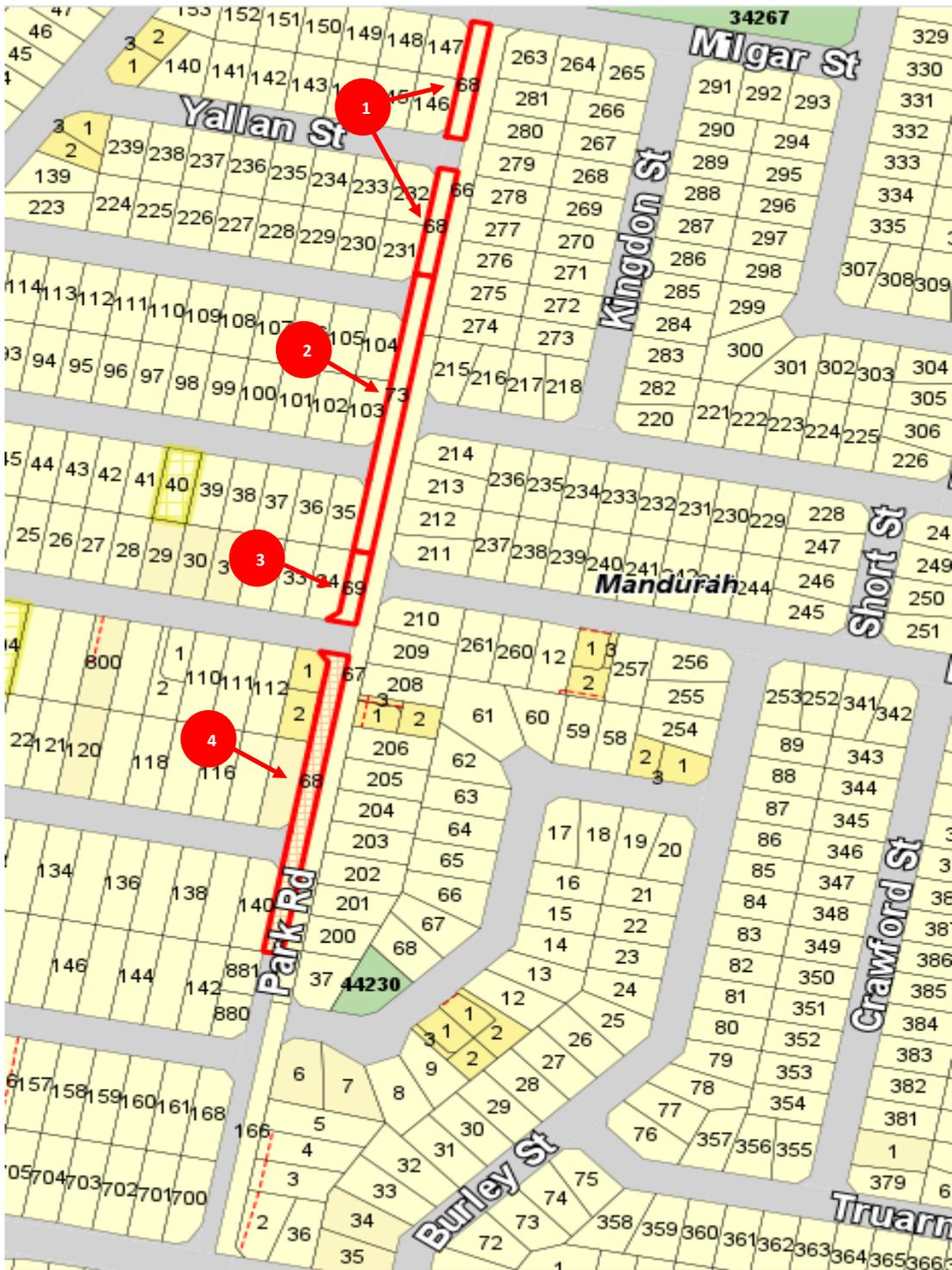
1. Park Road – Public ROWs:

- 1 – Lot 66 on Plan 8724 (Parcel 57125)
- 2 – Lot 67 on Plan 8549 (Parcel 57110)
- 3 – Lot 166 on Plan 8435 (Parcel 57112)



2. Park Road – Private ROWs:

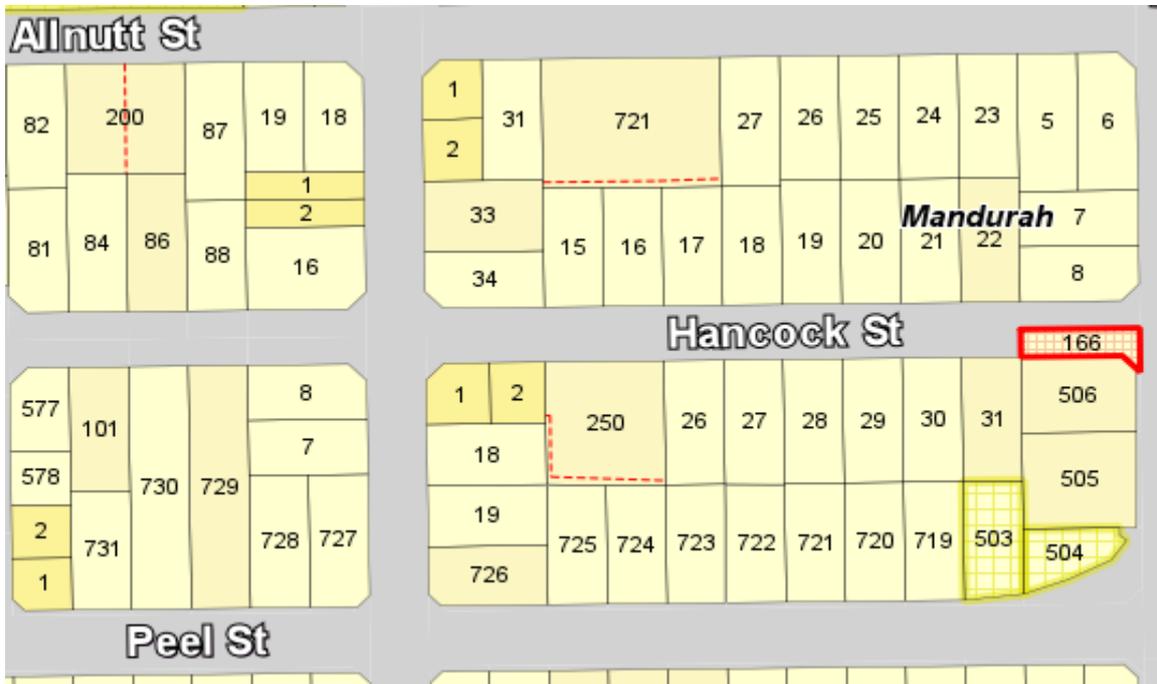
- 1 – Lot 68 on Plan 7437 (Parcel 57122)**
- 2 – Lot 73 on Plan 6960 (Parcel 57121)**
- 3 – Lot 69 on Plan 7097 (Parcel 56590)**
- 4 – Lot 68 on Plan 7096 (Parcel 56589)**



