



## **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 August 2018  
at 5.30pm**

**MARK R NEWMAN**  
Chief Executive Officer  
8 August 2018

#### **COMMITTEE MEMBERS**

Mayor Williams  
Deputy Mayor Councillor Knight  
Councillor Wortley  
Councillor Jackson  
Councillor Lee  
Councillor Lynn Rodgers  
Councillor Shane Jones

Hon Councillor Riebeling  
Councillor Tahlia Jones  
Councillor Darcy  
Councillor Schumacher  
Councillor Peter Rogers  
Councillor Matt Rogers

## **AGENDA:**

**1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS**

**2 ATTENDANCE AND APOLOGIES**

**3 IMPORTANT NOTE:**

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

**4 ANSWERS TO QUESTIONS TAKEN ON NOTICE**

Refer to Attachment 4.1.

**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](http://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](http://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 CONFIRMATION OF MINUTES: 10 JULY 2018**

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

**9 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS****10 QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION**

10.1 Questions of which due notice has been given

10.2 Questions of which notice has not been given

**11 BUSINESS LEFT OVER FROM PREVIOUS MEETING**

**12 REPORTS:**

- |   |  |         |
|---|--|---------|
| 1 | Request to Advertise Alfresco Dining Licence: Cicerellos Restaurant Reserve 9633 (No. 73) Mandurah Terrace, Mandurah | 1 - 4   |
| 2 | Sublease: Westmen Investments Pty Ltd Reserve 48150 (No. 187) Breakwater Parade, Mandurah                            | 5 - 8   |
| 3 | Home Occupation and Commercial Vehicle Parking: 176 Clifton Downs Rd, Herron   | 9 - 20  |
| 4 | 2018/19 Community Sport and Recreation Facility Fund (CSRFF) Small Grants Round 1                                    | 21 - 31 |
| 5 | Mandurah Aquatic & Recreation Centre Operations  | 32 - 49 |
| 6 | Tender T05-2018 Electrical Services for Facilities   | 50 - 52 |
| 7 | Tender T06-2018 Electrical Services for Pole Lighting  | 53 - 55 |
| 8 | Tender T08-2018 Lakeland District Open Space Automatic Irrigation System and Associated Infrastructure               | 56 - 59 |
| 9 | Proposed Cemeteries Amendment Local Law 2018 Final Adoption  | 60 - 65 |

**13 LATE AND URGENT BUSINESS ITEMS****14 CONFIDENTIAL ITEMS**

14.1 Lease Variation

**15 CLOSE OF MEETING**

<p><b>RESPONSE TO QUESTIONS TAKEN ON NOTICE AT COMMITTEE OF COUNCIL MEETING HELD ON TUESDAY 11 JULY 2018</b></p>
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**CC.6/7/18**

**LEASE VARIATION – DEPARTMENT OF EDUCATION & PORT  
BOUVARD SPORT AND RECREATION CLUB (RL/LP) (REPORT 3)**

Questions surrounding changes to the foreshore boundary were responded to by the Coordinator Land Management. Clarification relating to the expiry date of the lease was taken on notice by the Coordinator Land Management.

*Response:*

*Two leases are held over the site, the first with Port Bouvard Sport and Recreation Club which commenced 21 October 2008 with expiry due 20 October 2029, leaving a term of approximately 11 years.*

*The second lease held with the Department of Education commenced 1 February 2010 with expiry due 31 January 2031, leaving a term of approximately 13 years*

*A separate common area licence is also held between the two parties commencing 1 February 2010 and expiring 20 October 2029, to align with the expiry date of the Port Bouvard lease.*

NB: This information was presented to Council at its meeting of 24 July 2018.

<b>1</b>	<b>SUBJECT:</b>	Request to Advertise Alfresco Dining Licence - Cicerellos Restaurant – Reserve 9633 (No. 73) Mandurah Terrace, Mandurah
	<b>CONTACT OFFICER:</b>	Lesley Petchell
	<b>AUTHOR:</b>	Lesley Petchell/Rachelle Love

## Summary

Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant (Cicerellos), has been in operation on the Eastern Foreshore for the past twenty years under a ground lease with the State's Department of Planning, Lands and Heritage.

Cicerellos currently hold an alfresco licence with the City, and have recently submitted a request for an additional Alfresco Dining Licence for an area of approximately 67 square metres, located adjacent to the current kiosk thus extending the outdoor dining area.

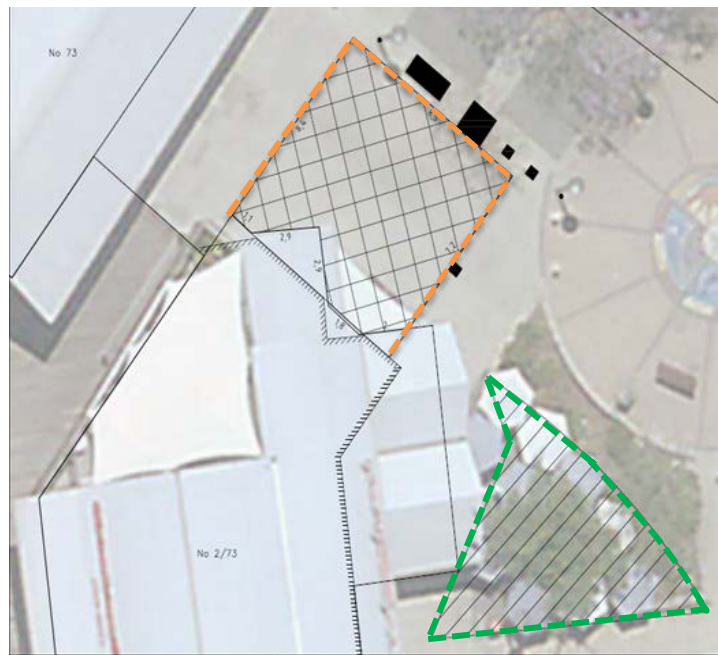
In accordance with S3.58 of the *Local Government Act 1995* (LGA) the City engaged an independent valuer to determine the current market value for the proposed area which was assessed at \$6,200 per annum (excluding GST). Officers propose an alfresco licence be granted to Jetty Holdings Pty Ltd on similar terms and conditions as their current alfresco licence with an annual rent of \$6,200 (exc GST).

Council is requested to approve the advertising of, and if no submissions received, the disposal of an alfresco dining licence to Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant – Mandurah, over portion of Reserve 9633 (No.73) Mandurah Terrace, Mandurah, for a term of five years with a further five year term option (5+5 years). An annual rent of \$6,200 (excluding GST), with a market rent review due at the end of the first term, and Consumer Price Index (CPI) rate applied annually. The licence will also be subject to the approval of the Minister for Lands.

## Disclosure of Interest

Nil

## Location



- Proposed Alfresco Dining Licensed Area
- Current Alfresco Dining Licensed Area

Reserve 9633 (No. 73) Mandurah Terrace, Mandurah

## **Previous Relevant Documentation**

- GI.30/1/12     24 January 2012     Council approved alfresco dining licence over portion of Reserve 9633 to Cicerellos (Mandurah) for a five year term with a further five year term:
- GI.17/11/11     15 November 2011     Council approved for advertising purposes for an alfresco dining licence over portion of Reserve 9633 to Cicerellos (Mandurah) for a five year term with a further five year term.

## **Background**

Cicerellos Mandurah restaurant was established within the Mandurah boardwalk precinct area on the eastern foreshore in 1998. The restaurant is situated on Crown Land and is leased by the Department of Planning, Lands and Heritage to Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant - Mandurah.

In September 2010, the Directors of Jetty Holdings Pty Ltd lodged a development application with the City requesting the addition of a kiosk area within the existing restaurant, as well as an adjacent external alfresco dining area. The City approved the proposed development in May 2011, subject to the restructure of the garden bed within the proposed area, and the requirement for the applicant to enter into a licence agreement over the alfresco dining area contained within Reserve 9633, which commenced February 2012. The renewal option for the further five year term was exercised in January 2017 with the final expiry being 31 January 2022.

## **Comment**

Through discussions with officers regarding the revitalisation of the City Centre Precinct, Cicerellos have requested an addition to their alfresco dining area of approximately 67 square metres. This proposal is anticipated to be located adjacent to both the ice-cream/coffee kiosk and the current alfresco dining area. Cicerellos confirm the existing alfresco has been well utilised by their customers, as such they have recently added pontoon lighting to the outdoor area ensuring the space is better utilised in the evenings. If the addition of a second area is supported more lighting and the upgrade of seating and umbrellas will be considered as part of improvements to the outdoor dining area.

In accordance with the LGA, officers engaged an independent valuer, to determine the current market rental value for the proposed area which was assessed at \$6,200 per annum (excluding GST), or \$92.50 per sq. metre. The existing alfresco licence area returns \$96 per sq. metre. The small reduction in value for the new alfresco is reflective of a slightly inferior location being more exposed to weather conditions, and the mild deterioration of the rental market for alfresco dining areas over the last 12 to 18 months.

To align with the existing alfresco dining licence, held by Jetty Holdings Pty Ltd, officers propose the following terms and conditions for the new alfresco dining licence subject to the approval of Council and the Minister for Lands: -

- Term of five years with a further five year term option (5+5 years)
- Area of approximately 67 square metres
- Annual rent commencing at \$6,200 + GST
- Commencement date after the approval of the Minister for Lands
- Market rent review at the end of the first term with annual CPI rates applied in the intervening years;
- All costs associated with the request and preparation of associated documents to be borne by the licensee.

Council is requested to approve the advertising of, and if no submissions received, the disposal of an alfresco dining licence to Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant – Mandurah, over portion of Reserve 9633 (No.73) Mandurah Terrace, Mandurah, for a term of five years with a further five year term option (5+5 years). An annual rent of \$6,200 (excluding GST), with a market rent review due at the end of the first term, and Consumer Price Index (CPI) rate applied annually. Approval of the licence will also be subject to the approval of the Minister for Lands.

## **Consultation**

- Licensee – Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant (Cicerellos Mandurah)
- Independent licensed valuer – McGees Property
- Assistant State Land Officer – Department of Planning, Lands and Heritage

## **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.

Council is required to advertise the proposed disposition, for not less than two weeks, and consider any submissions made during the advertising period. Any submissions will be reported to Council, if no submissions are received officers propose disposing of the licensed area as detailed in this report.

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

## **Policy Implications**

Nil

## **Economic Implications**

The City will receive a rental income of \$6,200 (excluding GST) per annum, with market rent review at the end of the first term, and annual CPI increases over the term.

## **Strategic Implications**

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

### Social:

- Provide a range of social, 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.

## **Conclusion**

Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant (Cicerellos Mandurah), approached the City with a request for an additional Alfresco Dining Licensed Area. The addition of the new alfresco area, will compliment future works being considered in the precinct, and assist with adding vibrancy to the area.

Council approval is sought for the advertisement of, and if no submissions received, the disposal of an alfresco dining licence to Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant – Mandurah, over portion of Reserve 9633 (No.73) Mandurah Terrace, Mandurah, for a term of five years with a five year further term option (5+5 years). Annual rent of \$6,200 (excluding GST), with market rent reviews at the end of the first term and CPIs applied annually, subject to the approval of the Minister for Lands

## **RECOMMENDATION**

### **That Council:**

- 1. Approves for the advertisement of, and if no submissions received, the disposal of an alfresco dining licence to Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant – Cicerellos Mandurah, over portion of Reserve 9633 (No.73) Mandurah Terrace, Mandurah, with the following terms and conditions:**
  - 1.1 Term of five years with a further five year term option (5+5 years);**
  - 1.2 licensed area of approximately 67 square metres;**
  - 1.3 Annual rent commencing at \$6,200 (excluding GST);**
  - 1.4 Commencement date after the approval of the Minister for Lands;**
  - 1.5 Market rent review end of the first term, and annual CPIs to apply;**
  - 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 of to Jetty Holdings Pty Ltd;**
- 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.**



**2 SUBJECT:** Sublease: Westmen Investments Pty Ltd – Reserve 48150 (No. 187) Breakwater Parade, Mandurah  
**CONTACT OFFICERS:** Aaron Lucas/Lesley Petchell  
**AUTHOR:** Lesley Petchell/Rachelle Love

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## Summary

Westmen Investments Pty Ltd (Westmen) have held a lease over a 15,323 square metre portion of Lot 22 (No. 187) Breakwater Parade Mandurah since January 2002. In 2003 Westmen constructed workshops and office accommodation over a portion of their lease area to facilitate the sub-letting of units to local business operators offering marine related services to the marina precinct, such as marine maintenance, repairs and chandlery.

Westmen approached the City in June 2018 requesting approval to enter into a new sub-lease, which will offer the service of marine diesel repairs and sales, over Unit 8, 187 Breakwater Parade Mandurah for a proposed term of five years and a three year further term option.

As it is a requirement under the head lease that all subleases expire prior to the expiry of the head lease, this request from Westmen must be modified to align with the head lease expiry date being 31 December 2022. Therefore the sublease is proposed to run for approximately four years with a further term of two years ten months to align with the requirements of the lessee and the sub tenants request for the expiry of the further term to fall in October 2025.

Council is requested to approve the sub-lease between Westmen Investments Pty Ltd and Kevin Robert Mason as the Trustee for Kevin Mason Family Trust, over portion of Reserve 48150, Unit 8, 187 Breakwater Parade Mandurah for a term of four years and four months expiring on the 30 December 2022, any renewal term will be subject to the renewal of a further term of the head lease, subject to the approval of the Minister for Lands.

## Disclosure of Interest

Nil

## Location



Lot 22 (No. 187) Breakwater Parade, Mandurah

## **Previous Relevant Documentation**

- GI.8/10/13      8 October 2013      Council approved for the sub-leases of eight units as per terms and conditions of the head-lessee:
- G.24/7/08      15 July 2008      Mandurah Boat Stacking Yard – Assignment of Sublease:

## **Background**

In August 2001, the City entered into an agreement with the Western Australian Land Authority (WALA) for the operation and management of the Mandurah Ocean Marina. The agreement provides that the City accept the area, subject to taking over as Head Lessor of all lease agreements entered into between WALA and the lessees in the Marina precinct. One such lease is held with Westmen for a 15,323 square metre portion of Lot 22 (No.187) Breakwater Parade Mandurah. Westmen entered into a lease agreement with WALA in January 2002 for a first term of twenty-one years, due for expiry on 31 December 2022, with a further option of a twenty year term expiring on 31 December 2042. The lease permits Westmen to sublet the premises subject to gaining prior written approval from the City and the Minister for Lands for every new agreement.

In April 2005 Reserve 48150 was created for 'Marina Purposes' this reserve incorporated Lot 22 (No. 187) Breakwater Parade Mandurah. The creation of the Reserve handed management of the land over to the City for care and control, with power to lease being granted for a maximum of 42 year term, subject to the Minister for Lands consent first being obtained for each and every lease.

## **Comment**

Westmen approached the City in June 2018 requesting approval to enter into a new sub-lease with Kevin Robert Mason, as the trustee for Kevin Mason Family Trust, over Unit 8, 187 Breakwater Parade Mandurah. The new sub-lessee will supply the service of marine diesel motor repairs and sales.

