



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 13 February 2018
at 5.30pm**

TONY FREE

Acting Chief Executive Officer
7 February 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

Nil.

5 PUBLIC QUESTION TIME

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

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

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

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

8 CONFIRMATION OF MINUTES: Tuesday 16 January 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	Budget Review 2017 / 2018	1 – 19
2	Local Government Act Review	20 – 40
3	Tender 28-2017: CCTV Optical Fibre and Camera Installation	41 - 45
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6	Public Access Easement – Lot 190 San Marco Quays	60 – 69
7	Public Access Easement – Lot 1289 Village Mews, Wannanup	70 – 75
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10	GIVIT – Donation Management Memorandum of Understanding	120 - 130
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16	Tender 29-2017 Electrical Consultancy Services	166 - 168
17	Tender 30-2017 Architectural Consultancy Services	169 - 171

13 LATE AND URGENT BUSINESS ITEMS
14 CONFIDENTIAL ITEMS

14.1 Relinquish Lease

15 CLOSE OF MEETING

1 **SUBJECT:** Budget Review 2017/18
 CONTACT OFFICER/S: David Prattent / Paul Bates
 AUTHOR: Paul Bates

Summary

The Budget Review provides a mid-year forecast of Council's financial performance for the current financial year. This review of business unit operating expenditure, revenues and capital works has resulted in an improved end of year financial position.

Council is requested to adopt the revisions to revenues and expenditures as outlined in Attachment 1 together with changes to the budget for capital expenditure Attachment 3.

Disclosure of Interest

None

Previous Relevant Documentation

- SP.02/7/17 18 July 2017 Adoption of 2017/2018 Budget and Rates (DP/PB) (Doc No 1716682) (Report 02). Carried with absolute Majority: 8/0

Background

At the adoption of the 2017/18 budget in July 2017, an overall deficit was reported at \$350,000. Two key issues were identified:

- The City faces a challenge in funding the maintenance of a significant, and growing, asset base while at the same time meeting the demands from newer communities for infrastructure. The growth currently seen in rates revenue is not sufficient to address this.
- Sections of the community, including businesses, were experiencing financial stress. This was not an issue that was unique to Mandurah although, in some cases, it might be amplified by particular demographic factors such as leveraging by first time home buyers or property investors. In this group, the capacity to absorb higher-than-average cost of living increased such as electricity and water charges and rates, made it important that the City took into account the affordability of its increase when recommending the budget and rates for 2017/18. It should also be said that, despite this, it was important that the City continued to provide services and investment that made Mandurah a location of choice for both residents and businesses.

The results of the review including comments on specific variances are included in Attachment 1.

Comment

The budget review process takes into account the following issues:

- A six month review of year-to-date expenditure versus budget with each manager.
- The provision by managers of their forecasts for expenditure and revenues.
- Discussions regarding the progress of projects and capital expenditure.
- A review of income sources and analysis of key trends influencing income.

Based on the outcomes from the activities above, the budget review provides the following overview:

- A forecast of operating income and expenditure for the year.
- An assessment of capital expenditure and projects.

For comparison purposes, the Budget Review has been assessed against the City's original adopted budget. A summary of the City's revised operating position is as follows:

Operating Summary	Adopted Budget '000s	Budget review '000s	Variance \$'000's	Variance %
Operating Revenue	108,287	107,296	(991)	-0.9%
Operating expenditure				
Direct Labour	49,584	49,570	(14)	0.0%
Administration of Administration Expenses	(10,017)	(9,923)	94	-0.9%
Operating Costs	52,201	51,422	(779)	-1.5%
Total Operating expenditure	91,768	91,069	(699)	-0.8%
Operating (surplus)/ deficit before depreciation	(16,519)	(16,226)	293	-1.8%
Depreciation	31,317	31,317		
Operating (surplus)/ deficit	14,798	15,091	293	2.0%

The Projected operating deficit has increased by \$293,000 due to several impacts on revenue as discussed on page 4. The increase in operating deficit has been offset by a movement in Capital expenditure, transfers and surplus carried forward as shown in page 3. The overall effect is that the overall deficit has turned into minor surplus. This leaves the City in a strong position going into the 2018/19 financial year.

After taking into account other inflows and outflows the overall position is as follows:

Report from **Chief Executive Office**
to **Committee of Council Meeting of 13 February 2018**

Other Adjustments	Adopted Budget '000s	Budget Review '000s	Variance \$'000's	Variance %
Other Inflows				
Grants & Contributions	6,940	9,098	2,158	31.1%
Proceeds from Disposal of assets	1,614	1,614	(0)	0.0%
Operating reserve	95	95	-	0.0%
Capital reserves	7,401	8,876	1,475	19.9%
New Loans	4,365	6,765	2,400	55.0%
Brought forward Loans	1,835	1,820	(15)	-0.8%
Loans Unspent	-	(2,500)	(2,500)	0.0%
Community Loans Repayments	270	270	-	0.0%
<i>Surplus (deficit) brought forward</i>	2,260	2,592	332	14.7%
			-	
Non Cash Items				
Loss on sale of assets	56	56	-	0.0%
Depreciation	31,317	31,317	0	0.0%
Total inflows	56,153	60,003	3,850	6.9%
Other outflows				
Capital Expenditure	35,046	38,182	3,136	8.9%
Repayment of debt	5,229	5,229	-	0.0%
Transfer to reserve	1,265	1,336	71	5.6%
Profit Sale	165	165	-	0.0%
Total outflows	41,705	44,912	3,207	7.7%
(Surplus)/ Deficit	350	(0)	(350)	

Below is a summary of the key changes noted for budget review, further analysis of these changes is provided in the report below.

Operating revenues & expenditure	2017/18			Impact on Financial
	Adopted Budget \$'000's	Budget Review \$'000's	Variances \$'000's	
Operating Revenue	108,287	107,296	(991)	
Key variances				
Financial Assistance Grants			(116)	Decrease to Revenue
Financial Assistance Grants Roads			(93)	Decrease to Revenue
Rates Interim			(200)	Decrease to Revenue
HHRC			(46)	Decrease to Revenue
MARC			152	Increase to Revenue
Building Services			(154)	Decrease to Revenue
Marina Pens			(200)	Decrease to Revenue
Tims Thicket Inert			(70)	Decrease to Revenue
Tims Thicket Septage			(250)	Decrease to Revenue
Operating Expenses	91,768	91,069	(699)	
Key variances				
Economic Development			(100)	Decrease to Expense
Sand Bypassing			(100)	Decrease to Expense
Systems & Technology			(135)	Decrease to Expense
Environmental Services			(115)	Decrease to Expense
City build			(277)	Decrease to Expense

Changes to capital expenditure are summarised as follows. A detailed breakdown is shown in Attachment 2:

	\$'000
Adopted budget 2017/18	35,046.4
Additional expenditure requiring Council approval	71.4
Additional expenditure previously approved by Council	3,064.4
Budget review 2017/18 total	38,182.2

The 2017/18 budget anticipated a minor deficit of \$350,000. After taking into account movements in operating costs and revenues, capital expenditure and reserve transfers, the Budget Review anticipates a break-even position at 30 June 2018. A more detailed commentary on these movements is as follows:

A revised Rate Setting Statement is shown at Attachment 3.

Operating Revenues

2016/17			
Adopted Budget \$'000's	Budget Review \$'000's	Variance \$'000's	Variance %
(108,287)	(107,296)	(991)	-0.9%

Key issues identified are:

- Rates - \$200,000 reduction*

Vicinity Ltd has lodged an appeal against the valuation for Mandurah Forum arguing that part of the shopping centre is non-operational during its re-development. The Valuer General has allowed the appeal, backdated to July 2016. Once the City is notified of the new valuation, a rate refund of approximately \$500,000 will be payable to Vicinity. As an offset to this, the next stage of the Centre re-development is due to become operational in March 2018 and the City will ask the Valuer General to provide a revised valuation to reflect this. Although it is not possible to calculate the effect of this, it is likely to be reasonably substantial. As a result, a provision of \$200,000 has been made to reduce rates to reflect both transactions.
- Tims Thicket Septage - \$250,000 reduction.*

The 2017/18 budget assumed that the septage facility would be re-opened part of the way through the financial year. In the event, delays in receiving works approvals from the Department of Environment and Regulation now mean it is almost certain that the facility will not re-open in this financial year.
- Recreation - \$106,000 increase*

The preliminary estimates of patronage of the new aquatic element under-estimated the popularity of the venue.
- Financial Assistance Grants - \$209,000 decrease*

The Financial Assistance grants provided by the Local Government Grants Commission is \$206,000 less than expected. This is due to the new census data provided in June, which in turn affected the distribution of Financial Assistance Grant allocations. The final impact is that the distribution to Western Australia is lower than originally advised and has then flowed through to the individual local governments. This change took place after the budget was adopted.
- Building Services - \$154,000 decrease*

The Building services section has seen a decrease in building application revenue in 2017/18. This is due to a decrease in building applications and this decrease is expected to continue for the rest of the financial year.

- *Marina - \$200,000 decrease*

The Marina Pens revenue has decreased significantly in 2017/18. As the vacancy rate has increased in the Marina, there have been less replacement boat owners seeking mooring facilities.

Operating Costs

2017/2018			
Adopted Budget \$'000's	Budget Review \$'000's	Variance \$'000's	Variance %
91,768	91,069	(699)	(0.8%)

To offset the decrease in Operating revenue the following operating costs have been reduced to maintain the councils operating position.

Key variances:

- *Sand bypassing - \$100,000 decrease*

This represents a lower than budget estimate for the regular works at Mandurah Ocean Marina.

- *Systems & Technology Leasing & licensing - \$82,000 decrease*

The HR system is been reassessed as a part of the ERP business case. This will provide for \$180,000 in savings. A new process mapping software, site core upgrade and project management system are been allocated to the 2017/18 Budget (\$65,000). A rostering and OSH system will also be implemented in 2017-18 with costs totalling \$40,000 been earmarked for these two projects.

- *Economic Development - \$100,000 decrease*

A temporary vacancy within the Economic Development team has resulted in a labour saving of \$100,000 being realised.

- *Environmental Services - \$115,000 decrease*

The Environmental services team have various projects that they undertake throughout the year. Several projects including the PHCC Senior Scientist (\$20,000), Westbury Way offset (\$20,000), Climate change adaptation NRM (\$30,000) and Mandurah Sustainable Home (\$10,000) have come in under budget.

- *Infrastructure Management - \$277,000 decrease*

The Infrastructure Management team had a project within the 2018/18 budget to develop a Floor Layout and Detailed Design for the Administration building. This project which was costed at \$150,000 has been deferred until 2018/19 with the project to be re-evaluated as a part of the 2018/19 budget process. Several other smaller design and consultants projects have also been deferred until future years.

Capital Expenditure / Revenue

A summary of the budget versus budget review position for capital expenditure and revenues are provided below.

	2017/18			
	Adopted Budget \$'000's	Budget Review \$'000's	Variance \$'000's	Variance %
Capital Expense	35,046	38,182	3,136	8.9%
<u>Capital Revenue</u>				
Grants and Contributions	(6,940)	(9,098)	2,158	31.1%
Proceeds from disposal of assets	(1,614)	(1,614)	0	0%
Transfers from reserves – Capital	(7,401)	(8,876)	1,475	19.9%
Total Capital Revenue	(15,955)	(19,588)	3,633	22.7%
<u>City of Mandurah Funding</u>	+			
New Loans	(4,365)	(6,765)	2,400	55.0%
Brought forward Loans	(1,835)	(1,820)	(15)	(26.0%)
City of Mandurah	(13,514)	(13,400)	(114)	(.8%)
Total CoM Funding	(19,714)	(21,985)	2,271	(11.5)

Although there is an increase in Capital Expenditure, these changes are offset by the net of movements in capital revenue and own-source funds.

Council has previously approved \$2.8 million in new loans for the Lakelands District open space project. The Sutton St road project was originally funded utilising loan funding for the 2017/18 component. Since the budget was adopted Roads to Recovery grants have been allocated for the project which has reduced the loan funding by \$400,000.

A reconciliation of capital movements is as follows:

Movement	\$'000	Comments
2017/18 Budget	35,046	
Changes to capital expenditure previously approved by Council ¹	3,065	See Attachment 2
Recommended changes to capital expenditure ² (net of savings)	71	See Attachment 2
Project overspending/additional	3,136	
2017/18 Budget Review	38,182	

¹Council has previously approved the following changes to the Original budget

- Mandurah Family & Community Centre \$195,000
- Ocean Rd Reserve – Sports Ground Lights \$397,771
- MPAC RVIF Equipment Upgrade \$167,000
- MARC/Waste Transfer Station – Solar Plan Phase 5 \$175,000
- Lakelands Pedestrian Footbridge \$150,000
- Pinjarra Road Upgrade \$250,000
- Gully Eductor \$330,000
- Lakeland District Open Space \$1,000,000
- Sutton St Extension (carryover adjustment) \$86,000
- Dower St Reconstruction (carryover adjustment) - \$49,000
- Discretionary Traffic Management (carryover adjustment) – \$62,000
- Clarice st to Mandurah Rd (carryover adjustment) – \$46,000
- Lakelands Bu embayment - \$70,000
- Falcon Bay Seawall (carryover adjustment) - \$15,000
- Gallop/Shayne st to Tasker Drainage (carryover adjustment) \$20,000

²Key Capital Budget Changes

Budget Increases

- Land Acquisitions for Pinjarra Rd works \$400,000
- MARC Redevelopment Stage 2 \$80,000

- MYC Extension & Upgrade to Sheds \$10,000
- Ops Main Roof Replacement (asbestos) \$15,000
- Bypass lane to new weighbridge at WTS \$35,000
- MARC Systems Integration \$150,000
- Possum Rope Bridge –Jinatong \$40,000
- Adana St to Pinjarra Rd Road works \$50,000
- Mississippi Drive Road Works \$37,450
- Extend Smoke bush Retreat \$65,000
- Sutton Street finalise new road link \$189,998
- Winter Wonderland Stage \$85,000
- Dolphin Timing System Scoreboard \$20,000

Capital Budget Savings

- Mandurah Quay Boardwalk Renewal (\$120,000)
- MATV upgrade to pit hardware (\$93,500)
- Drainage underspend (\$169,774)
- Coastal & Estuary project funds reassigned (\$123,610)
- Coastal & Estuary project underspend (\$83,779)
- Savings within Fleet Program (\$89,173)
- CSRFF Projects (\$140,393)
- Ocean Road Reserve – Sport Ground Lighting – (\$67,000) (carryover adjustment)

These are the key variances in the capital projects for 2017-18. There are several smaller projects that have come in under budget and they are outlined in attachment 2. Detailed comments on the changes to the Capital Projects can be found in attachment 2.

2016/17 Brought Forward Surplus

Since the budget adoption the City has finalised its end of year financial statements for the 2016/17 financial year. As a result, the surplus brought forward from last year has been revised as follows:

	\$'000
Carried forward surplus 1 July 2017	4,290
Adjust : pre-paid rates	(1,800)
Revised surplus	2,260

Statutory Environment

Local Government (Financial Management) Amendment Regulations (No 2) 2005 33A Review of Budget

Policy Implications

Nil

Economic Implications

The City's expenditure continues to be directed towards those items which enhance the attraction of Mandurah as an economic, lifestyle and tourist destination. Project expenditure also works towards the establishment of the City, and the surrounding region, as an economically sustainable entity.

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

The first half of the 2017/18 financial year has resulted in several significant impacts on the City budget. It is anticipated that for this full year, revenues will underperform against budget by approximately \$1 million. Although this represents less than 1% of the operating revenue budget, it is important to minimise the impact on the city's operating position. The reduced revenue will continue to be an issue going into 2018/19 with the upcoming budget 2018/19 likely to be impacted by the negative revenue trends.

Following a detailed assessment of the City's budgetary performance, adoption of the revised income and expenditure profiles and new capital budget amendments is recommended.

NOTE:

Refer

<i>Attachment 1</i>	<i>Budget Review by Business Unit 2017/18</i>
<i>Attachment 2</i>	<i>Budget Review Capital Expenditure 2017/18</i>
<i>Attachment 3</i>	<i>Budget Review Rate Setting Statement 2017/18</i>

RECOMMENDATION

That Council*:

- 1. Adopts revenues and expenditure as outlined in Attachments 1 and 3 as amendments to the 2017/18 Budget.**
- 2. Approved amendments to Capital expenditure budgets set out in Attachments 2.**

ABSOLUTE MAJORITY REQUIRED

2017-18 Budget Review Operating Revenue

	YTD Actuals 000s	YTD Budgets 000s	Original Budget 000s	Annual Budget 000s	Budget Review 000s	Budget Review Changes 000s	Budgetd Review Variance %	YTD Variance 000s	Revised Budget Variance %
Co-Ordinator									
Chief Executive Officer									
Chief Executive Officer	0	0	-47	-47	-47	0	0%	0	0%
Chief Executive Officer Total	0	0	-47	-47	-47	0	0%	0	0%
Economic Development									
Economic Development	-177	-38	-76	-76	-76	0	0%	140	234%
Economic Development Total	-177	-38	-76	-76	-76	0	0%	140	234%
Financial Services									
Financial Accounting	-3	-1	-1	-1	-1	0	0%	2	182%
Financial Services	-1,570	-2,586	-5,219	-5,219	-5,009	210	-4%	-1,016	30%
Rates Section	-71,600	-74,597	-75,496	-75,496	-75,296	200	0%	-2,997	95%
Financial Services Total	-73,172	-77,184	-80,716	-80,716	-80,306	410	-1%	-4,012	91%
Legal Services									
Elected Members	0	0	-1	-1	-1	0	0%	0	44%
Legal Services	-16	-5	-10	-10	-26	-16	168%	11	170%
Legal Services Total	-17	-5	-11	-11	-27	-16	152%	11	158%
Chief Executive Officer Total	-73,366	-77,227	-80,850	-80,850	-80,456	394	0%	-3,861	91%
Director People & Communities									
Manager Community & Social Development									
City Events	-88	-50	-450	-450	-451	-1	0%	38	20%
Community Development	-13	-3	-6	-6	-16	-10	169%	11	228%
CommunitySafety	-15	-8	-15	-15	-15	0	0%	8	100%
Seniors and Community Centre	-198	-202	-353	-353	-354	-1	0%	-4	56%
Youth Development	-41	-50	-100	-100	-99	1	-1%	-9	41%
Manager Community & Social Development Total	-355	-312	-923	-923	-934	-11	1%	43	38%
Manager Libraries & Learning									
Cultural Development	-74	-18	-120	-120	-124	-4	3%	55	61%
Libraries	-72	-102	-205	-205	-199	7	-3%	-31	35%
Museum	-3	-1	-3	-3	-3	0	0%	1	94%
Manager Libraries & Learning Total	-148	-122	-328	-328	-325	3	-1%	26	45%
Manager Recreation Services									
HHCRC	-200	-258	-534	-534	-488	46	-9%	-58	37%
MARC	-2,139	-1,933	-4,098	-4,098	-4,219	-121	3%	206	52%
Recreation Services	-192	-149	-272	-272	-272	0	0%	44	71%
Manager Recreation Services Total	-2,531	-2,339	-4,904	-4,904	-4,979	-75	2%	192	52%
Director People & Communities Total	-3,034	-2,773	-6,155	-6,155	-6,238	-83	1%	261	49%
Director Sustainable Development									
Environmental Services									
Environmental Services	-59	-13	-81	-95	-102	-7	7%	59	0%
Environmental Services Total	-59	-13	-81	-95	-102	-7	7%	59	0%
Planning Services									
Land Administration	-11	-17	-35	-35	-35	0	0%	-7	31%
Planning	-191	-142	-284	-284	-284	0	0%	49	67%
Planning Services Total	-202	-159	-318	-318	-318	0	0%	43	63%
Statutory Services									
Building Services	-530	-587	-1,175	-1,175	-1,020	155	-13%	-57	45%
Emergency Management	-27	-60	-120	-120	-120	0	0%	-33	22%
Environmental Health	-280	-138	-276	-276	-317	-42	15%	142	102%
Ranger Services	-532	-500	-879	-879	-823	56	-6%	32	61%
Statutory Services	0	-1	-2	-2	-2	0	0%	-1	0%
Statutory Services Total	-1,369	-1,286	-2,450	-2,450	-2,281	169	-7%	83	56%
Director Sustainable Development Total	-1,629	-1,458	-2,850	-2,864	-2,701	162	-6%	185	59%
Director Works & Services									
Director Works & Services									
Director Works & Services	-1	-1	-2	-2	-2	0	0%	0	49%
Director Works & Services Total	-1	-1	-2	-2	-2	0	0%	0	49%
Infrastructure Management									
Citybuild	-659	-562	-1,124	-1,124	-1,124	0	0%	97	59%
Project Management	-3	-3	-6	-6	-6	0	0%	0	54%
Infrastructure Management Total	-662	-565	-1,130	-1,130	-1,130	0	0%	98	59%
Marina & Waterways									
Chalets	-410	-375	-750	-750	-750	0	0%	36	55%
Marina & Waterways	-2,055	-1,941	-2,547	-2,547	-2,347	200	-8%	114	81%
Marina & Waterways Total	-2,465	-2,316	-3,297	-3,297	-3,097	200	-6%	149	75%
Operations Centre									
City Works	-95	-11	-23	-23	-23	0	0%	84	422%
Cityfleet	-43	-21	-207	-207	-207	0	0%	22	103%
Cityparks	-502	-400	-800	-800	-800	0	0%	103	63%
General Operations	-1	0	-1	-1	-1	0	0%	0	75%
Operations Centre Total	-641	-432	-1,030	-1,030	-1,030	0	0%	209	74%
Technical Services									
Asset Management	-1	-1	-2	-2	-2	0	0%	0	43%
Design Services	-3	-5	-10	-10	-10	0	0%	-2	35%

2017-18 Budget Review Operating Revenue

	YTD Actuals 000s	YTD Budgets 000s	Original Budget 000s	Annual Budget 000s	Budget Review 000s	Budget Review Changes 000s	Budgetd Review Variance %	YTD Variance 000s	Revised Budget Variance %
Co-Ordinator									
Landscaping Services	-2	-2	-3	-3	-3	0	0%	0	57%
Survey Services	-4	-3	-5	-5	-5	0	0%	2	85%
Technical Services Manager	-38	-47	-95	-95	-95	0	0%	-9	40%
Technical Services Total	-49	-58	-116	-116	-116	0	0%	-9	42%
Waste Management									
Waste Management	-11,551	-11,621	-12,668	-12,668	-12,350	318	-3%	-70	91%
Waste Management Total	-11,551	-11,621	-12,668	-12,668	-12,350	318	-3%	-70	91%
Director Works & Services Total	-15,370	-14,993	-18,242	-18,242	-17,724	518	-3%	377	85%
Executive Manager Strategy & BP									
Customer & Visitor Services									
Customer Service	-22	-25	-50	-50	-45	5	-10%	-3	43%
Records Management	-1	0	-1	-1	-1	0	0%	0	67%
Visitor Centre	-60	-47	-95	-95	-85	10	-10%	13	64%
Customer & Visitor Services Total	-83	-73	-146	-146	-131	15	-10%	10	57%
Organisational Development									
Human Resources	-1	0	0	0	0	0	0%	1	0%
Organisational Development	-4	-19	-39	-39	-39	0	0%	-15	11%
Organisational Development Total	-5	-19	-39	-39	-39	0	0%	-15	13%
Systems & Technology									
Systems & Technology	-2	-3	-6	-6	-6	0	0%	-1	29%
Systems & Technology Total	-2	-3	-6	-6	-6	0	0%	-1	29%
Executive Manager Strategy & BP Total	-89	-95	-191	-191	-176	15	-8%	-6	47%
Total	-93,488	-96,546	-108,287	-108,301	-107,296	1,006	-1%	-3,057	86%