3. Loaring Street - Lot 66 on Diagram 83600 (Parcel 57003) – Public ROW



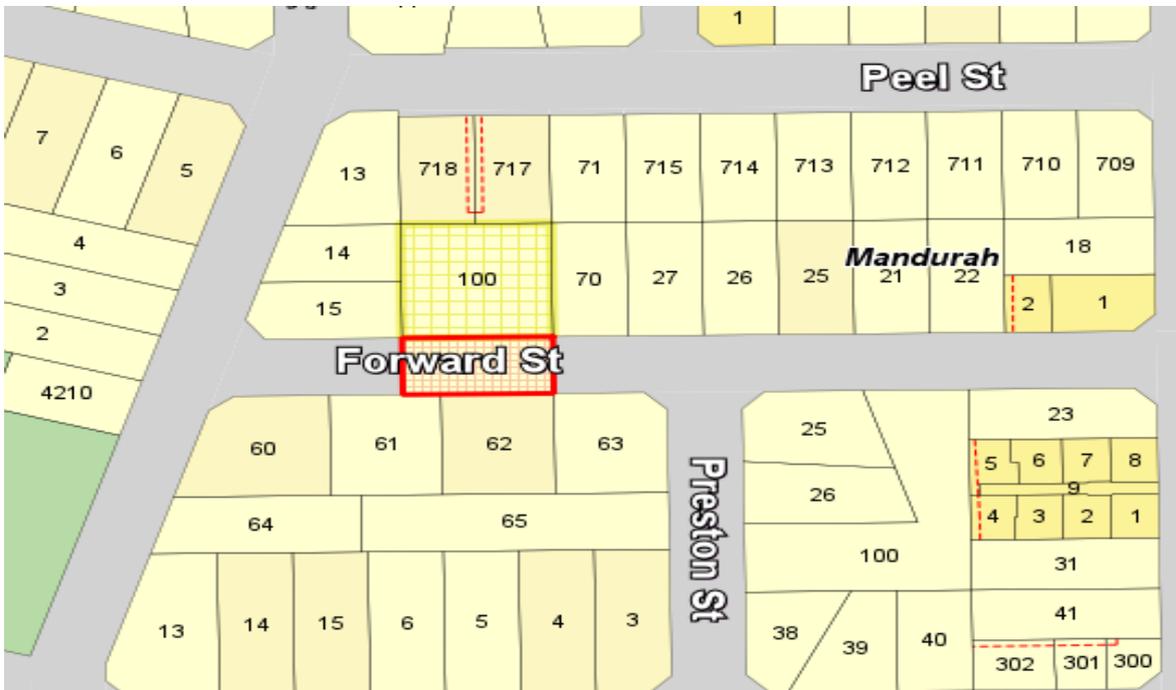
4. Hancock Street - Lot 166 on Diagram 61161 (Parcel 57042) – Public ROW