It needs to be noted that the City will not be party to the sublease agreement, only a consent form needs to be added as an annexure to the sub lease acknowledging consent from the City and the Minister for Lands, which enables the sub lease to be valid.

The consent of a sub-tenant, in no way deflects the responsibilities of the head lessee, who is required to ensure all sub-tenancies also comply with the conditions of the head lease. As such any default of a sub-tenant is considered a default of Westmen Investments and will need to be rectified by them as the head lessee.

As the proposed first term of the sub-lease would exceed Westmen's current term, officers advised that the five year first term would need to be adjusted to four years four months to ensure expiry prior to the head lease which is due to expire on 31 December 2022. A further term option of approximately two years and ten months can be included in the sublease with the final expiry date, requested by the sub tenant, to fall in October 2025. However this option will only be available to the sub lessee subject to the head lease being renewed as at the 31 December 2022.

The remaining term of the head lease will become an increasing issue for Westmen as expiry draws near and their inability to enter into sub-leases extending past their current expiry date. As such officers will investigate the option of triggering any early renewal option for Westmen, or possible variation to the lease which will effectively extend their current term past December 2022. The current lease has a final expiry due in December 2042, therefore a variation of the current term and further term could be altered to grant further security to Westmen Investments moving forward. A further report will be presented to Council, following discussions with the Department of Planning Lands and Heritage to address this issue.

Council is requested to approve the sub-lease between Westmen Investments Pty Ltd and Kevin Robert Mason as the Trustee for Kevin Mason Family Trust, over portion of Reserve 48150, Unit 8, 187 Breakwater Parade Mandurah for a term of four years and four months expiring on the 30 December 2022,

any renewal term will be subject to the renewal of a further term of the head lease, subject to the approval of the Minister for Lands.

### **Consultation**

- Head Lessee – Westmen Investments Pty Ltd
- Head Lessees appointed Solicitor – H. Kremer & Co Barrister and Solicitors
- Department of Planning, Lands and Heritage

### **Statutory Environment**

Comply with *S3.58 of the Local Government Act 1995 (LGA)* – Disposal of Property  
'Dispose' includes to sell, lease, or otherwise dispose of, whether absolutely or not.

The property was disposed of with the granting of the lease by WALA to Westmen Investments Pty Ltd in January 2002.

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

Comply with *Commercial Tenancy (Retail Shops) Agreements Act 1985 – Sect 14B* – A landlord under a retail shop lease is not able to claim from any person (including the tenant) the landlord's legal or other expenses relating to the negotiation, preparation or execution of the lease, a renewal of the lease, an extension of the lease, obtaining the consent of a mortgagee to the lease, the landlord's compliance with this Act.

### **Policy Implications**

Nil

### **Economic Implications**

All legal costs associated with the preparation of the sub-lease are to be borne by the head-lessee, Westmen Investments Pty Ltd.

### **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**

Westmen approached the City in June 2018 requesting approval to enter into a new sub-lease with Kevin Robert Mason as the trustee for Kevin Mason Family Trust over Unit 8, 187 Breakwater Parade Mandurah. Westmen will continue as head lessee and therefore are responsible for all terms and conditions and the sub-lessees under the head lease.

Council is requested to approve the sub-lease between Westmen Investments Pty Ltd and Kevin Robert Mason as Trustee for Kevin Mason Family Trust, over portion of Reserve 48150, Unit 8, 187 Breakwater Parade Mandurah for a term of four years and four months expiring on the 30 December 2022. Any renewal term will be subject to the renewal of a further term of the head lease, subject to the approval of the Minister for Lands.

## **RECOMMENDATION**

### **That Council:**

- 1. Approves the sub-lease between Westmen Investments Pty Ltd and Kevin Robert Mason as the Trustee for Kevin Mason Family Trust over Unit 8, 187 Breakwater Parade, Mandurah with the following terms and conditions;**
  - 1.1 Term of approximately four years and four months, expiring on 30 December 2022;**
  - 1.2 Expiry date must fall prior to the expiry of the head lease;**
  - 1.3 Commencement date on or after the Minister for Lands consent and expiring no later than the 30 December 2022;**
  - 1.4 Further term of approximately two years and ten months, final expiry to fall in October 2025 as requested by the sub tenant, and subject to the renewal of the further term of the head-lease;**
  - 1.5 Subject to the Minister for Lands consent;**
- 2. Acknowledges all legal costs associated with the preparation of the sub-lease are to be borne by the head-lessee;**
- 3. Acknowledges the City is only consenting to the agreement and not party to the sub-lease.**



**3 SUBJECT:** Home Occupation (Garden Statues & Décor) and Commercial Vehicle Parking – 176 Clifton Downs Rd, Herron

**CONTACT OFFICER:** Aaron Lucas

**AUTHOR:** Tom Foulds

**FILE NO:** HOA847 & DA9033

### Summary

Council is requested to consider a home occupation (for the manufacturing of concrete garden statues and décor) and development approval for the parking of commercial vehicles. The subject site is zoned Rural Residential under the Scheme and has a total lot area of approximately 2ha.

The City advertised the proposals separately and received 4 submissions in connection with the home occupation application, and 1 submission in connection with the commercial vehicle application. The commercial vehicles are proposed to be parked approximately 20m from the nearest residential boundary (approximately 80m from the nearest dwelling) and partially screened and roofed. Through relevant conditions and given the large nature of the surrounding lots, officers consider the parking of the vehicles may occur appropriately.

It is recommended that Council approve the proposed home occupation and development approval for commercial vehicle parking, subject to conditions.

### Disclosure of Interest

Nil

### Location



### **Property Details:**

<u>Applicant:</u>	D Lamb
<u>Owner:</u>	D Lamb
<u>Scheme No 3 Zoning:</u>	Rural Residential
<u>Peel Region Scheme Zoning:</u>	Urban
<u>Lot Size:</u>	1.9998
<u>Topography:</u>	Gradual sloping (9m AHD at rear falls to 5m AHD)
<u>Land Use:</u>	Existing Rural Residential lot

### **Previous Relevant Documentation**

Nil

### **Background**

In September 2016, the City issued a building permit for the construction of the existing shed on-site, with dimensions of 35m x 11.4m. Subsequently, a building permit was issued in June 2017 for a similar shed of the same dimensions (note: the second building permit replaced the initial permit). The applicant intended to develop an ancillary dwelling and carport as part of this application, however it was omitted prior to issuing.

In August 2017, the City received correspondence from a concerned neighbour that the owner of the subject site was intending to operate a business from a recently constructed shed on-site. Furthermore, concerns were raised with respect to the storage of machinery and materials on-site.

In February 2008, City officers visited the site and subsequently identified breaches to the Town Planning Scheme No. 3, Local Laws and erection of unauthorised structures. From a planning perspective, the applicant is required to apply for a home business approval and development approval for the parking of two commercial vehicles.

### **Comment**

The subject site is zoned Rural Residential, and is bound by Rural Residential properties to the north, south and west with average lot sizes of 2ha, and Rural properties to the east. Lake Clifton is located approximately 300m to the west.





### Home Business Application

The application has submitted an application to carry out a home based business, which is assessed against Local Planning Policy No. 12 (refer assessment table below). As per the Scheme, a home business is an 'AA' use (may require advertising) within the Rural Residential zone.

It is relevant to note that a home business may be approved for up to 12 months, and must be renewed each year. Should a home based business become the subject of a notice or complaint, the City may undertake any of the following:

- a. Ensure that conditions are being complied with, and should any conditions not be complied with:
  - Require business practices to be altered; or,
  - Rescind the approval, and request the business be relocated to a more suitable area within 3 months.
- b. Impose additional conditions to ensure that the residential amenity of the area is maintained.

Essentially, in the event that an approval is granted the City may alter conditions and/or rescind the approval to ensure that the business is operating within the scope of LPP12.

The proposed business involves the production of concrete statues and garden décor with the existing shed on-site. The production method involves the use of a cement mixer, moulds and a vibration table to remove air from the drying items. Following the initial mixing, pouring and drying steps, the applicant uses hand tools to finish and paint the items.

The applicant intends to deliver the items on pallets to the customer once a week, and return with the raw materials (sand, cement, etc.) on a fortnightly basis.

<b>Assessment against LPP12 policy provisions</b>	
<b>Scale and Operation</b>	<b>Proposed / Comment</b>
<p>A home occupation shall:</p> <ul style="list-style-type: none"> <li>• entail the conduct of an occupation, business, service, trade or similar activity on any lot with a dwelling;</li> <li>• have at least one employee as a permanent resident of the dwelling;</li> <li>• not detract from the residential appearance of the dwelling or domestic outbuilding;</li> <li>• not impose any substantial increase in the amount of vehicular traffic in the area;</li> <li>• not involve the use of a commercial vehicle, unless otherwise approved by the City;</li> <li>• be limited to displaying signage no greater than 0.2sqm;</li> <li>• not impose a load on any utility greater than that required for domestic use; and</li> <li>• be compatible with its surrounds and not adversely affect the amenity of the area with respect to: <ul style="list-style-type: none"> <li>- the parking of motor vehicles, where the requirement should be no more than that required for a residential dwelling;</li> <li>- the transporting of materials or goods to or from the dwelling;</li> <li>- the hours of operation, which should generally be limited to the normal business hours of 8am to 5pm Monday to Saturday; and</li> <li>- the creation of noise, vibration, electrical interference or light emissions.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Complies</b> - a dwelling has been approved for the site;</li> <li>• <b>Complies</b> - the business operator intends to reside on-site;</li> <li>• <b>Complies</b> - it is recommended that all business activities be undertaken within the existing outbuilding and immediately adjacent to the outbuilding subject to the provision of screening / vegetation replanting (recommend condition of approval);</li> <li>• <b>Complies</b> – business does not rely on customers frequently visiting the site, whilst deliveries are proposed to occur weekly/fortnightly (recommend condition of approval);</li> <li>• <b>Subject to DA9033</b> – also under Council's consideration;</li> <li>• <b>Complies</b> – the applicant does not intend to display signage (recommend condition of approval);</li> <li>• <b>Complies</b> – use of powered tools proposed to be kept to a minimum (and subject to allowable levels set by Noise Regulations);</li> <li>• <b>Subject to DA9033</b> – applicant has requested the parking of two commercial vehicles;</li> <li>• <b>Complies</b> – deliveries are proposed to be restricted to a weekly/fortnightly basis involving the use of a flat-bed truck (recommend condition of approval);</li> <li>• <b>Complies</b> – applicant proposes hours of operation 9am to 5pm (recommend condition of approval);</li> <li>• <b>Complies</b> – the use of power tools is proposed to be limited to 2 hours per week. The Noise Regulations set allowable levels which must be met.</li> </ul>
<b>Home Business Characteristics</b>	<b>Proposed / Comment</b>
<p>A home business shall identify the following characteristics:</p> <ul style="list-style-type: none"> <li>• may be carried out in a dwelling, in an approved outbuilding or on land which the dwelling is situated;</li> <li>• relies on clients visiting the site;</li> <li>• does not employ more than the equivalent of three full time staff, one of which must be a permanent resident of the dwelling;</li> <li>• does not entail the retail sale of any goods, other than those produced, manufactured, serviced or repaired at the property, or may entail the sale of those goods that are incidental and directly related to the operation of the home business;</li> <li>• involves a maximum of two clients visiting the premise at any one time;</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed to be carried out within an approved outbuilding, and immediately adjacent (recommended condition to contain business activities spreading out across the site);</li> <li>• Does not rely on customers visiting site;</li> <li>• Proposed to be operated by an individual;</li> <li>• Only those items produced/manufactured on-site will be sold;</li> <li>• Does not rely on customers visiting the site;</li> </ul>



<ul style="list-style-type: none"> <li>• shall not result in any traffic conflict as a result of the inadequacy of parking; and</li> <li>• shall not result in a substantial increase in the amount of traffic in the area.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not rely on customers visiting the site, whilst the parking of commercial vehicle forms part of DA9033;</li> <li>• Does not rely on customers visiting the site, deliveries are proposed to occur weekly at most.</li> </ul>
<b>Assessment</b>	<b>Proposed / Comment</b>
<p>When assessing a home business application, the following shall be considered:</p> <ul style="list-style-type: none"> <li>• the nature, scale and hours of operation of the proposed home business;</li> <li>• the relationship of the home business with the adjoining land or on other land in the locality, including lot sizes;</li> <li>• any relevant submissions received from advertising of the application;</li> <li>• the amount of traffic likely to be generated, particularly in relation to the capacity of the road system;</li> <li>• whether utility services are available and adequate for that development.</li> </ul>	<p>In addition see assessment comments above:</p> <ul style="list-style-type: none"> <li>• the nature of the business involves manufacturing of goods on-site which is consistent with LPP12, whilst conditions can be imposed to ensure the scale and hours of operation remain in keeping with LPP12;</li> <li>• surrounding lots appear to contain large sheds, registered and unregistered heavy and passenger vehicles and storage of materials, whilst businesses do operate on Clifton Downs Rd (winery/brewery and dog kennels);</li> <li>• submissions are considered within this report in detail;</li> <li>• weekly deliveries are proposed which is considered to be within the capacity of the existing road system;</li> <li>• the subject site does not have access to reticulated sewer and scheme water;</li> </ul>

### Commercial Vehicle Parking Application

Pursuant to clause 5.17 of the Scheme, a commercial vehicle proposed to be parked for periods longer than two hours require development approval, unless they are housed within a garage/outbuilding, or are being used in connection with building/construction work approved for that land. It is important to note that if the vehicles were garaged, then approval would not be required and the City would not have the opportunity to condition times that the vehicles are brought to and from the site.

The application proposes the parking of two flat-bed trucks, both are required to meet the standards outlined in the *Road Traffic (Vehicle Standards) Rules 2002* and *Road Traffic (vehicles) Regulations 2014* in order to be registered via the Department of Transport.



Clause 5.17.2 of Scheme 3 outlines the assessment criteria in assessing the application for storage of a commercial vehicle as follows:

- a) *the number of dwellings contained on the lot where the vehicle is proposed to be parked;*

The subject lot contains a dwelling.

*b) the proposed on-site parking location;*

The proposed parking location is setback approximately 20m from the nearest residential boundary, and is partially screened and roofed by the existing dwelling and patio. The parking location is approximately 90m from the front boundary.

It is noted that the lot is relatively cleared within the front half, therefore the ability to screen the vehicles with vegetation from the street and surrounding properties is limited. In other cases, there are a number of vehicles that could be considered either commercial vehicles or heavy machinery in the area that benefit from natural vegetation. Notwithstanding, the applicant has partially screened and roofed the vehicles and has attempted to provide additional vegetation, whilst the setback provides for separation from a noise perspective.

*c) the potential impacts on neighbouring residents with respect to noise, emissions, visual appearance or any other nuisance;*

The applicant has indicated that the trucks are used for weekly deliveries. The hours of operation of the proposed home business are consistent with the provisions of the Scheme, and the *Environmental Protection (Noise) Regulations 1997*.