2017-18 Budget Review Operating Labour Expenses

Co-Ordinator	YTD Auals 000s	YTD Budgets 000s	Original Budget 000s	Annual Budget 000s	Budget Review 000s	Budget Review Changes 000s	Budgetd Review Variance %	YTD Variance 000s	Revised Budget Variance %
Chief Executive Officer									
Chief Executive Officer									
Chief Executive Officer	221	269	539	539	481	-58	-11%	49	41%
Chief Executive Officer Total	221	269	539	539	481	-58	-11%	49	41%
Economic Development									
Economic Development	357	434	868	868	729	-139	-16%	76	40%
Economic Development Total	357	434	868	868	729	-139	-16%	76	40%
Financial Services									
Financial Services	94	101	203	203	193	-10	-5%	8	46%
Management Accounting	186	201	403	403	395	-8	-2%	15	46%
Financial Accounting	426	390	779	779	784	5	1%	-37	55%
Rates Section	247	263	525	525	532	7	1%	16	47%
Financial Services Total	953	955	1,910	1,910	1,904	-6	0%	2	50%
Legal Services									
Legal Services	449	486	971	971	964	-7	-1%	36	46%
Elected Members	169	162	324	324	326	2	1%	-7	52%
Legal Services Total	619	648	1,295	1,295	1,290	-5	0%	29	48%
Chief Executive Officer Total	2,150	2,306	4,613	4,613	4,404	-208	-5%	155	47%
Director People & Communities									
Director People & Communities									
Director People & Communities	168	175	350	350	346	-3	-1%	7	48%
Director People & Communities Total	168	175	350	350	346	-3	-1%	7	48%
Manager Community & Social Development									
Community Development	215	305	609	609	581	-29	-5%	90	35%
Manager Community & Social Development	117	111	223	223	224	1	1%	-5	53%
Youth Development	264	289	579	579	581	2	0%	25	46%
CommunitySafety	150	115	231	231	235	4	2%	-34	65%
City Events	219	258	517	517	524	7	1%	39	43%
Seniors and Community Centre	213	219	438	438	454	16	4%	6	49%
Manager Community & Social Development Total	1,178	1,298	2,597	2,597	2,599	2	0%	121	46%
Manager Libraries & Learning									
Libraries	797	842	1,685	1,685	1,597	-88	-5%	45	47%
Cultural Development	209	167	333	333	334	0	0%	-43	63%
Museum	78	79	157	157	157	0	0%	1	49%
Manager Libraries & Learning	99	103	205	205	214	9	4%	4	48%
Manager Libraries & Learning Total	1,183	1,190	2,380	2,380	2,301	-79	-3%	7	50%
Manager Recreation Services									
HHCRC	442	523	1,040	1,040	959	-81	-8%	81	43%
Recreation Services	353	401	803	803	791	-12	-1%	48	44%
Manager Recreation Services	48	45	90	90	93	4	4%	-3	53%
MARC	2,225	2,216	4,459	4,459	4,630	171	4%	-9	50%
Manager Recreation Services Total	3,068	3,185	6,392	6,392	6,474	82	1%	117	48%
Director People & Communities Total	5,597	5,848	11,719	11,719	11,720	1	0%	252	48%
Director Sustainable Development									
Director Sustainable Development									
Director Sustainable Development	175	171	341	341	342	1	0%	-4	52%
Director Sustainable Development Total	175	171	341	341	342	1	0%	-4	52%
Environmental Services									
Environmental Services	409	441	881	881	886	4	0%	32	47%
Environmental Services Total	409	441	881	881	886	4	0%	32	47%
Planning Services									
Land Administration	221	236	473	473	469	-4	-1%	16	47%
Planning	412	431	862	862	865	2	0%	19	48%
Planning Services Total	633	668	1,335	1,335	1,334	-1	0%	35	47%
Statutory Services									
Emergency Management	81	73	146	146	143	-3	-2%	-8	55%
Environmental Health	525	535	1,070	1,070	1,077	8	1%	9	49%
Building Services	562	586	1,173	1,173	1,181	8	1%	25	48%
Statutory Services	128	125	250	250	265	15	6%	-2	55%
Ranger Services	741	746	1,492	1,492	1,508	17	1%	5	50%
Statutory Services Total	2,037	2,065	4,130	4,130	4,175	45	1%	28	50%
Director Sustainable Development Total	3,253	3,344	6,688	6,688	6,737	49	1%	91	49%
Director Works & Services									
Director Works & Services									
Director Works & Services	261	264	527	527	536	9	2%	2	50%
Director Works & Services Total	261	264	527	527	536	9	2%	2	50%
Infrastructure Management									
Project Management	170	174	349	349	347	-2	-1%	4	49%
Infrastructure Manager	118	109	218	218	265	47	22%	-9	54%
Citybuild	935	968	1,936	1,936	2,038	102	5%	32	48%
Infrastructure Management Total	1,224	1,251	2,502	2,502	2,650	147	6%	27	49%
Marina & Waterways									
Marina & Waterways	431	531	1,063	1,063	1,059	-4	0%	100	41%

2017-18 Budget Review Operating Labour Expenses

Co-Ordinator	YTD Actuals 000s	YTD Budgets 000s	Original Budget 000s	Annual Budget 000s	Budget Review 000s	Budget Review Changes 000s	Budgetd Review Variance %	YTD Variance 000s	Revised Budget Variance %
Chalets	0	2	4	4	4	0	0%	2	0%
Marina & Waterways Total	431	533	1,067	1,067	1,063	-4	0%	102	40%
Operations Centre									
City Works	1,612	1,547	3,095	3,095	3,073	-22	-1%	-65	52%
Cityfleet	280	306	612	612	598	-13	-2%	26	46%
Cityparks	3,865	4,217	8,471	8,437	8,431	-6	0%	353	46%
General Operations	381	431	861	861	868	6	1%	49	45%
Operations Centre Total	6,138	6,501	13,039	13,006	12,970	-35	0%	363	47%
Technical Services									
Survey Services	196	204	407	407	397	-10	-2%	7	48%
Design Services	220	240	480	480	475	-6	-1%	20	46%
Landscaping Services	272	247	493	493	491	-2	-1%	-26	55%
Technical Services Manager	171	167	333	333	342	9	3%	-4	51%
Asset Management	591	562	1,123	1,123	1,139	16	1%	-29	53%
Technical Services Total	1,450	1,419	2,837	2,837	2,843	6	0%	-31	51%
Waste Management									
Waste Management	119	135	270	270	267	-3	-1%	16	44%
Waste Management Total	119	135	270	270	267	-3	-1%	16	44%
Director Works & Services Total	9,623	10,103	20,209	20,209	20,329	120	1%	480	48%
Executive Manager Strategy & BP									
Customer & Visitor Services									
Visitor Centre	220	223	447	447	439	-8	-2%	4	49%
Records Management	222	235	469	469	473	4	1%	12	47%
Customer Service	465	473	946	946	969	23	2%	8	49%
Customer & Visitor Services Total	907	931	1,862	1,862	1,881	19	1%	24	49%
Marketing & Communications									
Marketing & Communications	380	403	806	806	826	20	2%	23	47%
Marketing & Communications Total	380	403	806	806	826	20	2%	23	47%
Organisational Development									
Human Resources	398	357	714	714	715	1	0%	-41	56%
Organisational Development	456	467	934	934	954	20	2%	11	49%
Organisational Development Total	854	824	1,647	1,647	1,668	21	1%	-31	52%
Strategy & Business Performance									
Strategy & Business Performance	266	279	558	558	555	-3	-1%	13	48%
Strategy & Business Performance Total	266	279	558	558	555	-3	-1%	13	48%
Systems & Technology									
Systems & Technology	694	742	1,483	1,483	1,450	-33	-2%	48	47%
Systems & Technology Total	694	742	1,483	1,483	1,450	-33	-2%	48	47%
Executive Manager Strategy & BP Total	3,100	3,178	6,356	6,356	6,380	24	0%	77	49%
Total	23,723	24,780	49,585	49,585	49,570	-15	0%	1,057	48%

2017-18 Budget Review Other Operating Expenses

	YTD Actuals 000s	YTD Budgets 000s	Original Budget 000s	Annual Budget 000s	Budget Review 000s	Budget Review Changes 000s	Budgetd Review Variance %	YTD Variance 000s	Revised Budget Variance %
Co-Ordinator									
Chief Executive Officer									
Chief Executive Officer									
Chief Executive Officer	68	204	350	350	350	0	0%	135	0%
Chief Executive Officer Total	68	204	350	350	350	0	0%	135	0%
Economic Development									
Economic Development	858	1,181	1,729	1,729	1,729	0	0%	323	0%
Economic Development Total	858	1,181	1,729	1,729	1,729	0	0%	323	0%
Financial Services									
Financial Accounting	119	112	192	192	192	0	0%	-7	0%
Financial Services	189	155	267	267	292	25	9%	-33	-9%
Management Accounting	3	1	2	2	2	0	0%	-1	0%
Rates Section	738	430	737	737	737	0	0%	-308	0%
Financial Services Total	1,048	699	1,198	1,198	1,223	25	2%	-350	-2%
Legal Services									
Elected Members	690	597	752	752	757	5	1%	-92	-1%
Legal Services	338	384	659	659	659	0	0%	47	0%
Legal Services Total	1,028	982	1,411	1,411	1,416	5	0%	-46	0%
Chief Executive Officer Total	3,002	3,066	4,688	4,688	4,718	30	1%	63	-1%
Director People & Communities									
Director People & Communities									
Director People & Communities	27	107	183	183	183	0	0%	80	0%
Director People & Communities Total	27	107	183	183	183	0	0%	80	0%
Manager Community & Social Development									
City Events	272	458	1,212	1,212	1,212	0	0%	186	0%
Community Development	199	201	345	345	345	0	0%	3	0%
CommunitySafety	67	64	109	109	109	0	0%	-3	0%
Manager Community & Social Development	4	6	10	10	10	0	0%	2	0%
Seniors and Community Centre	112	148	254	254	257	4	1%	36	-1%
Youth Development	80	121	208	208	208	1	0%	41	0%
Manager Community & Social Development Total	734	999	2,138	2,138	2,142	4	0%	265	0%
Manager Libraries & Learning									
Cultural Development	252	462	792	792	816	24	3%	210	-3%
Libraries	625	704	1,208	1,208	1,138	-69	-6%	79	6%
Manager Libraries & Learning	2	1	2	2	2	0	0%	0	0%
Museum	18	81	139	139	63	-77	-55%	63	55%
Manager Libraries & Learning Total	897	1,248	2,140	2,140	2,018	-122	-6%	351	6%
Manager Recreation Services									
HHCRC	99	110	199	199	199	0	0%	11	0%
Manager Recreation Services	1	12	20	20	20	0	0%	10	0%
MARC	546	588	1,034	1,034	1,002	-32	-3%	42	3%
Recreation Services	290	293	525	525	530	5	1%	3	-1%
Manager Recreation Services Total	936	1,003	1,778	1,778	1,751	-27	-2%	67	2%
Director People & Communities Total	2,594	3,356	6,239	6,239	6,094	-145	-2%	762	2%
Director Sustainable Development									
Director Sustainable Development									
Director Sustainable Development	30	19	32	32	32	0	0%	-12	0%
Director Sustainable Development Total	30	19	32	32	32	0	0%	-12	0%
Environmental Services									
Environmental Services	314	498	853	853	738	-115	-13%	267	14%
Environmental Services Total	314	498	853	853	738	-115	-13%	267	14%
Planning Services									
Land Administration	25	32	56	56	46	-10	-18%	7	18%
Planning	25	42	71	71	61	-10	-14%	17	14%
Planning Services Total	50	74	127	127	107	-20	-16%	24	16%
Statutory Services									
Building Services	27	32	55	55	55	0	0%	5	0%
Emergency Management	105	176	302	302	227	-75	-25%	71	25%
Environmental Health	221	237	406	406	365	-41	-10%	15	10%
Ranger Services	238	197	338	338	338	0	0%	-40	0%
Statutory Services	1	0	1	1	1	0	0%	0	0%
Statutory Services Total	592	642	1,101	1,101	985	-116	-11%	50	11%
Director Sustainable Development Total	986	1,233	2,114	2,114	1,863	-251	-12%	329	12%
Director Works & Services									
Director Works & Services									
Director Works & Services	46	39	67	67	74	7	10%	-7	-10%
Director Works & Services Total	46	39	67	67	74	7	10%	-7	-10%
Infrastructure Management									
Citybuild	4,496	4,832	8,287	8,287	8,284	-4	0%	336	0%
Infrastructure Manager	88	173	296	296	146	-150	-51%	85	51%
Project Management	25	114	195	195	95	-100	-51%	89	51%
Infrastructure Management Total	4,608	5,118	8,779	8,779	8,525	-254	-3%	510	3%
Marina & Waterways									
Chalets	337	404	693	693	693	0	0%	67	0%

2017-18 Budget Review Other Operating Expenses

	YTD Actuals 000s	YTD Budgets 000s	Original Budget 000s	Annual Budget 000s	Budget Review 000s	Budget Review Changes 000s	Budgetd Review Variance %	YTD Variance 000s	Revised Budget Variance %
Co-Ordinator									
Marina & Waterways	271	1,433	2,458	2,458	2,337	-121	-5%	1,162	5%
Marina & Waterways Total	608	1,837	3,151	3,151	3,029	-121	-4%	1,230	4%
Operations Centre									
City Works	2,159	2,569	4,406	4,406	4,419	13	0%	411	0%
Cityfleet	57	77	132	132	132	0	0%	-16	0%
Cityparks	2,916	3,361	5,704	5,704	5,706	2	0%	446	1%
General Operations	76	93	159	159	159	0	0%	17	0%
Operations Centre Total	5,207	6,100	10,401	10,401	10,416	15	0%	858	0%
Technical Services									
Asset Management	60	85	146	146	146	0	0%	25	0%
Design Services	15	15	25	25	25	0	0%	0	0%
Development Services	18	58	100	100	100	0	0%	40	0%
Landscaping Services	12	67	114	114	114	0	0%	55	0%
Survey Services	65	75	129	129	129	0	0%	11	0%
Technical Services Manager	51	96	164	164	164	0	0%	45	0%
Technical Services Total	220	396	680	680	680	0	0%	176	0%
Waste Management									
Waste Management	6,499	6,996	11,998	11,998	12,023	25	0%	497	0%
Waste Management Total	6,499	6,996	11,998	11,998	12,023	25	0%	497	0%
Director Works & Services Total	17,188	20,488	35,076	35,075	34,747	-328	-1%	3,265	1%
Executive Manager Strategy & BP									
Customer & Visitor Services									
Customer Service	46	39	67	67	73	5	8%	-7	-8%
Records Management	59	92	158	158	159	1	1%	33	-1%
Visitor Centre	25	29	50	50	45	-5	-11%	5	11%
Customer & Visitor Services Total	130	161	276	276	277	1	0%	31	0%
Marketing & Communications									
Marketing & Communications	129	194	296	296	296	0	0%	65	0%
Marketing & Communications Total	129	194	296	296	296	0	0%	65	0%
Organisational Development									
Human Resources	29	30	51	51	51	0	0%	1	0%
Organisational Development	97	181	310	310	280	-30	-10%	84	10%
Organisational Development Total	126	211	361	361	331	-30	-8%	85	8%
Strategy & Business Performance									
Strategy & Business Performance	30	49	83	83	78	-5	-6%	19	6%
Strategy & Business Performance Total	30	49	83	83	78	-5	-6%	19	6%
Systems & Technology									
Systems & Technology	1,956	2,131	3,069	3,069	3,019	-50	-2%	174	2%
Systems & Technology Total	1,956	2,131	3,069	3,069	3,019	-50	-2%	174	2%
Executive Manager Strategy & BP Total	2,371	2,745	4,085	4,085	4,001	-84	-2%	374	2%
Total	26,141	30,887	52,201	52,201	51,422	-778	-1%	4,745	2%

Capital Works 2017/18 Budget Review

Job Type.Location	YTD Actuals	Commitments	Original Budgets	Annual Budgets	YTD Act vs Annual Bud	YTD % Variance	Approved changes	Budget Review	Budget Review Changes	Comment on Progress
1631 - Land										
1631.860016 - Land : Land Acquisitions	3,450	0	0	0	-3,450	0	0	400,000	400,000	Land Acquisition for Pinjarra rd. work
1631 - Land Total	3,450	0	0	0	-14,828	0	0	400,000	400,000	
1632 - Buildings										
1632.750289 - Buildings : RS - MARC Redevelopment Stage 2	0	0	0	0	0	0	0	80,000	80,000	A contractual amount owing to the builder from stage 1. This figure was inadvertently left out of the 2018/19 Budget
1632.750369 - Buildings : Design for Mandurah Nt Comm Centre	228,909	219,682	850,000	1,045,000	596,410	43	195,000	1,045,000	0	Council Meeting - 22 August 2017.
1632.750388 - Buildings : Ocean Road Reserve - Sports Grnd Lights	56,497	1,055,738	916,000	1,313,771	201,536	85	397,771	1,246,770	-67,001	Council Meeting - 22 August 2017.
1632.750390 - Buildings : Solar Plan - Phase Four	21,690	0	0	0	-21,690	0	0	22,000	22,000	carryover from 2016-17
1632.750391 - Buildings : Halls Head Ablution Block	325,120	0	350,000	345,000	19,880	94	-5,000	325,000	-20,000	Council Meeting - 22 August 2017.
1632.750392 - Buildings : Northport Beach Ablutions Block	131,558	3,725	140,000	140,000	4,717	97	0	145,000	5,000	Minor overspend
1632.750394 - Buildings : Milgar Street Ablution Refurbishment	129,239	0	140,000	136,000	6,761	95	-4,000	129,239	-6,761	Council Meeting - 22 August 2017.
1632.750395 - Buildings : MandurahQuay Boardwalk Renewal	10,979	7,227	150,000	184,000	165,794	10	34,000	64,000	-120,000	Council Meeting - 22 August 2017.
1632.750396 - Buildings : Cicerellos-Dome Boardwalk Renewal	271,006	54,495	300,000	350,000	24,500	93	50,000	350,000	0	Council Meeting - 22 August 2017.
1632.750404 - Buildings : MPAC RVIF Equipment Upgrade	68,021	74,771	250,000	417,000	274,208	34	167,000	417,000	0	Council Meeting - 22 August 2017.
1632.750411 - Buildings : Bill Bowler Skate Park Refurbishment	22,535	0	40,000	50,000	27,465	45	10,000	23,000	-27,000	Council Meeting - 22 August 2017.
1632.750433 - Buildings : Port Bouvard Surl Life Saving Club	90,370	0	1,867,007	1,867,007	1,776,637	5	0	1,717,005	-150,002	Reduced contribution for project
1632.750443 - Buildings : MYC Extension & Upgrade to Sheds	10,033	103,185	155,584	155,584	42,366	73	0	165,584	10,000	
1632.750447 - Buildings : CSRFF Projects	73,585	0	206,927	206,927	133,342	36	0	66,534	-140,393	Project to be completed by the club
1632.750450 - Buildings : Southern Estuary Hall Storage room	0	0	6,223	6,223	6,223	0	0	0	-6,223	
1632.750453 - Buildings : HHRC Lighting & Access Path Upgrade	0	0	41,489	41,489	41,489	0	0	0	-41,489	Project funds utilised for equipment purchases at MARC
1632.750454 - Buildings : MARC/Waste Transfer Station - Solar Plan Phase 5	12,301	9,400	207,445	382,445	360,744	6	175,000	382,445	0	Council Meeting 12 September 2017.
1632.750463 - Buildings : Mandurah Quay Boardwalk Stage 2	6,341	11,559	51,861	51,861	33,961	35	0	11,559	-40,302	Underspend
1632.750471 - Buildings : MARC Safe Working Platfrom	0	0	10,372	10,372	10,372	0	0	0	-10,372	Project funds re assigned
1632.750472 - Buildings : Seniors & Community Centre Arrestor Pit	0	0	20,745	20,745	20,745	0	0	0	-20,745	Project funds re assigned
1632.750483 - Buildings : Rushton Park Players Race	7,012	0	25,931	25,931	18,919	27	0	7,931	-18,000	Underspend
1632.750486 - Buildings : Upgrade Bin Enclosures Reserves & Parks	53,655	0	57,047	57,047	3,392	94	0	53,655	-3,392	Underspend
1632.750488 - Buildings : Upgrade Materials Recovery Facility Shed	0	0	51,861	51,861	51,861	0	0	15,000	-36,861	Underspend
1632.750490 - Buildings : MATV upgrade to pit hardware	0	0	103,500	103,500	103,500	0	0	10,000	-93,500	Underspend
1632.750491 - Buildings : Ops Main Roof Replacement (asbestos)	0	0	60,000	60,000	60,000	0	0	75,000	15,000	Additional costs to complete OSH project
1632.750497 - Buildings : Mandurah Bowling RC unbudgeted expeditur	10,208	0	0	0	-10,208	0	0	15,000	15,000	
1632.750498 - Buildings : Museum Courtroom Interpretation Project	0	0	0	0	0	0	0	76,500	76,500	Re-allocated from Operating Budget
1632.750499 - Buildings : Bypass lane to new weighbridge at WTS	0	0	0	0	0	0	0	35,000	35,000	Works to coincide with upgrade at WTS. Money coming from underspend on 1632.750488.
1632.750500 - Buildings : Sth Mandurah Tennis Club - Lighting	0	0	0	0	0	0	0	14,038	14,038	Club was successful in obtaining funding for the project. Project added to Budget Review as per Council report
1632.750501 - Buildings : MARC Systems Intergration	0	0	0	0	0	0	0	150,000	150,000	An issue has arisen in which the number of variable speed pumps needed to operate in the MARC complex are causing harmonic distortion and thus interrupting the fire alarm switchboard
1632 - Buildings Total	1,529,056	1,539,783	6,001,992	7,021,763	3,952,925		1,019,771	6,642,260	-379,503	
1633 - Marina										
1633.870017 - Marina : Marina - Carpark Extension	0	140,000	120,000	120,000	-20,000	117	0	140,000	20,000	20k coming from city works Car park to cover PO as requested by DP
1633 - Marina Total	0	140,000	120,000	120,000	-20,000	117	0	140,000	20,000	

Capital Works 2017/18 Budget Review

Job Type.Location	YTD Actuals	Commitments	Original Budgets	Annual Budgets	YTD Act vs Annual Bud	YTD % Variance	Approved changes	Budget Review	Budget Review Changes	Comment on Progress
1634 - Bridges										
1634.880007 - Bridges : Lakelands Pedestrian Footbridge	3,781	20,000	0	150,000	126,219	16	150,000	150,000	0	Council Meeting 28 November 2017.
1634 - Bridges Total	3,781	20,000	0	150,000	126,219	4	150,000	150,000	0	
1635 - Parks										
1635.700252 - Parks : Renew MPAC Forecourt Paving	214,789	0	250,000	220,000	5,211	98	-30,000	220,000	0	Council Meeting - 22 August 2017.
1635.700256 - Parks : Keith Holmes Res Disability Access Plan	8,308	0	0	0	-8,308	0	0	13,278	13,278	Carryover
1635.700257 - Parks : Novara Foreshore Stage 1 Master Plan	34,569	0	0	40,000	5,431	86	40,000	34,569	-5,431	Council Meeting - 22 August 2017.
1635.700263 - Parks : Bennet Brook Circle Landscaping	0	0	0	33,600	33,600	0	33,600	0	-33,600	Council Meeting - 22 August 2017.
1635.700272 - Parks : Lord Hobart Drive POS Shade	20,107	0	0	25,000	4,893	80	25,000	25,000	0	Council Meeting - 22 August 2017.
1635.700275 - Parks : Newport Dr - Heritage Lake Playground	14,723	0	50,000	13,000	-1,723	113	-37,000	14,723	1,723	Council Meeting - 22 August 2017.
1635.700310 - Parks : Portmarnock Reserve irrigation and bench	19,409	0	27,104	27,104	7,695	72	0	17,166	-9,938	Underspend
1635.700314 - Parks : Changing Places Visitor Centre Surrounds	21,812	0	21,683	21,683	-129	101	0	21,812	129	Minor overspend
1635.700317 - Parks : Fig Trees - Town Centre	6,481	0	5,421	5,421	-1,060	120	0	6,481	1,060	Minor overspend
1635.700318 - Parks : Irrigation - Blackwood Reserve	14,116	0	5,421	5,421	-8,695	260	0	14,116	8,695	Minor overspend
1635.700328 - Parks : Rushton Park North - Fencing Stage 2	19,055	0	21,683	21,683	2,628	88	0	19,056	-2,627	Underspend
1635.700331 - Parks : Soccer Goals Kingsley Fairbridge Reserve	2,816	0	4,337	4,337	1,521	65	0	2,458	-1,879	Underspend
1635.700332 - Parks : Southern Operations - Storage Shed	0	0	4,337	4,337	4,337	0	0	19,337	15,000	
1635.700340 - Parks : McLennan Reserve, Madora Bay	16,472	0	15,001	15,001	-1,471	110	0	16,472	1,471	
1635.700355 - Parks : Possum Rope Bridge –Jinatong	0	37,975	0	0	-37,975	0	0	40,000	40,000	Possum bridge in Dawesville partially funded by PHCC
1635 - Parks Total	392,658	37,975	404,987	436,587	5,954	52	31,600	464,468	27,881	
1636 - Roads										
1636.500708 - Roads : Sutton Street Extention	378,017	6,703	300,000	386,000	1,280	100	86,000	386,000	0	Council Meeting - 22 August 2017.
1636.500709 - Roads : NEW Dower St - Reconstruct/Widen	90,412	859,347	700,000	749,000	-200,759	127	49,000	749,000	0	Council Meeting - 22 August 2017.
1636.500722 - Roads : TM Discretionary Traffic Management	31,812	0	0	62,000	30,188	51	62,000	62,000	0	Council Meeting - 22 August 2017.
1636.500765 - Roads : SP Mandurah Tce nr Visitor Ctre Ablution	22,222	0	0	0	-22,222	0	0	22,222	22,222	Carryover
1636.500793 - Roads : NEW Gibson Street	131,868	0	130,000	130,000	-1,868	101	0	131,868	1,868	
1636.500794 - Roads : New Access Clarice St to Mandurah Rd	0	0	0	46,000	46,000	0	46,000	46,000	0	Council Meeting - 22 August 2017.
1636.500797 - Roads : Adana St to Pinjarra Rd	11,166	4,826	126,818	126,818	110,826	13	0	176,818	50,000	External contribution to project
1636.500801 - Roads : Mississippi Drive	207,915	9,194	179,659	179,659	-37,450	91	0	217,109	37,450	Job Completed over budget. Offset with underspend in drainage
1636.500802 - Roads : Pinjarra Road Upgrade	957,526	0	792,612	1,042,612	85,086	88	250,000	1,042,612	0	Council Meeting - 22 August 2017.
1636.500803 - Roads : Extend Smokebush Retreat	880	0	105,682	105,681	104,801	0	0	170,681	65,000	Additional costs due to underestimating the terrain and clearing work required. It also allows for shared path access for disable persons access due to steep slopes which has added to the cost.
1636.500804 - Roads : Sutton Street finalise new road link	651,650	278,661	739,771	739,772	-190,539	13	0	929,770	189,998	Additional funds are requested to cover unforeseen expenditure including the management of difficult ground conditions and high water table, service relocation and removal costs including asbestos containing materials and additional traffic and pedestrian management requirements to maintain staff and public safety. Please note that the total project cost has had to absorb costs associated with the subdivision of the Timbertop Caravan Park which further constrained the project budget.
1636.500812 - Roads : TM Leslie Street Bus Bay	0	0	31,704	31,704	31,704	0	0	0	-31,704	Project not required
1636.500813 - Roads : TM Mclarty Rd	327,986	6,590	317,045	317,045	-17,531	106	0	338,313	21,268	Project overspent- to cover outstanding PO for Watercorp