5. Shannon Road – Lot 66 on Diagram 58228 (Parcel 57088) – Public ROW

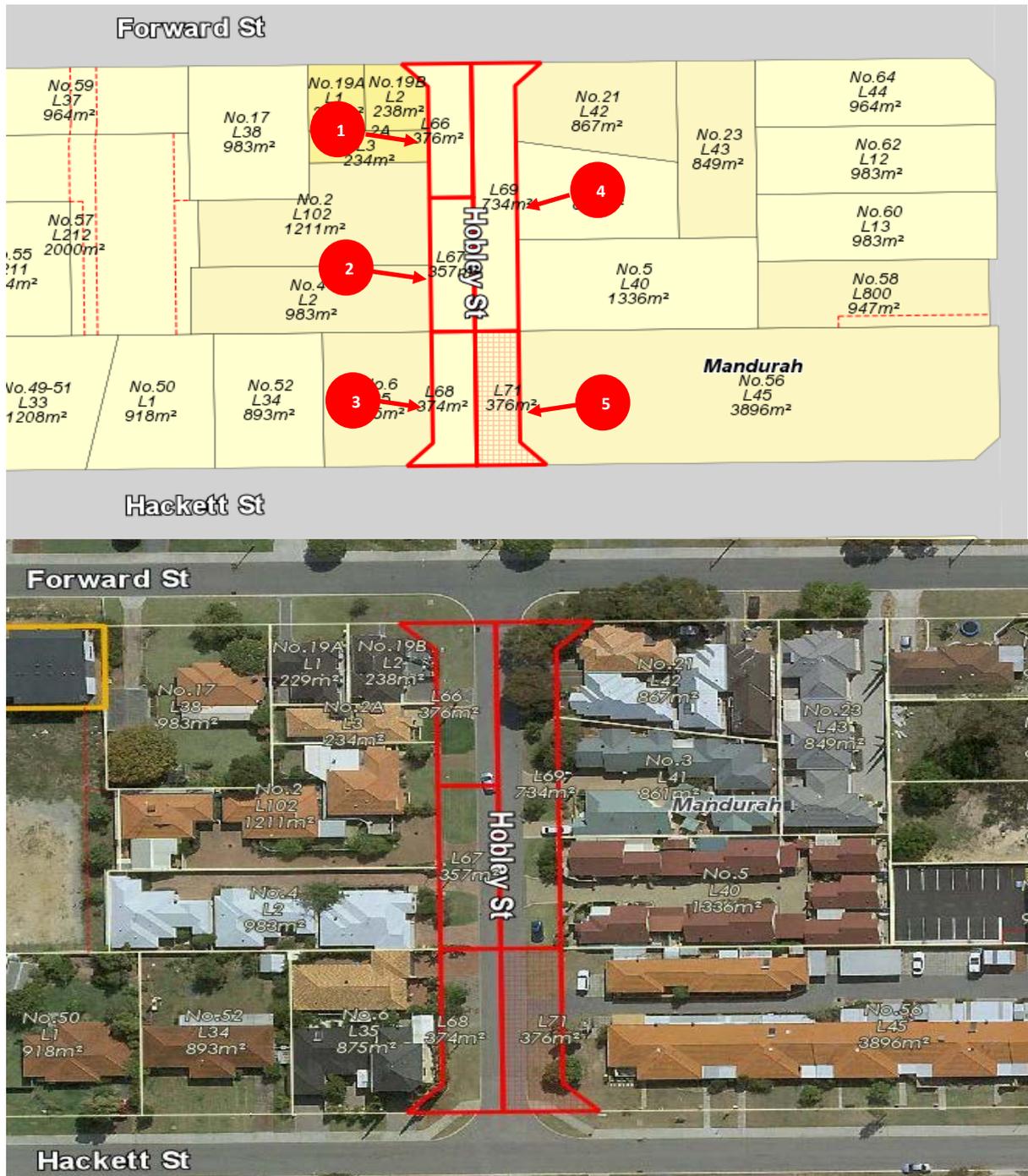


6. Forward Street – Lot 66 on Diagram 34442 (Parcel 57083) – Public ROW



7. Hobley Street ROWs:

- 1 – Lot 66 on Diagram 16508 (Parcel 57023) – Private ROW
- 2 – Lot 67 on Diagram 37986 (Parcel 57024) – Public ROW
- 3 – Lot 68 on Diagram 39576 (Parcel 57025) – Private ROW
- 4 – Lot 69 on Diagram 14846 (Parcel 57091) – Private ROW
- 5 – Lot 71 on Diagram 51408 (Parcel 57026) – Private ROW



Previous Relevant Documentation

- G.14/10/17 October 2017 The report was deferred in consideration of the October local government elections and the impact of the 2017/2018 budget.

- G.29/12/14 December 2014 Council endorsed the Mandjar Square Redevelopment Master Plan as a concept for future development and acknowledged that if additional grant funding applications were unsuccessful the City would consider funding through its normal budget process.

Background

The Mandjar Square public open space was completed in 1997 as part of the development of the cultural precinct. With the proximity to restaurants, the MPAC, the inclusion of many art pieces within the space including the Yaburgurt Winjan (George Winjan) 100 Year celebration iconic artwork, it is an ideal location for events and a focus for Mandurah's heritage and culture.

The City's Strategic Community Plan 2013-2033 adopted by Council in April 2013 identified the need for an enhanced range of social, retail, recreational and entertainment experiences for residents and visitors, and also the need to become known as a City and destination for events, arts, heritage and culture.

The Civic and Cultural Precinct Master Plan was endorsed by Council in August 2012, as a long-term plan outlining potential building footprints and public spaces for Mandurah's key public and civic spaces. The Cultural Framework was endorsed by Council in September 2012, as the City's guiding document for cultural planning and development. The Civic and Cultural Precinct Master Plan was also identified as a key project under the City's Arts, Heritage and Culture Strategy, adopted by Council in May 2014, identified the Mandjar Square Redevelopment as a key concept.

In recent years, the infrastructure and amenity of the Mandjar Square space has deteriorated, elevating the need to undertake upgrade works. Replacement of the existing paving is a priority as the current paving specification and performance is insufficient for the regular vehicle traffic that access the site for servicing, deliveries and event activity.

In addition to the paving, there are a number of other design, amenity and infrastructure inadequacies within the space. The selected tree species in the paved thoroughfare between the Cinema and MPAC have not performed over time and many have died and require removal. The water feature pond that wraps around the north and east sides of the MPAC has also been identified as having safety issues and large maintenance and upgrade costs, however this will be the subject of a different Council Report.

The adopted design addresses the issues and provides for a functional, multipurpose events space. Elements incorporated are shade, comfort, interactive elements and flexibility to host pop-up events and activities.

Comment

The proposed staging of this redevelopment is detailed in the following plan.

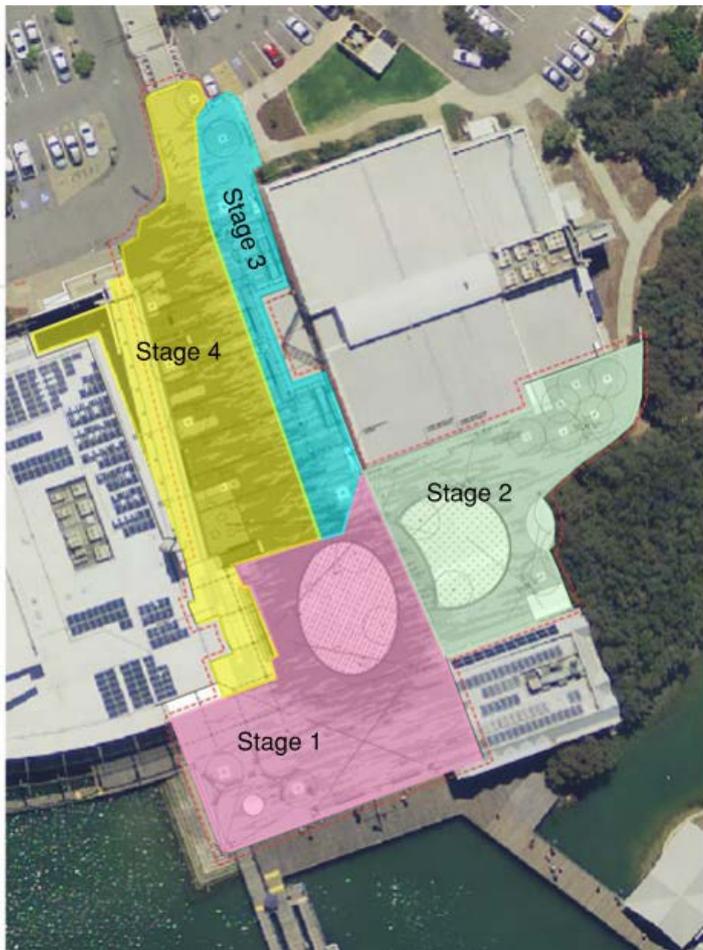
Stage 1 and Stage 2 were scheduled to run consecutively with funding provided in 2016/2017 and 2017/18. There were financial benefits programming the works over the end of one financial year and the beginning of the next. The City was also able to utilise contractors who were already in place with an established familiarity and awareness of the site complexities and constraints. We have also been able to utilise the business relationships established at commencement of the project to communicate with the public and site patrons. Feedback from the businesses and patrons has been positive and they have all expressed a

desire to see the project fully completed. This is especially true since completion of Stage 1, and the visible contrast between the new and old paving areas.

With the completion of stage 1 and 2, it is anticipated that use of the area will increase due to the improved amenity. The area will be more attractive for events with the addition of the stage and easy access to services like power and water. The existing paving will continue to deteriorate with the increased vehicle activity associated with these events and detract from the completed works.

It is considered advantageous to utilise the momentum gained during the initial and the contractors already in place phases to progress to Stage 3 in order to provide the City with a completed destination and events space in a shorter timeframe.

The stages for construction are shown in the plan below.