Vehicles are required to comply with smoke, emission and noise levels specified in the *Road Traffic (Vehicle Standards) Rules 2002* and *Road Traffic (vehicles) Regulations 2014* in order to be registered via the Department of Transport. The vehicles are currently registered and as such, the City considers the sufficient evidence to support that emissions and noise are within allowable levels.

*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 10:00pm and 6:30am;*

The truck forms part of the applicants proposed home business, it is recommended that a condition be applied to enforce vehicle movements in accordance with the business hours of operation.

Clause 5.17.4 of the Scheme provides the City with the opportunity to rescind a development approval for commercial vehicle parking in the event that it causes nuisance or annoyance to neighbours.

## Consultation

The City advertised the proposals separately and received 4 submissions in connection with the home occupation application, and 1 submission in connection with the commercial vehicle application.

Owner / Address	Submission (Summarised comments)	Comment
1. A & R Rooke 166 Clifton Downs Rd, Herron	<p>Objects to the proposal, and notes:</p> <p>a. Proposed activity is a commercial business and uses many commercial vehicles.</p> <p>b. No faith in hours of operation being complied with.</p>	<p>a. Noted, the City's Scheme considers home occupations within the Rural Residential zone, whilst LPP12 sets the scope within which a home business is required to operate.</p> <p>b. In the event of an approval being issued, the City has the ability to alter the conditions of a home business and/or rescind an approval where the City considers the business to be inconsistent with LPP12.</p>

	<p>c. Owner has stated that he intends to operate a commercial business and has not complied with rules etc.</p> <p>d. Noise from the business/vehicles has affected the enjoyment of our property.</p> <p>e. If it was a home occupation, one vehicle would be permitted – the owner has at least 7.</p> <p>f. This area is zoned Rural Residential, the owner knew when buying the property. It is incumbent on the City to manage and maintain the zoning laws as legislated.</p>	<p>c. It is acknowledged that officers have been required to investigate the site as a result of previous complaints.</p> <p>d. In the event of an approval being issued, the operator will be required to operate within allowable levels set by the Environmental Protection (Noise Regulations). Any alleged breaches can be reviewed by the City.</p> <p>e. Noted, the application requests the use of 2 vehicles. It is accepted that the owner may have additional large vehicles given the size of the lot and requirement for maintenance.</p> <p>f. Noted, the City is considering an application in accordance with the Scheme.</p>
<p>2. D &amp; T Dymmott 155 Clifton Downs Rd, Herron</p>	<p>Objects to the proposal, and notes:</p> <p>a. Area is zoned Rural Residential, prefer it to stay that way.</p> <p>b. The business is industrial and is not conducive to the lifestyle of our area.</p> <p>c. Area is environmentally sensitive (i.e. thrombolites etc.).</p> <p>d. No waste disposal for wash down of cement mixing etc. Assume it is tipped out onto site.</p> <p>e. Are there toilet facilities in the shed?</p> <p>f. Property looks like an industrial site, piles of product and non-compliant fencing.</p> <p>g. Application has been made after complaints made to the City relating to work hours, truck</p>	<p>a. Noted, the City is considering an application in accordance with the Scheme. The zoning is not proposed to change.</p> <p>b. In the event of an approval being issued, the City has the ability to impose conditions which serve as harm minimisation measures to protect amenity.</p> <p>c. The proposed business activities are required to be contained within the existing shed. The existing shed is serviced by approved wastewater treatment system.</p> <p>d. Proposed to occur within the existing shed and immediately adjacent to the shed.</p> <p>e. The shed does not contain toilet facilities.</p> <p>f. In the event of an approval being issues, conditions may be imposed to ensure materials are stored and screened.</p> <p>g. Noted.</p>

	<p>deliveries, trucks parked on-site, and noise.</p> <p>h. Unlikely that the applicant will comply with their conditions.</p> <p>i. Do not want to see our quiet rural area spoilt with an industrial complex.</p>	<p>h. Noted, a home occupation be altered and/or rescinded in the event that conditions are not being complied with.</p> <p>i. See comment 2b.</p>
<p>3. J &amp; D Caro 66 Clifton Downs Rd, Herron</p>	<p>Objects to the proposal, and notes:</p> <p>a. It is inappropriate to have industrial development in a rural residential zone.</p> <p>b. The City's advertising letter indicates that the proposal is for an industrial factory.</p> <p>c. WAPC Policy No. 2.5, s. 4.1(d) states that permitted uses should maintain the amenity of the residential environment.</p> <p>d. The City's Scheme defines the purpose of the Rural Residential zone. The approval of an industrial factory is inconsistent with the Scheme.</p> <p>e. The Scheme allows for a home occupation however there is no definition. Assume that it does not include industrial processes.</p> <p>f. In the event of approval, is the Council setting a precedent. Will residents suffer further industrialisation?</p> <p>g. The City puts an emphasis on the environment, then possibly allows a factory.</p>	<p>a. Noted, the City's Scheme considers home occupations within the Rural Residential zone, whilst LPP12 sets the scope within which a home business is required to operate.</p> <p>b. The City's letter refers to the production of garden statues and décor. LPP12 permits manufacturing on-site.</p> <p>c. Officers have assessed the proposal in accordance with the Scheme and LPP12.</p> <p>d. See comment 3a.</p> <p>e. The City's LPP12 identifies the criteria of a home business.</p> <p>f. Applications are assessed on merit rather than precedence.</p> <p>g. The application proposes a home business, in the event of approval conditions are proposed to be imposed to act as harm minimisation measures and ensure compliance with LPP12.</p>
<p>4. T Yeoman (received via email)</p>	<p>a. Lives close by, and notes concerns relating ongoing compliance / enforcement.</p>	<p>a. The City has the ability to alter conditions and/or rescind an approval in the event of a breach to a condition or LPP12. Any breaches to the Noise Regulations can also be investigated by the City.</p>

## **Statutory Environment**

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

## **Policy Implications**

Nil

## **Risk Implications**

Nil

## **Economic Implications**

Nil

## **Strategic Implications**

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

### Organisational Excellence:

- Listen to and engage with our community.

## **Conclusion**

Council is requested to consider a home occupation (for the manufacturing of concrete garden statues and décor) and development approval for the parking of two commercial vehicles. It is acknowledged that the applicant has developed aspects of the property without the City's approval, and the City has been required to investigate from a compliance perspective.

Whilst submissions have been received with respect to the nature of the business in terms of noise, traffic and activity being carried out, officers consider the business can operate within the scope of the City's Local Planning Policy No 12 subject to conditions. Furthermore, the City can alter and/or rescind approval in the event that the business is operating outside of its approval and/or is affecting neighbourhood amenity.

With respect to the commercial vehicle parking application, officers note that the parking of heavy vehicles (i.e. large buses, trucks, construction vehicles, etc.) is not an uncommon occurrence on larger Rural Residential properties. In this instance the applicant does not benefit from vegetation screening within the front half of the lot, however given the size of the property there is significant separation from boundaries and adequate space to plant additional vegetation.

It is recommended that Council approve both applications subject to conditions.

NOTE:

- Refer **Attachment 1** **Site Plan**

## **RECOMMENDATION**

1. 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 home business approval for the manufacturing of garden statues and garden décor at 176 Clifton Downs Road, Herron (HOA847) subject to the following conditions:

- (a) The proposed business activity shall be conducted within the existing shed and immediately adjacent to the shed as indicated on the stamped approved site plan.
- (b) The operator of the home business hereby approved must be a permanent resident of the dwelling.
- (c) No retail or wholesale sales shall be permitted from the premises or the site.
- (d) Any signage shall be limited to 0.2m<sup>2</sup> and must be contained within the property boundary to the satisfaction of the City of Mandurah.
- (e) The hours of operation shall be limited to 9:00am to 5:00pm Monday to Saturday and shall not occur at any time on Sundays or Public Holidays.
- (f) Precautions shall be undertaken to ensure that the proposed operation does not interfere with the amenity of the neighbourhood by reason of noise or otherwise.
- (g) The applicant shall ensure that an appropriate appointment system is in place in order to ensure that a maximum of two clients vehicles are parked at the site at any one time.
- (h) All wastewater generated from wash down activities must be contained on-site. Phosphorus based products must not be used.
- (i) Sound levels created shall not exceed the provisions of the Environmental Protection (Noise) Regulations 1997.
- (j) No odours emanating from the premises shall be detectable at any time on adjacent properties.
- (k) Current waste disposal arrangements are to remain, however should problems arise, alternative arrangements should be made to the satisfaction of the City of Mandurah.

**Advice Note:**

Should this home occupation become the subject of notice or complaint, the City of Mandurah may undertake any of the following:

- Ensure that conditions of any approval are being complied with, and should any conditions not be complied with:
  - require business practices to be altered, or
  - rescind the approval, and request the business be relocated to a more suitable area within three months.
- 2. 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 Commercial Vehicle parking at 176 Clifton Downs Road, Herron (DA9033) subject to the following conditions:
  - (a) The commercial vehicle being restricted to being parked under the existing patio structure as indicated on the stamped approved site plan;
  - (b) The commercial vehicle is only permitted to be operated between the hours of 9am and 5pm Monday to Saturday, including the idling and warming up of the engine. The vehicle may not be operated on Sunday or Public Holidays.
  - (c) No major mechanical work or vehicle servicing is permitted on the subject site without the prior written consent from the City of Mandurah.

**(d) In accordance with Clause 5.17.3 of the City of Mandurah's Town Planning Scheme No. 3, this approval;**

- (i) is granted to the Duncan Lamb, to whom it is issued**
- (ii) relates to two vehicles (License plates '1BPX 850' and '1EDA 112')**
- (iii) is not transferable to any other persons and does not run with the land in respect of which it is granted.**





This document is compiled from various sources and whilst the City of Mandurah has made every effort to ensure the accuracy and currency of the information, Council accepts no responsibility or liability for any errors or omissions.

## Site Plan

Printed by : **Thomas Foulds**

Date : **2/08/2018**

Scale : **1:1000**

Drawn by : **Intramaps**

Original Size

# A4



3 Peel Street  
Mandurah 6210  
Western Australia

**City of  
MANDURAH**

Tel 9550 3777  
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**4 SUBJECT:** 2018/19 Community Sport and Recreation Facility Fund (CSRFF)  
Small Grants – Round 1  
**CONTACT OFFICER/S:** Craig Johnson  
**AUTHOR:** Natalie Garnsworthy, Joanne Dunn

## Summary

The Community Sport and Recreation Facilities Fund (CSRFF) is a Department of Local Government, Sport and Cultural Industries - Sport and Recreation program that provides financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation.

The small grants aim to increase participation in sport and recreation, with an emphasis on physical activity through rational development of sustainable, good quality, well designed and well utilised facilities where the total cost does not exceed \$200,000. The application process for submissions involve Local Governments undertaking an initial assessment to ensure proposed projects are well planned, prioritised and of positive benefit to the community.

The City has received three (3) applications from clubs/associations as part of the Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Summer Round and will be submitting one (1) further application on its own behalf. Details of these applications are:

- Mandurah Mustangs Football Club  
Upgrade, Extension and Redevelopment of the Rushton North Pavilion Changeroom facilities
- City of Mandurah – Northport Reserve  
Construction of a Toilet and Storage facility
- Halls Head Bowling & Recreation Club  
Installation of Sports Floodlighting around 4 bowling greens
- South Mandurah Tennis Club  
Resurfacing of Courts 1-2 and 7-10

Council is requested to support the ratings and priorities of the four (4) 2018/19 Community Sport and Recreation Facility Fund (CSRFF) Small Grants applications submitted and note that an allowance for the City's contributions towards each project has been listed in the 2018/19 capital budget, subject to the projects being approved by the Department of Local Government, Sport and Cultural Industries - Sport and Recreation.

## Disclosure of Interest

N/A

## Location



Mandurah Mustangs Football Club

Rushton Sporting Precinct - Rushton North  
Dower Street, Mandurah



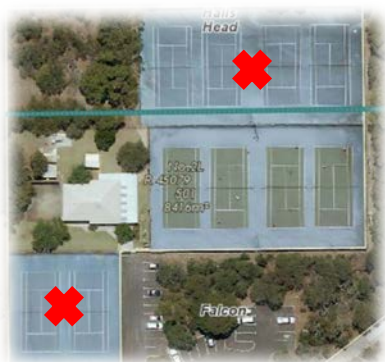
City of Mandurah

Northport Reserve  
Baloo Crescent, Wannanup



Halls Head Bowling and Recreation Club

Sticks Boulevard, Erskine



South Mandurah Tennis Club

Merlin Street, Falcon

### Previous Relevant Documentation

- G.17/3/18      27 March 2018      Council considered the 2018/19 CSRFF Small Grant applications – Winter Round and endorsed an application from the South Mandurah Football Club: Construction of Change room Facilities, Dudley Park Bowling Club: Resurface of Bowling Green and South Mandurah Tennis Club: Resurface of Courts 1 - 2 and 7 – 10.
- G.24/8/17      22 August 2017      Council considered the 2017/18 CSRFF Small Grant applications – Summer Round and endorsed an application from the Mandurah Croquet and Recreation Club: Construction of a Universal Accessible Toilet, South Mandurah Tennis Club: Upgrade to Sport Lighting on Courts 3 to 6, South Mandurah Football Club: Construction of Changeroom Facilities and Peel Thunder Football Club: Feasibility Study for a Future Centre of Excellence Facility.
- G.23/3/17      23 March 2017      Council considered the 2017/18 CSRFF Small Grant applications – Winter Round and endorsed an application from the South Mandurah Football Club for the construction of change room facilities, Port Bouvard Sport and Recreation Club for the replacement of a B green bowling surface and a joint application

from the Mandurah Triathlon Club and Mandurah Ocean Club for an upgrade to the storage facilities at Mandurah Yacht Club.

- G.35/3/16      22 March 2016      Council considered the 2016/17 CSRFF Small Grant applications – Winter Round and endorsed an application from the Mandurah BMX Club for the installation of a starting gate shelter at Milgar Reserve, Western Australian Little Athletics (on behalf of the Peel District Little Athletics Association) for the installation of storage at Bortolo Reserve and Halls Head Bowling and Recreation Club for the replacement of the B green surface.

## Background

The Department of Local Government, Sport and Cultural Industries - Sport and Recreation offer three grant categories within the CSRFF program:

- (a) Forward Planning Grants: \$166,667 up to \$4,000,000 can be allocated to large scale projects where the total project cost exceeds \$500,000 and may require an implementation period of between one and three years. Grants given in this category may be allocated in one or a combination of the years in the triennium.
- (b) Annual Grants: \$50,000 to \$166,666 can be allocated to projects with a planning and construction process that will be complete within 12 months. The total project cost for Annual Grants is between \$150,000 and \$500,000. Grants given in this category must be claimed in the financial year following the date of approval.
- (c) Small Grants: \$2,500 to \$66,666 can be allocated to projects involving a basic level of planning. The total project cost for Small Grants must not exceed \$200,000. Grants given in this category must be claimed in the financial year following the date of approval. There are two rounds per year coinciding with the summer and winter seasons.