Capital Works 2017/18 Budget Review

Job Type.Location	YTD Actuals	Commitments	Original Budgets	Annual Budgets	YTD Act vs Annual Bud	YTD % Variance	Approved changes	Budget Review	Budget Review Changes	Comment on Progress
1636.500821 - Roads : CP Mandurah Marina	0	0	305,682	305,682	305,682	0	0	285,682	-20,000	Underspend
1636.500848 - Roads : SP Mandurah Tce Footpath	0	0	54,954	4,954	4,954	0	-50,000	4,954	0	Underspend
1636.500883 - Roads : SF Lakelands Bus Embayment	62,130	0	0	70,000	7,870	89	70,000	62,130	-7,870	Council Meeting - 22 August 2017
1636 - Roads Total	2,873,584	1,165,322	3,783,927	4,296,927	258,021	64	513,000	4,625,159	328,232	
1637 - Drainage										
1637.600120 - Drainage : SD Gallop/Shayne Sts to Tasker	1,906	2,823	0	20,000	15,272	24	20,000	20,000	0	Council Meeting - 22 August 2017
1637.600125 - Drainage : SD Watson Avenue	96,314	0	120,000	85,000	-11,314	113	-35,000	96,314	11,314	Council Meeting - 22 August 2017
1637.600126 - Drainage : SD Leura	2,083	0	0	45,050	42,968	5	45,050	2,083	-42,967	Council Meeting - 22 August 2017
1637.600127 - Drainage : Merlin St Waste Water Reuse Pipeline	415,468	17,766	500,000	475,000	41,766	91	-25,000	475,000	0	Council Meeting - 22 August 2017
1637.600128 - Drainage : SD Belinda Loop	34,119	3,636	105,682	105,682	67,927	36	0	50,000	-55,682	underspend
1637.600131 - Drainage : DR Conebush Circle	19,057	0	42,273	42,273	23,216	45	0	19,057	-23,216	underspend
1637.600134 - Drainage : DR Leura St WSUD Stage 2	56,409	0	79,261	79,261	22,852	71	0	66,975	-12,286	underspend
1637.600141 - Drainage : DR Skerne Court	11,187	0	31,704	31,704	20,517	35	0	11,187	-20,517	underspend
1637.600145 - Drainage : DR William Rd	0	0	26,420	26,420	26,420	0	0	0	-26,420	underspend
1637 - Drainage Total	636,541	24,225	905,340	910,390	249,623	40	5,050	740,616	-169,774	
1639 - Coastal & Estuary										
1639.910068 - Coastal & Estuary : C&E -RBFS Floating Jetty Merchants	143,160	0	220,000	220,000	76,840	65	0	144,000	-76,000	Reduced scope of works for project
1639.910072 - Coastal & Estuary : C&E - Falcon Bay Seawall	415,185	252,752	810,000	825,000	157,063	81	15,000	825,000	0	Council Meeting - 22 August 2017
1639.910074 - Coastal & Estuary : Marina Recreational Jetty A-H Nut Replac	0	0	20,700	20,700	20,700	0	0	0	-20,700	Project funds re assigned
1639.910075 - Coastal & Estuary : Sullage pump repalcement	0	0	10,350	10,350	10,350	0	0	0	-10,350	Project funds re assigned
1639.910078 - Coastal & Estuary : Riverside Non Powered Launch Facility	0	0	16,560	16,560	16,560	0	0	0	-16,560	Project funds re assigned
1639.910082 - Coastal & Estuary : Dredging Marina Main Entrance	98,220	0	155,249	155,249	57,029	63	0	98,220	-57,029	Underspend
1639.910083 - Coastal & Estuary : Carpark Overlay Dawesville Boat ramp	0	0	51,750	51,750	51,750	0	0	25,000	-26,750	Underspend
1639 - Coastal & Estuary Total	656,566	252,752	1,284,609	1,299,609	390,291	48	15,000	1,092,220	-207,389	
1640 - Equipment										
1640.820147 - Equipment : Council Chambers Replace Council Chairs	11,059	0	12,447	12,447	1,388	89	0	11,059	-1,388	
1640.820150 - Equipment : Council Lounge Window Coverings	5,439	0	6,223	6,223	784	87	0	5,439	-784	
1640.820151 - Equipment : Falcon elibrary circulation desk	9,656	0	10,372	10,372	716	93	0	9,656	-716	
1640.820154 - Equipment : Mandurah Library shelving	63,892	0	51,861	51,861	-12,031	123	0	63,892	12,031	Overspend
1640.820157 - Equipment : Dolphin Timing System Scoreboard	19,967	0	0	0	-19,967	0	0	20,000	20,000	Project to provide timing facilities at Aquatic centre.
1640.820158 - Equipment : Entertainment Stage	84,299	0	0	0	-84,299	0	0	85,000	85,000	Winter Wonderland stage. Capital cost of stage
1640.820159 - Equipment : Minor Equipment	0	0	0	0	0	0	0	2,500	2,500	
1640.820160 - Equipment : Motorised Backboard Mechanisms	0	10,395	0	0	-10,395	0	0	10,500	10,500	December 12th 2017 Council Report
1640.820161 - Equipment : MARC Chlorine Gas Alarm & Notification S	0	9,031	0	0	-9,031	0	0	8,500	8,500	December 12th 2017 Council Report
1640.820162 - Equipment : MARC Internal Alarms (Show Courts)	0	1,260	0	0	-1,260	0	0	1,500	1,500	December 12th 2017 Council Report
1640.820163 - Equipment : MARC Motorised Roller Door (Show Court)	0	2,197	0	0	-2,197	0	0	4,000	4,000	December 12th 2017 Council Report
1640 - Equipment Total	194,312	22,883	80,903	80,903	-136,292	58	0	222,046	141,143	
1641 - Machinery										
1641.770001 - Machinery : Replacement Light Passenger Vehicles	54,828	151,846	326,474	384,474	177,800	54	58,000	384,474	0	
1641.770002 - Machinery : Replacement Light Commercial Vehicles	451,850	112,494	918,217	918,217	353,873	61	0	888,217	-30,000	Savings within Fleet program
1641.770006 - Machinery : Trucks and Buses	0	614,688	484,483	814,483	199,795	75	330,000	845,660	31,177	Additional cost offset by savings within fleet program
1641.770007 - Machinery : Trailers	0	0	11,450	11,450	11,450	0	0	0	-11,450	Savings within Fleet program
1641.770009 - Machinery : Parks and Mowers	30,591	32,741	465,386	465,386	402,054	14	0	420,486	-44,900	Savings within Fleet program
1641.770010 - Machinery : Heavy Vehicles Plant and Equipment New	121,600	12,254	422,800	364,800	230,946	37	-58,000	352,400	-12,400	Savings within Fleet program
1641.770011 - Machinery : Minor Equipment	30,550	0	42,941	42,941	12,391	71	0	21,341	-21,600	Savings within Fleet program
1641 - Machinery Total	689,418	924,023	2,671,751	3,001,751	1,388,310	50	330,000	2,912,578	-89,173	
1646 - Lakelands DOS										

Capital Works 2017/18 Budget Review

Job Type.Location	YTD Actuals	Commitments	Original Budgets	Annual Budgets	YTD Act vs Annual Bud	YTD % Variance	Approved changes	Budget Review	Budget Review Changes	Comment on Progress
1646.700349 - Lakelands DOS : Earthworks	1,980	1,236	0	670,000	666,784	0	670,000	670,000	0	
1646.700351 - Lakelands DOS : Turf	1,800	0	0	0	-1,800	0	0	0	0	
1646.700352 - Lakelands DOS : Flood Lights	5,400	0	0	0	-5,400	0	0	0	0	
1646.750495 - Lakelands DOS : Water Provision Infrastructure	8,687	22,296	0	330,000	299,017	9	330,000	330,000	0	
1646.750496 - Lakelands DOS : Clubroom Facility	1,461	0	0	0	-1,461	0	0	0	0	
1646 - Lakelands DOS Total	19,328	23,532	0	1,000,000	957,141	4	1,000,000	1,000,000	0	Council Meeting 12 September 2017.
Total	6,998,694	4,150,494	15,253,509	18,317,930	7,157,364	438	3,064,421	18,389,347	71,417	

RATE SETTING STATEMENT

	Notes	Budget Review 2017/18 \$'000	Budget 2017/18 \$'000	Actuals 2016/17 \$'000
Revenue				
General Purpose Funding		6,107	5,786	7,293
Governance		50	50	81
Law, Order, Public Safety		760	799	1,118
Health		317	276	285
Education and Welfare		724	697	684
Community Amenities		13,070	13,381	13,001
Recreation and Culture		8,692	9,354	8,998
Transport		395	412	396
Economic Services		1,930	2,095	1,974
Other Property & Services		465	509	969
		32,510	33,359	34,799
Expenses				
General Purpose Funding		(1,995)	(1,944)	(1,843)
Governance		(6,361)	(6,112)	(5,784)
Law, Order, Public Safety		(3,346)	(3,329)	(3,440)
Health		(1,958)	(1,943)	(1,825)
Education and Welfare		(4,324)	(4,254)	(4,090)
Community Amenities		(17,589)	(17,562)	(19,933)
Recreation and Culture		(51,988)	(53,548)	(48,792)
Transport		(20,009)	(18,171)	(19,087)
Economic Services		(6,176)	(6,171)	(5,979)
Other Property & Services		(8,584)	(10,049)	(8,348)
		(122,330)	(123,084)	(119,120)
Other Inflows				
Grants and contributions for asset development		9,098	6,940	14,613
Proceeds from disposal of assets	7	1,614	1,614	2,000
Reserves utilised	13	8,971	7,469	17,843
Loans utilised	12	6,085	6,200	7,828
Contributions - community loans repaid		270	270	285
		26,038	22,493	42,569
Capital Works program				
Development of land for resale	6	-	-	-
Land and buildings		(12,024)	(10,817)	(13,911)
Furniture and fittings		(691)	(515)	-
Plant and machinery		(3,643)	(3,433)	(3,091)
Infrastructure assets - roads, drainage & bridges		(13,862)	(13,247)	(22,198)
Infrastructure assets - recreation		(5,339)	(4,168)	(3,469)
Infrastructure assets - marina		(2,623)	(2,866)	(53)
Infrastructure assets - coastal & estuary		-	-	(2,277)
Infrastructure assets - other		-	-	-
		(38,182)	(35,046)	(45,000)
Other Outflows				
Repayment of debt	12	(5,229)	(5,229)	(5,139)
Transfers to reserves	13	(1,336)	(1,238)	(10,207)
Loans to community and sporting bodies				
		(6,565)	(6,467)	(15,346)
Non-cash Items				
Infrastructure contributions from developers		-	-	-
Write back (Profit)/Loss on sale of assets	7	(109)	(109)	(57)
Write back depreciation	8	31,317	31,317	29,370
Long service leave now in reserves				
Add: Surplus / (deficit) July 1 b/fwd	4	2,592	2,260	2,490
Less: Surplus / (deficit) June 30 c/fwd		-	(350)	2,260
Amount to be made up from rates	14	(74,729)	(74,928)	(72,554)

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

2	SUBJECT:	Local Government Act Review
	CONTACT OFFICER/S:	David Prattent/Natasha Pulford
	AUTHOR:	Sophie Luxton
	FILE NO:	

Summary

The State Government has initiated a review of the *Local Government Act 1995* (the 'Act').

The review is being conducted in two stages, the first phase aims to modernise local governments and better position them to deliver services for the community.

The City has previously provided comments to the Western Australian Local Government Association (WALGA) on the review. However local governments are now invited to provide individual submissions to the Department of Local Government, Sport and Cultural Industries (DLGSCI).

Participating in the review process presents an opportunity for local governments to enact change and propose significant amendments to the legislation that guides us.

Council is requested to approve the prepared submission.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.16/10/17 10 October 2017 Review of the Local Government Act 1995 & Regulations

Background

The Act came into force on 1 July 1996 and only minor amendments have occurred over the past 21 years. The Minister for Local Government announced the commencement of a comprehensive review of the Act in June 2017. The review is being conducted in two phases, where the City along with other local governments, are working with stakeholders to propose amendments.

As part of the review WALGA and Local Government Professionals WA were invited to participate in a reference group on the review. WALGA prepared a discussion paper outlining proposed amendments to the Act and associated Regulations. At its meeting of 10 October, 2017 Council endorsed the contents of a report outlining the City's position in relation to each of the points raised in WALGA's discussion paper and requested officers forward the City's comments to WALGA. In addition to the items raised by WALGA the City identified a number of further opportunities for improvement. These items have also been conveyed to WALGA.

The Department have now released a consultation paper on phase one of the review and are seeking feedback from individual local governments with a deadline of 9 March 2018. It is anticipated that a consultation paper on phase two of the review will be released later in 2018.

Comment

The following topics for phase one of the review being put forward by DLSCI for discussion by local governments, stakeholders and the community are:

1. Relationships between Council and administration.
2. Training for Elected Members.
3. Behaviour of Elected Members.
4. Local Government Administration.

5. Supporting Local Governments in challenging times.
6. Making it easier for staff to transfer between State and Local Government employment.
7. Public confidence in Local Government - Gifts.
8. Transparency - Access to information.
9. Available Information.
10. Reducing Red Tape.
11. Regional Subsidiaries.

The topics each had a number of questions however discussions were previously held on some of the matters during the WALGA consultation phase so have not been replicated within this report. Where the City was not in support of the principle question further subsidiary questions have also been removed. The remaining questions and the proposed responses from the City are outlined at **Attachment 1**.

It is noted that the timeframe to respond is significantly short for such an important matter for local governments,

Consultation

The DLGSCI held two workshops at the City of Mandurah Monday, 4 December 2017.

The first workshop was held for officers and Elected Members of Local Governments within the WALGA Peel Zone and the second workshop was aimed at, and attended by community members and one officer of the City.

Statutory Environment

Local Government Act 1995 & Regulations.

Policy Implications

There may be the requirement in the future for the City to develop or amend policies dependant on the amendment outcomes of the review of the Act and associated Regulations.

Risk Implications

N/A.

Economic Implications

Nil.

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

The DLGSCI has prepared a consultation paper for phase one of the review outlining a variety of potential areas for improvement and have requested Councils provide submissions outlining their position in relation to each of the areas raised.

NOTE:

- Refer **Attachment 1** – *Department of Local Government, Sport and Cultural Industries Questions and the City's Proposed Response*

RECOMMENDATION

That Council:

1. Approves the submission at Attachment 1
2. Notes a forum to discuss the submission will be held Monday, 26 February 2018.

ATTACHMENT 1

Department of Local Government, Sport and Cultural Industries Questions and the City's Response

TOPIC: Relationships between Council and Administration

Ref	Question/Additional Notes	Proposed Comment
1.	How should a council's role be defined? What should the definition include?	The City supports the current definition for the role of council.
2.	How should the role of the CEO and administration be defined?	The City supports the current definition for the functions of the CEO.

TOPIC: Behaviour of Elected Members

Ref	Question/Additional Notes	Proposed Comment
3.	What competencies (skills and knowledge) do you think an elected member requires to perform their role?	This should be for individual Councils to determine.
4.	Should elected member training be mandatory? Why or why not?	<p>The City is opposed to the imposition of mandatory training for Elected Members. It should be for individual Local Governments to offer induction and training to incoming and current Elected Members.</p> <p>It is noted that there is currently no training requirement for State and Federal members.</p> <p>If training were to be a requirement for all Elected Members consideration should be given to recognition of prior learning for long term Elected Members.</p> <p>The most important point is not to introduce anything that may discourage wide representation from members of the community.</p>
5.	Should candidates be required to undertake some preliminary training to better understand the role of an elected member?	Any training should be in line with the training requirements placed on Candidates for State Government or not at all.
6.	Should standards of conduct/behaviour differ between local governments? Please explain	Standards of behaviour should be for individual Councils to determine.

Report from **Chief Executive Officer**
to **Committee of Council Meeting of 13 February 2018**

7.	<p>Which option do you prefer for codes of conduct and why?</p> <p>Option One: Codes of Conduct are no longer required</p> <p>Option Two: Codes of Conduct are required but the content is left to the local government's discretion.</p> <p>Option Three: Codes of Conduct are required. The content of a code is partially prescribed in regulations, but is otherwise at the local government's discretion (Status Quo).</p> <p>Option Four: Codes of conduct are required. The content is prepared by a local government and approved by the Minister.</p> <p>Option Five: Codes of Conduct are required. Local Governments must adopt a model code, with certain clauses subject to modification.</p> <p>Option Six: Codes of conduct are required. The codes will only cover the matters which local governments have a discretion to decide. All other matters are to be addressed in the Act and Regulations.</p>	<p>The City's preference would be for the status quo.</p> <p>Option Three: Codes of Conduct are required. The content of a code is partially prescribed in regulations, but is otherwise at the local government's discretion.</p>
8.	<p>How should a code of conduct be enforced?</p>	<p>This should be an internal disciplinary matter for individual councils to determine.</p>
9.	<p>Do you support streamlined Rules of Conduct regulations? Why?</p> <p>Proposal: that the Rules of Conduct are streamlined and more emphasis is placed on conduct that is likely to:</p> <ul style="list-style-type: none"> • be a detriment to the local government, • result in council dysfunction, or • impair public confidence in decision making. 	<p>Yes. Provided that the rules address the matters which could result in significant damage for the local government.</p>
10.	<p>If the rules were streamlined, which elements should be retained?</p>	<p>The City believes the following information to be the most significant:</p> <ul style="list-style-type: none"> • Misuse of information. • Disclosure of interest. • Securing personal advantage or disadvantaging others.
11.	<p>Do you support a reduction in the time frame in which complaints can be made? Is three months adequate?</p>	<p>Yes. The City believes that the three month timeframe is adequate.</p>

12.	<p>Revised disciplinary framework.</p> <p>Do you support an outcomes-based framework for elected members? Why or why not?</p> <p>The current Rules of Conduct Regulations would be repealed and the Act would be amended to set out that an elected member is to refrain from:</p> <ul style="list-style-type: none"> • impairing the integrity of the local government; • impairing the operational performance of the local government; • impairing the reputation of the local government; and • any other matters as set out in the regulations. <p>The focus of this framework would be on abuses of position, breaches of trust, dishonesty and bias.</p> <p>All complaints where a person believed that the outcomes were breached would be submitted through the local government complaints officer.</p>	<p>The City's preference would be for Streamlined Rules of Conduct Regulations where the emphasis is to address the high risk matters in legislation and increase the responsibility of local governments to manage disputes.</p>
13.	<p>Application of the Rules of Conduct.</p> <p>Should the rules of conduct that govern behaviour of elected members be explained to all candidates in council elections? Please explain</p>	<p>No. This is something which can be addressed after Members are sworn in.</p>
14.	<p>Offence Provisions:</p> <p>Should the offence covering improper use of information be extended to former members of council for a period of twelve months? Why?</p>	<p>Yes. Elected Members often still have a profile with the community even after they have concluded in their public role. Confidential information must remain as such.</p>
15.	<p>Should the above restriction apply to former employees? Please explain?</p>	<p>Yes. Confidential information must remain as such.</p>
16.	<p>Confidentiality:</p> <p>Is it appropriate to require the existence and details of a complaint to remain confidential until the matter is resolved? Why?</p>	<p>Yes. It is very important that all the facts of a matter are known and an outcome is reached before details are made public.</p>

TOPIC: Reforms of the Local Government Standards Panel and the means to review alleged breaches of the Rules of Conduct Regulations (Behaviour of Elected Members continued).

Report from **Chief Executive Officer**
to **Committee of Council Meeting of 13 February 2018**

Ref	Questions/Additional Notes	Proposed Comment
17.	<p>Sector conduct review committees.</p> <p>What do you see as the benefits and disadvantages of this model?</p> <p>Under this option, minor breach complaints would be processed by the local government complaints officer and forwarded to a sector-based Conduct Review Committee.</p> <p>The Conduct Review Committee could refer a matter to the Standards Panel if it believes that a breach warrants the Panel's involvement. Regulations could prescribe matters that must be sent directly to the Panel.</p>	<p>Perhaps the role of the Standards Panel needs to be reviewed instead of introducing a Sector Conduct Review Committee.</p> <p>This option appears to be adding red tape as opposed to reducing it.</p>
18.	In your opinion what matters should go directly to the Standards Panel?	<p>Major misconduct matters.</p> <p>Matters on appeal.</p>
19.	Who should be able to be a member of a panel: elected members, people with local government experience, independent stakeholders?	Members of the Standards Panel should be assessed based on their skills not their current position, with the exception of current local government employees who should be excluded from membership.
20.	Who should select the members for the pool?	Minister for Local Government.
21.	<p>Review of elected member non-compliance: Which of the options for dealing with complaints do you prefer?</p> <p>Status Quo or Sector Review Committee</p>	Status Quo.
22.	Who should be able to request a review of a decision: the person the subject of the complaint, the complainant or both?	The City feels that the option to request a review of the committee should be open to both the complainant and the subject of the complaint.
23.	Do you support the inclusion of mediation as a sanction for the Panel? Why or why not?	Yes. Mediation provides an opportunity to air any issues and explain both sides of the matter.
24.	Do you support the Panel being able to prohibit elected members from attending council meetings? Why or why not?	No.
25.	Do you support the Panel being able to award financial compensation to the local government? Why or why not?	No.
26.	<p>Complaint administrative fee: Do you support this option? Why or why not?</p>	No. People may be discouraged from submitting a complaint due to the fee. There are more appropriate ways to address the issue of vexatious claims i.e. panel having the ability to dismiss complaints.

Report from **Chief Executive Officer**
to **Committee of Council Meeting of 13 February 2018**

27.	Cost recovery: do you support the cost of the penalty proceedings being paid by a member found to be in breach? Why or why not?	No.
28.	Publication of complaints in the annual report: Do you support the tabling of the decision report at the Ordinary Council Meeting? Why or why not?	The City supports statistics to be released but not any identifying information.
29.	Tabling decision report at Ordinary Council Meeting - do you support this option?	No. Ordinary Meetings of Council should be about the operations of Council.
30.	Elected Member interests - should not-for-profit organisation members participate in council-decisions affecting that organisation? Why or why not?	The City believes that a member who has an interest in a not-for-profit organisation should not participate in decisions affecting that organisation.
31.	Considering the above - would your response be the same if the elected member was an office holder in the organisation?	Yes.