Stage 4 is not able to be considered for construction at this time, as to do so would interfere with the many events and activities planned for the summer months. Furthermore, the Council will be requested to consider the future of the MPAC water feature and its impact on the redevelopment. A report is to be presented in November.

Consultation

Consultation has already occurred in this project during development of the master plan for the site.

Statutory Environment

Not applicable

Policy Implications

The following City of Mandurah policies are relevant to and will provide direction in the planning and implementation of the proposed Mandjar square redevelopment.

- Urban Tree Management (POL-RDS 06)
- Street and Public Area lighting (POL-RDS 05)
- City Events (POL-RCS 05)
- Designing out Crime (POL-PKR 03)
- Disability Access Inclusion (POL-CMS 02)
- Parks and Reserves (POL-PKR 02)
- Public Art Policy (draft)

Economic Implications

The Mandjar Square redevelopment plan was developed to facilitate staged implementation. The City has committed four stages over four financial years. Stage 1 is complete and Stage 2 is nearing completion. Breakup of works are proposed as follows:

- Stage 1 - \$500,000
Main thoroughfare paving, central grass area, advanced trees, cinema pergola green roof, utilities provision for catenary lighting system and lighting poles, bollards, drainage, advanced trees
- Stage 2 - \$500,000
Paving between Hans Café and Cinema, staging, furniture and seating, second grassed area, advanced trees and landscaping and walling.
- Stage 3 - \$440,000
Catenary lighting system, cinema paving, ramps and walling, planter boxes and vertical planting
- Stage 4 - \$560,000
MPAC surrounds paving and ramps, play and seating areas in front of MPAC, Walkway and water feature modifications

The current budget cost estimate for implementation of the upgrade plan is \$1.96 million. Items not included in this budget breakdown include public art components (new public art will be subject to development of a Public Art Strategy for the precinct), Cinema building facade enhancements and storage areas. At the current funding commitment it will take two more years to complete the works. It is proposed that the City utilises funding from the reserves to complete the works within a shorter time frame.

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

Social:

- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

Economic:

- Develop a strong and sustainable tourism industry.

Infrastructure:

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

Identity:

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

Organisational Excellence:

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

Conclusion

Mandjar Square is to become the cultural and entertainment heart of the City. With the completion of Stage 1 and 2 it is anticipated that use of this space will increase and the existing paving will deteriorate at a faster rate due to the increased activity.

Council is requested to approve an increase of \$440,000 in the 2017/2018 Mandjar Square Redevelopment Budget in accelerate the redevelopment works.

RECOMMENDATION

That Council approves an unbudgeted expenditure of \$440,000 to complete Stage 3 works for the Mandjar Square redevelopment and the expenditure be funded from the Asset Management Reserve Fund.

ABSOLUTE MAJORITY REQUIRED

4 SUBJECT: Tender Number 20-2017: Management of the Mandurah Ocean Marina Chalet Park
CONTACT OFFICER/S: Neil Carroll/Natasha Pulford
AUTHOR: Erin Johnson
FILE NO: F0000130000

Summary

The City of Mandurah invited tenders for the management of the Mandurah Ocean Marina Chalet Park on 2 September 2017.

The Chalet Park consists of 39 Units positioned within the Marina complex. It has a live-in on site unit best suited to companies or couples with recent and extensive experience in operating or managing low cost accommodation facilities.

Tenderers were required to possess knowledge and experience in facilities management, well developed financial and marketing skills, and demonstrate the ability to deliver quality customer service outcomes. Additionally, they will be required to undertake or program minor chalet park maintenance or repairs.

Council approval is sought to select Bluegrass Holdings Pty Ltd AFT McIntosh Family Trust as the successful tenderer for management of the Mandurah Ocean Marina Chalet Park.

Disclosure of Interest

Nil

Location



Previous Relevant Documentation

G.50/11/12 27/11/2012 TENDER 17-2012: MANDURAH OCEAN MARINA CHALET PARK
MANAGEMENT (NC) (FILE NO 291984) (REPORT 14) (GI.19/11/12)

Background

The current contract to manage the Mandurah Ocean Marina Chalet Park was awarded to Bluegrass Holdings Pty Ltd AFT McIntosh Family Trust for a period of five years commencing from 22 December 2012.

To provide continuation of the services a tender for the management of Mandurah Ocean Marina Chalet Park was advertised in the 2 September 2017 edition of the 'West Australian' newspaper and in a notice which was displayed on the Administration Centre and Library's notice boards.

The RFT sought the provision of the required services for a further period of five years, commencing on the contract execution date.

Comment

The tender closed at 2:00pm on Thursday 5 October 2017. Submissions were received from the following:

1.	Bluegrass Holdings Pty Ltd AFT McIntosh Family Trust	Kirup
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The following weighted qualitative criteria, approved under delegated authority, DA – CPM 02 Tenders, were used to assess and rank each tender submission:

Experience	40%
Financial and Local Government Experience	10%
Price	50%

An evaluation panel, comprising of officers from the Mandurah Ocean Marina, individually reviewed the tender and mutually assessed it against the weighted qualitative criteria submitted. A member of the City's Governance and Tenders section coordinated and observed the assessment of the qualitative evaluation process and can reasonably assure that the probity and procedural aspects relating to the evaluation were compliant.

Pricing

On completion of the assessment of the qualitative criteria, the price was entered into the Evaluation Matrix as shown in the **Confidential Attachment** by a member of the City's Governance and Tender's section who then carried out a final analysis taking into account combined qualitative and price ranking in order to determine if the tender represented overall value for money for the City.

Given there was only one tender, a further assessment of current market value was undertaken. The price submitted, while slightly higher than the previous contract, was identified to be commensurate with current market prices.

As a result, the tendered submission from Bluegrass Holdings Pty Ltd AFT McIntosh Family Trust is therefore accepted to be a suitable tenderer.

Consultation

A mandatory site inspection was held on 13 September 2017 at 6 The Lido Mandurah, Mandurah Ocean Marina Chalet Park and was attended by Bluegrass Holdings Pty Ltd AFT McIntosh Family Trust.

A reference check has been undertaken with nominated referees and the tenderer is considered to be capable of carrying out the Contract.

Statutory Environment

The requirements of Part 4 of the *Local Government (Functions & General) Regulations 1996* have been complied with.

Policy Implications

Policy POL-CPM 02 – *Purchasing of Goods or Services* has been complied with.

Economic Implications

The contract is based on an annual retainer amount which has the option for annual CPI adjustments which is payable to the Contractor.

This contract also includes percentage commission amount based on annual revenue, previous operating revenues are as follows:

Revenue Net	2013/14	2014/15	2015/16	2016/17
Ex GST	\$762,321	\$760,403	\$701,705	\$754,510

The contractor has to pay a residence fee per annum for the use of the reception centre and residence attached. The residence fee is set at \$9,000 per annum ex GST and is subject to annual CPI adjustments.