The maximum CSRFF grant approved can be no greater than one third of the total estimated project cost. The Department of Local Government, Sport and Cultural Industries - Sport and Recreation contribution must be at least matched by the applicant's contribution. Council is required to rank each project according to its priorities for the development or upgrade of facilities, ensuring consistency with relevant strategic documents, and then rate each project according to individual merit.

The project ratings are identified as follows:

Well planned and needed by the municipality	High
Well planned and needed by applicant	Medium/High
Needed by municipality, more planning required	Medium
Needed by applicant, more planning required	Medium/Low
Idea has merit, more preliminary work needed	Low
Not recommended	Not recommended

## Comment

Council has been requested to consider four (4) applications for the 2018/19 Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Round 1.

### Mandurah Mustangs Football Club – Project 1

Project	Upgrade, Extension and Redevelopment of the Rushton North Pavilion Changeroom Facilities
Location	Rushton Sporting Precinct – Dower Street Mandurah
Years Applied for	2018/19
Total Project Cost	\$198,000
Eligible Grant Criterial Total	\$ 66,000
CSRFF Grant	\$ 66,000
Requested from Council	\$ 65,000
Other Potential Funding	-
Clubs' Contribution (cash)	\$ 36,000
Clubs' Contribution ( in kind)	\$ 31,000
Recommended Ranking	It is recommended that this project be given a ranking of “one” and a rating of “high”

### Project Details

Through extensive discussions and negotiations with the City of Mandurah, it has been determined that the current operating model between the Mandurah Mustangs Football Club (MMFC) and the Peel Thunder Football Club (PTFC) is not conducive to a shared arrangement. This is primarily due to the fact that the Mandurah Mustangs Football Club are a volunteer based community club, whilst Peel Thunder is a semi-professional Club that need to function under a commercial operating model.

In order for the Mandurah Mustangs Football Club to self-manage its Club events and activities under a volunteer operating model, the Club would need to suspend its licence arrangement at the Rushton Park Sports Facility, currently leased by the Peel Thunder Football Club and find an alternative solution that maintains a relationship with Rushton Park Oval.

It was determined that the most suitable solution is for the Mandurah Mustangs to relocate operations to the Rushton Park North Pavilion. This will enable the Club to maintain its historical ties with Rushton Park as its home ground and operate under its own management model. As a result, the Mandurah Mustangs Football Club is seeking financial support towards the upgrade, extension and redevelopment of the existing Rushton North Pavilion changeroom facilities.

The project will include an upgrade and alterations to the existing change rooms that will enable both male and female participants to have full use of all the facilities/amenities even when playing different codes on either oval on the same day. The ability to provide quality, flexible, unisex facilities will be a significant asset for the Club providing members with a strong sense of pride.

The project will also include the provision of additional equipment storage and a new office space to assist in the day to day running of the club. The new office will also be used as a local base for Mental Health organisation “Headspace” who are working closely with the Club.

Officers, have reviewed the CSRFF application and have recommended that this project is ranked one (1) and rated “high, as it is well planned and needed by the club. In making the assessment, Officers identified the capacity of the Club to project manage the development.

### City Of Mandurah – Project 2

Project	Northport Reserve – Construction of Toilet and Storage facility
Location	Reserve: 47709 - 68 Baloo Crescent, Wannanup
Years Applied for	2018/19
Total Project Cost	\$159,769
Eligible Grant Criterial Total	\$53,256
CSRFF Grant	\$53,256
Requested from Council	\$96,513
Other Potential Funding	-
Clubs' Contribution (Cash)	\$10,000 - South Mandurah Junior Football Club
Clubs' Contribution (in kind)	-
Recommended Ranking	It is recommended that this project be given a ranking of “2” and a rating of “high”.

### Project Details

In 2015, the City of Mandurah developed the Mandurah Active Recreation Strategy which identified the future needs for active reserves in Mandurah in order to meet the needs of the growing population. One of the primary recommendations of the Strategy was to carry out a facility audit of existing active open space and make recommendations on the future infrastructure required to activate these spaces.

With the pending completion of the Ocean Road Sports Facility (installation of sports floodlighting and neighbourhood clubroom facility) and the recent relocation of the Mandurah Storm Rugby League Club to the new facilities, there is once again increasing pressure on the availability of space for active sport in the City's southern corridor.

Over the last couple of years, Ocean Road Reserve has been used extensively as an overflow ground for junior AFL, however with rugby league now calling the facility home there is an immediate need to identify an alternative location for the South Mandurah Junior Football Club to deliver its growing AFL program.

Northport Reserve is the only site not currently activated in the City's southern corridor that is suitable in size to accommodate junior training and competition, however it does not have any facilities that would enable a Club to operate from it. In line with the Mandurah Active Recreation Strategy, the City proposes to develop Northport Reserve to a standard that will enable the South Mandurah Junior Football Club to operate and as a minimum provision, toilets and a storage space are proposed.

In support of this Project, the South Mandurah Junior Football Club has committed \$10,000 and the City has \$100,000 listed in the 2018/19 capital budget.

On review of the City's CSRFF application, it has been recommended that this project is ranked two (2) and rated “high, as it is well planned and needed by the southern district of Mandurah.



### Halls Head Bowling and Recreation Club – Project 3

Project	Installation of sports flood lighting on 4 bowling greens
Location	Sticks Boulevard, Erskine
Years Applied for	2018/19
Total Project Cost	\$125,714
Eligible Grant Criterial Total	\$41,905
CSRFF Grant	\$41,905
Requested from Council	\$41,905
Other Potential Funding	-
Clubs' Contribution (Cash)	\$41,340
Clubs' Contribution (in kind)	\$600
Recommended Ranking	It is recommended that this project be given a ranking of “3” and a rating of “medium/high”

### Project Details

The Halls Head Bowling and Recreation Club is one of four clubs delivering lawn bowling participation opportunities within the City. The Club was established in 1989 catering for both organised and social bowling opportunities.

The Club has identified that the current bowling greens are being utilised to capacity during daytime hours and there is limited opportunities for further participation growth. The club has four synthetic bowling greens that are of a high quality, however they require regular maintenance, ongoing rotational use for competition bowls and cannot be used after dark.

The Halls Head Bowling and Recreation Club has submitted a CSRFF application for the installation of sports floodlights around the four bowling greens (12 lighting towers) in accordance with the Australian Standards. A lighting plan has been prepared which provides competition, recreation and training standard lighting up to 100 lux.

Night time bowling participation and access of floodlighting is considered important to delivering increased physical activity opportunities for both competitive and recreational bowling participants. With the Department of Local Government, Sport and Cultural Industries - Sport and Recreation focusing on increasing participation it is considered that the delivery of floodlit bowling greens will meet this objective.

The Halls Head Bowling and Recreation Club lease its facility from the City and over the last 20 years they have demonstrated an ability to be well managed both operationally and financially. They have successfully met loan repayment obligations to the City for additions and upgrades to the facility.

Over the past five (5) years, the Club has completed the following improvements to the facility:

- June 2014 - Major renovation and extension of the facility to the value of \$1,564,650 with the Club contributing \$450,000 through a self-supporting loan, the City contributing \$400,000, and external funding contributions from Department of Local Government, Sport and Cultural Industries - Sport and Recreation \$349,800 and Lotterywest \$344,850. The Peel Bowling and Social Club also contributed \$20,000 to the project.
- September 2015 – Installation of a 20kw solar power system.
- September 2015 – Greens A & C were replaced by the club at a self-funded cost of \$383,184.
- September 2016 – Total replacement and resurface of Green D - to the value of \$195,000 with the Club contributing \$50,000 through a self-supporting loan, the City contributing \$65,000, and the club contributing \$80,000 from savings.

Officers, have reviewed the CSRFF application and have recommended that this project is ranked three (3) and rated "Medium/high, as it is well planned and needed by the club. In making the assessment, Officers identified the capacity of the Club to provide and maintain the proposed infrastructure. Furthermore, it should be noted that the project's financial viability is strongly reliant upon both CSRFF and the City given the proposed one-third contribution in capital funds, however the club does have extra funds available to manage any project short falls.

#### South Mandurah Tennis Club – Project 4

Project	Resurfacing of courts 1-2 and 7-10
Location	Merlin Street, Falcon
Years Applied for	2018/19
Total Project Cost	\$46,651.50
Eligible Grant Criterial Total	\$15,550.50
CSRFF Grant	\$15,550.50
Requested from Council	\$15,550.50
Other Potential Funding	-
Clubs' Contribution (Cash)	\$15,550.50
Clubs' Contribution (in kind)	-
Recommended Ranking	It is recommended that this project be given a ranking of "4" and a rating of "medium/high"

#### Project Details

The South Mandurah Tennis Club is proposing to carry out a resurface of courts 1-2 and 7-10 to ensure it can continue to provide safe and suitable infrastructure for their members and visitors. The club has approximately 300 members and manages their courts under a fee for use model.

The South Mandurah Tennis Club is one of three tennis clubs delivering tennis participation within the City and currently caters for both organised and social tennis opportunities all year round. The Club holds a lease over their clubroom and has 10 outdoor hard court tennis courts.

The club resurfaced courts 3 – 6 in 2013/14 via a CSRFF grant, to which the City contributed \$10,402. In January 2018, the club completed an upgrade to the tennis court lighting on courts 3 – 6 again through the CSRFF program with the City contributing \$14,038.40.

The Club is now seeking financial assistance from the City and the State Government through the CSRFF program to assist with the resurface of six (6) (courts 1-2 and 7-10) that service both the public and club based activities. The six courts in question were last resurfaced in 2009 and are starting to show significant signs of surface wear and tear, and some cracking. The project would involve patching of cracks to reinforce the fiberglass membrane, along with coating the surface with a Plexi-pave Acrylic Surface System.

South Mandurah Tennis Club submitted a CSRFF application in the last round but were unsuccessful. Officers have recommended that this project is ranked four (4) and rated "Medium/high, as it is well planned and needed by the club. In making this assessment, Officers noted that the South Mandurah Tennis Club has a court replacement fund in place, is financially sustainable and is a good tenant of the City.

#### **Consultation**

Consultation for the proposed facility upgrades have been undertaken according to the following:

- **Mandurah Mustangs Football Club**  
Consultation has occurred with the Department of Local Government, Sport and Cultural Industries - Sport and Recreation, the West Australian Football Commission and the City of Mandurah.
  
- **City of Mandurah**  
Consultation has occurred with the Department of Local Government, Sport and Cultural Industries - Sport and Recreation, the West Australian Football Commission and the South Mandurah Junior Football Club.
  
- **Halls Head Bowling and Recreation Club**  
Consultation has occurred with the Department of Local Government, Sport and Cultural Industries - Sport and Recreation, Bowls WA and the City of Mandurah.
  
- **South Mandurah Tennis Club**  
Consultation has occurred with the Department of Local Government, Sport and Cultural Industries - Sport and Recreation, Tennis West and the City of Mandurah.

### **Statutory Environment**

N/A

### **Policy Implications**

Policy CNP-05 Recreation Facility Development

Council may contribute a portion of funding towards the development of sport and recreation facilities in accordance with its Sport and Recreation Facility Development Procedures. The remaining funding must be provided by the applicant club or association or through a combination of club contributions and other funding sources such as grants, sponsorship, voluntary labour, donations etc.

Policy POL-FCM 03 – Loans to Sporting Clubs and Community Organisations

Loans can only be made available to organisations for the purchase of capital items or to meet obligations to contribute to the provision of facilities. Loans will not be made to assist with day-to-day operating matters. Loan contributions over \$50,000 to the provision of facilities may also be funded on an interest-free basis subject to a resolution of Council.

### **Risk Implications**

N/A

### **Economic Implications**

The four projects recommended for support are:

<b>Project</b>	<b>Lodged by</b>	<b>Council Contribution Requested</b>
Upgrade, Extension & Redevelopment of Changeroom Facilities	Mandurah Mustangs Football Club	\$65,000
Northport Reserve – Toilets and Storage	City of Mandurah	\$96,513



Installation of sports floodlighting on 4 bowling greens	Halls Head Bowling and Recreation Club	\$41,905
Resurfacing of courts 1-2 and 7-10	South Mandurah Tennis Club	\$15,550.50
<u>Total</u>		<u>\$218,968.50</u>

Council retains the discretion to contribute to any project on a priority and financial capacity basis, however if Council funds are being contributed through the CSRFF program, this is a pre-commitment of funding for the year in which the grant is approved.

Whilst it is unlikely that all 4 projects will be successful in their grant submissions, if that was the case the combined funding contribution from Council would total \$218,968.50. Currently, the City of Mandurah has the following funding allocations listed in the 2018/19 capital budget;

\$100,000	Northport Reserve – Toilet & Storage Facility
\$100,000	CSRFF Projects - Various

If all four (4) of the grant applications were successful, the City would have a funding shortfall of \$18,968.50. If this result did eventuate, City Officers would then be required to seek approval from Council to access unbudgeted funds to meet the shortfall.

### **Strategic Implications**

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

#### Social

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

#### Infrastructure

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

#### Identity

- Encourage active community participation and engagement.

#### Organisational Excellence

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

### **Conclusion**

The four applications received through the 2018/19 Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Round 1 have been well prepared by the clubs and are consistent with Council's Recreation Facility Development policy.

A requirement of the CSRFF funding program is that if Council funds are being contributed then there is a pre-commitment of funding for the year in which the grant is approved. The Council contributions reflected in this report are as requested from the applicant clubs.

The table below is a summary of the application rankings and the individual ratings for each project:

Grant Type	Rank	Project	Rating	Lodged by	CSRFF Funding Requested	Club Funding	Council Contribution Requested
Small	1	Upgrade, Extension & Redevelopment of Changerooms	High	Mandurah Mustangs Football Club	\$66,000	\$67,000	\$65,000
Small	2	Construction of Toilets and Storage	High	City of Mandurah	\$ 53,256	\$10,000	\$96,513
Small	3	Installation of sports floodlighting on 4 bowling greens	Medium/High	Halls Head Bowling and Recreation Club	\$41,905	\$41,305	\$41,905
Small	4	Resurfacing of courts 1-2 and 7-10	Medium/High	South Mandurah Tennis Club	\$15,550.50	\$15,550.50	\$15,550.50

## RECOMMENDATION

**That Council:**

1. **Supports the rankings and ratings for the Community Sport & Recreation Facility Fund Small Grant applications from the following clubs / organisations:**
  - **Mandurah Mustangs Football Club**  
Project – Upgrade, Extension and Redevelopment of the Rushton North Pavilion Changeroom facilities  
Ranking – One  
Rating – High
  - **City of Mandurah**  
Project – Construction of a Toilet and Storage facility  
Ranking – Two  
Rating - High
  - **Halls Head Bowling and Recreation Club**  
Project - Installation of sports floodlighting on 4 bowling greens  
Ranking – Three  
Rating – Medium/High
  - **South Mandurah Tennis Club**  
Project - Resurfacing of courts 1-2 and 7-10  
Ranking – Four  
Rating – Medium/High
2. **Notes that if any of the following applications are successful, the City will commit the following amounts through the 2018/19 capital budget:**

- **Mandurah Mustangs Football Club**  
**Project – Upgrade, Extension and Redevelopment of the Rushton North Pavilion Changeroom facilities - \$65,000**
- **City of Mandurah**  
**Project – Construction of Toilet and Storage facility - \$96,513**
- **Halls Head Bowling and Recreation Club**  
**Project - Installation of sports floodlighting on 4 bowling greens - \$50,000**
- **South Mandurah Tennis Club**  
**Project - Resurfacing of courts 1-2 and 7-10 - \$15,550.50**

**5**      **SUBJECT:**                      Mandurah Aquatic & Recreation Centre Operations  
         **CONTACT OFFICER:**        Craig Johnson  
         **AUTHOR:**                     Craig Johnson

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### Summary

At its meeting on 27 March 2018, Council resolved that the Chief Executive Officer present a report on a number of items associated with the operations of the Mandurah Aquatic & Recreation Centre (MARC).