TOPIC: Local Government Administration – recruitment and selection of local government CEO's and public expectations of staff performance.

Ref	Questions/Additional Notes	Proposed Comment
32.	Would councils benefit from assistance with CEO recruitment and section? Why?	No. Councils need to retain autonomy. The current practice of the City is to engage expert assistance to guide the Council in the engagement of a CEO.
33.	How could the recruitment and selection of local government CEOs be improved?	Councils need to retain autonomy.
34.	Should the Public Sector Commission be involved in CEO recruitment and selection? If so, how?	It may be appropriate for the Public Sector Commission to offer their services. This may be of benefit to smaller regional councils. However Public Sector Involvement should only be at Council's discretion.
35.	Should other experts be involved in CEO recruitment and selection? If so, who and how?	This should be at Council's discretion.
36.	What competencies, attributes and qualifications should a CEO have?	This is up to individual Council's to determine.

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to **Committee of Council Meeting of 13 February 2018**

37.	Should the process of appointing an acting CEO be covered in legislation? Why or why not?	No. —Acting positions should be at the discretion of the local government and are already provided for in the <i>Interpretation Act 1984</i> .
38.	If so, who should appoint the CEO when there is a short term temporary vacancy (covering sick or annual leave for example)?	The appointment of an acting CEO should be at the current CEOs discretion. The CEO is best positioned to know the needs of the role over the vacancy period.
39.	Who should appoint the CEO if there will be a vacancy for an extended period (for example, while a recruitment process is to be undertaken)?	Council.
40.	Performance review of local government CEO's - who should be involved in CEO performance reviews?	This should be for individual Council's to determine.
41.	What should the criteria be for reviewing a CEOs performance?	This should be for individual Council's to determine.
42.	How often should CEO performance be reviewed?	In line with all modern performance reviews the CEOs performance review should continue to be conducted at least annually.
43.	Termination or extension of CEO contract around an election - would a 'cooling off' period before a council can terminate the CEO following an election assist strengthening productive relationships between council and administration?	The City's preference here is for the status quo. The CEOs political persuasion shouldn't factor. Determining a mandatory period where the Council cannot take any action could result in a very negative and damaging environment.
44.	Public expectation of staff performance - is greater oversight required over local government selection and recruitment of staff?	No. This should be subject to individual local government processes.
45.	Should certain offences or other criteria exclude a person from being employed in a local government If so, what?	This is heavily dependent on the roll and nature of the offence. Effective HR processes and background checks should efficiently address this matter outside of legislation.

TOPIC: Supporting Local Governments in challenging times.

Ref	Questions/Additional Notes	Proposed Comment
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<p>46. Remedial Intervention.</p> <p>Should the appointed person be a departmental employee, a local government officer or an external party? Why?</p> <p>Providing the State Government with the legislative power to formally implement a process to ensure local governments are providing good governance to their communities could take many forms including:</p> <ol style="list-style-type: none"> 1. Issuing a remedial notice requiring the performance of an action or activity. 2. The appointment of a person to the local government to assist local governments with a part of their operations. 3. Requiring the local government to participate in a capacity building program. <p>Option 2 (above) is to appoint a person to assist the local government to implement strategies to resolve the matter.</p> <p>In 2016, this approach was used on a voluntary basis to assist a shire to strengthen its financial management. This arrangement has been successful and presents an option for improving performance of local governments in areas beyond governance. Unlike the voluntary approach used in this case, the proposed approach would be formally incorporated within the Department's risk and compliance approach.</p> <p>An appointed person would need to be a suitably qualified person with relevant expertise. The appointed person would work with the local government for a set period and report on progress regularly to the Department. Depending on the nature of the matters of concern, the appointed person may assist the CEO or relevant staff, or the appointed person may oversee the administration.</p>	<p>No. This is a very significant matter and far more consultation and engagement with the sector and WALGA is required.</p>
<p>47. Should the appointed person be able to direct the local government or would their role be restricted to advice and support? Please explain.</p>	<p>This is a very significant matter and far more consultation and engagement with the sector and WALGA is required.</p>

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48.	Who should pay for the appointed person? Why?	This is a very significant matter and far more consultation and engagement with the sector and WALGA is required.
49.	<p>What powers should an appointed person have?</p> <p>To perform their duties, the appointed person would require wide-ranging powers and have the ability to employ a variety of strategies.</p> <p>This role could include:</p> <ul style="list-style-type: none"> • making recommendations to the council, CEO and the Department; • mediating between parties; • arranging for training; and • reviewing, and making recommendations on, practices and procedures. 	This is a very significant matter and far more consultation and engagement with the sector and WALGA is required.
50.	Remedial action process - do you think the proposed approach (above) would improve the provision of good governance in Western Australia? Please explain.	This is a very significant matter and far more consultation and engagement with the sector and WALGA is required.
51.	What issues need to be considered in appointing a person?	This is a very significant matter and far more consultation and engagement with the sector and WALGA is required.

TOPIC: Making it easier for staff to transfer between State and Local Government employment.

Ref	Questions/Additional Notes	Proposed Comment
52.	<p>Transferability of employees.</p> <p>Should local and State government employees be able to carry over the recognition of service and leave if they move between State and local government?</p> <p>Local government employees are defined in Western Australia legislation as 'public officers' but have a unique status that complicates recognition of service and the ability of employees to transfer between local and State government.</p> <p>These complications can make movement between local and State government less appealing for employees and limit the opportunity</p>	No. State Government is a completely separate body and should be viewed as much.

for transfers and secondments that currently give greater flexibility for State government agencies.

TOPIC: Public confidence in Local Government - Gifts.

Ref	Questions/Additional Notes	Proposed Comment
53.	<p>A new framework for disclosing gifts</p> <p>Is the new framework for disclosing gifts appropriate?</p> <p>It is widely acknowledged that current approach to gifts is overly complex and requires reform. The reference group agreed on an overhaul of the current requirements that included six key parts:</p> <ol style="list-style-type: none"> 1. There would no longer be separate monetary thresholds to determine what “type” of gift has been received, as is currently the case with “notifiable” and “prohibited” gifts and gifts under section 5.82. 2. All gifts received by local government elected members and CEOs valued at \$500 or more received from a donor in a 12-month period must be disclosed. 3. Recipients of gifts valued at \$500 or more would be prohibited from voting on matters before the council concerning the donor of the gift. The Minister for Local Government may, at their discretion and upon application, allow elected members to vote on such matters. 4. Exemptions from the gift provisions would be minimal to aid simplicity. 5. Gifts from a “relative” will continue to be exempt from disclosure; however, the definition of “relative” will be expanded to include adopted and foster children and grandchildren. <p>All local governments will be required to develop and adopt a gifts policy for employees other than the CEO. Individual local governments can determine what gifts can or cannot be</p>	<p>The City agrees in principle with a revamp of the gift provisions to streamline and simplify the area.</p> <p>The City is supportive of the proposal to expand the definition of relative to include adopted and foster children and grandchildren.</p> <p>The City is supportive of the proposal to allow Local Governments the ability to manage the matter of gifts for their employees through a policy.</p>

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	accepted by employees, any applicable threshold amounts and disclosure requirements.	
54.	Is the threshold of \$500 appropriate?	The legislative threshold should be in line with the requirements placed on the State Government. Additional, more stringent, rules should be set through policy at Councils discretion.
55.	Excluding gifts received in a personal capacity - should gifts received in a personal capacity be exempt from disclosure?	Yes.
56.	If yes, how could 'personal capacity' be defined?	That the gift is not provided due to the role held by the recipient. This should be for the individual to determine.

TOPIC: Transparency - Access to information.

Ref	Questions/Additional Notes	Proposed Comment
57.	<p>Public notices</p> <p>Which general option do you prefer for making local public notices available? Why?</p> <p><u>Option 1</u></p> <p>Both - Status Quo</p> <p><u>Option 2</u></p> <p>Local – Print or electronic notices</p> <p>State – No change to State-wide notice requirements</p> <p><u>Option 3</u></p> <p>Local - Print or electronic notices</p> <p>State – Print and electronic notices</p> <p><u>Option 4</u></p> <p>Both - Print or electronic notices</p>	<p>The City is in support of modernising requirements for public notices.</p> <p>The City supports option 6 which replaces the need to print notices with print and electronic notices for both local and state notice.</p> <p>Based on the City's most recent communications study it appears that our residents are split in the way they would like to receive their communication. It appears that notice boards in the Administration Building and Libraries are very rarely viewed and simply add red tape to the process.</p>

	<p><u>Option 5</u></p> <p>Both – Electronic notices required. Additional print notices are optional.</p> <p><u>Option 6</u></p> <p>Both – print and electronic notices</p> <p><u>Option 7</u></p> <p>Local – Electronic notice on local government website</p> <p>State – Electronic notice published on centralised website.</p>	
58.	Which general option do you prefer for State-wide public notices? Why?	As above.
59.	For State-wide notices in Attachment 3, are there alternative websites where any of this information could be made available?	The City is in support of the development of a central portal for local government notices.
60.	Information available for public inspection - how do you think information should be made available?	<p>Information should simply be required to be available for viewing upon request.</p> <p>Most medium to large local governments would make the majority of this information assessable through their website as a matter of course however requiring all of this information to be placed on the City's website could result in a significant increase in work load for smaller regional local governments.</p> <p>The information contained within:</p> <ul style="list-style-type: none"> • primary and annual returns • discretionary disclosures • CEO and Senior Employee contracts of employment • Rates records • Electoral Roll <p>should not be available on the City's website.</p>
61.	How often do you receive requests from members of the public to see the above information? What resources do you estimate are involved in providing access in person (hours of staff time and hourly rate)?	<p>Requests for information from the rates roll (i.e. the names and contact details of neighbours) are received on a regular basis.</p> <p>Many of the identified documents are published on the City's website and it is therefore difficult to calculate the number of requests received.</p>

TOPIC: Available Information - Expanding the information provided to the public.

Ref	Questions/Additional Notes	Proposed Comment
62.	<p>Which of these options do you prefer? Why?</p> <p><u>Option 1</u></p> <p>Status Quo – local governments can provide information at their discretion. This option prevents any increased regulatory burden.</p> <p><u>Option 2</u></p> <p>Additional reporting requirement – local governments must provide on their website. This option increases transparency but also increases the regulatory burden.</p> <p><u>Option 3</u></p> <p>Policy requirement – local governments would be required to develop a policy which states:</p> <ul style="list-style-type: none"> (a) Whether the information is available for public inspection; and (b) If so, how this information may be assessed by the public. <p>This option adds red tape and regulatory burden without adding any transparency.</p>	<p>The City's preference is for option 1. Local governments should have the discretion to make this information available should it be of benefit to its stakeholders.</p>
63.	<p>Please indicate whether you think the information below should be made available, and if so, whether this should be required or at the discretion of the local government.</p> <p>Proposed additional information to be provided:</p> <ul style="list-style-type: none"> • Live streaming video of council meetings on local government website • Diversity data on council membership and employees • Elected member attendance rates at council meetings 	<p>The City feels that it would be inappropriate to require local governments to make the following additional information available:</p> <ul style="list-style-type: none"> • EM attendance rates at external meetings/events • Complaints made to the LG and action taken • Performance reviews for CEO and senior employees • Adverse findings of SAT, standards panel and CCC • Financial and non-financial benefits register (Senior Employees and Ems – remuneration, super, other monetary benefits & fringe benefits)

- Elected member representation at external meetings/events
- Gender equity ratios for staff salaries
- Complaints made to the local government and actions taken
- Performance reviews of CEO and senior employees
- Website to provide information on differential rate categories
- District maps and ward boundaries
- Adverse findings of the Standards Panel, State Administrative Tribunal or Corruption and Crime Commission
- Financial and non-financial benefits register

TOPIC: Reducing Red Tape.

Ref	Questions/Additional Notes	Proposed Comment
64.	Should the provisions for a special majority be removed? Why or why not?	The City believes it is unnecessary to retain the definition of “special majority”.
65.	Is it necessary for some employees to be designated as senior employees? If so, what criteria should define which employees are senior employees?	The City believes that the designation of Senior Employees is unnecessary.
66.	Exemption from accounting standard AASB 124 – Related Party disclosure - are the existing related party disclosure provisions in the Act sufficient without the additional requirements introduced by AASB 124? Why or why not?	Proposal to exempt local governments from the requirement of AASB 124 is not supported. It is important for local governments to be transparent and subject to the same requirements as other body corporates.
67.	Disposal of property. The threshold for trade-ins was set originally to \$50,000 in 1996 and raised to \$75,000 in 2015. Should that threshold be raised higher, if so how high?	The City proposes that threshold for trade-in's be raised to \$150,000 in line with the tender threshold.
68.	Should the threshold remain at \$75,000 but with separate exemptions for specific types of equipment, for example plant?	As above
69.	The general \$20,000 threshold was put in place in 1996 and has not been amended. Should the threshold be raised higher than \$20,000? If so, what should it be and why? <i>r.30(3) A disposition of property other than land is an exempt disposition if — (a) its market value is less than \$20 000; or....</i>	The City proposes that the threshold for all property be raised to \$150,000 in line with the tender threshold.

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70.	Would raising these thresholds create an unacceptable risk that the items would not be disposed of to achieve the best price for the local government?	No. Individual local governments could get an evaluation if they had any doubt as to the value of the item.
71.	Do you have any other suggestions or comments on this topic?	<p><u>Disposition of property - s.3.58 and r.30</u></p> <p>(1) r.30(2)(a)(i) of the <i>Local Government (Functions and General) Regulations 1996</i> currently states:</p> <p>“A disposition of land is an exempt disposition if — (a) the land is disposed of to an owner of adjoining land and (i) its market value is less than \$5 000 and.....”</p> <p>A proposed amendment would be to increase the monetary value from \$5000 to \$20,000.</p> <p>This would remove the requirement to undertake the significant land disposal process for times where very small portions of land are being returned to property owners following a local government action such as road widening.</p> <p>(2) r.30(2)(e) of <i>Local Government (Functions and General) Regulations 1996</i> currently states:</p> <p>“A disposition of land is an exempt disposition if – (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land”</p> <p>A proposed amendment would be to increase the period from 2 years to 5 years.</p> <p>The above term increase would allow officers to issue licences for non-exclusive use of local government property (ie. Multiple groups utilising Community facilities) for a longer period therefore providing greater stability, for the user and programs for the centres.</p> <p>(3) r.30(2a) of <i>Local Government (Functions and General) Regulations 1996</i> currently states:</p>

“A disposition of property is an exempt disposition if – (2a) the property is disposed of within 6 months after it has been.....”

A proposed amendment would be to remove the timeframe altogether and allow local governments to dispose of property through private treaty once it has gone through the process outlined at Regulation 30(2a) of the *Local Government (Functions and General) Regulations 1996*.

Currently we have to return to Council every 6 months if land/property has not been sold during that timeframe, and return to a tender process before engaging in a new 6 month campaign.

If local governments had the freedom to actively market the property for an unlimited time, it would allow for greater flexibility and time to dispose of the said land/property. This is especially relevant when the local government is disposing of land estates consisting of more than one parcel of land (i.e. within the City of Mandurah Sapphire Cove – 45 lots which are being sold over a significant number of years because of market conditions).

Closing certain thoroughfares to vehicles – s.3.50

The City proposes that this section be amended so that where the purpose of closing a road is for public works the requirements of s.3.50(4) should not apply:

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who

wishes to make a submission; and

(b) give written notice to each person who —

(i) is prescribed for the purposes of this section; or

		<p>(ii) owns land that is prescribed for the purposes of this section; and (c) allow a reasonable time for submissions to be made and consider any submissions made.</p> <p>This amendment would reduce the red tape surrounding an operational matter for the Local Government.</p> <p><u>Affected owners to be notified of certain proposals - s.3.51</u></p> <p>(3) Before doing anything to which this section applies, a local government is to — (a) give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission.</p> <p>(4) The notice is to be given — (a) in writing to each person having an interest; and (b) if any land is likely to be adversely affected by the doing of the thing, by local public notice.</p> <p>The City would appreciate some clarification as to the term “adversely affected”. This term is used in three times throughout the Act.</p> <p>A further term used in this section that the City would appreciate clarification on is the matter of whether the local public notice required under s.3.51(3) is sufficiently achieved if the local government requires the developer to place the notice as a condition of approval.</p>
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TOPIC: Regional Subsidiaries.

Ref	Questions/Additional Notes	Proposed Comment
72.	<p>Which option do you prefer?</p> <p><u>Option 1</u> - Status quo.</p> <p><u>Option 2</u> - Regional subsidiaries are permitted to borrow from Treasury Corporation.</p>	<p>The City supports WALGAs proposal which would allow regional subsidiaries to:</p> <ol style="list-style-type: none"> 1. Borrow in their own right; 2. Enter into land transactions; and 3. Undertake commercial activities

Option 3 - Regional subsidiaries are permitted to borrow from financial institutions.

TOPIC: Local Government Act review – Additional Areas for Improvement.

Ref	Questions/Additional Notes	Proposed Comment
73.	You are invited to make comment and put forward suggestions for change on other matters which have not been covered in this paper	<p><u>Primary and Annual Returns:</u></p> <p>Officers raise the issue as to whether annual and primary returns remain necessary.</p> <p>The rationale behind the requirement for annual and primary returns and their availability to the public is questioned on a regular basis.</p> <p>It is understood that State and Commonwealth Government employees are not subject to the same requirement regardless of the fact that their decision making capability and services provided are not dissimilar.</p> <p>Elected Members and Officers are required to declare a financial or proximity interest should one arise, and it is an offence not to declare. Therefore the City would like to raise the issue of whether it is necessary to also require an annual statement of interest.</p> <p>It is recommended that the City also raise the consideration of restricting public access to primary and annual returns on the basis of privacy and also consider whether the depth of information currently requested is appropriate</p> <p><u>Receiving and opening tenders, procedures for – r.16</u></p> <p>Regulations relating to the requirement that two persons be present at each tender opening are no longer necessary for those local governments who have moved to utilising electronic tendering portals.</p>

The compliance and probity aspects within the electronic systems allows for an audit trail that is sufficient for third party review and does not allow for the acceptance of late tenders.

It is proposed that this requirement be removed from Regulations where electronic systems are used.

Notice – Things a notice may require to be done - Schedule 3.1

Schedule 3.1 provides the opportunity for the Local Government to require an owner or occupier to complete a prescribed task.

It is proposed that consideration be given to adding “effectively secure a dwelling” to the list of prescribed tasks.

This would be used in the event of a derelict house and would provide the City with the ability to require the owner or occupier to “effectively secure a dwelling” would assist to prevent access by squatters.

An example for a definition of secure would be to board up, repair latches and locks.

3	SUBJECT:	Tender T28-2017 – CCTV Optical Fibre and Camera Installation
	CONTACT OFFICER/S:	Tim Hartland / Natasha Pulford
	AUTHOR:	Haylee Bullock / Vicki Lawrence
	FILE NO:	F0000135936

Summary

The City of Mandurah invited tenders for the Close-Circuit Television Optical Fibre and Camera Installation in November 2017.

The works to be completed underneath this contract comprises of the installation of new Closed Circuit Television (CCTV) cameras and a new Optic Fibre Network across the Mandurah City Centre.

The project is jointly funded through a grant from the Peel Development Commission and the City budget.

For this tender the Qualitative Criteria and price schedules were divided into Separable Portions, being clearly identifiable and unique elements of the services to be provided under the tender. The portions were:

- Separable Portion One - Close-Circuit Television Optical Fibre
- Separable Portion Two - Camera Installation

Council approval is sought to select Spyker Technologies Pty Ltd as the preferred tenderer for Separable Portion One - Close-Circuit Television Optical Fibre and Separable Portion Two - Camera Installation.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- WU 11/12/17 Council update on the progress of the project
- WU 11/9/17 Council update on the funding received and the progress of the project
- G.14/2/17 Community Safety and Crime Prevention Strategy 2017 – 2022 was endorsed by Council, which reference to the CCTV Master Plan 2013.
- WU 27/10/15 Council update on the CCTV grant application process commenced

Background

The installation of CCTV cameras and optic fibre networking is in accordance with Strategy 2.4 in the City's Community Safety and Crime Prevention Strategy 2017 – 2022. This comprises of Crime Prevention through Environmental Design (CPTED) outcomes, inclusive to CCTV infrastructure to increase community safety and reduce crime.

The current IP CCTV System comprises of 60 Public Area Cameras, where these cameras are guided by the Mandurah City Centre CCTV Feasibility & Master Plan 2013. In addition, Mandurah Police provide assistance through utilising local crime data to identify priority 'hot spot' locations that require CCTV surveillance. This consultation with Mandurah Police is reflective of the current Memorandum of Understanding (MOU) between Mandurah Police and the City.

In addition, this MOU allows Mandurah Police to have direct access to the City's IP Public Area CCTV System in case a criminal incident is to occur.

The City utilises CCTV to cover 'hot spots' high traffic pedestrian areas within the CBD and entertainment precinct and the cameras have the ability to act as a 'capable guardian' to deter anti-social behaviour and crime.

The Optic Fibre Network will build capacity and expansion into the current Internet Protocol Enabled Surveillance System (or IP CCTV System) to allow for the most critical CCTV “wireless links” to be replaced with optic cable. In addition, optical fibre will allow for opportunities of other Smart Cities opportunities and community related initiatives to be implemented in the future.

This Project will enable the following works:

- Optical fibre from the Data Centre, along the Eastern Foreshore to the car park located near the Redmanna Waterfront Restaurant.
- 12 new CCTV cameras across six locations, including Keith Holmes Reserve, southern end of Mandurah Terrace and the Eastern Foreshore, Brighton Hotel Laneway, Pinjarra Road (near Rangers building) and Barracks Lane.
- CCTV-related infrastructure that will enable the System to further expand when funding becomes available.

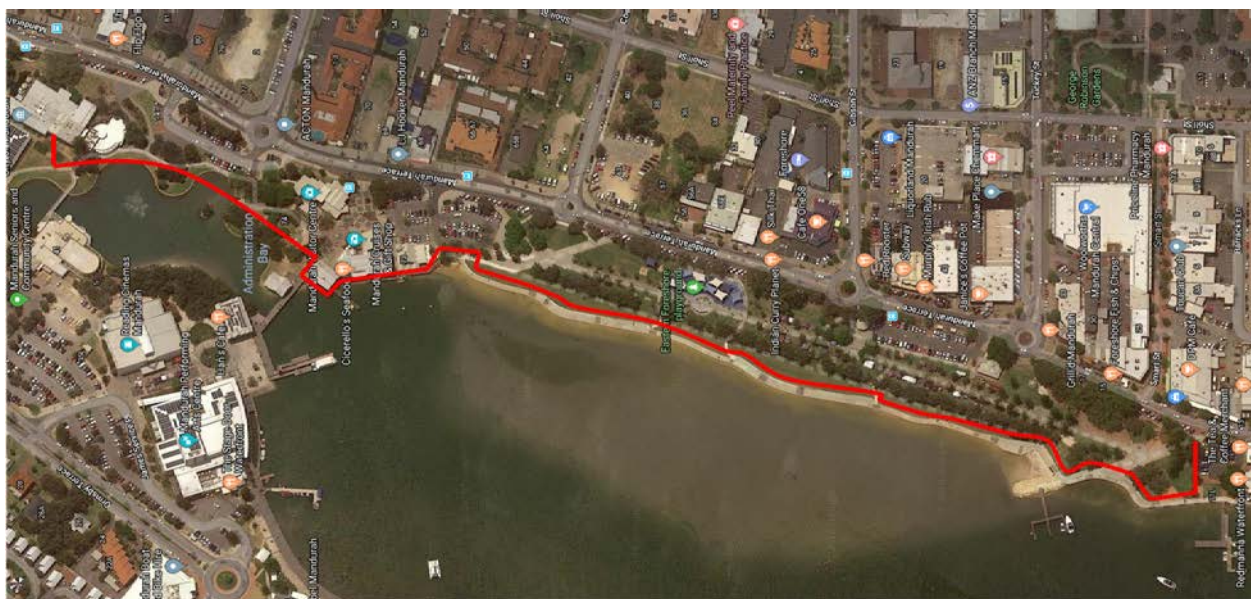


Image one: Optical Fibre Route

Comment

A tender for the Close-Circuit Television Optical Fibre and Camera Installation was advertised in the 29 November 2017 edition of the ‘West Australian’ newspaper and in a notice which was displayed on the Administration Centre and Library notice boards.

The tender closed at 2:00pm on Thursday 21 December 2017. Submissions were received from the following:

1.	Downer Engineering, Construction & Maintenance	Canning Vale
2.	Pathfinder Technology Group Pty Ltd	Balcatta
3.	Spyker Technologies Pty Ltd	Halls Head

No tenders were received after the closing deadline.