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

Social:

- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

Economic:

- Develop a strong and sustainable tourism industry.

Organisational Excellence:

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

Conclusion

Tenders for the Mandurah Ocean Marina Chalet Park Management were recently invited. One tender was received and evaluated against both qualitative criteria and price. The result was that the submission from Bluegrass Holdings Pty Ltd AFT McIntosh Family Trust represented value for money for the City and it is therefore recommended that the City selects Bluegrass Holdings Pty Ltd AFT McIntosh Family Trust as a suitable tenderer.

NOTE:

- Refer ***Confidential Attachment***.

RECOMMENDATION

That Council accepts Bluegrass Holdings Pty Ltd AFT McIntosh Family as a suitable tenderer for tender T20-2017 management of the Mandurah Ocean Marina Chalet Park.

5	SUBJECT:	Audit & Risk Committee: Appointment of External Representatives
	CONTACT OFFICER:	Wido Peppinck/Natasha Pulford
	AUTHOR:	Natasha Pulford/Louise Clark
	FILE NO:	

Summary

In accordance with the City's Audit and Risk Committee Terms of Reference, two vacant positions for external members to be appointed to the Audit and Risk Committee were advertised between 15 September and 4 October 2017. Two applications were received, both from the previous two external members of the Committee who are considered capable of satisfying the requirements of membership to the Committee. A review of the Terms of Reference and remuneration for external members occurred recently.

Council is requested to appoint Mr Ian Ilsley and Dr Robert Poepjes to the Audit and Risk Committee for two years with the possibility of a further two year extension.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.72/11/15: Council adopted updated Audit and Risk Committee Terms of Reference.
- G.21/6/14 Schedule of Committee meetings and Council adopts altered Terms of Reference.
- G.56/11/13 Audit & Risk Committee – Appointment of External Representatives and Change of Terms of Reference.
- G.7/10/04 Audit and Risk Management Committee - Terms of Reference.
- G.10/9/04 Audit and Risk Management Committee - Establishment.

Background

In accordance with section 7.1A of the *Local Government Act 1996, (the Act)* the City is to establish an Audit Committee of three or more persons to exercise the powers and discharge the duties conferred on it. Members are to be appointed by absolute majority where at least three of the members are to be council members.

In accordance with section 5.23(2) of *the Act*, the Audit and Risk Committee meetings are closed to members of the public as the meetings deal with the majority of matters prescribed in that section to which meetings may be closed. The City established the Committee as an Audit and Risk Committee during 2004.

In 2011 Council resolved to amend the Terms of Reference for the Audit and Risk Committee to allow for the inclusion of external representatives as it was considered that their appointment would provide an element of objectivity and impartiality over the City's corporate governance processes and a greater level of professional acumen to decision making in matters relating to audit and risk management. The appointments were to be made after receiving nominations via a public advertising campaign.

In 2014 the Terms of Reference was amended to establish six bi-monthly meetings per year. A review of the Terms of Reference also occurred during 2015 and is considered current.

Comment

In accordance with the City's Audit and Risk Committee Terms of Reference, two vacant positions for external members to be appointed to the Audit and Risk Committee were advertised between 15 September and 4 October 2017. The vacancies were promoted via press, media articles, social media

posts, and information available via the City of Mandurah website. Two applications were received both being the previous two external members Mr Ian Ilsley and Dr Robert Poepjes.

Mr Ian Ilsley was appointed to the Audit and Risk Committee in December 2011. He is a certified practicing accountant and has operated his own practice for many years. Dr Poepjes was appointed as the second external representative on the Committee in May 2012 and is a retired audit, risk and security specialist. Both nominees have fulfilled the requirements of their tenure to the Committee and are considered both capable and suitable candidates for continued tenure.

Consultation

Chief Executive Officer.
Community (advertising campaign).

Statutory Environment

Local Government Act 1995 and associated local government regulations.

Policy Implications

Nil.

Economic Implications

Section 5.100(1) prevents a meeting fee being paid to an external person, however it is permissible for a payment to be made, commensurate with the expertise and knowledge such people bring to the committee, as a fee for service.

Council previously considered the provision of payments to the external committee members, commensurate with their skills and experience. The Department of Local Government published Guideline No. 9 which contemplates the payment of external persons for their contribution to the committee.

Council had previously determined that it was appropriate that a maximum amount payable for the expertise of external persons to the Audit and Risk Committee would be \$3,000 per person, per annum. This would adequately cover time spent both in preparation for and attendance at meetings, travel expenses and other incidental expenses. The amount of \$6000 has been included in the 2017/18 budget.

Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Public advertising was undertaken inviting suitably qualified persons to nominate for membership on the City's Audit and Risk Committee. Two nominations were received where both are considered capable of fulfilling the membership requirements and therefore Council is requested to appoint both members in accordance with the committees Terms of Reference.

RECOMMENDATION

That Council appoints Mr Ian Ilsley and Dr Robert Poepjes as the two external representatives on the Audit and Risk Committee for a term of 2 years with the option to extend by another 2 years, expiring on the election day in October 2021.

6 **SUBJECT:** Appointment of Community Representatives to Advisory Groups
 CONTACT OFFICER/S: Wido Peppinck/Natasha Pulford
 AUTHOR: Louise Clark
 FILE NO:

Summary

Council has a number of Advisory Groups that have been established by Council on the basis that they are not formal Committees of Council, but nevertheless provide valuable advice or information in particular areas of interest. In addition to Elected Members, five of Council's Advisory groups also have representatives from the community.

Upon the expiry of appointments to the Advisory Groups on 21 October 2017, an advertising campaign was conducted inviting interested members of the community to nominate for the Advisory Groups. Nominations closed on Wednesday 4 October 2017 and were evaluated. A review of the Terms of Reference for Advisory Groups was also undertaken.

Council is requested to consider the adoption of the Advisory Groups Terms of Reference and the nominations for appointment of community representatives to Advisory Groups for a term of two years, expiring on the date of the next local government election in 2019.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.72/11/15 24 November 2015 Appointment of Community Representatives to Advisory Groups.

Background

All appointments to Council's Advisory Groups expired when the Local Government Ordinary Election took place on 21 October 2017. At the Special Council meeting held on 31 October 2017, Elected Member representatives were appointed to the memberships of Advisory Groups and external Committees. It is regular practice of the City to seek nominations from interested members of the community to also sit on various Advisory Groups.