The key issues raised were in regards to the operating hours for the MARC gymnasium on weekends and whether it could be made accessible afterhours, the food choices available through the facility's Café and concerns relating to parking.

Council is requested to approve a change to the weekend operating hours at the MARC on a trial basis over the forthcoming summer period and note that a report on the levels of attendance will be presented back to Council upon the conclusion of the trial period. Council is also requested to note that the Café at the MARC is currently in transition with regards to the healthy food options that it provides and that the final stage of the car parking provisions have now been completed and customer safety is being monitored.

### Disclosure of Interest

Nil

### Location



Mandurah Aquatic & Recreation Centre  
303 Pinjarra Road, Mandurah

### Previous Relevant Documentation

G.37/3/18      Mandurah Aquatic and Recreation Centre. Council resolved that the Chief Executive Officer present a report on the following issues:

1. The reasons why weekend access to the City's gymnasium at the Mandurah Aquatic and Recreation Centre starts at 7.30am, but during the week, access is from 5.30 am.

2. The opportunities available for opening the Mandurah Aquatic and Recreation Centre (gymnasium) afterhours, with access being via the existing external double doors, allowing staff to commence duties at 8.00am.
3. Why does the City allow for unhealthy food to be sold at the City's premium health facility – the Mandurah Aquatic and Recreation Centre.
4. Parking issues.

## Background

The Mandurah Aquatic and Recreation Centre has been fully operational for almost 15 months following its \$40 million redevelopment which spanned over 3 years.

The facility delivers a wide range of program and service opportunities for the Mandurah community focused primarily on aquatics, sports and health & fitness. The current operating hours of the MARC are outlined below:

Days	Opening & Closing Times
Monday to Thursday	5.30am to 9.00pm
Friday	5.30am to 8.30pm
Saturday and Sunday	7.30am to 6.00pm

### Notes:

- *The opening and closing times relate to the operations of the aquatic area and health & fitness (i.e. Gymnasium and group fitness) facilities.*
- *Closing times in the sports stadiums can vary depending on the various programs and events being held.*

## Comment

Each of the items raised in the Council resolution have been outlined below:

### 1. Weekend Access – MARC Gymnasium

The Mandurah Aquatic and Recreation Centre offers a wide range of sport and health and wellbeing programs and services. The design of the centre is one that enables the various facility elements of the centre to operate in conjunction with each other, allowing customers ease of entry via a member's access band or fob through the access gate system to the main areas of Aquatics and Health & Fitness.

Opening the gymnasium earlier on weekends would also see a justified expectation from aquatic members that the pools would also open at the same time. This is due to the membership structure having options that include both Aquatic and Health & Fitness access entitlements. Opening one facility element and not another potentially disadvantages a member in terms of their ability to utilise all membership entitlements.

The current MARC weekend opening hours are based on historic operations. The City's general management approach for change at the facility has been for it to be driven by customer demand for services. Since the completion of the MARC Redevelopment almost 15 months ago, the City has only received a few comments from members / customers in regards to the Centre's operating hours. The only formal request that has been received has been from the resident swimming clubs, for the pools to open earlier on a Saturday morning over the summer season.

Below are some indicative cost estimates associated with an extension to the weekend opening hours including a 5.30am opening, 6.30am opening and the estimated costs for a proposed trial period:

	<b>Gymnasium</b>	<b>Centre Operations</b>	<b>Aquatics</b>	<b>Total</b>
<b>5.30am Opening Time</b>				
Cost per week	\$197	\$374	\$374	\$945
Cost per annum	\$10,248	\$19,459	\$19,459	\$49,166
Cost for proposed Trial Period	\$3,547	\$6,736	\$6,736	\$17,019
<b>6.30am Opening Time</b>				
Cost per week	\$99	\$187	\$187	\$473
Cost per annum	\$5,124	\$9,730	\$9,730	\$24,584
Cost for proposed Trial Period	\$1,774	\$3,368	\$3,368	\$8,510

*Notes:*

- The figures above only take into account increases in labour costs and do not include increases in utility costs or any potential revenues offset (it is not anticipated that such changes would have a significant positive impact on revenue and any increase would be difficult to quantify).*
- The costings are based on a Proposed Trial Period of Saturday 3 November 2018 to Sunday 3 March 2019.*

## 2. Afterhours Access to MARC Gymnasium

Under the current operating model, opening facility elements independent of each other, such as the Gymnasium, poses a number of logistical challenges. At present, fitness members access the facility through the main entrance and for this to occur, the reception area needs to be staffed.

The option of afterhours access to the gymnasium could be made possible, however it would require;

- Minor building works (including the installation of new double doors / roller shutter)
- Installation of additional IT systems and infrastructure (including CCTV and panic alarms)
- Development of new processes and procedures designed to manage member movements, building security and operational risks.

In assessing the proposal to provide afterhours gymnasium access, City officers engaged its Insurers to undertake a risk assessment and provide recommendations and advice. Based on the report provided, there is 'ultimately no substitute for supervision', however if Council did wish to provide afterhours access to the MARC gymnasium, the following risk treatments would need to be considered;

- Secure entry point - external access to the Gymnasium and appropriate electronic surveillance
- CCTV – to promote a secure environment and a means of identifying situations where assistance is required (ie. medical event, threat to personal security).
- Panic alarms - fixed and wearable devices to enable members to raise an alarm if in need of emergency assistance.
- Signage – outlining the conditions of entry, where and when assistance is available, safe use of equipment and emergency procedures.
- First aid - easily identified for use by members along with a telephone in case of emergency and the provision of an automated Defibrillator.
- Change rooms - available with access to a panic alarm system.
- Equipment and modifications - safety mechanisms on weight machines to prevent crush and over-extension injuries, a means for patrons to report and tag-off faulty equipment and induction and pre-exercise screening and emergency response procedures.
- Policies and procedures - review of existing membership agreements to include risk information and warnings regarding unsupervised use of the facility along with monitoring (CCTV).

**Confidential Attachment 1** is a copy of the assessment provided by the City's Insurers.

In considering all of the mitigations strategies identified by the City's Insurer, officers have estimated the capital costs to implement the required structural facility changes at approximately \$70,000. This figure does not include CCTV monitoring as this may be part of a broader City wide approach to the system. In addition, there would also be some significant upfront in-kind costs associated with the policy and procedural updates and ongoing costs linked to changes in member inductions.

Lastly, there are a number of 24 hour gymnasiums throughout Mandurah that operate under the unsupervised service model. At present, the operating model of the MARC gymnasium compared with these other fitness centres is a point of difference in the way services are delivered. Given the installation costs outlined above and the fact that there is not seemingly a high demand for the MARC to change its operations, it is not recommended that the City directly compete with these local business and enter into the unsupervised gymnasium space.

### 3. Healthy Choices – MARC Café

Upon the completion of the MARC Redevelopment project in May 2017, the City of Mandurah Recreation Centres engaged the South Metropolitan Health Service to provide advice and assistance in the transition of the MARC Café service from a 'kiosk' to a Café where healthy food choices are both available and displayed.

In assessing the MARC Café's menu options, a simple red, yellow or green traffic light system was used based on the Western Australian School Canteens Association's targets for Sport, Recreation and Entertainment Venues. Ideally, the MARC Café should have a balance menu based on the following breakdown;

	Description	Target
Green	Best / Healthiest Options – good sources of important nutrients, low in saturated fat, sugar and salt, lower in kilojoules, higher in fibre (ie. fruit & vegetables, cereals, lean meats, reduced fat products, water etc).	> 40%
Orange	Choose Carefully - eat in moderation. Although some items may provide good nutrients they can contain saturated fat, and added sugar or salt.	
Red	Unhealthy Choices - not essential. If consumed too often or in large amounts, they can lead to weight gain and chronic diseases. Red choices are high in kilojoules, saturated fat, added sugar and salt and low in important nutrients such as fibre.	< 30%

In gaining an understanding of the traffic light system, it was immediately apparent that the focus for change for the City was to start to reduce the number of 'red' menu options, reduce portion sizes (in particular the 'red' menu options), reduce the number of confectionery line items and start to increase the number of 'green' menu choices available. In addition, work needed to be done on how various products were displayed in the Café so as to better promote health options.

In February 2018, the City initiated its first complete menu assessment and this was repeated in July 2018. Outlined below is a summary of the assessment results;



	Items / Products Offered			Items / Products Displayed		
	Green	Amber	Red	Green	Amber	Red
<b>February 2018</b>						
No. Menu Items	62	64	126	25	29	82
Percentage of Total Items	25%	25%	50%	19%	21%	60%
<b>July 2018</b>						
No. Menu Items	76	67	76	38	33	55
Percentage of Total Items	35%	30%	35%	30%	26%	44%
% Change (February – July)	↑ 10%	↑ 5%	↓ 15%	↑ 11%	↑ 5%	↓ 16%

**Attachment 2** is a copy of the MARC Café July 2018 assessment report.

Whilst there has been significant improvement over the last 4 months from the initial assessment to the most recent menu audit, there is still some work to go for the City to reach the benchmark targets. In reviewing these achievements and with an objective of providing good quality healthy food options at the City's premium health facility, City officers have now established the following targets for the MARC Café;

Benchmark Target	> 40% Green; < 30% Red	1 January 2019
Healthy Option Target	> 45% Green; < 25% Red	1 July 2019

#### 4. Parking Issues

The Mandurah Aquatic and Recreation Centre car park has a total of 350 bays available, inclusive of ACROD parking. The last stage of the car park works were completed in March 2018, providing an additional 70 new parking bays.

Due to the unprecedented level of usage of the centre, car parking remains at a premium during peak periods and for large events in particular. This usage level saw some centre patrons parking on mulched kerbing areas resulting dangerous traffic obstructions. This issue has now been fully addressed with the installation of bollards in certain areas preventing patrons from parking in authorised areas.

At this stage, the car parking provisions at the Mandurah Aquatic and Recreation Centre have now been completed and customer safety in and around the Centre is currently being monitored.

#### **Statutory Environment**

N/A

#### **Policy Implications**

##### DA-RCS 01

The Manager Recreation Centres and Services has delegated authority to amend or vary the opening hours or periods of closure of the City's Recreation Centres.

#### **Risk Implications**

No risks have been identified in the development of this report.



## **Economic Implications**

The only economic implications associated with the Officer recommendations within this report relate to the proposed change to the weekend operating hours at the MARC on a trial basis over the forthcoming summer period (3 November 2018 to 3 March 2019).

Based on indicative cost estimates for staff labour, this would result in additional expenditure of \$8,500 not including any increases in facility utility costs (power, water, gas).

This amount has not been accounted for in the City's 2018/19 draft operating budget. The need for a revision to the Recreation Centres budget would need to be assessed at the time of the City's mid-year budget review process.

## **Strategic Implications**

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

### Social:

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

### Infrastructure:

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

### Organisational Excellence:

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

## **Conclusion**

At the March 2018 Council meeting, a Notice of Motion was passed requesting the Chief Executive Officer to report back on a range of operational items at the Mandurah Aquatic & Recreation Centre. City officers have reviewed all of the issues raised and provided details and status updates in relation to each of the items.

In summary, City officers are not recommending a change to the operating model of the MARC Gymnasium to an unsupervised facility due to the inherent risks associated with the management of such a service. However, officers are recommending changes to the weekend operating hours at the MARC commencing with a trial that would see the facility open at 6.30am on Saturdays and Sundays over the forthcoming summer period from 3 November 2018 to 3 March 2019.

City officers also fully support the move towards the MARC Café providing improved healthy food options and is working to transition this element of its business with the objective being to reach its initial targets by 1 January 2019.

### **NOTE:**

- Refer **Confidential Attachment 1**     **Unsupervised Operation MARC Fitness Facility**  
**Attachment 2**     **MARC Café Assessment – July 2018**

## **RECOMMENDATION**

### **That Council:**

- 1. Approves a change to the weekend operating hours at the Mandurah Aquatic & Recreation Centre with the facility to open at 6.30am on Saturdays and Sundays on a trial basis over the summer period from 3 November 2018 to 3 March 2019.**
- 2. Notes that a report on the levels of attendance at the Centre will be presented back to Council upon the conclusion of the trial period to determine whether or not the operating hours on weekends should be changed on a more permanent basis.**
- 3. Notes that the Café at the Mandurah Aquatic and Recreation Centre is currently midway through a transition in the healthy food options that it provides to its customers and that this process is ongoing; and**
- 4. Notes that the third and final stage of the car parking provisions at the Mandurah Aquatic and Recreation Centre has now been completed and customer safety in and around the Centre is currently being monitored.**

Your guide to providing healthier  
food and drinks in sport, recreation  
and entertainment venues



## City of Mandurah - Mandurah Aquatic and Recreation Centre (MARC)

### Reassessment July 2018

#### Summary of results

City of Mandurah's Mandurah Aquatic and Recreation Centre (MARC) is currently working towards a target of minimum 40% Green and a maximum of 30% Red. These percentages have been set based on achievable outcomes in recreation centre cafes.

The following table highlights the proportion of Green, Amber and Red on offer and display during the initial menu assessment completed in February 2018.

<b>FEBURARY 2018</b>	<b>Offered</b>			<b>Displayed</b>		
<b>MARC Cafe</b>	<b>Green</b>	<b>Amber</b>	<b>Red</b>	<b>Green</b>	<b>Amber</b>	<b>Red</b>
<b>Total Items</b>	<b>62</b>	<b>64</b>	<b>126</b>	<b>25</b>	<b>29</b>	<b>82</b>
<b>Percentages</b>	<b>25%</b>	<b>25%</b>	<b>50%</b>	<b>19%</b>	<b>21%</b>	<b>60%</b>

It is fantastic to hear since the initial assessment a number of changes have been made, such as reducing many red items including sugary drinks, ice creams, confectionary and high fat meats.

Based on these changes the percentage of Green of Amber has increased and Red has decreased. This is very positive.

The following table highlights the proportion of Green, Amber and Red on offer and display as of July 2018.

<b>JULY 2018</b>	<b>Offered</b>			<b>Displayed</b>		
<b>MARC Cafe</b>	<b>Green</b>	<b>Amber</b>	<b>Red</b>	<b>Green</b>	<b>Amber</b>	<b>Red</b>
<b>Total Items</b>	<b>76</b>	<b>67</b>	<b>76</b>	<b>38</b>	<b>33</b>	<b>55</b>
<b>Percentages</b>	<b>35%</b>	<b>30%</b>	<b>35%</b>	<b>30%</b>	<b>26%</b>	<b>44%</b>
	<b>↑10%</b>	<b>↑5%</b>	<b>↓15%</b>	<b>↑11%</b>	<b>↑5%</b>	<b>↓16%</b>

The traffic light menu assessments are provided under the following categories - drinks, ice cream, snack/confectionery, food, promotion and placement.