Downer Engineering, Construction & Maintenance tender was rejected in accordance with clause 4 of the Conditions of Tendering document for not responding to all the Selection Criteria for both portions.

Pathfinder Technology Group Pty Ltd tender for Separable Portion Two was rejected in accordance with clause 10 of the Conditions of Tendering for not pricing Separable Portion Two in accordance with the specification document.

The weighted qualitative criteria were created for each of the separable portions and used to assess and rank each tender submission. The criteria for Separable Portion One - Optical Fibre Installation was:

Demonstrated Organisational Excellence and Experience	35%
Ability to Meet Timeframes	10%
Methodology	15%
Price	40%

The criteria for Separable Portion Two - CCTV Camera Installation was:

Experience and Qualifications	20%
Ability to Meet Timeframes	20%
Ability to Provide Equipment and Support	20%
Price	40%

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 Community & Social Development, Infrastructure Management and Systems & Technology sections, 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 undertaken in order to determine the tender which represented best overall value for money for the City.

As a result, the tendered submission from Spyker Technologies Pty Ltd was considered to be the most advantageous tender for Separable Portion One - Close-Circuit Television Optical Fibre and for Separable Portion Two - Camera Installation and are therefore recommended as the preferred tenderers.

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

Norman Disney & Young (NDY) Management Pty Ltd were engaged as a consultant for the Separate Portion One – Close-Circuit Television Optical Fibre in relation to design development, budget estimates and specification document for this component of the tender.

Almec House Pty Ltd were engaged as a consultant for the Separate Portion Two – Camera Installation component in relation to the camera locations, crime 'hot spots' and specification document. Almec House has extensive previous involvement in relation to the City's IP CCTV System, including the City Centre CCTV Conduit Layout Overview (2010) and City of Mandurah CCTV Feasibility & Master Plan (2013).

A non-mandatory site inspection was held on 5 December 2017 and was attended by:

- Datatel Electrical & Communications
- Diversified Services Australia
- Spyker Technologies
- Telstra SNP
- Lightspeed
- Downer Engineering, Construction & Maintenance

A credit check and 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.

Statutory Environment

Local Government (Functions & General) Regulations 1996, Part 4.

Policy Implications

POL-CPM 02 – Purchasing of Goods or Services Policy
POL-CPM 01 – “Buy Local” Regional Price Preference Policy

Risk Implications

Risk	Likelihood	Consequence	Mitigation
CCTV infrastructure do not align with the provisions of the current IP CCTV System.	Low	High	Requirements included within the Specification and outlined in the evaluation phase of the tender submissions.
Provisions within Specification are not met to Council standards (i.e. traffic management, tree protective etc.)	Low	High	Through active management of contract and chosen methodology to be approved by relevant City officers prior to any construction beginning.
Trenching works along Eastern Foreshore is being completed by another City Project. If delayed, the works for this project will also be delayed.	Possible	Medium	City officers and contractor to coordinate with the other City project. If delayed, in the meantime contractor will be able to complete works north of the Foreshore.

Economic Implications

The price basis for the contract is fixed for the term of the contract.

In July 2017 the City was granted \$350,000 funding by the State Government to deliver a CCTV refurbishment, Optic Fibre and new CCTV project. The contractual completion date for this grant funded project is the 31 August 2018. This tender and works will meet the grant requirements.

The tendered price and City's associated costs for this project are within the grant and City's annual operating budget for 2017/18.

Strategic Implications

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

Organisational Excellence:

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

Conclusion

Tenders for the Close-Circuit Television Optical Fibre and Camera Installation were recently invited as two separable portions. Three were received and two were assessed against both qualitative criteria and price. The result was that the submission from Spyker Technologies Pty Ltd represented overall best value for money and it is therefore recommended that the City selects Spyker Technologies Pty Ltd as the preferred tenderer for both portions.

NOTE:

- Refer **Confidential Attachment**

RECOMMENDATION:

That Council accepts Spyker Technologies Pty Ltd as the preferred tenderer for Separable Portion One - Close-Circuit Television Optical Fibre and Separable Portion Two - Camera Installation for Tender T28-2017 Close-Circuit Television Optical Fibre and Camera Installation Project.

4	SUBJECT: Tuart Avenue Shower Service Model CONTACT OFFICER/S: Tim Hartland AUTHOR: Marzel Norton FILE NO:
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Summary

The Tuart Avenue Shower Facility aims to address a gap in service provision for street present and homeless people. A suitable service model is required to ensure the facility is value for money, safe and accessible.

Previously, in November 2015 Council requested for showers to be considered as part of the Mandurah Family and Community Centre refurbishment. This request led to an officer investigation which included engaging local services providers via an interagency meeting held in May 2016 and Elected Members via an Elected Member Briefing Session and Weekly Updates.

In December 2017 a report to council detailed a Shower Service Model with costings with Anglicare as the coordinating agency. In order to deliver the model, Anglicare requested a one off City contribution of \$2,500 per month until Anglicare's tenancy commences at (subject to approval) Mandurah Family and Community Centre later in 2018. The financial contribution was estimated at a maximum of \$25,000 (to be allocated from within the City's Community Development section's budget) for 2018 period and an annual rent waiver of \$13,401 from 2019 onwards.

Council resolved to defer considering the report recommendations to allow for the examination of an alternative model, including volunteer models. This report provides a comparison of a Basic Volunteer Model against the Anglicare Model. The comparison includes outlining the financial impact to the City, as well as safety and risk considerations. Council is requested to consider the information provided and approve a service model for the shower service at Tuart Avenue.

Disclosure of Interest

Nil

Previous Relevant Documentation

CC.11/12/17	Tuart Avenue Shower Facility: Report outlined a service model and costs for the showers to be delivered by Anglicare based at Tuart Avenue. Council resolved to defer the consideration to allow for further examination of program delivery options, including volunteer models.
20/03/17	Elected Member Update: Following an interagency discussion in 2016 facilitated by the City, key partners were identified for the project to potentially manage the showers as part of a holistic support service. Running concurrently to the shower facility construction, officers will work with partners to help plan the logistics of the proposed service, and its staffing and resourcing by the partnering agencies. Estimated project completion March 2018.
28/11/16	Elected Member Update: Officers are continuing to progress plans for showers and laundry facilities at the Tuart Avenue community facility for people with need. The City is in dialogue with Anglicare to manage the ablutions, and they are currently a co-tenant of the facility. There are design issues and management considerations that continue to require further consideration.
19/7/16	Elected Member Briefing: Councillors briefed on the Mandurah Family & Community Centre and homelessness-street present showers being suitably located within Tuart Avenue under a management of Anglicare WA; with a facility model to be further developed.
G.28/11/15	Mandurah Family and Community Centre project scope and costs review.
G.23/7/15	Council approve licences over 331 Pinjarra Road, including Anglicare at Tuart Avenue.
G.24/2/15	Council endorse Mandurah Family & Community Centre future use, refurbishment and funding.

Background

The lack of a safe place to wash and take a shower was identified by community sector agencies as a gap in facility provision for people who are homeless or street present in Mandurah. Responding to this issue in November 2015, Council requested that Officers investigate the potential of the proposed Mandurah Family and Community Centre (MFCC) to house a shower facility. The intended use of MFCC, as a centre for vulnerable families and children, was deemed incompatible with locating the shower facility.

Summary of 2015-2017 officer investigation and key findings.

- May 2016: Interagency meeting, facilitated by City of Mandurah Officers

Attendance

- 12 people attended from 7 agencies
- Church of the Way, Foodbank, St. Vincent De Paul Society (Mandurah), Uniting Outreach, Anglicare, Peel Community Kitchen and WestAus Crisis.

Purpose

- To gather information which may be useful to the planning, development and operation of a proposed shower facility for people who are street present or homeless.
- The facilitated discussion identified Mandurah needs, examples that may serve as a potential model. The repetitive themes included the importance of a laundry service and other wrap around services that are client directed.
- The meeting also identified the importance of a collaborative solution of multiple agencies working together, with Anglicare identified as a willing coordinating partner for further conversations.
- July 2016: Council Briefing
 - Reviewed Mandurah Family and Community Centre (MFCC) project scope recommendations from Council Report November 2015.
 - Provided MFCC project and funding update.
 - Provided Shower block location options MFCC versus Tuart Avenue.
 - Tuart Avenue was recommended and supported primarily because of the alignment of current services operating within Tuart Avenue and that the interested managing agency was located on site.
 - Tuart Avenue was also identified as most likely to have a lower management cost to the City of Mandurah than MFCC.
- Elected Member Updates (Nov 2016 and March 2017): Project progress
 - November 2016: Anglicare partnership discussions progressing and supportive of managing facility. Design and management issues identified, requiring further consideration.
 - March 2017: Confirmed design of facility was occurring concurrently to plan operational logistics with potential managing agency.
- December 2017: Council report presenting recommendations for a service model operated by Anglicare, including:
 - Variations to Finucare's and Anglicare's current lease arrangements to accommodate showers at Tuart Avenue
 - Anglicare shower service costs
 - Financial considerations, including a one off payment to assist with year one operations.
 - 2018: \$2,500/month, maximum of \$25,000
 - 2019 onwards: \$13,401 in rent waivers
 - Recommendation to commence an MOU with Anglicare.

Comment

At the Committee of Council meeting held on 5 December 2017, Council resolved to defer consideration of the Tuart Avenue Shower Facility report's recommendations to allow for the examination of a volunteer service model. This report focuses on the model comparison, with the remaining recommendations from the 'Tuart Avenue Shower Facility' report relating to lease implications to be deferred until Council approves a service model and provides direction to engage a managing organisation for the shower facility.

The comparison explores financial, legal and risk implications to assess each models ability to meet:

- Value for money (cost to the City of Mandurah)
- Safety (including legal and risk management)
- Accessibility of service (days of operation, wrap around service capability)

About Volunteer Models

Volunteer Models are desirable models as a means to deliver services with minimal staffing costs. In particular, simple or process directed tasks that an organisation may not have the resources or time to deliver.

As volunteers are unpaid, some are genuinely passionate about the cause and therefore motivated. Typically volunteers also require appropriate levels of training and supervision that is generally greater than paid volunteers.

There are also legal obligations for the managing organisation. The main legal obligation is to provide and maintain a safe working environment.

The essential requirements for a volunteer model are:

- Availability of volunteer processes and procedures relating to the tasks and potential risks of role
- Training relating to tasks, especially work safety. In the case of a shower facility training would likely include understanding homelessness, dealing with challenging behaviours, manual handling and cultural awareness.
- Managing organisation offering 'direction and supervision'
- Volunteer insurance (to manage risk appropriately):
 - Volunteer personal accident insurance
 - Public liability insurance (covers injuries a volunteer causes to the public, not other volunteers)

Shower Service Basic Volunteer Model

As a minimum the Shower Facility requires an agency, preferably with volunteer management experience that can meet the above requirements. This recommendation is based on the minimum standard across similar services state wide, with many offering wrap around services.

In addition to the above, maintaining a low cost model includes a few key operational functions. These are:

1. Volunteer Management:
 - Responsible staff member for 'direction and supervision' and basic communication
 - Capacity to ensure training, standards and risks are managed
 - Minimal numbers of volunteers for simple management and training
 - Volunteer fuel costs

2. Collective Wrap Around Service:

- Partnership/sponsorship/grant development for towels, laundry, toiletries
- Facilitation of a local service provider working group to share responsibility of emerging needs and issues.
- 3 days a week service (as a minimum) supported by other services.

Anglicare Shower Service Quasi Volunteer Model

During the interagency discussions and officer investigations, Anglicare expressed an interest in being the coordinating organisation for the shower facility that was later built within the Tuart Avenue building, where some of its Mandurah services are based.

The model presented includes:

1. Volunteer Management:

- One part-time staff member for 'direction and supervision'; partnership and working group coordination.
- One/small volunteer pool to deliver face to face service with street present people
- Capacity to ensure training, standards and risks are managed
- Volunteer costs

2. Collective Wrap Around Service:

- Partnership/sponsorship/grant development for towels, laundry, toiletries
- Facilitation of a local service provider working group to shape wrap around service needs and collective problem solving of emerging needs and issues.
- three days a week service

3. Safety and Risk Management:

- Essential requirements as outlined above
- Monitor and manage storage of CCTV footage
- Paid staff present onsite to provide support to the volunteer and street present people

Additional Considerations:

1. CCTV

CCTV and a monitoring software system was installed for Anglicare onsite for staff to be able to view the shower facility areas and surrounds. If Anglicare is not selected as the managing agency, there is no agency monitoring or storing the footage.

The Basic Volunteer Model is likely to require the CCTV system to be transferred to the City's CCTV facility management system. The City would then be responsible managing and sourcing footage, including liaising with internal teams, police and viewing and accessing footage.

2. Anglicare 2018 Financial Support Request

Anglicare's offer to manage the shower facility is linked to obtaining tenancy at the Mandurah Family and Community Centre (MFCC) once refurbishments are completed. Anglicare estimated the cost of the service to the organisation as \$5,000 per month. The offer included a rent waiver of \$13,401 per annum to offset shower facility management costs.

However, as the operational commencement date for MFCC is estimated as October/November 2018 and Anglicare estimated the shower facility service start date as February/March 2018, Anglicare requested the City to contribute 50 per cent of the service cost until Anglicare's family services are relocated to MFCC.

This request was \$2,500 per month with a cap contribution of \$25,000. The maximum cap figure was assuming the shower facility would commence February/March.

The shower facility service is now not likely to commence until April/May 2018. This change reduces Anglicare request for financial assistance in 2018 from a maximum of \$25,000 to a maximum of \$17,500.

3. Allocating an Organisation to Deliver the Basic Volunteer Model

To ensure transparency in the appointment of a suitable agency to deliver the Basic Volunteer Model, it is recommended that an Expression of Interest (EOI) including the criteria set out in this report be developed and distributed to the original agencies involved in the Interagency Meeting in May 2016.

The results of this EOI will be presented back to Council for consideration.

4. Basic Volunteer Model - Location of Volunteers

To deliver the Basic Volunteer Model a desk, chair and duress alarm will need to be sourced by the coordinating agency. Funding for these items can be considered via the City's Community Grants Scheme, should the agency apply.

5. Basic Volunteer Model – Licence Agreement Changes

Finucare and Anglicare are the tenants at Tuart Avenue. Providing space for the volunteers and the managing organisation will require changes to both Finucare's and Anglicare's license agreements. This may include the removal of the courtyard as common space. In addition to this any volunteers would need access to other shared spaces within the building such as the kitchenette and toilets. These arrangements requires the support from Finucare and Anglicare. Should Anglicare not support the changes, the City cannot require them to do this. It should be noted that Anglicare has indicated it will consider in good faith any negotiations with the City regarding providing a potential third party organisation access under their lease, for managing the showers within common areas. However this will be dependent on future negotiations and cost implications of this are unknown at this stage.

6. Orange Sky Laundry – a new service (Jan 2018), includes a shower facility.

Orange Sky currently provides a laundry service at St. Vincent de Paul on Davey Street on Thursdays for a half day 9:30am-12:30pm. A van which includes two washer/dryers and a hot shower is now operating in Mandurah since the end of January.

This service is only operational one half day a week and will add value to the showers at Tuart Avenue. Regardless of which model is chosen no duplication will occur as the MOU with the managing organisation will ensure Tuart Avenue Shower Facility to operate on alternative days i.e. days other than a Thursday and communication and cross promotion to occur with Orange Sky.

Model Comparison

R – Service requirement

D – Desirable: meets wrap around services

MO –Managing organisation

Criteria			Basic Volunteer Model	Anglicare Quasi Volunteer Model
	R	D	Annual Financial Impact New expenditure i.e. requires budget allocation from 2018/19 onwards	Annual Financial Impact Rent waiver i.e. loss of income
Value for Money (cost to the City)				
- Volunteer management	X			\$13,401
- Volunteer costs		X	\$1200 (fuel)	Included in rent waiver
- Coordinating wrap around services (service provider working group)		X	To be provided by MO	As above

Report from **Director People and Communities**
to **Committee of Council Meeting of 13 February 2018**

- Cleaning (2 per day x 3 days)	X		\$8,760	As above
Safety				
- CCTV maintenance	X		\$800-1500	As above
- Onsite support for volunteer		X	Not provided in this model	As above
- Training, supervision and direction	X		To be provided by MO	As above
Accessibility				
- Ability to operate min. 3 days per week	X		To be provided by MO	As above
TOTAL FINANCIAL IMPACT (to the City)			\$10,760 – \$11,460 (Unallocated direct expenditure)	\$13,401 (reduction of income / rent waiver)
Additional costs:				
Criteria			Basic Volunteer Model	Anglicare Quasi Volunteer Model
	R	D	Annual Financial Impact	Annual Financial Impact
CCTV management (liaison and sourcing footage)		X	City staff hours \$1,500-5000	Not required
Service delivery support for 2018	X		Not required	\$17,500 Max. only, likely be less as reduces as long as service is not functioning. One off expenditure to be accommodated within the City's 2017/18 Community Development Projects budget.
Desk, chair, duress alarm	X		To be provided by MO	Provided by Anglicare

	Basic Volunteer Model	Anglicare Quasi Volunteer Model
Advantages	<ol style="list-style-type: none"> 1. Cost \$2-5,000 less in year one and \$2-3,000 per annum ongoing. 2. Ability to enhance local interagency links and relationships. 	<ol style="list-style-type: none"> 1. Safety elements such as onsite management and CCTV are all in place. 2. Consistent capacity to facilitate partnerships and seek sponsors and funding for future needs through paid staff member. 3. Cost to the City is a rent waiver, no additional funding required.
Disadvantages	<ol style="list-style-type: none"> 1. Reduction in safety elements, specifically the managing organisation not being located onsite and the current CCTV system requiring modification. The CCTV modifications are likely to be at the cost of the City. 	<ol style="list-style-type: none"> 1. First year costs of \$2,500 per month up to \$17,500.

	<p>2. Limited space at the Centre and any volunteer service will require negotiations and licence agreement changes at the cost to the City.</p> <p>3. The ability to source partners and funding for future needs will be dependent on interagency group's capacity to source.</p> <p>4. Additional unbudgeted funding of \$10,760 – \$11,460 is required to be allocated within current and future budgets.</p>	
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Risk Implications

The risks associated with operating a shower service with volunteers for street present people will be the responsibility of the coordinating agency under a memorandum of understanding. This includes items mentioned above such as experience and capacity to manage, supervise and train volunteers, as well as appropriate insurance cover.

The main risk to the City with either management model is its image and reputation should an incident occur at the centre or in the vicinity, including the nearby residential area. The food service delivered from Sutton Hall has had a number of minor incidents that have been dealt with by the managing organisation and the Police, with little to no reputation impact to the City.

Developing an MOU with the managing organisation, as well as a managed CCTV system and the onsite presence of the managing organisation contributes to the safety of users, staff and volunteers and aids in limiting any risk factors associated with the City.

Economic Implications

Outlined in the comment section.

Strategic Implications

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

Social

- Ensure the provision of quality health services and facilities

Infrastructure

- Facilitate the provision of multi-purpose facilities and infrastructure that meets the needs of a growing population.

Identity

- Encourage active community participation and engagement

Conclusion

Tuart Avenue Shower Facility aims to address a gap in service provision for street present and homeless people. A suitable service model is required to ensure the facility is value for money, safe and accessible.

Council resolved to defer the Tuart Avenue Shower Facility Report presented to Council in December 2017 to consider the examination of an alternative model, including volunteer models. This report outlines the Basic Volunteer Model and the Anglicare Quasi Volunteer Model. This includes the service elements and the associated financial and risk implications to the City.

Council is requested to approve a service model and either approve the commencement of a memorandum of understanding with Anglicare or the commencement of an Expression of Interest process to seek a local organisation to deliver and meet the requirements of the Basic Volunteer Model.

RECOMMENDATION

That Council:

- 1. Acknowledges the City's financial and risk implications of the outlined shower facility service models.**
- 2. Approves the Basic Volunteer Model as the service model for the shower facility at Tuart Avenue.**
- 3. Approves the preparation and implementation of an Expression of Interest process to seek a local organisation to deliver and meet the requirements of the Basic Volunteer Model.**
- 4. Acknowledges negotiation between the City and Anglicare will be required regarding the existing lease over the common use area of the Tuart Avenue Facility.**

OR

That Council:

- 1. Acknowledges the City's financial and risk implications of the outlined shower facility service models.**
- 2. Approves the Anglicare Model as the service model for the shower facility at Tuart Avenue**
- 3. Approves the preparation of a Memorandum of Understanding with Anglicare which outlines the operation and management of the Tuart Avenue Shower Facility.**

5	SUBJECT:	Naming – Yaburgurt Kaaleepga Reserve (Winjan's Camp)
	CONTACT OFFICER/S:	Ben Dreckow
	AUTHOR:	Vicki Kelly/Lesley Petchell
	FILE NO:	F0000134338

Summary

One of the actions identified under the City's Reconciliation Action Plan (RAP) as a way to recognise and celebrate local Aboriginal culture and history, is the dual naming of parks and reserves throughout the City. To facilitate this, a group of representatives from various City business units as well as Aboriginal cultural consultants, was formed to identify appropriate locations and names to be applied.

The first site which has been identified for naming approval is Winjan's Camp, which is located within Reserve 45814 at McLarty Road Halls Head. This site is widely recognised throughout the local community as being the birthplace and home (camp) of the significant Elder Yaburgurt (George) Winjan, who was commemorated by the City in 2015 as part of the Yaburgurt 100 Year Commemoration & Public Artwork Project.

As there is already an officially approved Winjan Reserve and Winjan Place in Mandurah, the reserve is unable to be officially named as Winjan's Camp. However, an alternative name of Yaburgurt Kaaleepga Reserve, meaning Yaburgurt's Home in the Noongar language, has been identified as a suitable name for the Reserve.

The name Winjan's Camp will be added to the approval as a commonly known name.

Council is requested to approve the naming of Reserve 45814 as Yaburgurt Kaaleepga Reserve, and for an application to be made to the Geographic Naming Committee at Landgate.

Disclosure of Interest

Nil

Location



Previous Relevant Documentation

- G.25/12/14 16 December 2014 Council endorsed the City of Mandurah's new two year Reconciliation Action Plan 2015-2017.
- G.20/1/14 28 January 2014 Council endorsed the Yaburgurt Winjan 100 Year Commemoration project and the public art program.
- G.20/7/12 24 July 2012 Council endorsed the City of Mandurah's 2012-2014 Reconciliation Plan.

Background

One of the actions identified under the City's Reconciliation Action Plan, which was endorsed by Council in December 2014, was the dual naming of parks and reserves with both an English and Aboriginal name. The City recently set up a group comprising representatives from various internal departments as well as Aboriginal cultural consultants to progress this.

The group has identified the site, Winjan's Camp, which is located within Reserve 45814 at McLarty Road, Halls Head, as a suitable choice for official naming. It is widely recognised as being the birthplace and home (camp) of the significant Elder Yaburgurt (George) Winjan, who was commemorated by the City in 2015 on the 100 year anniversary of his death, by way of a three year commemoration and public artwork project.

Comment

The benefits of recording and preserving geographic names are associated with the past, present and future of a community. They form an integral part of personal identity by defining where people were born, live, have lived and from where their ancestors have come from.

The Geographic Naming Committee (GNC) at Landgate is responsible for administering the naming process on behalf of the Minister. Any new naming proposals must be submitted to them for approval, upon which the name will be added to the State's GEONOMA database. They are then automatically propagated to other linked government systems, including mapping databases utilised by emergency service providers.

Officers propose to progress official naming of select parks and reserves with an Aboriginal name, in accordance with the current Landgate policies which state that the application of Aboriginal names is encouraged and the collection and compilation of recorded Aboriginal topographic names is supported.

A large majority of the City's recreational parks and reserves have already been officially named, with the breakdown of the source of their names as follows:

<u>Named After</u>	<u>Number of Reserves</u>	<u>Percentage of Named Reserves</u>
Adjoining Street	50	42%
Commemorative (Person)	31	26%
Place/Suburb	18	15%
Flora	7	6%
Other	3	3%
Aboriginal*	8	7%

*The named parks and reserves with an Aboriginal name are as follows:

• Warrungup Spring Reserve, Dawesville	Reserve 860
• Caddadup Reserve, Halls Head	Reserve 2851
• Winjan Reserve, Soldiers Cove	Reserve 38549
• Koolyanga Reserve, Greenfields	Reserve 43839
• Walbanga Park, Mariners Cove	Reserve 46258
• Waalitj Park, Mariners Cove	Reserve 46258
• Borrungrar Park, Mariners Cove	Reserve 46258
• Koomarl Park, Mariners Cove	Reserve 48011

In order to attain Aboriginal naming approval, Landgate policies state that the name must be supported by the community, as well as bear specific provenance to the history or geography of the area or Aboriginal language group. The challenge for the City, therefore, is to establish suitable names for any current unnamed recreational parks and reserves which meet these requirements.