Comment

An advertising campaign was undertaken calling for community members to sit on each of the following Council Advisory Groups:

- Access and Inclusion Advisory Group.
- Mandurah Coastcare Co-ordinating Advisory Group (MCCAG).
- Mandurah Community Museum Advisory Group.
- Mandurah Environment Advisory Group (MEAG).
- Mandurah Roadwise Advisory Group.

Advertising occurred through press, media articles and social media posts. Nominations closed on Wednesday 4 October 2017.

The City of Mandurah Bushfires Advisory Committee did not require its positions to be advertised as the membership is comprised of representatives from specific groups.

Prospective nominees were asked to include their relative experience and/or expertise relevant to the Advisory Group they were nominating for, and where applicable, respond to specific selection criteria. As

is the normal process, the responses underwent an evaluation by Advisory Group Support Officers and their respective Managers and/or Director across the City. The following is a summary of the responses:

Advisory Group	Response
Access and Inclusion Advisory Group	Fifteen (15) nominations were received for the thirteen (13) community representative vacancies. Officers request that Council appoint community representatives in consideration of the selection process undertaken.
Mandurah Coastcare Coordinating Advisory Group (MCCAG)	Two (2) nominations were received as representatives for the Comet North and Bouvard Coastcare Group. Mandurah has six (6) local Coastcare Groups that had the opportunity to nominate a member to represent their group on MCCAG, Comet Central, Halls Head, Falcon and Seascapes Coastcare Groups did not nominate a member.
Mandurah Environmental Advisory Group (MEAG)	Ten (10) nominations were received for the six (6) community representative vacancies. It is requested that Council considers all nominations and the provided background and strengths when appointing members. One (1) nomination was received for the two (2) vacancies for the City of Mandurah environmental volunteer representatives. It is requested that the nominee be appointed.
Mandurah Community Museum Advisory Group	One (1) nomination was received for the one (1) community representative position. Nominations were also received for each of the specific group and department positions. It is requested that all nominees be appointed.
Mandurah Roadwise Advisory Group	Five (5) nominations were received for the six community representative vacancies. Five (5) nominations were received for the eight (8) available positions as representatives of the relevant specific organisations. It is requested that Council considers all nominations and provided background and strengths when appointing members.

Please refer to the **Confidential Attachment: Community Member Nominations** for more detailed information about the nominations for each Advisory Group.

Minor amendments were made to the Advisory Groups Terms of Reference and is located at **Attachment 1: Advisory Group Terms of Reference**.

Consultation

Advisory Group supporting officers were requested to review the Terms of Reference in June 2017 to ensure validity and processed nominations when received to support this report.

Marketing was involved in the development of an advertising campaign to capture community interest, this included, press, social media and website.

Statutory Environment

There are no formal statutory requirements for Advisory Groups. The Terms of Reference for the Advisory Groups have been prepared to provide guidance to the Group in respect of its purpose and objectives.

Policy Implications

Nil.

Economic Implications

Nil.

Strategic Implications

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

Environment:

- Protect and ensure the health of the natural environment and waterways.
- Increase scientific understanding and knowledge of the marine and estuarine environment.
- Encourage and enable the community to take ownership of natural assets, and to adopt behaviours that assist in achieving the City's environmental targets.
- Become a leader in proactive and innovative environmental management.
- Factor climate change predictions into land-use planning, building design and future Council decisions.

Social:

- Help build the community's confidence in Mandurah as a safe and secure City.
- Ensure the provision of quality health services and facilities.

Identity:

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

Organisational Excellence:

- Demonstrate regional leadership and advocacy.
- Listen to and engage with our community.

Conclusion

All appointments to Advisory Groups expired on Election Day, Saturday 21 October 2017. In anticipation of this, supporting officers reviewed and made minor amendments to the Terms of Reference for their respective groups. Following the advertising campaign inviting the community to nominate to be on an Advisory Group, they were evaluated. Council is also requested to consider the nominations and appoint the community members.

NOTE:

- Refer ***Attachment 1:*** ***Advisory Groups Terms of Reference***
Confidential Attachment: ***Community Member Nominations***

RECOMMENDATION

That Council:

1. **Adopts the amended Advisory Groups Terms of Reference (Attachment 1).**
2. **Appoints the following persons/representatives to the Council Advisory Groups for a term of two years expiring on the date of the next local government election in 2019:**

2.1 **Access and Inclusion Advisory Group (Thirteen Community representatives**

- _____
- _____
- _____
- _____
- _____

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- Julie Whale (Department of Communities, Disability Services Representative)
- Leanne Peebles (Department of Local Government, Sport and Cultural Industries Representative)

2.2 Mandurah Coastcare Coordinating Group

- Mel Horton (Bouvard Coastcare Group Representative)
- Ron Wortley (Comet North Coastcare Group Representative)

2.3 Mandurah Environmental Advisory Group (Six Community Representatives)

- _____
- _____
- _____
- _____
- _____
- _____
- Mel Horton (Environmental Volunteer Representative)

2.4 Mandurah Community Museum Advisory Group

- Mary King
- Maria Veralta (Mandurah Historical Society Representative)
- Colleen Robertson (Mandurah Historical Society Representative)
- Jan Baker (Friends of Mandurah Community Museum Representative)
- Phyl Hardy (Friends of Mandurah Community Museum Representative)
- Jill Burgess (Mandurah Business Representative)

2.5 Mandurah Roadwise Advisory Group

- Julie Murray
- Ben Fagan
- Neville Pollard
- Darren Nelson
- Sydney Wilson
- Nicky Smith (WALGA Representative)
- Matt Froude (Peel District Traffic Unit Representative)
- Tania Gigg (Peel SDERA Representative)
- Russell Butcher (Department of Transport Representative)

2.6 City of Mandurah Bushfires Advisory Committee

- Chief Bushfire Control Officer
- Deputy Chief Bushfire Control Officer
- Captain and Fire Control Officer (or representative) of:
 - Mandurah Southern Districts Volunteer Bushfire Brigade
 - Mandurah Volunteer Fire and Rescue Service
 - Falcon Volunteer Fire and Rescue Service
- Department of Fire and Emergency Services District Officer
- Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Officer
- Coordinator City of Mandurah Ranger Services

- **Coordinator City of Mandurah Emergency Management**

3. Thanks the past members of the Advisory Groups for their valuable contribution to the City.

City of Mandurah

Advisory Groups

Terms of Reference

<p>Originating Section: Legal and Governance Services</p>	<p>Relevant Legislation: <i>Local Government Act 1995</i> <i>Local Government (Administration) Regs 1996</i> <i>Bush Fires Act 1954</i> <i>City of Mandurah Standing Orders Local Law 2016</i></p>
<p>Reviewer: Legal & Governance Services, June 2017</p>	<p>Delegated Authority: DA-EMS 02 – <i>Bush Fires Act 1954</i>.</p>
<p>Approved:</p> <ul style="list-style-type: none"> • G.72/11/15: Council adopted updated Terms of Reference • G.27/6/14: Council amended Terms of Reference for Access and Inclusion Advisory Group (change of name) • G.30/12/13: Council amended Terms of Reference for MEAG and appointed community representatives 	<p>Other References:</p> <ul style="list-style-type: none"> • Policy POL-GVN 04 – Elected Member Support and Development • City of Mandurah Access and Inclusion Plan 2015-2020 • Office of Road Safety, Towards Zero, Road Safety Strategy 2008-2020

TERMS OF REFERENCE

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ATTACHMENT 1

ADVISORY GROUPS GENERAL TERMS OF REFERENCE

1 Definitions

“Act” means the *Local Government Act 1995*.