The following table highlights the percentages of Green, Amber and Red for each category for the menu assessments completed in both February 2018 and July 2018.

<b>FEBRUARY 2018</b>	<b>Green</b>	<b>Amber</b>	<b>Red</b>
<b>Drinks</b>			
<i>Totals</i>	16	34	42
<i>Percentages</i>	17%	37%	46%
<b>Ice Cream</b>			
<i>Totals</i>	0	4	18
<i>Percentages</i>	0%	18%	82%
<b>Snacks and Confectionary</b>			
<i>Totals</i>	4	6	41
<i>Percentages</i>	8%	12%	80%
<b>Food</b>			
<i>Totals</i>	42	20	25
<i>Percentages</i>	48%	23%	29%
<b>Overall menu</b>			
<i>Totals</i>	62	64	126
<i>Percentages</i>	25%	25%	50%

<b>JULY 2018</b>	<b>Green</b>	<b>Amber</b>	<b>Red</b>
<b>Drinks</b>			
<i>Totals</i>	19	34	22
<i>Percentages</i>	26% ↑9%	45% ↑8%	29% ↓17%
<b>Ice Creams</b>			
<i>Totals</i>	0	5	12
<i>Percentages</i>	0% -	29% ↑11%	71% ↓11%
<b>Snacks and confectionary</b>			
<i>Totals</i>	14	8	25
<i>Percentages</i>	30% ↑22%	17% ↑5%	53% ↓27%
<b>Food</b>			
<i>Totals</i>	43	20	17
<i>Percentages</i>	54% ↑6%	25% ↑2%	21% ↓8%
<b>Overall menu</b>			
<i>Totals</i>	76	67	76
<i>Percentages</i>	35% ↑10%	30% ↑5%	35% ↓15%

Improvements have occurred across all categories. The most significant change can be seen in the snacks and confectionary category. This category has seen the percentage of Green increase by 22% and the percentage of Red decrease by 27%.

The drinks category has also seen a very positive increase with Green increasing by 9% and Red decreasing by 17%

Drinks

Code	Brand and description	Serve sizes	Tick if not on display	Notes
	Mount Franklin plain water	600ml		
	Mount Franklin sparkling plain	450ml		
	Mount Franklin sparkling	450ml		Three flavours Berry, Lemon Lime
	Mount Franklin sparkling	450ml		
	Mount Franklin sparkling	450ml		
	Mount Franklin plain water	1.5L		
	Plain water pump	750ml		
	Fanta	450ml		
	Sprite	450ml		
	Coke	450ml		2 sizes
	Diet coke	450ml		2 sizes
	No sugar coke	390ml		2 sizes
	No sugar coke	600ml		
	Powerade ion 4 - no sugar	600ml		2 varieties
	Powerade ion 4 - no sugar	600ml		
	Powerade ion 4 - mountain blast	600ml		2 varieties
	Powerade ion 4 - gold rush	600ml		
	Harvey fresh - orange	450ml		No added sugar
	Golden circle - apple	350ml		99% fruit juice
	Golden circle - orange	350ml		
	Golden circle - apple blackcurrant	350ml		
	Oak - iced coffee	600ml		
	Oak - chocolate	600ml		
	Oak - strawberry	600ml		
	Oak - vanilla	600ml		
	Icebreak - coffee	500ml		
	Icebreak - iced coffee extra shot	500ml		
	Pauls milky max - chocolate	250ml		
	Pauls milky max - strawberry	250ml		
	Milkshake - Vanilla	Large	✓	5 flavours syrup
	Milkshake - Chocolate	Large	✓	Hilo milk, full fat ice cream syrup
	Milkshake - Strawberry	Large	✓	
	Milkshake - Banana	Large	✓	
	Milkshake - Spearmint	Large	✓	
	Milkshake - malt		✓	
	Flat white	Small 8oz	✓	Milk variety - Brownes full cream, Harvey fresh hilo milk, soy milk, almond milk, and Harvey fresh lactose free milk All milk drinks coded amber



				(except mocha) based on the assumption full fat milk is the standard milk used, Served with shortbread biscuit (coded red) Dine in - cup or mug (2 sizes)
	Flat white	Small	✓	Hilo
	Flat white	Medium 12oz	✓	All served with a butter shortbread biscuit
	Flat white	Large	✓	16oz volume
	Latte	Small	✓	
	Latte	Small	✓	Hilo
	Latte	Medium	✓	
	Latte	Large	✓	
	Turmeric latte	1 size		
	Espresso	1 size	✓	
	Macchiato		✓	
	Long black	Small	✓	
	Long black	Medium	✓	
	Long black	Large	✓	
	Chai latte	Small	✓	
	Chai latte Hilo	Small	✓	
	Chai latte	Medium	✓	
	Chai latte	Large	✓	
	Hot chocolate	Small	✓	Powered choc
	Hot chocolate	Medium	✓	
	Hot chocolate	Large	✓	
	Cappuccino	Small	✓	
	Cappuccino Hilo	Small	✓	
	Cappuccino	Medium	✓	
	Cappuccino	Large	✓	
	Mocha	Small	✓	Assuming mocha is prepared with chocolate powder
	Mocha	Medium	✓	
	Mocha	Large	✓	
	Vanilla syrup			Coffees prepared with syrup - syrups approx. 20mL
	Hazelnut syrup			
	Tea - black		✓	
	Tea - herbal		✓	
	Tea - green		✓	
	Frappes - chocolate	500ml	✓	Freschino Icy Frappe mix - ice, water added
	Frappes - white chocolate		✓	
	Frappes - cappuccino		✓	
	Smoothie - banana oat and honey	500ml	✓	Nestle Sjora smoothie concentrate
	Smoothie - berry crush		✓	Nestle Sjora conc mixed with water
	Smoothie - mango		✓	
	Smoothie - with vanilla protein		✓	Nestle Sjora smoothie concentrate

### Drinks - menu changes

- Replaced Pump flavoured water (Red) with three new ranges of Mount Franklin lightly sparkling (Green)
- Removed two varieties of soft drink (Red) and one variety of artificially sweetened soft drink (Amber)
- Removed all three varieties of Fuze iced tea (Red)
- Two varieties of Powerade (Red) replaced with artificially sweetened Powerade (Amber)
- Removed all three Kerri 25% fruit juices, 250mL (Red)
- Removed two coffee syrups (Red)
- Removed all four Fanta slushies (Red).

#### ***Drink - comments and recommendations***

- Well done on reducing the amount of sugary drinks on offer. For the drinks category your percentage of green has increased by 9% and your percentage of red has decreased by 17%.
- The café has done really well with cutting down on the amount of soft drinks it offers.
- It is encouraging to see you are already using reduced fat milk (Hilo milk) with your tea and coffee, however your coffee is served with a shortbread biscuit on the side. Consider removing the biscuit as it is high in energy and fat and creates a 'red' choice.
- It is great to see all fruit juices on offer are 96%-100% fruit juices, no added sugar. Small serve sizes up to 250mL are classified as Green, serve sizes larger than 250ml are Amber. Consider sourcing some fruit juices which is 250mL or less for Green classification.
- It is great to see Fuze Ice tea (Red) has been removed from the menu. This could be replaced with the Lipton 'light' iced tea which is artificially sweetened (Amber).
- It is great to see Fanta slushies (Red) have been removed from the menu. There are a range of fruit based slushies listed in the Star Choice™ Buyers Guide. For the recreation centre setting, 99% slushies are classified as Green ( $\leq 250\text{mL}$ ) or Amber ( $> 250\text{mL}$ ).

**Ice cream**

Code	Brand and description	Serve sizes	Tick if not on display	Notes
	Connoisseur vanilla			Peters, 2 varieties
	Connoisseur almond chocolate			
	Drumstick			2 varieties
	Drumstick			
	Maxibon			2 flavours
	Maxibon			
	Icy pole - raspberry			
	Icy pole - lemonade			
	Giant sandwich			
	Frosty fruits tropical			
	Proud and punch			Frozen yoghurt
	Proud and punch			
	Proud and punch			
	Lifesavers			
	Ice cream tub Dixie			
	Billabong			2 varieties
	Billabong			

***Ice Creams - menu changes***

- Added another variety of Proud and Punch frozen yoghurt which is classified as Amber
- Deleted seven varieties of ice-cream which are classified as Red
  - Connoisseur salted caramel
  - Connoisseur cookies and cream
  - One flavour of Drumstick
  - One flavour of Maxibon
  - Wagon Wheel
  - Arnott's mint sandwich
  - Barney Banana.

***Ice Creams - comments and recommendations***

- For the ice cream category your percentage of Amber has increased by 11% and your percentage of Red has decreased by 11%. Well done!
- It is recommended to analyse sales data and continue to remove the least popular items classified as Red
- Consider adding other Amber ice creams listed in the Star Choice™ Buyers Guide.

Snacks and confectionary

Code	Brand and description	Serve sizes	Tick if not on display	Notes
	Banana			
	Orange			
	Apple			
	Pear			
	Mandarin			
	Dried banana chips			45g
	Cranberry trail mix			Almonds, cranberries and seeds 45g
	Raisin bread	2 slice		Green provided that margarine is in a portion pack. It is recommended that margarine portions are provided on request (rather than automatically)
	Revive mix			Almonds, pepitas, sultanas and apricots 30g
	Vitality mix - coconut, almonds apricots sultanas and cranberries			30g
	Banana bread	1 slice		
	Dip crackers cheese picky tray			Savoury biscuit, veggie sticks hummus
	Mainland cheese and crackers			Replace with reduced at cheese
	Berry muesli yoghurt			Assuming reduced fat yoghurt, untoasted muesli
	Fruit salad	Small		
	Fruit salad	Large		
	Jelly - red			
	Jelly - green			
	Homemade energy balls - gluten free			Ingredients: dates
	Chocolate cookie			
	Smartie cookie			
	Macadamia cookie			Smaller size
	Muesli cookie			
	Carrot cake slice			Liveliighter recipe no icing
	Peppermint slice			
	Muffin - banana	Small		Homemade approx. 79g
	Muffin -zucchini and corn			4 varieties on offer daily
	Muffin - pumpkin			
	Muffin - mixed berry			

	Soothers			
	Bounce - almond			All above 600kJ
	Bounce - coconut			
	Bounce - super berry			
	Mentos - spearmint			
	Mentos - mint			
	Mars			
	Snickers			
	Mixed lollies			
	Red frogs			
	Shapes	48g		
	Grain waves	50g		
	Burger rings	45g		
	Smiths - BBQ	45g		
	Smiths - salted	45g		
	Smith - salt and vinegar	45g		
	Twisties	45g		
	Cheezels	45g		

### ***Snacks and confectionary - menu changes***

- Added three more types of fresh fruit (Green)
- White chocolate buttons (Red) removed from trail mix (Green)
- Added revive mix and vitality mix (both Green)
- Eight types of large café style muffins removed and replaced with four small homemade fruit/ or vegetable based muffins. These have been rated Amber for purposes of the calculation. For a more accurate assessment please send the recipes
- Removed three types of confectionary (Red).

### ***Snacks and confectionary - comments and recommendations***

- It is great to see a reduction in the amount of red snacks and confectionary on offer. For the snacks and confectionary category your percentage of Green has increased by 22% and your percentage of Red has decreased by 27%
- It is great to see more fresh fruit on the menu including whole fruit and fruit salad
- Well done on using the LiveLighter recipe to make the carrot cake. This is rated as Amber
- Consider expanding the range of reduced fat yoghurt (Green)
- It is pleasing to report the range of confectionary has been reduced from ten to seven. Consider reducing this even further
- The café style muffins are coded Red due to their large serve size above 60g. Consider replacing these with small fruit muffins (Amber)
- The trail mix is classified as red as it contains white chocolate buttons. It is recommended to remove the chocolate
- There are eight varieties of crisps of offer classified as Red. It is recommended the range is reduced and or/substituted for other savoury options categorised as Amber including
  - Natural Chip Company (19g)
  - Sunrise Wholegrain Mini Bites (20g)
  - Messy Monkeys (20g)
  - Koala Popcorn (25g)

**Food**

Code	Brand and description	Serve sizes	Tick if not on display	Notes
	Ham and salad plate			Vinegar dressing in portion size
	Roast beef and salad		✓	
	Tuna and salad plate		✓	
	Chicken and salad		✓	
	Chinese noodle salad			
	Spinach and pumpkin salad			
	Creamy pasta salad	Small		Fat free mayonnaise; vegetarian
	Salad bowl with egg		✓	
	Caesar salad	Plate	✓	
	Chicken Caesar salad		✓	
	Tortilla vege stack			Assuming served with salad as a side
	Ham and cheese croissant			
	Vegetable quiche			
	Focaccia - chicken cheese mayo			Toasted an option, low fat cheese
	Focaccia - ham		✓	
	Focaccia - cheese		✓	
	Focaccia - roast beef		✓	
	Focaccia - tuna		✓	
	Focaccia - egg		✓	
	Focaccia - salad		✓	
	Turkish - chicken		✓	
	Turkish - ham		✓	
	Turkish - cheese		✓	
	Turkish - roast beef		✓	
	Turkish - tuna		✓	
	Turkish - egg		✓	
	Turkish - salad		✓	
	Sandwich - egg and lettuce			
	Sandwich - curried egg			
	Sandwich - chicken			
	Sandwich - ham			
	Sandwich - roast beef			
	Sandwich - tuna		✓	
	Sandwich - salad		✓	
	Roll - ham and salad			
	Roll - chicken		✓	
	Roll - roast beef			
	Roll - tuna		✓	
	Roll - egg		✓	
	Roll - cheese		✓	
	Roll - salad		✓	



Wrap - ham		✓	
Wrap - chicken		✓	
Wrap - cheese		✓	
Wrap - salad		✓	
Wrap - tuna		✓	
Wrap - egg		✓	
Wrap - roast beef		✓	
BLT - Bacon, lettuce, tomato		✓	Turkish bread roll
BLT - sandwich		✓	
BLT - roll		✓	
Hamburger - basic		✓	
Hamburger with the lot		✓	
Veggie burger		✓	Assume grilled not deep fried
Steak sandwich		✓	
Chips	Small		
Chips	Large		Box
Chips and gravy	Large		
Wedges	Large		
Hot chicken roll			Prepack low grade chicken, mayo
Soup		✓	Assuming vegetable; no cream
Vegetable pasty			
Pasty			
Sausage roll			
Chicken veg Pie			
Chunky steak pie			
Potato pie			
Hot ham and cheese pizza subs			Low fat grated cheese, passata sauce and shredded leg ham grilled
Chiko roll			
Chicken strip		✓	
Seafood basket		✓	Deep fried
Chicken strip wrap and salad			
Hot beef gravy roll		✓	Assuming gravy not salt reduced
Vegetable spring roll			Deep fried
Sushi teriyaki chicken	One		3 varieties, 5 pieces
Sushi			
Sushi			
Sushi			
Rice paper rolls	3 serve		Prawn
Rice paper roll			Combination

### Food - menu changes

- Chicken and cheese focaccia made with reduced fat cheese instead of full fat cheese
- Salami removed as an option for focaccia, Turkish bread, sandwich, roll and wrap
- Removed chicken strip wrap.