Officers have identified Winjan's Camp, which is located upon Reserve 45814 in McLarty Road Halls Head, as a significant Aboriginal site which meets the criteria for official naming and should be appropriately commemorated. Due to the amount of public expose already associated with projects related to the site, Landgate are satisfied that no further public consultation is required.

The significance of the site relates to it being known as the home (camp) of the significant Elder Yarburgurt (George) Winjan, who was born at the campsite and lived (camped) there during the course of his lifetime.

The site is widely recognised throughout the community, with the reserve land being retained as public open space when the surrounding land was developed. As well, Winjan's Camp is listed on the State Heritage Registry under the Local Government Municipal Inventory as a place of local significance, and artwork poles have been placed upon the site telling of the six seasons of the Noongar people.

Background of Yaburgurt (George) Winjan:

- Yaburgurt (George) Winjan was a Bibbulmum Noongar leader of the Bindjareb Boodja during the early European settlement of Mandurah and the surrounding area.
- He was born in Koolyininap (Halls Head) in 1824 in Mandjoogoordap (Mandurah), at the campsite known as Winjan's Camp, upon the now Reserve 45814 at McLarty Road, Halls Head.
- Apparently his European friends called him 'George', and he himself tacked this name onto his father's name (Winjan) in imitation of the European way. He was also known as Wittungit.
- He camped in the bush behind Sutton's farm upon Reserve 45814. There were once many old trees on the site, particularly tuarts. A natural soak is located where the paperbark tree still stands, and it was here that Winjan once lived with his wife, Susan in a shanty that was probably built for him by George Sutton.
- He is believed to have survived the Massacre of Pinjarra (28.10.1834) as a young child, an incident which killed or injured about half of the tribe's adult male population, as well as women and children. His mother and brother died in the Massacre.
- He was a leader of his own people and was respected by black and white people alike. He saw much change and left a legacy that includes his wisdom, his knowledge of culture, his understanding and relationship of the land and the leadership of his people. There is a thread of cooperation and tolerance through his personal story as he found his way to work with the early colonising communities to great effect becoming one of the first Aboriginal people in the region to embrace reconciliation.
- He died in 1915 from illness. At his request, he is buried in a Christian cemetery at the Anglican Christ's Church on Pinjarra Road in Mandurah, where there is a ground plaque that commemorates his place of burial.

An important aspect of any naming proposal is community support to the chosen name and location. The Yaburgurt Winjan 100 Year Commemoration Project and Public Art Program, which was endorsed by Council in 2015, and was initiated by the community and a Memorial Reference Group is considered by Landgate as sufficient endorsement by the community. This reference group was made up of a broad range of community members, both Aboriginal and non-Aboriginal, including representation from the Aboriginal Community, Koolbardies Talking Group and City officers.

As well as validating the name, the project references the importance of Winjan's Camp upon Reserve 45814, with an aspiration of the project being to create an arts/heritage trail that would identify key significant sites from the Yaburgurt Winjan Campsite to the final artwork at Mandjar Square. This artwork (see picture below) has now been put in place and the image of Yaburgurt is located such that it faces towards Winjan's Camp on the western side of the estuary.

Winjan's Camp Reserve 45814



Mandjar Square



Officers considered two options for naming of the site; the first being the naming of the Reserve itself as Winjan's Camp and the second being to name Winjan's Camp as a Topographical Feature of a Place Name.

However upon consultation with the GNC, they advised that the name Winjan, which has been applied to a reserve (Winjan Reserve Number 38549) and a road (Winjan Place) in Soldiers Cove, has already been suitably recognised and would not be supported for any further sites within the Mandurah district. The reasoning behind this includes to avoid confusion for the community and emergency service responders.

Officers therefore were required to find an alternative name for the site, one which still adequately represented the site as the home of Yaburgurt (George) Winjan. In consultation with local Aboriginal representatives and the GNC, the name 'Yaburgurt Kaaleepga', which represents George Winjan's traditional Noongar name of Yaburgurt and Kaaleepga meaning 'Home' in the Noongar language, was chosen. It is also proposed to add the commonly recognised name of Winjan's Camp to the naming approval.

Council is requested to approve the naming of Reserve 45814 as Yaburgurt Kaaleepga Reserve, and for an application to be made to the Geographic Naming Committee at Landgate.

Once official naming approval has been obtained from Landgate, a commemorative ceremony will be carried out and appropriate signage will be placed upon the reserve.

Consultation

- George Walley, local traditional owner representative
- Geographic Naming Committee, Landgate

Statutory Environment

Land Administration Act 1997 – Section 26 (c) Subject to 26A the Minister may name, rename and cancel the name of any topographical feature, road or reserve -

Section 26A – If the local government approves a name it is forwarded to the Minister for Lands for final approval.

Policy Implications

Nil

Risk Implications

Nil

Economic Implications

Nil

Strategic Implications

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

Identity:

- Encourage active community participation and engagement.
- Embrace Mandurah's identity as a multicultural community.
- Promote Mandurah's identity as a unique regional city, based on its waterways, history and future vision.

- Become known as a city and destination for events, arts, heritage and culture.

Conclusion

In order to progress an action identified within the City's Reconciliation Action Plan, the dual naming of parks and reserves across Mandurah is being progressed.

Officers have identified Winjan's Camp, which is located upon Reserve 45814 at McLarty Road Halls Head, as an appropriate site for official Aboriginal naming approval. The site is widely recognised throughout the local Aboriginal community as being the home of the significant elder Yaburgurt (George) Winjan.

To align with current Landgate policies, and the fact that the name Winjan has already been applied to a reserve and a road in Mandurah, an alternative name of Yaburgurt Kaaleepga has been identified as a suitable alternative which is supported by all parties.

Council is requested to approve the naming of Reserve 45814 as Yaburgurt Kaaleepga Reserve, and for an application to be made to the Geographic Naming Committee at Landgate.

RECOMMENDATION

That Council:

1. **Approves the name 'Yaburgurt Kaaleepga Reserve' for Reserve 45814 McLarty Road, Halls Head;**
2. **Approves a formal submission to the Geographic Naming Committee (Landgate) requesting support for the naming.**

6	SUBJECT:	Requested Closure of Pedestrian Access Easement Lot 190 (No. 19) San Marco Quays Halls Head
	CONTACT OFFICER/S:	Ben Dreckow
	AUTHOR:	Ben Dreckow/Lesley Petchell
	FILE NO:	SA12/19S

Summary

In September 2017, Council approved public consultation in relation to the use of a public access easement contained within the property boundary of Lot 190 (19) San Marco Quay Halls Head. The rationale for the public consultation was the result of a request from the strata company for the closure of the easement due to anti-social behaviour.

Following the consultation process, nine written submissions were received, together with 128 online surveys being completed. Overwhelmingly submissions favoured Option 3, which would result in the easement being modified to the point that allows access only to external parties who require access to the seabed/jetty area contained within Reserve 46013 (northern portion), thus closing the foreshore and groyne land access to the public.

Officers have given further consideration to the request and in consultation with the City's Solicitors consider an amendment to the current easement to suspend public access to the easement area until further notice, which can be rescinded by the City, should public access be required into the future. This will result in any party requiring access to the seabed, jetty, seawalls or unallocated crown land having access via a City approved lock being fitted to the gated easement.

The above recommendation addresses the concerns raised through the strata company, while ensuring that access is maintained to all parties entitled to access. It also secures the City's options ensuring the rights of reinstatement of public access if the need is identified into the future. The amendment is best achieved through surrendering the current easement and granting a new easement stating the variations.

Council is therefore requested to approve the surrender of the current easement, subject to a new easement with varied conditions as detailed in this report.

Disclosure of Interest

Nil

Location



Previous Relevant Documentation

- G.32/9/17 26 September 2017 Council supported the public consultation regarding the public access easement contained within 19 San Marco Quays Halls Head
- G.30/7/13 23 July 2013 Council supported the amendment to the easement allowing the strata company the responsibility of administering the opening and closure of the lockable security gate between the set hours of 10pm and 6am, together with allowing continuing access to any person entitled to access the easement area through rights associated with any mooring or jetty licence;
- G.33/9/11 27 September 2011 Council advises the Minister for Lands, that is does not support the sale of unallocated crown land and portion of foreshore beach to the landowners of Lot 190 San Marco Quay;
- G.26/6/10 22 June 2010 Council resolved to support a variation to the public access easement to allow for the closure of the easement between 10pm and 6am daily;
- G.21/2/10 23 February 2010 Council supported a Notice of Motion that Council consideration be given to modifications to the public access easement to allow for closure of the easement during the night time;

- G.23/9/09 15 September 2009 Council resolved to not adopt the proposal for advertising of the modification to the public access easement enabling the closure of the easement through the night time;
- G.40/12/03 10 December 2003 Council resolves to reject the actions of the Strata Company in erecting a gate on the public access easement and authorise the CEO to pursue action required for its removal.

Background

Under the previous Town Planning Scheme, the subject site was zoned as 'commercial' and the surrounding lot layout and movement network provided for clear access around the perimeter of the site, the access being protected by an 'Easement in Gross' for public access. Following the granting of the planning approval for a 32 unit residential development by Council in 2001; this easement was changed to a Public Access Easement under the provision of the Land Administration Act 1997, for pedestrian movement.

The strata company, on behalf of the landowners, have made several requests to Council since 2003 requesting modification to the public access arising from public liability and security concerns. Gates were erected at the entrance of the access way, and in 2010 Council supported the restriction of access by allowing the gates to be locked between 10pm and 6am.

Officers have received a recent request from the landowners requesting permanent closure of the public access easement traversing the boundary due to anti-social behaviour, and minimal use of the access way by the general public.

Officers undertook consultation with various state government departments, with the Department of Transport confirming the strata company of 19 San Marco Quay holds the jetty licence in the southern Reserve 46014 therefore all the jetties are utilised entirely by the landowners of 19 San Marco Quay. The strata company also hold all but one jetty licence contained within the northern Reserve 46013. The one jetty licence not held by the strata is held in perpetuity by the landowner of 25 San Marco Quay, as such continued access needs to be maintained for this landowner.

The easement was granted as a public access easement for the use and benefit of the public at large under and by virtue of the provision of sections 195 and 196 of the *Land Administration Act 1997* for the purpose of "Pedestrian Movement' As such any variation will need the support of the Minister for Lands. The Department of Planning, Lands & Heritage has conveyed their position in relation to the modification, however they will take advice from the City and are likely to support any reasonable Council resolution relating to the modification.

Council at its meeting in September 2017, approved a public consultation regarding the easement, giving three options for consideration, these options are detailed below:

1. Not support the request for closure – ensuring the current restricted hours public access is maintained;



2. Modify the current easement, by removing that portion adjoining Reserve 46014 (southern portion only) and retain the public access areas to the foreshore/groyne and the entire northern portion adjoining Reserve 46013;



3. Modify the easement to the point that allows access only to external parties who require access to the seabed/jetty area contained within Reserve 46013 (northern portion), thus closing the foreshore and groyne access to the public.



Comment

Following the September 2017 Council support for public consultation, two advertisements were placed in the local papers on the 12 and 18 October 2017, together with 87 letters being mailed to local residents, in the area.

A survey was made available via the City's online consultation 'Have Your Say' with 128 responses received. The results of the online survey had the following results:

- 91.4% support Option 3, (modify to the point that allows access only to external parties)
- 5.5% supported Option 1 (no change to current easement access) and
- 3.1% support Option 2 (close southern portion only and maintain foreshore access).

Nine written submissions were received with comments noted in consultation table below.

Officers consulted with the City's Solicitors who offered a recommendation that may resolve the concerns of the strata body, and also ensure that legal access is maintained not only for the landowner of 25 San Marco Quay for jetty/seabed access, but also for the City in relation to maintaining the land access required, should any repairs or maintenance be required on the seawalls, groynes or foreshore land contained within the unallocated crown land on the estuary foreshore.

Although the access way does not appear to be heavily utilised by the public currently, officers gave consideration to the possible need for public land access to the foreshore into the future. As that need cannot be determined today the consideration of suspending public access appears an appropriate action, ensuring that options remain available to the City into the future.

Officers recommend the following variation to the current easement:

1. Public access is suspended to the easement area until further notice;
2. The City having rights to revoke the public access suspension, and reinstate public access after first giving 90 days written notice;
3. City officers or its agents are granted unfettered access for the purposes of maintenance and repairs to all relevant crown land including seawalls, groynes and foreshore area;

4. Any lock installed on gates must be a City's lock, with the key to the gate being provided to any party having a right of access through the easement, including without limitation any person holding a jetty licence in the adjoining crown reserves;
5. All other conditions of the current easement remain in place;
6. The costs associated with the variation being borne by the strata company.

As officers are recommending a number of changes, not just a single modification, and as Landgate does not have a set document or clear process for the extent of variations that may be made to documents, this variation may be too significant for Landgate processes. For this reason it is recommended that a surrender and replacement easement be prepared. This will ensure compliance with Landgate requirements, and the cost for a new document will be less than modifying the existing easement.

Consultation

As outlined, online and written submissions were received. The written comments received are outlined as follows:

Owner / Address	Submission (Summarised comments)	Comment
1. William J Goode (Received by email)	<ol style="list-style-type: none"> a. Option 2 - modification of easement by removal of southern portion only retaining foreshore access b. The development of canals has reduced walkability access to the foreshore and to reduce the easement further would erode public rights of access c. The residents purchased properties understanding current public rights to access foreshore which should remain for future generations 	Option 2 - the removal of the easement from the southern portion would have the impact of restricting the City's ability to access the revetment wall in this location for future maintenance. As a result it is not an option which officers consider to be in the best interests of Council, nor the community.
2. Bruce & Kaye Edwards (Received by email)	<ol style="list-style-type: none"> a. Option 1 - Does not support any change to public access easement 	a. Noted
3. Lesley and Barry Freegard (Received by email)	<ol style="list-style-type: none"> a. Option 1 - Matter was rejected by Council in April 2010 and situation has not changed b. When Mandurah Marina Development (MMD) commenced, beach and jetty were to be used by all residents of estate c. Mysteriously, jetty was licensed to Lot 190 (19) San Marco Quays Halls Head, preventing use by other residents d. Jetty is currently available to MMD residents in event of emergency – if private access is granted, this availability will be removed 	Option 1 – Council has previously considered and resolved to retain the easement. Further consideration of the matter has resulted in officers being comfortable with an approach of retaining the easement but excluding the community from being allowed to use the easement, with the ability of Council to modify this approach in the future. It is considered that the community use of the easement is currently limited, but if that changed, the ability for the community to use the easement could be reinstated in the future.

	e. Do not support any change to public access easement	
4. Michael and Nancie Barry (Received by email)	<p>a. Both in favour of Option 3</p> <p>b. By applying Option 3, it will assist with security to complex and surrounding areas</p>	Option 3 facilitates access for the jetty licence area held by the owner of 25 San Marco Quay, but removes the City's ability to use the easement to access revetment wall and foreshore for maintenance. If the community use of the easement is removed as per this option, it will be very difficult to reinstate access in the future.
5. John Keiley (Received by email)	<p>a. Option 1 - Do not support any change to public access easement</p> <p>b. Resident for 11 years and experienced very little anti-social behaviour and no attendances by Police</p> <p>c. Illegal sign reads "Residents Only" at the entrance to public access easement</p> <p>d. Wants access to swim and fish from the beach</p>	Option 1 – Council has previously considered and resolved to retain the easement. Further consideration of the matter has resulted in officers being comfortable with an approach of retaining the easement but excluding the community from being allowed to use the easement, with the ability of Council to modify this approach in the future. It is considered that the community use of the easement is currently limited, but if that changed, the ability for the community to use the easement could be reinstated in the future.
6. John and Kathleen Colley (Received by 2 separate emails)	a. Supports Option 3	Noted
7. PM & SE Lodding (Received by mail)	a. Supports Option 1	Noted
8. Murray Francis (Received by mail)	<p>a. Requests closure of the easement</p> <p>b. Attracts people who want to steal, leave rubbish and dog droppings</p> <p>c. Strata fees paid to maintain beach area so why should non payers be able to access and use</p>	The recommended proposal suspends the community access to the easement, but allows for it to be reinstated in the future should that be desired, while maintaining access to all jetty licence holders and the City.
9. John Dunkley (Received by "Have Your Say Mandurah")	<p>a. Option 1 - Requested facts be provided by strata company to support frequent anti-social behaviour</p> <p>b. Wishes to continue use of easement to access beach and not in favour of closure</p> <p>c. Unit owners purchased properties with easement in place and should not be altered</p>	Option 1 – Council has previously considered and resolved to retain the easement. Further consideration of the matter has resulted in officers being comfortable with an approach of retaining the easement but excluding the community from being allowed to use the easement, with the ability of Council to modify this approach in the future. It is considered that the community use of the easement is currently limited,

		but if that changed, the ability for the community to use the easement could be reinstated in the future.
10. Robyn Lister (Received by "Have Your Say Mandurah")	<ul style="list-style-type: none"> a. Supports Option 2 b. Preserve public access to crown land important for recreational purposes ie. Fishing, Bird/Dolphin watching etc c. All unit holders purchased knowing easement was on their Title d. Only anti-social behaviour experienced has been from people who rent units at Lot 190 	Option 2- the removal of the easement from the southern portion would have the impact of restricting the City's ability to access the revetment wall in this location for future maintenance. As a result it is not an option which officers can consider
11. Chrissie Carruthers (Received by "Have Your Say Mandurah")	<ul style="list-style-type: none"> a. Gate open times has allowed several frightening intrusions and private belongings removed or damaged 	The recommended proposal suspends the community access to the easement, but allows for it to be reinstated in the future should that be desired while maintaining access to all jetty licence holders and the City
12. Hugh Cowan (Received by "Have Your Say Mandurah")	<ul style="list-style-type: none"> a. Since gate/sign installed not seen general public come through and none have used UCL b. However then reports items stolen from front veranda c. Companion dog needs to be chained so as not to escape through open gate 	The recommended proposal suspends the community access to the easement, but allows for it to be reinstated in the future should that be desired while maintaining access to all jetty licence holders and the City
13. Sam Morton (Received by "Have Your Say Mandurah")	<ul style="list-style-type: none"> a. Appeal to revoke Public Access Easement b. Frustrated and annoyed walkers when path goes nowhere c. Claims items stolen, boarded boat and dog droppings left from users of the easement 	The recommended proposal suspends the community access to the easement, but allows for it to be reinstated in the future should that be desired while maintaining access to all jetty licence holders and the City
14. Jennifer Sandstrom (Received by "Have Your Say Mandurah")	<ul style="list-style-type: none"> a. For the safety of the people please close the beach 	It should be acknowledged the beach is not being closed, it is recommended that the easement be modified.
15. Carrol House (Received by "Have Your Say Mandurah")	<ul style="list-style-type: none"> a. It is only the residents who live in San Marco Quays estate who use the easement and like to use the beach. It has always been open and should remain open 	Option 1 – Council has previously considered and resolved to retain the easement. Further consideration of the matter has resulted in officers being comfortable with an approach of retaining the easement but excluding the community from being allowed to use the easement,

		with the ability of Council to modify this approach in the future. It is considered that the community use of the easement is currently limited, but if that changed, the ability for the community to use the easement could be reinstated in the future.
16. Rowe Group on behalf of The Quays Strata Council (Received by email/mail)	a. Supports removal of the Public Access Easement	The recommended proposal suspends the community access to the easement, but allows for it to be reinstated in the future should that be desired while maintaining access to all jetty licence holders and the City.

Department of Planning, Land & Heritage

Lands	Would support a modification whereby the southern portion is relinquished and request the foreshore and unallocated crown land remain accessible, as the DPLaH will likely request the City take over management of the UCL into the future, and as such land access to the groyne and foreshore would be beneficial.
Planning	Raises no objections to the southern portion being closed, as jetties are registered to the landowners of Lot 190 and therefore not accessible to persons outside the unit complex.

Department of Transport

Support a partial closure, as all but one jetty licence containing with the two abutting reserves are held by the Strata company or owners of units within the strata. DoT do not object as long as the portion of easement adjacent to the jetty licence held by the landowner of 25 San Marco remains open and accessible.

Statutory Environment

Land Administration Act 1997 – Section 196(9) A public access easement in favour of the State of WA may be varied or surrendered on behalf of the State by a deed made by the Minister responsible for the administration of the Planning and Development Act 2005.

Policy Implications

Nil

Risk Implications

The City's Solicitors advises, if the City has previously represented to any landowner holding a jetty licence, that continuing access would be maintained through the public easement and the benefit is later removed, those persons may have a case for compensation based on loss of access. This risk can be greatly reduced when the provision can easily be maintained through ensuring access continues in a new easement.

Economic Implications

The costs of the surrender and replacement easement being borne by the Owners of The Quays Mandurah.

Strategic Implications

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

Identity:

- Encourage active community participation and engagement.

Conclusion

Following a request from the land owners for the closure of the public access easement located within the boundary of 19 San Marco Quay Halls Head, officers have undertaken consultation with relevant state government departments and a public consultation process to determine the best outcomes for the community relating to the easement, while ensuring relevant access is maintained for entitled parties.

Officers therefore recommend that the current easement be varied to reflect changes that would suspend public access for the foreseeable future, while maintaining access to parties entitled to access for the purposes of jetty access, repairs and maintenance.

Council is therefore requested to approve the surrender of the current easement, subject to a new easement with varied conditions.

RECOMMENDATION

That subject to the agreement of the Grantor of the Public Easement - The owners of The Quays Mandurah (The Grantor) located on Lot 190 (19) San Marco Quay Halls Head, in accordance with The Land Administration Act 1997:

- 1. Council supports the surrender of the current easement, conditional upon grant of a new easement on the same conditions as the existing easement with the following variations;**
 - 1.1 Public access is suspended to the easement area until further notice;**
 - 1.2 The Grantee (City of Mandurah) having rights to revoke the public access suspension, and reinstate public access after first giving 90 days written notice;**
 - 1.3 Grants City officers or its agents unfettered access for the purposes of maintenance and repairs to all relevant crown land including seawalls, groynes, and foreshore area;**
 - 1.4 Any lock installed on gates must be a City's lock, with the key to gates being provided to any party having a right of access through the easement, including without limitation any person holding a jetty licence in the adjoining crown reserves;**
 - 1.5 All other conditions of the current easement will remain in place;**
 - 1.6 The costs of the surrender and replacement easement being borne by the Owners of The Quays Mandurah.**
- 2. The current easement will remain in place, until such time as the new easement is registered at Landgate.**

7 **SUBJECT:** Requested Closure of Pedestrian Access Easement –
 Lot 1289 Village Mews, Wannanup
CONTACT OFFICER/S: Ben Dreckow
AUTHOR: Thomas Foulds
FILE NO: N/A

Summary

Council is requested to consider the closure of a pedestrian access easement (“the easement”) located within Lot 1289 Village Mews, Wannanup. The easement is within the Common Property on Strata Plan 41658 and provides access along the waterfront of the existing development between the ‘retail node’ and Village Mews, which provides linkage to Westview Parade.

The Watersedge Strata Company (“the Applicant”) has made this request arising from the approval of a tavern at Lot 1301 (No 4) Port Quays. The request seeks the closure of the easement to the public and seeks the installation of lockable gates to allow residents of the strata complex unrestricted access. The operator of the tavern has yet to commence operation, and at this stage is unlikely to do so on the basis of a recent liquor licence refusal. Regardless, the applicant seeks the closure of the easement as a result of anti-social issues which have occurred in the past (i.e. vandalism, trespass and theft).

The easement is in place to provide for access along the waters edge between the beach and the commercial node given the relative density that was proposed at the time of development. The prevailing pedestrian network and small scale of the non-residential activity in the area would suggest that the area in question is not a high priority for retention.

Based on the request, it is recommended that consideration be given to modifying the easement to remove public access for the foreseeable future and that this modification be subject to community consultation. Should no objections be received during the advertising period, modifications to the easement can be progressed as a matter of course.

Disclosure of Interest

Nil

Location



containing commercial uses at ground floor with residential accommodation above and surrounding. Businesses currently operating from the Piazza are understood to be a liquor store and corner store, hairdresser, design studio and real estate office, whilst a number of tenancies are also vacant.