“CEO” means the Chief Executive Officer of the City of Mandurah.

“City” means the City of Mandurah.

“Council” means the City of Mandurah Council (13 Elected Members).

“Elected Member” means a City of Mandurah Elected Member.

“Observer” means a person who attends a meeting solely to note the proceedings of the meeting. The Committee may agree to allow the person to speak on a matter. There are no voting rights.

“Regulations” means the *Local Government (Administration) Regulations 1996*.

2 Tenure of Members

2.1 The tenure of Advisory Group/Committee members will be in accordance with Section 5.11 of the Act.

2.2 Nominations to fill vacancies for community representatives shall be called by advertising in the local media and appropriate notice boards. Should more nominations than available vacancies be received, Council shall be asked to consider the recommendation of a report on the matter. In any event, appointments to the Advisory Group and/or Committee may only be made by Council.

3 Operation

3.1 A review of these Terms of Reference will be undertaken biennially.

3.2 Advisory Groups should follow similar principles as Committees. They are however not bound by the Local Government Act requirements.

4 Expenses

4.1 Advisory Group/Committee members, who are not Elected Members or City employees, may be eligible to be reimbursed for an expense incurred within the limits prescribed for reimbursement to Elected Members. Specifically, these expenses relate to travel expenses incurred by Advisory Group/Committee members travelling to and from an Advisory Group/Committee meeting and child care expenses.

Other kinds of expenses that may be approved by Council for reimbursement are:

- An expense incurred in performing a function under the express authority of Council.
- An expense incurred in performing a function in his or her capacity as an Advisory Group/Committee member.

The extent to which an expense, which may be approved can be reimbursed is the actual amount, verified by sufficient information, including actual receipts.

1 CITY OF MANDURAH BUSH FIRES ADVISORY COMMITTEE

The Advisory Group shall be known as the City of Mandurah Bush Fires Advisory Committee and will hereinafter be referred to as the "Advisory Committee".

Membership

The current membership of this Advisory Committee is as follows:

- a) One Elected Member
- b) Captain & FCO (or their representative) from the following fire brigades:
 - Mandurah Southern Districts Volunteer Bush Fire Brigade
 - Mandurah Volunteer Fire & Rescue Service
 - Falcon Volunteer Fire & Rescue Service
- c) Chief Bush Fire Control Officer or his Deputy
- d) Supporting Officers or representative:
 - Coordinator Ranger Services
 - Coordinator Emergency Management
 - Dept of Fire & Emergency Services District Officer
 - Department of Biodiversity, Conservation and Attractions ~~Dept of~~ Parks & Wildlife Officer
 - Administration/minute taker (no voting rights)

Purpose

The Advisory Committee may advise Council regarding all matters relating to preventing, controlling and extinguishing bush fires in Mandurah.

Objective

To cooperatively and collaboratively progress bush fire education, prevention, preparedness, response and recovery.

Responsibilities

The Advisory Committee has the following responsibilities:

- a) To have a broad understanding of bushfire legislation operating in WA
- b) To advise policy and guidelines for the effective control and prevention of bushfire
- c) To contribute ideas and knowledge toward the development of fire prevention programs and promotional activities

Meetings

Unless otherwise resolved by the Advisory Committee meetings shall be held quarterly.

Quorum

The Quorum for meetings shall be one more than half the total number of members of the Advisory Committee.

Voting

At all meetings of the Advisory Committee, each member including the Chairperson, shall have one vote only and in the case of an equality of votes, the question shall be determined in the negative.

Terms of Office

A local government may at any time appoint such persons as it thinks fit to the Advisory Committee (Section 67 of the *Bushfires Act 1954*). The CEO may appoint members of the Advisory Committee in accordance with Delegated Authority DA-EMS 02 – *Bush Fires Act 1954*.

2 ACCESS AND INCLUSION ADVISORY GROUP

Membership

The current membership of the advisory group is as follows:

- a) Two Elected Members
- b) 13 community member representatives of the following sectors:
 - People with lived experience and their carers ~~with disability~~
 - ~~Carers of people with disability.~~
 - Disability service providers
 - Disability support and activity groups
 - Department of Sport & Recreation
- c) 2 representatives from the following organisations
 - 1 representative from Department of Local Government, Sport and Cultural Industries
 - 1 representative from Department of Communities, Disability Services
- d) Supporting Officers (no voting rights)
 - Community Development Officer
 - Works & Services City Officer
 - Administrative representative (Secretary Community & Social Development)

Purpose

To provide advice on the implementation of the strategies identified in the City's 2015/2020 Access and Inclusion Plan.

Objectives

- a) To provide advice and information on access and/or inclusion issues.
- b) To be a "go to" group for community members, service providers and other appropriate groups on access and inclusion issues.
- c) To ensure information and feedback received by the Advisory Group is consolidated and passed on to Elected Members and Council.
- d) To support and provide information into the annual reporting to Council on the City's 2015/2020 Access and Inclusion Plan progress and by identifying any new or additional information to be presented in this report.
- e) To support and participate in consultation processes with people with a disability, their families, carers and service providers to update the 2015/2020 Access and Inclusion Plan, gain feedback on progress and its success in overcoming barriers to access and inclusion.
- f) Liaise closely with City officers responsible for the implementation of the strategies and influence them to integrate access and inclusion issues into everything they do. Invite officers from different areas within the City to update members on their achievements in disability access.

Meetings

Meetings are held bi-monthly.