### Food - comments and recommendations

- For the food category your percentage of Green has increased by 6% and your percentage and your percentage of Red has decreased by 8%. This is really encouraging
- It is great that you have increased your selection of Green items on the menu including salad, sushi and rice paper rolls, salad with dressing in portion control packs on the side and soup
- It is positive to note reduced fat cheese is being used in the chicken cheese focaccia. Consider using this in place of full fat cheese across all menu items containing cheese

- There is a good range of sandwiches, rolls, wraps and focaccias
- All deep fried items are Red e.g. chips, chiko roll, spring roll, chicken strip. Consider reducing the range of deep fried items
- The pastries on offer are classified as Red. If you were to use pastries listed in the Star Choice Buyer's™ Guide, these would be classified with Amber
- Burgers can be classified as Green depending on the ingredients and cooking method. For example, lean meat oven baked or grilled with a small amount of oil is Green. Serve on a wholemeal bun and with lots of salad to increase the nutritional value. Your burger with the lot has been classified as Amber assuming this contains full fat cheese and bacon.

<b>6</b>	<b>SUBJECT:</b> Tender T05-2018 – Electrical Services for Facilities <b>CONTACT OFFICER/S:</b> Simon Hudson / Natasha Pulford <b>AUTHOR:</b> Adelaide Wood / Vicki Lawrence <b>FILE NO:</b> F0000154923
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## Summary

The City of Mandurah invited tenders for Electrical Services for Facilities which covers electrical maintenance, installation and related services for buildings, community facilities, and minor external electrical infrastructure.

As a result of the evaluation of tendered submissions, Council is requested to accept Zalas Corporation Trading as Ballantyne Plumbing and Gas Electrical.

## Disclosure of Interest

Nil.

## Previous Relevant Documentation

G.30/12/14	16 December 2014	That Council awards Surun Services Pty Ltd the contract under Tender T09-2014 for Electrical Services for Facilities for a period of three (3) years, commencing on 1 February 2015 and expiring 31 January 2018, at the schedule of rates offered.
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## Background

The existing contract for the electrical services for facilities was due to expire in January 2018. Prior to expiry, the City re-engaged the incumbent contractor under the same conditions for a further seven month period expiring late August 2018.

## Comment

To provide continuation of the services, a Request for Tender (RFT) for Electrical Services for Facilities was advertised in the Saturday 21 April 2018 edition of the 'West Australian' and the Mandurah Mail on Thursday 26 April 2018, and was also displayed on notice boards at the Administration Centre and relevant libraries.

The contract will be for a period of three years, commencing on 1 September 2018, together with an option to extend the contract for a further one year subject to satisfactory performance.

The tender closed at 2:00pm on Tuesday 22 May 2018. In accordance with Regulation 18 (1) no tenders were received after the closing deadline. Submissions were received from the following:

1.	Advance Power Solution	Jandakot
2.	AKM Sunrise Electrical Group Pty Ltd	Byford
3.	Alison Electrical Technology Pty Ltd	Canning Vale
4.	Danber Technical Services	Piara Waters
5.	David Holden Pty Ltd t/as Holden's Electrical	Maddington
6.	Gundi Contracting Pty Ltd	West Perth
7.	Heru Holdings Pty Ltd	Cockburn
8.	Hoskins Investments Pty Ltd	Osborne Park
9.	Hunt Solutions Pty Ltd	Cockburn
10.	Insight Electrical Technology Pty Ltd	East Perth
11.	JCW Electrical Group Pty Ltd	Bunbury
12.	KP Electric (Australia) Pty Ltd	Alexandria, NSW

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to **Committee of Council Meeting of 14 August 2018**

13.	M Power U Electrical Contracting Pty Ltd	Rockingham
14.	Mark Sobey of High Energy Service	Wangara
15.	Murray District Electrical	Pinjarra
16.	Northlake Electrical Pty Ltd	Jandakot
17.	Programmed Facility Management	Belmont
18.	Remith Pty Ltd t/as Bay Electrical Service	Mandurah
19.	Surun Service Pty Ltd	South Fremantle
20.	Tachbrook Holdings Pty Ltd t/as Laser Electrical Bunbury	Bunbury
21.	Moreglen Holdings Pty Ltd t/as Searay Electrics	Mandurah
22.	Zalas Corporation tas Ballantyne Plumbing Gas and Electrical	Mandurah

The following weighted qualitative criteria were used to assess and rank each tender submission:

Demonstrated Organisational Experience	15%
Supervision and Resources	35%
Price	50%

To ensure that pricing did not influence the assessment of the qualitative criteria, the pricing was not provided to the evaluation panel until the assessment of the qualitative criteria was completed.

An evaluation panel, comprising of officers from the Infrastructure Management Department, individually assessed each tender against the weighted qualitative criteria submitted by each tenderer.

On completion of the assessment of the qualitative criteria, prices submitted were entered into the Evaluation Matrix as shown in the **Confidential Attachment** where a final analysis taking into account competitiveness and combined qualitative and price ranking was conducted in order to determine the tender which represented best overall value for money for the City.

As a result, the tendered submission from Zalas Corporation Trading as Ballantyne Plumbing and Gas Electrical was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer.

A member of the City's Governance and Tenders section coordinated and observed the tender evaluation process and is satisfied that the probity and procedural aspects relating to the evaluation were compliant.

## Consultation

A financial assessment was undertaken by Financial Services where no issues were identified.

Reference checks have been undertaken with nominated referees who reported that the preferred tenderer is considered to be capable of carrying out the contract.

Upon award of the Tender, all tenderers will be offered the opportunity to attend debriefs to be advised of the strengths and weaknesses of their submissions. Tenderers are also offered the opportunity to provide feedback to improve the way the City manages procurement processes.

## Statutory Environment

Part 4 of the *Local Government (Functions & General) Regulations 1996*.

## Policy Implications

Policy POL-CPM 02 – *Purchasing of Goods or Services*.

Policy POL-CPM 01 – *"Buy Local" Regional Price Preference*.

## **Risk Implications**

The risk to the City is considered low as it relates to insufficient contractor resources to deliver the tender, particularly in short turnaround times. If that case was to eventuate, the possibility of alternative supply would be contemplated.

## **Economic Implications**

Based on the three previous annual average fees for the works associated with this tender, it is estimated that \$620,000 will be spent during the three year period of the contract. The contract has a schedule of rates which is fixed for the first year, with an entitlement to adjust for CPI at each twelve month contract anniversary date. Provision has been made in various cost codes across the City's current financial budget for the services.

## **Strategic Implications**

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

### Organisational Excellence:

- Deliver excellent governance and financial management.

## **Conclusion**

Tenders for Electrical Services for Facilities were recently invited. Twenty two were received and assessed against both qualitative criteria and price. The result was that the submission from Zalas Corporation Trading as Ballantyne Plumbing and Gas Electrical represented overall best value for money for the City and is therefore recommended as the preferred tenderer.

### NOTE:

- Refer ***Confidential Attachment***.

## **RECOMMENDATION**

**That Council accepts Zalas Corporation Trading as Ballantyne Plumbing and Gas Electrical as the preferred tenderer for Tender T05-2018 for Electrical Services for Facilities.**

<b>7</b>	<b>SUBJECT:</b> Tender Number T06-2018 – Electrical Services for Pole Lighting <b>CONTACT OFFICER/S:</b> Simon Hudson / Natasha Pulford <b>AUTHOR:</b> Adelaide Wood / Vicki Lawrence <b>FILE NO:</b> F0000154954
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### Summary

The City of Mandurah invited tenders for Electrical Services for Pole Lighting which includes street lighting, sports lighting and all other pole or bollard lighting.

As a result of the evaluation of tendered submissions, Council is now requested to accept Murray District Electrical as the preferred tenderer.

### Disclosure of Interest

Nil.

### Previous Relevant Documentation

G.31/12/14	16 December 2014	That Council awards Surun Services Pty Ltd the contract under Tender 10-2014 for Electrical Services for Pole Lighting for a period of three (3) years, commencing on 1 February 2015 and expiring on 31 January 2018, at the schedule of rates offered.
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### Background

Prior to the current contract for Electrical Services for Pole Lighting expiring on 31 January 2018, it was extended for a seven month period expiring late August 2018.

### Comment

To provide continuation of the services, a tender for the Electrical Services for Pole Lighting was advertised in the 28 April 2018 edition of the 'West Australian' and the Mandurah Mail on 3 May 2018, and was also displayed on notice boards at the Administration Centre and relevant libraries.

The tender seeks the provision of the required services for a period of three years, commencing on 1 September 2018, together with an option to extend the contract for a further one year period subject to satisfactory performance.

The tender closed at 2:00pm on Tuesday 29 May 2018. In accordance with Regulation 18 (1) no tenders were received after the closing deadline. Submissions were received from the following:

1.	Advance Power Solutions	Jandakot
2.	AKM Sunrise Electrical Group Pty Ltd	Byford
3.	Anser Group Pty Ltd t/as Anser Technical	West Perth
4.	Citylights Holdings Pty Ltd t/as Auriemma Electrical Services	Munster
5.	David Holden Pty Ltd t/as Holdens Electrical Contracting	Maddington
6.	Gundi Contracting Pty Ltd	West Perth
7.	Hunt Solutions Pty Ltd	Cockburn Central
8.	Insight Electrical Technology Pty Ltd	East Perth
9.	JCW Electrical Group Pty Ltd	Bunbury
10.	KP Electric (Australia) Pty Ltd – a division of Tempo Australia Ltd	Alexandria NSW
11.	M Power U Electrical Contracting Pty Ltd	Rockingham



12.	Moreglen Holdings Pty Ltd a trustee for the R&L Family Trust t/as Searay Electrics	Mandurah
13.	Murray District Electrical	Pinjarra
14.	Remith Pty Ltd t/as Bay Electrical Service	Mandurah
15.	Surun Services Pty Ltd	South Fremantle

The following weighted qualitative criteria were used to assess and rank each tender submission:

Demonstrated Organisational Experience	15%
Supervision and Resources	35%
Price	50%

To ensure that pricing did not influence the assessment of the qualitative criteria, the pricing was not provided to the evaluation panel until the assessment of the qualitative criteria was completed.

An evaluation panel, comprising of officers from the Infrastructure Management section, individually assessed each tender against the weighted qualitative criteria submitted by each tenderer.

On completion of the assessment of the qualitative criteria, prices submitted were entered into the Evaluation Matrix as shown in the **Confidential Attachment** where a final analysis taking into account competitiveness and combined qualitative and price ranking was conducted in order to determine the tender which represented best overall value for money for the City.

As a result, the tendered submission from Murray District Electrical was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer.

A member of the City's Governance and Tenders section coordinated and observed the tender evaluation process and is satisfied that the probity and procedural aspects relating to the evaluation were compliant.

### Consultation

A financial assessment and credit check was undertaken by Financial Services where no issues were identified.

Reference checks have been undertaken with nominated referees who reported that the preferred tenderer is considered to be capable of carrying out the Contract.

Upon award of the Tender, all tenderers will be offered the opportunity to attend debriefs to be advised of the strengths and weaknesses of their submissions. Tenderers are also offered the opportunity to provide feedback to improve the way the City manages procurement processes.

### Statutory Environment

Part 4 of the *Local Government (Functions & General) Regulations 1996*.

### Policy Implications

Policy POL-CPM 02 – *Purchasing of Goods or Services*.

Policy POL-CPM 01 – *"Buy Local" Regional Price Preference*.

### Risk Implications

The risk to the City is considered low as it relates to insufficient contractor resources to deliver the tender, particularly in short turnaround times. If that case was to eventuate, the possibility of alternative supply would be contemplated.

## **Economic Implications**

Based on the three previous annual average fees for the works associated with this tender, it is estimated that approximately \$700,000 will be spent during the three year period of the contract. The costs to maintain pole lighting will be slightly higher than previous spend due to an increase in maintenance requirements for these types of assets.

The contract has a schedule of rates which is fixed for the first year, with an entitlement to adjust for CPI at each twelve month contract anniversary date. The pricing schedule submitted for the tender process is marginally higher than the current prices for both labour and equipment.

Provision has been made in various cost codes across the City's current financial budget for the services.

## **Strategic Implications**

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

### Organisational Excellence:

- Deliver excellent governance and financial management.

## **Conclusion**

Tenders for the Electrical Services for Pole Lighting were recently invited. Fifteen were received and assessed against both qualitative criteria and price. The result was that the submission from Murray District Electrical represented overall best value for money and it is therefore recommended that the City selects Murray District Electrical as the preferred tenderer.

### NOTE:

- Refer ***Confidential Attachment.***

## **RECOMMENDATION**

**That Council accepts Murray District Electrical as the preferred tenderer for Tender T06-2018 for the Electrical Services for Pole Lighting.**

<b>8</b>	<b>SUBJECT:</b>	Tender T08-2018 Lakelands District Open Space Automatic Irrigation System and Associated Infrastructure
	<b>CONTACT OFFICER/S:</b>	Simon Hudson / Natasha Pulford
	<b>AUTHOR:</b>	Jonathan Spain / Erin Johnson
	<b>FILE NO:</b>	F0000163501

## Summary

The Lakelands District Open Space project requires irrigation of 10ha of green playing surface and soft landscaping areas along with the installation of irrigation pumps and holding tanks.

The City of Mandurah invited tenders for the Lakelands District Open Space Automatic Irrigation System and Associated Infrastructure and as a result of the evaluation of tendered submissions, Council is now requested to accept LD Total as the preferred tenderer.

## Disclosure of Interest

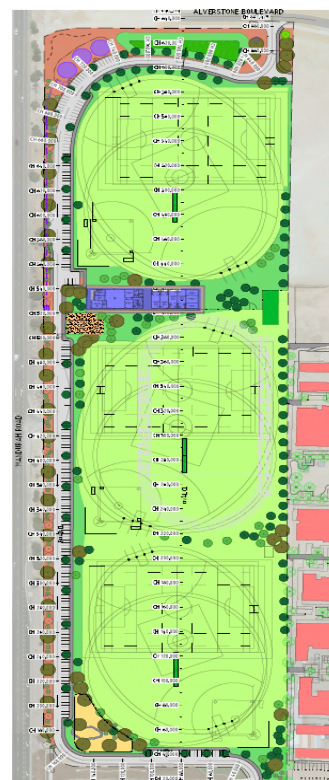
Nil.

## Location

Lakelands District Open Space (Existing)



Lakelands District Open Space (Designed)



## Previous Relevant Documentation

- G.28/3/18 13 March 2018

Council accepted Welltechnics Pty Ltd, trading as Darling Downs as the preferred tenderer for Tender 33-2017 for the Groundwater Bore Construction for the Lakelands District Open Space.