It could be argued that the closure of the easement promotes exclusiveness of the canal waterway, and limits pedestrians travelling south from Westview Parade (via the Public Access Way (PAW) between No. 16 and 20 Westview Parade) to one route south-east along Village Mews. Village Mews is essentially a rear laneway, with the footpath adjacent to car parking and opposite garages. Officers consider the easement to offer a pedestrian route which has passive surveillance, given dwellings are orientated toward the easement.





The alternative route along Village Mews is well-lit and allows wheelchair, pram and bicycle access, whilst the easement is accessed via stairs therefore restricting access. The applicant has identified the presence of a design fault given the easement crosses through the car parking area of the Strata complex. Similarly the Village Mews footpath intersects with the developments driveway.

Easement Design

Residential properties exist adjacent to the easement and provide surveillance at the ground (including outdoor living areas), first and second floor levels. These properties have pedestrian access via staircases, and have finished floor levels raised approximately 0.5m to 1m above the finished level of the easement. These design elements are considered to represent good design in terms of surveillance whilst providing an appropriate level difference and interface (i.e. visually permeable fencing) so as to provide separation between public and private space.

Similar easements exist in the south harbour of the Mandurah Ocean Marina, as well as at No. 19 San Marco Quays. In the case of the Mandurah Ocean Marina, development in the form of outdoor living areas and major openings address the easements over two to four levels, whilst each property also offers pedestrian access via stair cases. However, two design differences exist in that outdoor living areas are not necessarily provided at the ground floor and the finished floor level of development is approximately 1.5m to 2m above the easements.

Anti-social Behaviour

The Applicant has noted that the closure of the easement is considered to be essential in providing peace of mind to owners and residents of the Watersedge Strata Company, and to preserve the security and amenity of the area. Landowners and residents have experienced acts of intentional vandalism and trespass, which the Applicant notes is as a result of the open access way.

Rather than progress to close the easement, officers initially suggested a review of the physical attributes of the walkway to identify any improvements that could be made to aid improving the safety and amenity in this location. However, it is noted that the easement is already lit and benefits from

passive surveillance not only adjacent to the easement but from the surrounding properties and waterway.

Adjoining Tavern Use

With respect to Lot 1301, a tavern liquor licence is required to be granted by the Department of Racing, Gaming and Liquor before a tavern can operate from the site.

The Applicant notes that the closure of the easement would prohibit patrons of the tavern from loitering and creating nuisance or inconvenience within the easement area particularly after closing time. Furthermore, the applicant notes that owners bought into the area understanding that a restaurant would operate from Lot 1301, and therefore the prospect of a tavern operating so close to residential properties was never contemplated.

It is speculative to suggest that the operation of a tavern on an adjoining property will result in anti-social behaviour. Officers consider conditions on the development approval of the tavern, as well as any conditions imposed on a potential liquor licence are aimed at minimising acts of anti-social behaviour.

Consultation

Initially, officers referred the request to the Department of Lands, Planning and Heritage – Lands Division and noted that in principle officers did not support the request. In response, the Department agreed with officers in principle position and noted that the easement appeared to have been put in place to ensure the public at large has access. Furthermore, the Department agrees with officers that the easement contributes to the overall pedestrian network of the locality, and notes that the cancellation of the easement due to anti-social behaviour will not necessarily affect anti-social behaviour.

Should Council wish to consider modifying the easement, it is recommended that public consultation be undertaken with the local community as well as relevant external agencies (i.e. State Government departments and WA Police). The purpose of the consultation will be to determine any issues arising from the modification of the easement, as well as to determine current usage of the easement. Should no objections be received during the advertising period for the closure of the easement, modifications to the easement can be progressed as a matter of course.

Statutory Environment

Land Administration Act 1997 – Section 196(9) A public access easement in favour of the State of WA may be varied or surrendered on behalf of the State by a deed made by the Minister responsible for the administration of the Planning and Development Act 2005.

Policy Implications

Nil

Economic Implications

Nil

Strategic Implications

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

Social:

- Help build the community's confidence in Mandurah as a safe and secure City.

Identity:

- Encourage active community participation and engagement.

Conclusion

A request for the closure of the pedestrian access easement has been received from Owners of No 7 Village Mews, Wannanup. The easement is considered to contribute to the overall pedestrian network of the locality, however officers acknowledge issues raised by the applicant (i.e. anti-social behaviour).

Based on the request, it is recommended that consideration be given to modifying the easement to remove public access for the foreseeable future and that this modification be subject to community consultation. Should no objections be received during the advertising period, modifications to the easement can be progressed as a matter of course.

RECOMMENDATION

That subject to the agreement of the Grantor of the Public Easement - The owners of Lot 1289 Village Mews, Wannanup (on Strata Plan 41658) (The Grantor) in accordance with The Land Administration Act 1997:

- 1. Council supports the surrender of the current easement, conditional upon grant of a new easement on the same conditions as the existing easement with the following variations:**
 - 1.1 Public access is suspended to the easement area until further notice;**
 - 1.2 The Grantee (City of Mandurah) having rights to revoke the public access suspension, and reinstate public access after first giving 90 days written notice;**
 - 1.3 Any lock installed on gates must be a City's lock, with the key to gates being provided to any party having a right of access through the easement, including without limitation any person holding a jetty licence in the adjoining crown reserves;**
 - 1.4 All other conditions of the current easement will remain in place;**
 - 1.5 The costs of the surrender and replacement easement being borne by the Owners of Lot 1289 Village Mews.**
- 2. That the support to surrender the current easement and replace with a new easement with the conditions listed above be subject to public consultation; and that should no objections be received during the advertising period, procedures required to implement the new easement provisions are implemented.**
- 3. The current easement will remain in place, until such time as the new easement is registered at Landgate.**

8	SUBJECT:	Third Party Appeal Rights in Planning
	CONTACT OFFICER/S:	Ben Dreckow
	AUTHOR:	Ann Harrop
	FILE NO:	TBC

Summary

Following feedback received from member local governments regarding a discussion paper on third party appeals in planning, the Western Australian Local Government Association (WALGA) State Council resolved to undertake further consultation with members to discuss the various concerns and suggestions raised in response to the discussion paper.

Further consultation was undertaken in the form of a series of workshops to discuss four potential models for third party appeals which broadly captured the range of responses previously provided in support of third party appeals. The workshops were attended by both local government officers and elected members from 25 local government areas and were used to discuss the possible scope and form that any third party appeal rights should take in order to determine a preferred model.

Based on the outcomes of the workshop, WALGA is requesting members consider the its preferred model for that support the introduction of Third Party Appeal Rights by local government for decisions made by Development Assessment Panels.

Council has previously resolved to advise WALGA that it is prepared to support further consideration of third party appeals upon the release of a discussion paper by the Department of Planning/WAPC regarding the matter.

Since this time, the Minister for Planning announced a wide ranging review of the planning system to address community concerns around how planning decisions are made, whilst ruling out the introduction of third party appeal rights in WA.

It is therefore recommended that Council reiterate its previous recommendation providing support for the further consideration of third party appeal rights and support the model proposed, however in addition, strongly encourage WALGA to pursue its involvement in the planning review process as a preferred means of addressing concerns with the current decision making framework.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.9/7/17 11 July 2017 Third Party Appeal Rights in Planning – WALGA discussion paper.

Background

In December 2016 WALGA State Council resolved to undertake research on third party appeals around Australia and further consult with members regarding its current policy position. WALGA had previously formed a policy position against third party appeal rights in 2008, however since this time significant changes had been made to the WA planning framework including the introduction of Development Assessment panels and the introduction of 'Deemed Provisions' for local planning schemes, which prompted the Association to again initiate a discussion on the role of third party appeals in the Western Australian Planning System.

The Association subsequently released a discussion paper examining the impact of changes in the WA Planning Framework on the arguments for and against third party appeals in order to consult with member local governments.

Council considered WALGA's discussion paper at its meeting held on the 11th July 2017 where it was resolved;

"That Council

1. *Advises the Western Australian Local Government Association that it is prepared to support further consideration of third party appeals in Western Australia for development applications, structure plans and planning scheme amendments upon a discussion paper being released by the Department of Planning / Western Australian Planning Commission citing options and examples of third party appeals.*
2. *Advises the Western Australian Local Government Association that Council's current position is that:*
 - (a) *Appellants and their grounds of appeal be publically released;*
 - (b) *The capacity for costs to be awarded against parties determined to have lodged vexatious, or non-planning based appeals;*
 - (c) *Appellants must have previously lodged an objection (which means that such appeals can only be in respect to an application that is required be advertised, which suggests some level of discretion is expected to made in the decision making process);*
 - (d) *Appellants having a maximum 14 days to lodge an appeal, together with an appropriate fee;*
 - (e) *Appeals not applying to decisions made in relation to Single Dwellings and associated ancillary buildings under the Residential Planning Codes."*

WALGA's State Council considered feedback from members at its 8 September 2017 meeting where it was resolved to undertake further consultation with members to discuss the various concerns and suggestions raised in response to the discussion paper.

Further consultation was undertaken in the form of a series of workshops to discuss four potential models for third party appeals which broadly captured the range of responses previously provided in support of third party appeals. The four models considered were as follows:

1. Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs).
2. Support the introduction of Third Party Appeal Rights for decisions where discretion has been exercised under the R-Codes, Local Planning Policies and Local Planning Schemes.
3. Support the introduction of Third Party Appeal Rights against development approvals;
4. Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of an approval.

The workshops were attended by both local government officers and elected members from 25 local government areas (including the City of Mandurah) and were used to discuss the possible scope and form that any third party appeal rights should take in order to determine a preferred model. During the workshops, there was a general consensus on the benefits that the introduction of Third Party Appeal Rights would provide. These included:

- Greater accountability of decision-makers, including Local Government, Development Assessment Panels and the State;
- Greater transparency in the planning decision-making process;
- Improved consultation by applicants;
- Increase community confidence in the planning system and planning decisions; and
- More equity between applicants and appellants.

Issues of common concerns raised regarding Third Party Appeals included:

- Increased costs, in terms of both staff resources and financial requirements;
- More time required for a development to receive a planning approval in order to allow for third party appeals;
- Third Party appeals contrary to current efforts to streamline the planning process;
- Increase uncertainty for the development industry;
- Removal of decision making power from Local Government;
- Raising community expectations which may not be met in practice;
- The creation of an adversarial/litigious environment around planning decisions; and
- The introduction of Third Party Appeals not addressing most of the underlying concerns regarding the current planning system.

After reviewing the four models provided and discussing the advantages and disadvantages of each, workshop participants were asked to vote for their preferred model. The option receiving the greatest level of support was Option 1 in support of the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels. Based on this outcome, WALGA is now requesting members formally consider the following as the preferred model for Third Party Appeal Rights in Planning in WA:

“Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels”.

A copy of WALGA’s report “Outcomes of Consultation – Third Party Appeal Rights in Planning” has been included as Attachment 1.

Comment

Third Party Appeal Rights is a complex issue, with strong arguments both for and against their implementation. Council has previously advised WALGA that it is prepared to support further consideration of third party appeals upon a discussion paper being released by the WAPC citing options and examples of third party appeals.

In November 2017, the Minister for Planning announced a wide ranging review of the planning system to address community concerns around how planning decisions are made. The objectives of the planning reform team include:

- Making strategic planning the cornerstone of all planning decisions;
- Opening up the planning system so that it is understandable to all;
- Clarifying local and State planning roles and functions of the WA Planning Commission and Department of Planning, Lands and Heritage;
- Responding to community concerns about accountability and transparency of Development Assessment Panels;
- Formally recognising the need for community participation;
- Creating more certainty for industry and cutting red tape; and
- Refining developer contribution schemes

The Minister has publically stated that there is no intention of introducing third party appeals as part of the review process.

The preferred model presented by WALGA to allow for third party appeals against decisions made by DAP’s would see third party appeals limited to major developments where the decision making responsibility has been removed from Local Government. This was seen by workshop participants as an option that would address community concerns about the accountability and transparency of DAPS; enable Local Governments themselves to appeal a DAP decision and defend the merits of their policies and enforceability of their conditions; and provide a good first stage approach for the introduction of third party appeal rights.

Concerns raised regarding this model included the potential conflict of interest for Elected Members sitting on DAPs if Local Governments were to appeal a decision; the addition of another layer to an already complex system; the increased costs and timeframes as a result of an appeal; and the reduced certainty in the decision making process.

One of the key reasons for reigniting the debate surrounding third party appeals in Western Australia was the shift in decision making power away from Local Governments through changes to the planning framework and the introduction of DAP's. The introduction of third party appeals in the form of the model suggested by WALGA, would result in greater public confidence in the planning system in those instances where decision making has been shifted away from local representation.

It would also restrict appeals to those decisions that are made by a DAP, limiting the potential resources required by local government to administer, resource and potentially engage legal council for third party appeals. It is recognised however that there is no intention by the State Government to introduce any form of third party appeal, and that concerns regarding the operation of the current planning framework may be better addressed through involvement in the planning review process.

Statutory Environment

In accordance with Part 14 of the Planning and Development Act 2005, appeals against a decision made by a relevant authority may only be made where an applicant is aggrieved by a refusal, or by conditions imposed on an approval in the following circumstances:

- Where a decision is made under an interim development order
- Where a decision is made in a planning control area
- Where a decision is made under a local planning scheme
- Where a direction has been made under s214 of the Act regarding unauthorised development; and
- Where a decision has been made under Part 10 of the Act which relates to subdivision

The Act does not currently provide for third party appeals as a right.

Policy Implications

WALGA State Council will consider feedback from its members to formulate a revised policy position on third party appeals in Western Australia.

Risk Implications

Council's position being different to that of WALGA has little risk. The implementation of any third party appeals may alter operating practices somewhat, but given the existing State Government's position, would be sometime away from gaining traction.

Economic Implications

The introduction of third party appeals rights would potentially result in additional costs to the City. Under Additional resources would likely be required to administer, resource and potentially engage legal counsel to defend (or appeal) these decisions. Without proper resources, such a situation could lead to delays in making planning decisions, which in turn, would create inefficiency, uncertainty and increased costs.

Strategic Implications

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

Leadership:

- Develop and empower our community leaders to determine, guide and advocate for the City's future
- Ensure that the City as an organisation behaves as a model corporate citizen

- Demonstrate leadership on major regional, state and national issues

Organisational Excellence:

- Ensure the City has the capacity and capability to deliver services and facilities that meet community expectations.
- Deliver excellent governance and financial management
- Develop a strong brand of leading local government that meets community expectations

Conclusion

Following the consideration of the arguments for and against third party appeal rights, Council has previously resolved to advise WALGA that it is prepared to support further consideration of third party appeals upon the release of a discussion paper by the Department of Planning/WAPC regarding the matter.

Since this time, the Minister for Planning announced a wide ranging review of the planning system to address community concerns around how planning decisions are made, whilst ruling out the introduction of third party appeal rights in WA.

It is therefore recommended that Council reiterate its previous recommendation providing support for the further consideration of third party appeal rights and support the model proposed, however in addition, strongly encourage WALGA to pursue its involvement in the planning review process as a preferred means of addressing concerns with the current decision making framework.

NOTE:

- Refer ***Attachment 1 Outcomes of Consultation – Third Party Appeal Rights in Planning***

RECOMMENDATION

That Council:

1. **Reiterates its previous advice to the Western Australian Local Government Association that it is prepared to support further consideration of third party appeals in Western Australia for development applications, structure plans and planning scheme amendments upon a discussion paper being released by the Department of Planning/Western Australian Planning commission citing options and examples of third party appeals.**
2. **Encourages the Western Australian Local Government Association to pursue its involvement in the planning review process, to address member concerns with the current planning framework, in recognition of the State Governments current position on third party appeals.**



Outcomes of Consultation

Third Party Appeal Rights in Planning

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1.0 In Brief

At its September 2017 meeting, State Council noted that there is increased support for the introduction of some form of Third Party Appeal Rights in Planning in Western Australia. State Council requested that:

1. Further consultation with members be undertaken on the various concerns and suggestions which were raised in response to WALGA's *Third Party Appeal Rights in Planning Discussion Paper* ([link](#)); and
2. A review of the various forms of third party appeal rights which were proposed by members to develop a preferred model.

Two workshops were held on 1 November 2017, and a webinar held on 9 November 2017. This paper will discuss the outcomes of the consultation.

2.0 Background

In December 2016, WALGA State Council resolved to undertake research on third party appeals around Australia and further consult with members regarding the current policy position. The Association prepared a discussion paper which provided background on the development of WALGA's current policy position and a review of the arguments both for and against third party appeals which was circulated to the Local Government sector for comment and feedback.

The feedback received from members was presented to State Council at its 8 September 2017 meeting, where it was resolved that (92.9/2017) -

1. *State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.*
2. *WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model.*
3. *The findings to be distributed for comment and the Item then be reconsidered by State Council.*
4. *WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.*

3.0 Consultation

The submissions received on the discussion paper were closely divided between support for some form of Third Party Appeals and opposition to their introduction. Further, amongst the submissions in favour of Third Party Appeals, the level of support varied from limiting its application to specific circumstances, such as DAP decisions, to broad appeal rights similar to the Victorian system. The range of options and ideas presented were incredibly varied, and there was no clear consensus on the form and/or scope any such rights should take.

This feedback was collated into four options which broadly capture the range of responses in support of Third Party Appeals. These four options were then used to guide workshop discussions. The options discussed, from narrowest to most broad, are as follows:

1. **Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels:** Under this system, third party appeals would be broadly similar to the New South Wales system ([link](#)) whereby appeal rights are limited to uses such as major developments where the development is high impact and possibly of state significance. This would include the ability to appeal amendments to an existing approval.
2. **Support the introduction of Third Party Appeal Rights for decisions where discretion has been exercised under the R-Codes, Local Planning Policies and Local Planning Schemes:** Under this system, third party appeals would be broadly similar to the Tasmanian system ([link](#)) whereby third party appeals are limited to development applications where discretion has been exercised. This would include the ability to appeal an amendment to an existing approval.
3. **Support the introduction of Third Party Appeal Right against development approvals:** Including all development application approvals made by Local Governments, JDAPs and the Perth DAP, MRA or WAPC. This would include appeal rights for affected neighbours and community groups for applications and the ability to appeal amendments to an existing approval.
4. **Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of an approval:** Under this system, third party appeals would be broadly similar to the Victorian system ([link](#)) whereby the provision of third party appeal rights cover most development applications and the use of, or lack of, any conditions being imposed. This would include the ability to appeal an amendment to an existing approval.
5. **Other** – as a range of options were provided by members, any alternate versions to the above, or combination of the above could be proposed, including maintaining WALGA's current policy position of not supporting Third Party Appeal Rights.

It should be noted that any form of Third Party Appeals which could be introduced into the Western Australian planning system would need to include criteria that:

- Ensures that appeals are only made on valid planning grounds and are not made for commercial or vexatious reasons.
- Limits Third Party Appeals Rights to those parties which previously made a submission on that development application during the advertising period.
- Require a short window in which to appeal (for example 14 days).

The exact details of such criteria would need to be established before any system of Third Party Appeals in Planning is implemented, however the focus of the workshops was to discuss the possible scope and form any such appeal rights should take in order to determine a preferred model.

The workshops followed a 'market place' format, whereby each of the options had its own table and facilitator to guide discussion. Workshop participants circulated between tables so that they could discuss the strengths and weaknesses of each option. There was also an opportunity for participants to provide a 'fifth option' if they had a preferred model which was not captured by the four options provided. Webinar participants were presented and provided an opportunity to discuss each option, and were given the opportunity to present their own preferred models.

During the workshops, there was a general consensus on the benefits that the introduction of Third Party Appeal Rights would provide. These included:

- Greater accountability of decision-makers, including Local Government, Development Assessment Panels and the State;
- Greater transparency in the planning decision-making process;
- Improved consultation by applicants;
- Increased community confidence in the planning system and planning decisions; and
- More equity between applicants and appellants.

There was also general agreement on areas of concern should some form of Third Party Appeals be introduced. These included:

- Increased costs, in terms of both staff resources and financial requirements;
- More time required for a development to receive a planning approval in order to allow for third party appeals;
- Introduction of Third Party Appeal Rights would be counter to current efforts to streamline the planning process;
- Introduction of Third Party Appeal Rights would create uncertainty for the development industry;
- Removal of decision making power from Local Government;
- Raises community expectations which may not be met in practice;
- Creates an adversarial/litigious environment around planning decisions; and
- Introduction of Third Party Appeals does not address most of the underlying concerns regarding the current planning system.

It was also clear from the discussions that any system of Third Party Appeals would need to be carefully constructed and provide clear guidance on several issues, including:

- When and how a third party can lodge an appeal, and the types of appeals that would be supported;
- Ensuring appeals are only lodged for proper planning grounds, and not for vexatious or competitive purposes;
- Whether 'deemed-to-comply' decisions would be appealable; and
- Would third party appellants be provided some form of 'legal aid' to assist in lodging appeals, to keep the process from being cost prohibitive?

A complete list of comments for each option, as well as possible modifications and suggested 'Fifth Options' is included in **Attachment 1**.

After reviewing all of the options and discussing the advantages and disadvantages of each, participants were asked to vote for their preferred model. Voting was via secret ballot for workshop attendees and via confidential messaging for webinar participants. Participants were also asked to indicate whether they were Elected Members or Officers, so that the results could be captured separately.

3.1 Voting and Preferred Model

In total, 30 votes were cast by participants, 27 by officers and three by Elected Members.

A breakdown of the votes are as follows:

- **Option 1** = 9 votes
- **Option 2** = 6 votes
- **Option 3** = 3 votes (includes 2 Elected Member votes)
- **Option 4** = 1 vote (includes 1 Elected Member vote)
- **Option 5** = 11 votes

It must be noted that although Option 5 received the most votes, this option allowed members to provide their own Third Party Appeal Rights model. Subsequently, of the 11 votes for Option 5, six of these votes were in support of no Third Party Appeal Rights of any kind, while the remaining five votes were each for differing versions of Third Party Appeal rights which those participants supported.

As such, the option which received the greatest level of clear support was Option 1 in support of the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels. A summary of the most common remarks, both for and against, is provided below (for a complete list see Attachment 1).

Option 1: Third Party Appeal Rights for decisions made by Development Assessment Panels

For	Against
Local Government would be able to appeal a DAP decision and defend the merits of their policies and enforceability of their conditions.	Will still require increased staff and resources.
Addresses community concerns that decisions are being made 'removed' from the local community, leading to improved community confidence in the system.	Possibility that the minister could remove Elected Members from DAPs if Local Government can appeal anyway. Possible conflict of interest for Elected Member panellists.
More transparent process with more accountable DAP members, in both decision making and condition setting.	Elected Members may be pressured to initiate an appeal, rather than the community initiating an appeal.
Could allow for appeal on conditions that may have been removed from a RAR.	Reduces certainty in the decision making process.
A good first stage approach for the introduction of Third Party Appeal Rights - could be expanded later.	Possibility for more than one person to want to appeal - how to manage multiple appeals/appellants, and determine degree of impact?
Limits appeal rights to larger, more complex applications and would filter out 'smaller' impact applications which could potentially overburden system.	Only applies to DAP determinations, does not include applications for \$2-\$10 million that are determined by Council. If applicant does not opt in to DAPs then they avoid Third Party Appeal Rights.

May rarely be used in rural areas, is almost the status quo.	Could undermine the reason for DAPs being set up originally.
Likely that more applications will be decided by Council.	Adds another layer to an already complex system.

As can be seen, Option 1 generated strong arguments both for and against the introduction of Third Party Appeal Rights, even in limited scope.

4.0 Feedback Sought and Next Steps

As noted, the purpose of the consultation was not to develop the full details and criteria by which any system of Third Party Appeal Rights in Planning would operate, but to determine a preferred model for any proposed rights.

As such, the Association is requesting that members consider the following as the preferred model for Third Party Appeal Rights in Planning in Western Australia:

Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels

Members are requested to advise their support or otherwise of this model of Third Party Appeal Rights by Council Resolution, to be returned to the Association no later than **15 March 2018**.

Upon receipt of the resolutions, the outcome will be reported back to State Council.

Council resolutions can be sent to the Planning and Development Team via email at planning@walga.asn.au or by mail to WALGA directly at PO Box 1544, West Perth WA 6872, Attention Planning and Development Team.

Any questions or comments can be sent to the above email or call on 9213 2000 to discussion with a member of the Team.