3 MANDURAH COASTCARE CO-ORDINATING ADVISORY GROUP

Membership

The current membership of this Advisory Group is as follows:

- a) 1 Elected Member and 1 Deputy Elected Member
- b) 1 community representative from the Comet North Coastcare Group
1 community representative from the Comet Central Coastcare Group
1 community representative from the Halls Head Coastcare Group
1 community representative from the Falcon Coastcare Group
1 community representative from the Bouvard Coastcare Group
1 community representative from the Seascapes Coastcare Group
- c) Supporting Officers (no voting rights)
 - Environmental Services Co-ordinator
 - Administrative Representative
 - Waterways Technical Officer
 - Co-ordinator Ranger Services
 - Community Landcare Officer
 - Regional Coastcare Facilitator
 - Supervisor Natural Areas

Purpose

The purpose of the Advisory Group is to advise on general coastal management issues, including the following:

- a) Budget expenditure and priorities;
- b) Technical aspects of our coast and marine facilities;
- c) Community aspirations and ideas.

Objectives

- a) To better co-ordinate Government agency and community groups' involvement in coastal management in the Mandurah district.
- b) To involve the general community at a high level in education and hands-on programs.
- c) To act as a conduit for the acquisition of funding for local community projects in association with Council.
- d) To further develop and implement the Mandurah Coastal Strategy.
- e) To maintain a contact list and database of all people and organisations, who have a recognised responsibility or interest in the management of the City's coastal area, which can be used to request assistance or input of any listed in the database.

Meetings

Meetings are held bi-monthly.

4 MANDURAH COMMUNITY MUSEUM ADVISORY GROUP

Membership

The current membership of this Advisory Group is as follows:

- a) 1 Elected Member
- b) 2 representatives from Mandurah Historical Society
2 representatives from Friends of Mandurah Community Museum

- 1 representative from Mandurah Business
- 1 representative from Peel Education and Training Department
- 1 community representative

- c) Supporting Officer (no voting rights)
- Museum Development Officer

Purpose

The purpose of the Advisory Group is to provide advice to the Council on issues relating to the management of the Mandurah Community Museum and its programmes.

Objectives

The objectives of the Advisory Group are as follows:

- a) To increase the usage of the Museum by the local community and visitors to Mandurah through active promotion.
- b) To actively recruit and effectively train a body of volunteers to ensure maximum access to the Museum collection through increased opening hours.
- c) To develop, implement and manage programs for the community and specific groups in order to relate the history of Mandurah and the Peel Region.
- d) To provide effective interpretation and display of the Museum collection and to actively seek to extend the collection appropriately.

Responsibilities

The Advisory Group has the following responsibilities:

- a) To advise policy and guidelines for the efficient management of the Museum.
- b) To provide comment and recommendations on issues associated with the operation and development of museum programs.
- c) To contribute ideas and knowledge for the development of museum programs and promotional activities.
- d) Assess suggestions, information and comments received with the aim of providing improved operation and development of museum activities.

5 MANDURAH ROADWISE ADVISORY GROUP

Membership

The current membership of this Advisory Group is as follows:

- a) 2 Elected Members
- b) 5 Community Members
- c) 1 Community Member representing the senior citizens of Mandurah
- d) ~~7~~8 representatives from the following organisations:
 - 1 representative from Main Roads WA
 - 1 representative from a Mandurah School
 - 1 representative from Mandurah Police
 - 1 representative from ~~WALGA Roadwise – South West~~
 - 1 representative from Peel District Traffic Unit (WA Police Service)
 - 1 representative from Mandurah SDERA (School Drug Education & Road Aware)

- 1 representative from Department of Transport
 - 1 representative from SES
- e) Supporting Officers (no voting rights)
- Manager Technical Services
 - Engineer Traffic and Transport ~~Engineering Technical Officer – Traffic~~
 - Administration Officer (part-time)

Purpose

To adopt and comply with the safe system approach and the implementation of specific initiatives of the Office of Road Safety's *Towards Zero*, Road Safety Strategy 2008 – 2020.

To encourage community awareness and participation in road safety.

Objectives

- a) Develop and implement community based road safety programs and action plans consistent with state and federal government strategic road safety plans.
- b) Develop community involvement and support for road safety initiatives including sponsorship from local businesses.
- c) Establish a close liaison between the City of Mandurah, the Mandurah Police, Main Roads Western Australia, Mandurah schools principals, Mandurah schools P&C Associations, the Royal Automobile Club of Western Australia – Mandurah, Mandurah Senior Citizens, St John Ambulance, Peel District Traffic Unit of the Western Australian Police Service, Fire and Emergency Services and other community groups in the interest of promoting road safety. and other associated road safety authorities and agencies in the interest of promoting road safety.
- d) Work together with appropriate authorities and agencies to continue improvements in road safety within the District.
- e) Develop and maintain a road safety document for the City.
- f) Formulate and prioritise recommendations to enhance road safety.
- g) Formulate a Strategic Plan.

6 MANDURAH ENVIRONMENTAL ADVISORY GROUP

Membership

The current membership of this Advisory Group is as follows:

- a) 2 Elected Members
- b) 8 community members representative of the following portfolios, including two City of Mandurah environmental volunteer representatives,⁷ which will constitute the core reporting requirements of the Advisory Group:
 - Subdivision and Approvals;
 - Community/Council Interface;
 - Energy Consumption/Conservation
 - Flora and Fauna;
 - Wetlands and Groundwater;
 - Legislation and Policies; and
 - Bushland and Bushland Management
 - Coastal Management Issues

A pre-requisite to being appointed as a community member will be the applicant's commitment to preserving the natural environment.

- c) Supporting Officers (no voting rights)
- Manager Environmental Services
 - Manager Planning & Land Services
 - Administration Officer (Administration Support)
 - Co-ordinator Environmental Services
 - Environmental Planning Officer

Invitees

The Advisory Group may invite representatives from relevant government departments, other bodies and City officers with specialist advice, to its meetings as and when required. Such representatives shall not be members.

Purpose

The purpose of the Advisory Group is to advise on general environmental issues, consistent with the intent of the City's Community Charter and Strategic Plan.

Objective

The Advisory Group objective is to represent the diverse views of the community on conservation and environmental matters in a democratic manner.

Responsibilities

As community representatives of their portfolios, Mandurah Environmental Advisory Group members are expected to:

- a) Have a broad understanding of the environmental and planning legislative framework operating in WA.
- b) Be fully conversant with agenda items and display a high level of preparedness for meetings.
- c) Be regularly in attendance at meetings.
- d) Contribute to the sustainability of the City by understanding the relevant environmental issues facing the City.
- e) Present evidence based advice.

Applicability of *Local Government Act 1995*

The provisions of the *Local Government Act 1995* relating to obligations for declaration of a financial interest and observance of the City's applicable Code of Conduct be incorporated by reference, as if part of the obligations for members of the Mandurah Environmental Advisory Group.

Meetings

Minutes of the Advisory Group meetings shall be circulated to members of the Advisory Group. Agenda items must be received by the Administration Officer on the prescribed proforma 14 days prior to the next scheduled MEAG meeting.