- G.30/3/13      30 March 2013      Council endorsed the Lakelands Shared Use School, Sport and Recreation Master Plan; and noted that the City would undertake a Feasibility Study to determine staging options, timeframes, costs and potential funding partners for the project.
  
- G.10/9/17      12 September 2017      Council noted the planned funding strategy and draft project timelines. Council approved the unbudgeted borrowings and unbudgeted capital expenditure for the Lakelands District Open Space Project.

## Background

The Lakelands District Open Space project consists of the construction of three sports ovals that will accommodate Australian Rules Football, Cricket, Baseball and Rugby, along with the construction of a new sports pavilion that will consist of change rooms, kiosk, toilets and showers, store rooms, universally accessible toilets, umpires change room, first aid, meeting space and social space. Other infrastructure on the reserve will be car parking and landscaping.

The works will consist of

- The supply and installation of a tank farm, pump-station, new controller and associated electrics;
- The installation of DN200/DN150 mainline and sleeves along with DN25 conduit for the 2 wire path;
- The installation of mainline pipework, lateral pipework, capped artic riser valves and all associated components; and
- The supply and installation of turf rotor, garden MP rotator, tree bubblers and valve boxes.

To provide goods and services a tender for the Lakelands District Open Space Automatic System and Associated Infrastructure was advertised in the 19 May 2018 edition of the 'West Australian' newspaper and displayed on notice boards at the Administration Centre and the relevant libraries.

## Comment

The tender closed at 2:00pm on Tuesday 19 June 2018 and in accordance with Regulation 18 (1) no tenders were received after the closing deadline. Submissions were received from the following:

1.	Challenger Values and Actuators	Welshpool
2.	Think Water Canning Vale Pty Ltd	Canning Vales
3.	Horizon West Landscape & Irrigation Pty Ltd	Wanneroo
4.	LD Total	Burswood
5.	Peel Scape Solutions	Mandurah
6.	Total Eden Pty Ltd	Bibra Lake

The tender submitted by Challenger Values and Actuators was rejected in accordance with clause 4 of the Conditions of Tendering document for not responding to all of the selection criteria.

The following weighted qualitative criteria were used to assess and rank each tender submission:

Relevant Experience and Skill including Technical Skills and Experience of Key Personnel	30%
Methodology	20%
Price	50%

To ensure that pricing did not influence the assessment of the qualitative criteria, the pricing was not provided to the evaluation panel until the assessment of the qualitative criteria was completed.

An evaluation panel, comprising of officers from Infrastructure Management, Technical Services, City Parks departments and an external irrigation consultant individually assessed each tender against the weighted qualitative criteria submitted by each tenderer.

On completion of the assessment of the qualitative criteria, prices submitted were entered into the Evaluation Matrix as shown in the **Confidential Attachment** where a final analysis taking into account competitiveness and combined qualitative and price ranking was conducted in order to determine the which tender represented best overall value for money for the City.

As a result, the tendered submission from LD Total was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer.

A member of the City's Governance and Tenders section coordinated and observed the tender evaluation process and is satisfied that the probity and procedural aspects relating to the evaluation were compliant.

### **Consultation**

A non-mandatory Industry Briefing and Site Inspection was held on Wednesday 23 May 2018 at Lakelands District Open Space. Prospective tenderers in attendance were:

- Cobey Perth.
- Total Eden Pty Ltd.
- LD Total.
- Peel Scape Solutions.
- Horizon West Landscape & Irrigation Pty Ltd.
- Think Water Canning Vale Pty Ltd.

A financial assessment was undertaken by Financial Services where no issues were identified.

Reference checks have been undertaken with nominated referees who reported that the preferred tenderer is considered to be capable of carrying out the contract.

Upon award of the Tender, all tenderers will be offered the opportunity to attend debriefs to be advised of the strengths and weaknesses of their submissions. Tenderers are also offered the opportunity to provide feedback to improve the way the City manages procurement processes.

### **Statutory Environment**

Part 4 of the *Local Government (Functions & General) Regulations 1996*.

### **Policy Implications**

Policy POL-CPM 02 – *Purchasing of Goods or Services*.

Policy POL-CPM 01 – *“Buy Local” Regional Price Preference*.

### **Risk Implications**

The delivery of the works are low risk given contract management measures will be in place through the course of the contract.

### **Economic Implications**

Provision has been made within the Lakelands District Open Space project budget for supply and installation of an automatic irrigation system and associated infrastructure. The price offered by the preferred tenderer is within budget allocation and allows for a contingency amount.

### **Strategic Implications**

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

Organisational Excellence:

- Deliver excellent governance and financial management.

**Conclusion**

Tenders for the Lakelands District Open Space Automatic Irrigation System and Associated Infrastructure were recently invited. Six were received and five were assessed against both qualitative criteria and price. The result was that the submission from LD Total represented overall best value for money for the City and it is therefore recommended that the City selects LD Total as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment.***

**RECOMMENDATION**

**That Council accepts LD Total as the preferred tenderer for Tender T08-2018 for the Lakelands District Open Space Automatic Irrigation System and Associated Infrastructure.**



<b>9</b>	<b>SUBJECT:</b> Proposed Cemeteries Amendment Local Law 2018 – Final Adoption <b>CONTACT OFFICERS:</b> Natasha Pulford/Craig Grandin <b>AUTHORS:</b> Sophie Luxton <b>FILE:</b> R0001155928
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### Summary

Following the statutory advertising period, the Cemeteries Amendment Local Law 2018 is ready for adoption where its purpose and effect is:

Purpose: to amend provisions within the City of Mandurah Cemeteries Local Law 2010.  
 Effect: to ensure the City of Mandurah Cemeteries Local Law 2010 is as clear and effective as possible.

Council is requested to resolve to adopt the *Cemeteries Amendment Local Law 2018* in its final form.

### Disclosure of Interest

Nil.

### Previous Relevant Documentation

- G.30/3/18      27 March 2018      Proposed Cemeteries Amendment Local Law 2018 – Adoption for advertising.
- G.44/4/11      26 April 2011      Cemeteries Local Law – Final Adoption.
- G.33/9/10      28 September      2010 Proposed Cemeteries Local Law – Adoption for advertising.

### Background

At its meeting of 27 March 2018 Council resolved to adopt the proposed City of Mandurah Cemeteries Amendment Local Law 2018 for advertising which is now complete.

### Comment

A minor amendment suggested by the Department of Local Government, Sport and Cultural Industries sought to bring the local law into line with the current practices of the Joint Standing Committee on Delegated Legislation. Amendments made include minor formatting and terminology modifications which have been integrated into the final version of the local law as shown in **Attachment 1**.

56 members of the community contacted the City with the majority either satisfied with, or provided no suggested amendments to, the proposed local law. One response was not supportive of the proposed amendments and there have been two other informal statements made not previously reported on the same matter:

Date	Summary of Response	City Response
Submission Received from Advertising Period	The waters on the cemeteries grounds are destroying the plaques, they go green and wreck the plaques. We are not allowed to cover the plaques to save any damage, so what can we do to save them.	Cemetery Officers understand that you would like to place a cover on your loved ones plaques in an endeavour to protect the plaques from the elements. Plaques, however are made from admiralty bronze which, over time, due to the natural ageing process of bronze known as 'patina' results in a subsequent discolouration of the bronze. Plaques are affected from weathering with the protective coating that is originally applied wearing away and leaving the bronze exposed to the elements. The placing of transparent covers can make the situation worse. Covers allow for moisture and dirt to be trapped contributing to the deterioration of the plaque." The problem can be prevented, or at least significantly reduced, with simple steps, like using inexpensive materials and supplies. For your reference I have included an information handout on 'How to Restore and Maintain a Bronze Headstone'.

Informal Statement May 2017	Disappointed that they have been requested to remove the Perspex frame which covers the memorial plaque.	A similar response was provided as above including ways in which to protect and preserve bronze memorial plaques.
Informal Statement May 2015	Angry because they were asked to remove a plastic windmill from a loved ones grave site. Feels it is unfair to restrict items that can be placed within the flower receptacles to flowers only.	Whilst it is appreciated that you would prefer that families were able to place personal items on the concrete plinths, the City's decision to limit the memorial items and their height has been as a result of complaints received about the untidiness of the Cemetery. This includes difficulty experienced in conducting general maintenance around the plinths, as a result of the scattering of memorial items by wind or curious wildlife through to sand and lawn clippings collecting on and around concrete plinths. There has also been an issue with memorial items from other grant holder's encroaching onto sites and instances whereby personal items on the concrete plinths has caused difficulties in accessing the area for future burials.

In addition to the above responses from the City, placing covers over memorial plaques has been identified as a risk both internally and through a Metropolitan Cemeteries Board audit.

Once adopted by Council, the local law will be given local public notice and advertised in the *Government Gazette* where it will come into operation on the 14th day after the day on which it is published.

### Consultation

In addition to the statutory advertisements that were placed in the West Australian, Mandurah Mail, on each public notice board and forwarded to the Minister for Local Government, officers also wrote to all Grant of Right of Burial Holders at the Lakes Memorial Cemetery to advise them of the City's intention to review the proposed amendment local law.

### Statutory Environment

- *Local Government Act 1995* Part 3, Division 2, Subdivision 2 - Local laws made under any Act.
- *Cemeteries Act 1986*.
- Delegation of Authority DA-LWE-07 allows the CEO to appoint Authorised Officers to carry out functions of the local law. section 3.14 of the *Local Government Act 1995*

### Policy Implications

'POL-CNP 01 Funeral Services in Community Halls and Public Open Spaces Policy' will require minor amendments following final adoption of the local law.

### Risk Implications

There are risks associated with introducing legislation around matters of a sensitive nature. Additional reasoning has been provided to clarify the minor nature of amendments.

### Economic Implications

None

### Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

**Conclusion**

Advertising of the proposed Cemeteries Amendment Local Law 2018 is now complete. Council is requested to consider the submission received and the City's response and make the local law as shown at **Attachment 1**.

NOTE:

- Refer **Attachment 1**      ***Cemeteries Amendment Local Law 2018***

**RECOMMENDATION**

**That Council adopt and advertise the *City of Mandurah Cemeteries Amendment Local Law 2018*.**

**\*\* ABSOLUTE MAJORITY REQUIRED \*\***

**CEMETERIES ACT 1986  
LOCAL GOVERNMENT ACT 1995  
City of Mandurah  
CEMETERIES AMENDMENT LOCAL LAW 2018**

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Mandurah resolved on ..... to make the following local law.

### **1. Citation**

This local law may be cited as the *City of Mandurah Cemeteries Amendment Local Law 2018*.

### **2. Commencement**

This local law comes into operation 14 days after following the date of its publication in the *Government Gazette*.

### **3. Principal local law amended**

This local law amends ~~in this local law~~, the *City of Mandurah Cemeteries Local Law 2010* as published in ~~the~~ *Government Gazette* No. 84 of 20 May 2011 ~~is referred to as the principle local law~~.

### **4. Clause 1.2 amended**

In clause 1.2:

- (a) Delete the definition for “*authorised person*” and replace with;  
     “***authorised person*** means a person;  
     (a) authorised by the Council, under section 9.10 of the *Local Government Act 1995* to perform all or any of the functions conferred on an authorised person under this local law; or  
     (b) appointed by the CEO of the Board under section 64 of the Act to issue infringement notices in accordance with section 63 of the Act;”.
- (b) insert the following definitions in alphabetical order:  
     “***coffin*** means a coffin or receptacle used for the transportation of a dead body to the grave;” and  
     “***vehicle*** has the same meaning as described in the *Road Traffic (Administration) Act 2008*;”.
- (c) In the definition for “***single funeral permit***” delete “.” and replace with “; and”.

### **5. Clause 3.4 amended**

In clause 3.4 delete ~~the words “twenty four<sup>24</sup>”~~ and replace with “~~forty eight<sup>48</sup>”~~”.

### **6. Clause 4.4 amended**

In clause 4.4 delete ~~the words “grave site”~~ and replace with the word “*gravesite*”.

### **7. Clause 5.3 amended**

In subclause 5.3(1)(c)(i) delete “3:00<sub>pm</sub>” and replace with “2:30<sub>pm</sub>”.

**8. Clause 5.7 amended**

In subclause 5.7(2) delete ~~the words~~ “25\_km” and replace with “5\_km”.

**9. Part 6 amended**

Following clause 6.1 ~~add~~insert:

**6.2 Dimensions of graves**

- (1) A person shall not bury a dead body in a cemetery other than in a standard grave, unless that person has the permission of an authorised person.
- (2) The permission of the authorised person in subclause (1) shall not be granted unless in the opinion of the authorised person, exceptional circumstances require granting of that permission.

**6.3 Preparation of graves**

A person shall not dig or prepare a grave or fill a grave, unless that person has the permission of an authorised person.

**10. Clause 7.2 amended**

In clause 7.2 following “no” ~~add~~insert “plants,”

**11. Clause 7.4 amended**

- (a) In subclause 7.4(a) delete “and”;
- (b) In subclause 7.4(b) following “military grave” ~~delete the full stop and add~~insert “; and”
- (c) ~~Insert~~After paragraph (b) insert  
(c) is still required to notify the Board of intending Australian War Grave and may be required to complete application for monumental works.

**12. Clause 7.5 amended**

- (a) ~~After~~Following clause 7.5(1) insert as follows –  
  
“(2) Nothing, whether transparent or otherwise, shall be placed over a memorial plaque.”
- (b) Re-number the ~~subclause previously numbered (2) as (3)~~remaining subclause accordingly.

**13. Clause 8.2 amended**

In subclause 8.2(b) following the word “appropriate” insert the word “waste”.

**14. Clause 8.6 amended**

In c~~E~~Clause 8.6 ~~amended by~~ inserting the word “waste” before the word “receptacle”.

**15. Clause 8.7 amended**

- (a) In subclause 8.7(a) delete “or” where it appears in the forth instance;
- (b) In subclause 8.7(b) insert ~~the word~~ “waste” before ~~the word~~ “receptacle”
- ~~(b)(c)~~ In subclause 8.7(b) delete the full stop and replace with “; or”;
- ~~(c)(d)~~ Insert After subclause (b) insert  
“8.7(c) mark, scribe or write on a plinth or memorial”.

#### 16. Clause 9.1 amended

- (a) In subclause 9.1(1) delete ~~the words~~ “in vases or” and replace with “wholly within”; and
- (b) In subclause 9.1(3) delete ~~the words~~ “without the approval of an authorised person”.

#### 17. Schedule 1 amended

In schedule 1 item no 2 delete ~~the words~~ “25\_kph” and replace with “5\_kph”.

#### 18. Schedule 2 amended

In schedule 2;

- (a) Delete ~~the words~~ “25\_kph” and replace with “5\_kph”;
- (b) In (a) delete ~~the words~~ “in person to Ranger Services, 5 Pinjarra Road Mandurah WA, or”; and
- (c) In “1. INFRINGEMENT NOTICES SERVED PERSONALY” delete the word “chance” and replace with the word “change”.

Dated: .....

The Common Seal of the City of Mandurah was affixed by authority of a resolution of the Council in the presence of—

RHYS JOHN WILLIAMS, Mayor.  
MARK R. NEWMAN, Chief Executive Officer.