5.0 Attachment 1: Third Party Appeals Workshops and Webinar collected comments

Workshops attendance: 40 Attendees, 35 Local Government Officers, and 5 Elected Members, from 25 Local Government areas including:

- City of Stirling
- City of Wanneroo
- City of Vincent
- City of Subiaco
- City of Fremantle
- City of Kalamunda
- City of Cockburn
- City of Belmont
- City of Bayswater
- City of South Perth
- City of Rockingham
- City of Mandurah
- City of Joondalup
- Town of Mosman Park
- Town of Cambridge
- Town of East Fremantle
- Town of Cottesloe
- Shire Wyndham East Kimberley
- Shire of Wongan
- Shire of Beverley
- Shire of Toodyay
- Shire of Serpentine Jarrahdale
- Shire of Peppermint Grove
- Shire of Albany
- Shire of Kalgoorlie-Boulder

Option 1 Comments

Pros

- Local Government would be able to appeal a JDAP decision + can defend the merits of their policies created (developed under construction) - and enforceability of the conditions.
- Could address community concerns that decisions are made 'removed' from the local community – more influence in the process.
- Confidence in the decision making process - reinstate community confidence in the decision making process - different at each Local Government depending on the make-up/location.
- More transparent process + more accountable JDAP members, in decision making + condition setting.
- Community members can appeal decisions.
- Form 2's included in the process - ability to appeal the amendment + the conditions setting.
- More applications will come back to council.
- Legal nexus between Local Government /State policies + decision making -> TPAR would give this.
- Spread the costs between the applicants/developers/appellants/third parties.
- Could appeal on conditions that may have been removed from a RAR - (i.e. cash-in-lieu conditions removed from RAR).
- Submissions of more compliant applications /outcomes of better developments -> possible costs and time savings for developers.
- 1st stage approach for TPAR - could be expanded later.
- Community satisfaction that JDAPs' can be appealable - feeling of loss of inclusion in the process.
- Community can appeal to JDAP to enable better transparency of decisions.

- Local Government can appeal a decision (particularly when RAR is overturned + conditions).
- JDAPs - can appeal any decisions that don't align with strategic vision.
- Being limited to those complex applications/complicated issues.
- Justify the argument against the development before an appeal can be lodged - direct impact needs to be shown.
- Direct impact needs to be shown.
- Good balance.
- Appellants would have to pay for their own costs.
- Takes out the decisions that are political.
- Applications could then just go to council in the \$2-\$10 range.
- Would filter out 'smaller' impact applications which could potentially overburden system.
- May be rarely used in rural areas - almost status quo – (is it even worth having?).
- Not supportive of Third Party Appeal Rights - BUT would reluctantly support this option.

Cons

- Only DAPs - not includes \$2-10 for council determinations.
- Political only fix.
- Form 2 process back into Local Government now - so decision could then be appealed? Even if Local Government originally didn't like it. Quantitative measure for whether it is then appealable.
- Resource hungry for all involved - particularly for Local Governments.
- Not all JDAP members would be brought to SAT - only Chair.
- If Local Government supports - but the item is appealed - Local Government would be dragged in.
- Lack of certainty in the decision making process.
- Possibility for more people to be attending an appeal - how to manage? Does it become a numbers game?
- Elected Members may be pressured to put in an appeal rather than the community initiating an Appeal.
- Possibility that the minister could remove Elected Members from JDAP if Local Government can appeal anyway.
- Conflict of interest for Elected Member who sits on the panel if the Local Government appeals it.
- Conditions - in or out?
- More applications will come back to council.
- Odd paradigm to be appeal a decision - Local Government appealing JDAP when they are making a decision on their behalf.
- Could undermine the whole reason for DAPs being set up in the beginning.
- Who would prepare the appeal? Independent? Or Local Government?
- What level of strategic oversight would be included - is it local or regional benefits.
- Multiple appeals? Degrees of appeal issues.
- State or regional policy provisions/what takes precedence?
- Connection to structure planning provisions within the system - 'due regard' less weight.
- Costs unknown.
- Uncertainty for development industry.

- Advertised applications only - would JDAP then have all applications as 'advertised'? Greenfield sites/deemed to comply.
- Resources of JDAP's - who submit the appeal and manages the process?
- Could undermine the purpose of DAPs.
- Could reduce the pool of quality DAP panel members.
- Another layer to add to the system.
- Don't get may DAP applications in smaller areas.
- If applicant does not opt in to DAPs then they avoid Third Party Appeal Rights.

Modifications

- Would have to review the \$ amount? - If they opt in then all should be considered for review.
- Change new Form 2 'amendment of conditions' changes to the Regulations would be needed.
- Clarify that it's back through SAT.
- All JDAP panellists would have to be part of the appeal.
- Removal of compulsory nature of all JDAP's.
- Clarify around 'petitions' versus 'individual' vs 'interest groups'.
- Modification to what JDAP actually looks at -> review of the criteria and \$ levels-> State/regional Significance.
- RAR's to council/RAR's to have a council input.
- RAR's to include departures from policy.
- Review of DAPS/Abolish DAPs.
- Structure planning regulations.
- Clarity around the levels/type of developments.
- Renew of JDAP \$\$ types -> what should be appealable.
- Criteria for the type of appellants & JDAP consideration of whether they can appeal – possible independent panel to review before it goes to an appeal.
- Joining of appeals (relates to above). Does it impact type of applicants?
- Only ones with discretion can be appealed, - this would need to be clarified/clearly defined. Is there a threshold of discretion significance?
- Danger of including optional thresholds would be a disincentive for applicants to go to DAPs.
- Possibly modify triggers for regional areas - either dollar value lowers or have size triggers such as XXX square metres.

Option 2

Pros

- Gives ability to challenge objectivity.
- Maximise compliant applications.
- May encourage early applicant engagement with neighbours.
- Limits number of appeals, compared to other models.
- Gives better understanding within council about their decisions.
- Holds councils accountable for their use of discretion.
- Reasonable balance between applicant cost and community involvement.
- Better discussion between neighbours.
- Improve the quality of decision making – accountability of decision makers.
- One step better than the Victorian system.
- Staged approach – 'dipping toe' in to Third Party Appeals.

- Improved criticisms/content of Policy.
- Provides the community with some assurance.
- If delegation is used less – people present to council – maybe reduce number of appeals.

Cons

- Lack of clarity on what is discretion.
- Does the nature of the planning system, with its broad discretion, make this model redundant?
- Poorly framed model - But could be improved if only utilised against discretion against state & local policy.
- It's undemocratic - lesser rights than an applicant.
- It's not the Victorian model.
- Doesn't foster orderly and proper planning.
- Resource intensive - cost, delays, certainty.
- Lack of clarity around what is a discretion.
- There is a large number of discretionary decisions.
- Resource issue for council/staff resources.
- Lack of clarity around who is an affected party.
- Undermines existing discretionary mechanisms.
- Doesn't allow for appeal against incorrect assessments – would still need to go to Supreme Court.
- Too open for abuse.
- Limit creativity – is deemed provisions always the best outcome?
- Flow-on effect to tighten up discretion, leading to more prescriptive outcomes.
- Not all discretionary decisions are advertised.
- Vexatious.
- Using a planning issue to hide the real reason for appeal – appeal for non-reason.
- Could lead to officers using their delegation less, give the responsibility back to council – 'unstreamlines' Planning/leads to more political bias.
- Doesn't apply to non-LG decision makers.
- Unless the application is advertised prior to the decision being made, it is unlikely that neighbours would even know to appeal.
- Local Governments use a lot of discretion - opens a lot of applications to Third Party Appeals.
- Discretion used to manage areas with difficult landscape (e.g. slope & overlooking) and areas such as beach from development - these are always contentious and TPAR will make them very difficult to deal with.
- Opens 'run of the mill' applications to Third Party Appeals, slows the process up.
- Cost of defending decisions to the Local Government will be large.

Modifications

- A clearer framework on where it applies (advertised, in policy, LDP).
- Excludes ability to appeal on amendment.
- Application of costs - to reduce vexatious appeals.
- Limited to applications that are advertised – appeals then limited to those who were advertised to.
- Appeal limited to people who are directly affected.

- Party lodging the appeal must demonstrate that they are adversely affected – decided by SAT.
- Applicant has to defend the proposal – council can opt out?
- Independent assessment body to determine if an appeal is valid.
- Defining what a significant variation is – this is a whole other topic of discussion.
- Categories? Thresholds?
- Scope needs to be constrained – SAT should only assess the matter of discretion.

Option 3

Pros

- MRA + WAPC inclusion -> (Local Government would have some involvement) in State planning decisions with some access to decision making process.
- Community opportunity to be involved with/on WAPC/State Gov decisions.
- Limits the number of vexatious issues (compared with Option 4).
- Encourage JDAPs to give greater consideration to community value/local planning policies.
- Foster orderly and proper planning.
- Faster compliant applications (reduce time for staff) and costs.
- Local Governments made more accountable.
- MRA + WAPC and JDAP - decision makers more accountable.
- Consistent approach to "accountability". -> Both State and Local.
- Clear to the community as to what can be appealed -> every decision made rather than limited value/size?
- Should improve quality of applications
- Should improve planning processes - consultation etc., - clear strategic direction, - education of community.

Cons

- Broad in scale and range. No understanding of what the impact may be.
- Resourcing the system.
- The inclusion of amendments makes the model more complicated.
- Would require robust assessment process for determining who has Third Party Appeal Rights. Who has rights (directly affected/adjacent to?) to make submission? [formal system to determine who has third party appeal rights]
- Wonder about costs? Could have a profound impact on Local Government -> additional costs on planning + development. All costs -> substantial!
- Overlap with Building Act?
- What is the point of appealing deemed to comply?
- Not Victorian model.
- Not 'equal rights' between applicants and 3rd parties, same access to the system.
- On 'planning grounds'.
- Development uncertainty.
- Everything could go to SAT.
- Costs of going to appeal for third party
- Equity of access.

Modifications

- Deemed to comply out.
- Clear criteria - applicable/clearly understood -> 'grounds and rights'.
- Clearer system for determining appeal rights (right to appeal decisions...).
- SAT -> would need someone to assess 'rights'/leave to appeal, - 3 member panel review?
- What about the costs? Who pays? Should you award cost against? Need to consider nature of Third party appellant.
- Education on what is 'valid planning grounds'.
- Advocacy 'legal aid'.
- Modest fee, 'to be determined'.
- Accessible/understandable/affordable - [shouldn't be free].
- Seek advice 'practitioner' [independent bureau to provide advice to appellant].
- Multiple third parties -> who takes precedence? -> how do you determine priority of appellants?
- Should be some criteria on what 'value' of development could be (rather than everything).

OPTION 4

Pros

- Gives community absolute + complete community engagement.
- *Will/' Might' get better outcome if issues surface that weren't previously considered.
- *'Will' (above) improve the whole process (more considered) - circumvent approvals that shouldn't be given.
- That may go beyond those who have already made a decision.
- Considers community values & 'buy-in' to ultimate decision.
- Enables community to engage with the planning system at a level they can relate to.
- Makes developer more accountable about what is presented.
- It will hold the decision makers accountable.
- Could address the disillusionment of the community - those that don't feel they have a 'say' – not aware of process until decision has been made.
- Allows community the option to engage where comfortable.
- Assessment process will improve.
- Didactic role with the community - (they) gain understanding of process and are involved.
- Brings the 'local' into the current JDAP system. Makes JDAP accountable to the community.
- Would be positive to have a system that allows appellant to be 'heard'.
- Councillors (EM) would become better informed - be a part of the planning process (proper justification).
- Acknowledge community involvement in planning and policy development.
- Only legal nexus available to the individual (third party).
- Disengaged in the development process.
- Makes the system accountable/transparent.
- Costs = initial spike for 2 years, then it flattens out so only 'early' costs - will get more and consistent compliant DA applications.
- Leave provisions would 'weed' out the vexatious claims. Third Party Appeal Rights allows there to be equally between applicants and appellants.
- Appeal is the tail end of the process - community should be at the start.

- Provides 'balance' as some approvals are made as can't resource going to SAT.
- No confusion about what can be appealed.
- Applicant will pay more attention to application.
- Makes developer more accountable at the start with community.
- Make a decision making body more careful of their process - i.e. not risk their reputation.
- Lawyers/expert witnesses will do well.
- Merit in someone appealing when new information comes forth.
- Benefits to the community - can appeal anything - currently seen as silent.
- Allowing the community to have their say on issues for the greater good even if not overly affected.
- Encourage planners, JDAPs etc., to be more transparent - i.e. an appellant would be more aware of what to appeal.
- Bringing it in as Victorian model gets through the pain of strain - however equitable.
- Should be able to appeal against amendments (e.g. form 2) - minor amendments.

Cons

- Resources required to appeal a decision particularly conditions - would require extra staff/people.
- Has potential to frustrate 'all' development.
- Has potential to delay decisions.
- Adds cost to development.
- Planning system is already guided by community.
- Potentially flawed as only those who have already had an opportunity to contribute can appeal.
- Becomes a neighbourhood dispute or forum for stakeholder to 'vent' and address 'other' issues rather than 'planning'.
- Conditions - becomes very subjective about what is a valid or invalid appeal (justification) e.g. amenity, e.g. not to do with the structure more about the use of the structure.
- So many conditions are 'standard'.
- No option for a 'deemed to comply' examples shouldn't be able to be appealed.
- No certainty for a developer.
- Could allow appellants more 'creative' in their appeals.
- Takes power away from Local Government.
- Decisions that are made in good faith are challenged.
- Could act as a 'policing' option - a pressure to act differently - don't always have the threat of appeal hanging over head.
- Admission that the current system is flawed - more people saying that they are voiceless. Does that mean policies currently developed don't reflect?
- Higher level planning is currently strong and represents communities views - have due regard to Community.
- Application against the DA.
- All decisions would be advertised.
- Why another level of appeal for decisions - timing/costs/etc.?
- Logistics of how community would engage in the DA process.
- Additional costs to SAT as well as LG + community - What are the resources going to be needed?
- Large developers lodging appeals to edge out smaller developers - availability to \$.

- Developers likely to pass on any potential costs to the end user/quality of products/unexpected Consequences.
- Generally goes against the whole streamlining of the planning process.
- Concerns around raising expectations of community that they can change something they can't.
- If you place this much pressure at the end, does it detract from the strategic planning at the start?
- Takes away the applicants rights in some instances.
- Creates a litigious environment.
- Community is represented by council - therefore decisions by councils should not be included.
- What about non-discretionary decisions? Goes against broader strategic aims.
- Considering non-planning issues to satisfy community.
- Implications of costs/efficiencies - massive cost to the system.
- Implications of third parties appealing after the fact who haven't objected already - do they actually have a valid reason for appeal?
- How long is the review period going to be? Longer?
- Loss of certainty for applicants - approval doesn't always mean approval with appeals.
- Inequitable - e.g. affluent areas may have more \$\$ ability to initiate appeals.
- May attract the attention of large community groups. (Community involvement vs. activism).
- Reactive to the 'short term' rather than taking a positive approach early in the strategic process.
- Unrealistically raising community expectations to fully change a decision.
- What about multiple third parties?
- Who is directly affect? Direct impact?
- The case by case mature of 'carte blanche' approach.
- Concern around third parties coming up with conditions - e.g. non-planning basis.
- Contradictory to moves towards streamlining planning processes.
- From nothing to fully appealable is a stretch - massive shift.
- Elongated process currently don't support satisfaction with outcomes, i.e. tokenistic.
- Not a problem with the system, it's the perception of the system.
- Developers 'may' put up 'best of' hoping something will slip through.
- Local Government becoming too conservative.
- End up with a lot of 'deemed to comply' - doesn't always result in good planning outcomes.
- To open to abuse.
- Could stifle innovation in design.
- Creates an atmosphere of distrust in decision makers.
- Puts into question the whole consultation process.

Modifications

- Winding back - e.g. not including conditions in the appealable rights - i.e. standard planning conditions that protect amenity e.g. 'stormwater condition'.
- Require a balance between cost & community's right to appeal - this option goes too far.
- Requires the ability to award cost.
- The paper base (document trail) would remain the key.

- Local Government gets to appeal against WAPC decisions on sub-divisions that affect the locality/finances/budget.
- Any third party appellant may do so in their own right (i.e. without lawyers).
- Perhaps a combination of experts & community/individual.
- More decisions to be published to keep community more informed & transparent.
- Third part appeal parameters as long as better planning outcomes.
- Where there is a decision made? Connect the appellant & applicant with the decision maker stepping back.
- Mediation rather than appeal.
- [Triangle diagram with decision maker/applicant/appellant as points] :-
 - When decision is made in the affirmative, do not defend the decision, the applicant has to defend.
 - If successful costs are borne by the decision maker.
 - Leads to correct decisions being made in the first instance (sound).
- Decision maker needs to be able to set the parameters.
- Should be able to appeal against amendments.
- Creates even greater uncertainty, especially at the strategic level.
- Don't know how people will use TPAR - the cost/time associated are unknown - So fear of unknown and broadening scope increases uncertainty.

OPTION 5

- No Third Party Appeals but improve the existing decision making process. E.g. (below):
 - Compulsory training for decision makers in planning;
 - Better policy basis - should be included;
 - scheme provisions consistency;
 - community education in planning;
 - transport planning at State level to establish planning framework;
 - upfront consultation or draft of scheme + LP Strategies -(scheme as a community document);
 - Scheme amendments - what will it look like - honest representation.
- New Options (below)
 - Option 2 + Conditions + all agencies (decision makers).
 - Option 2 + all other planning decisions including subdivision, rezoning, structure plans, LDPs WITH the following features (below):
 - 21 days to submit to SAT appeal;
 - SAT refers to decision making to applicant, decision maker and consultation agencies;
 - 21 days to respond;
 - appeal on the papers only;
 - total time is set as per original approval;
 - SAT fresh decision.
- Option- for decisions made under delegation by council. - SAT consider reconsider by council. - Also could apply to private certifiers' discussion in the future (not 1-4).
- Option 1 + SAT decisions - Minister (bodies not elevated by community).
- Option 2 - Discretion however third party needs to demonstrate that they directly impacted and how the use of discretion impacted on the appellant.
- Improved consultation will address a lot of community concerns.

- Status Quo OR Option 1 with modified triggers for country areas.
- Would Option 1 really matter for country areas?
- SAT members would require better training on planning matters.

Parked Items

- Give LSP the force and effect of the Scheme in Development zones.
- Planning Ombudsman -> for small scale objections.
- Review of the planning system (independent).
- More education of decision makers on their role in the planning decision making process.
- Define what 'due regard' is.
- Give reasons how an alternative achieves the policy outcomes.
- Link between strategic directions (objectives) and decisions.

9	SUBJECT:	Trading Permits Guidelines – Adoption
	CONTACT OFFICER:	Ben Dreckow
	AUTHOR:	Nicola Leishman
	FILE NO:	

Summary

Following the adoption of the *City of Mandurah Local Government Property and Public Places Local Law 2016* and a review of the current policy and procedures relating to activities being undertaken on public land, new trading guidelines have been prepared and, if approved, will replace the City of Mandurah's Trading in Public Places Policy (POL-ECD02) and the Commercial Recreation Hire Sites Policy (POL-RCS01).

The proposed Guidelines deal with both Commercial and Aquatic Operators and Mobile Traders, specifying differing application and assessment provisions in an attempt to create an application process which is more streamlined and easier to administer. Processes currently undertaken by various different sections will be consolidated into one application, referral and assessment process. This will provide greater clarity for operators.

Consistent with Council's endorsement of its position on Trading Permits in April 2017, the Guidelines include plans to indicate where activities may be appropriate. In the event that significant interest is generated, an annual 'Expression of Interest' process has been introduced to consider all proposals collectively and annually.

Nine trading zones have been designated (for Mobile Traders) to encourage outdoor, high quality food vending activities in a manner that improves the access, usage, quality and image of the City's public realm.

Council is now requested to adopt the Trading Permit Guidelines and revoke the existing Trading in Public Places Policy (POL-ECD02) and the Commercial Recreation Hire Sites Policy (POL-RCS01).

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.12/10/17 10 October 2017 Council approved trading permits for Jet X-treme, Stag Watersports and Eco BBQ boats for a period of 3 years;
- G.35/5/17 23 May 2017 Council approved a trading permit for Pirate Ship Mandurah for a 5 year period;
- G.10/4/17 11 April 2017 Council endorsed the preparation of Guidelines for the Assessment and Approval of Trading Permits to replace the existing Trading in Public Places Policy;
- G.18/2/16 9 February 2017 Council adopted the draft *Local Government Property and Public Places Local Law 2016* for advertising;
- G.41/8/09 18 August 2009 Council acknowledged existing Recreation Hire Sites and approved new locations with recommended uses to include 24 sites in total.

Background

In April 2017, Council endorsed a number of key actions arising from the existing policy and approval process for Trading Permits to cover the following key outcomes:

- (a) Integrate the Commercial Recreation Hire Sites approval processes and policy provisions within the approval requirements for Trading permits;
- (b) Identify a hierarchy of trading operations and apply guidelines, fee structure and delegation arrangements to this hierarchy; and
- (c) Remove restrictions for all trading on the Eastern Foreshore, but include a plan (or plans) where activities may be appropriate and assist in coordinating multiple operators to provide a balanced outcome for the use of the foreshores. In the event that significant interest is generated, introduce an annual 'Expression of Interest' process such all proposals can be considered collectively.

Mobile Food Vendors were to remain prohibited on public land within the Eastern Foreshore, Mandurah City Centre and Mandurah Ocean Marina, due to the existing businesses operating in those locations.

The existing policy framework for trading in public places states that all trading activities (including food vendors) are not permitted to trade from the Eastern Foreshore, and itinerant (mobile) food vendors are not permitted to trading the City Centre and Mandurah Ocean Marina due to "safety concerns". This policy position has been in place since at least 2001 and its form and function has generally been to provide a framework for mobile food vendors (such as ice-cream and take-away food vans that drive around).

In recent times, specific requests to grant approvals such as boat tour operators, water based operations (such as 'Jet X-Treme'), BBQ boats, tourist trains and 'Segway' tours have utilised a range of approval process such as trading permits and non-exclusive jetty licences, and have been determined by Council upon receipt of a request from an operator.

At the present time, approximately 11 Trading Permits are in operation and they include some of the activities listed, in addition to a number of mobile food and coffee vans, some of which use a specific location and others that drive around and can operate on most roads (except the major roads which are restricted in the current Policy).

In addition, Council currently has 24 'Recreation Commercial Hire Sites' for aquatic activities to take place in designated locations. For the approved locations, operators are currently required to enter into a licence agreement with the City, which is separate to the above mentioned approval processes. The current operative Recreation Hire Sites include the following:

Trading Name	Location	Purpose
Mandurah Stand Up Paddle Pty Ltd	Keith Holmes Reserve	Stand-up Paddle Board Hire
Stag Water Sports	Dawesville	Jet Ski Hire
Just 4 Fun Aqua Park	Western Foreshore	Aquatic Inflatable hire
Adventure Kiting WA	Novara Foreshore	Kite Surfing Lessons
Mandurah Surf Lessons	Pyramids Beach	Surfing Lessons
Kayaks 4 U	Western Foreshore	Kayak and Canoe hire

Notwithstanding the above, a number of operators have exclusive leases for water space or buildings.

Larger operations that require lengthy tenure such as Bouvard Cruises, Mandurah Ferry Cruises and Mandurah Dolphin Cruises have Non-Exclusive Jetty Licences and these operators are not proposed to be included in modified guidelines. Further other activities within Mandurah Ocean Marina such as Mandurah Houseboats, Blue Manna and Mandurah Boat Sales with Exclusive Land, Jetty and Seabed leases will continue under current arrangements.

Following the adoption of the *City of Mandurah Local Government Property and Public Places Local Law 2016* and a review of the current policy and procedures relating to activities being undertaken on public land, new trading guidelines have been prepared. If adopted, the proposed Trading Permit Guidelines will repeal the current Trading in Public Places Policy (POL-ECD02) and the current Commercial Recreation Hire Sites Policy (POL-RCS01).

Comment

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

Through the provision of Guidelines for the assessment and approval of Trading permits, to deal with both Commercial and Aquatic Operators and Mobile Traders, Council provides the opportunity for commercial operators to offer a range of pursuits. The proposed Guidelines specify differing application and assessment provisions in an attempt to create an application process which is more streamlined and easier to administer, consolidating processes, currently undertaken by various different sections, into one application, referral and assessment process. This will provide greater clarity for operators.

Whilst the final permit or approval process is somewhat simplified at the back-end, each proposal will have its own unique and particular requirements such as transport, navigation and water approval requirements, noise, infrastructure issues, set up/set down procedures and storage. An internal referral process will be required (similar to that of a development application process) to seek the input of various teams and sections of the City.

Annual permits with relevant conditions will be issued accordingly, under delegated authority, upon receipt of appropriate insurances, confirmation of relevant state agencies approvals and payment of relevant permit fees. Conditions on permits will cover matters such as:

- The area the approval extends to;
- General operating days and hours (which excludes City events, Christmas Day and Good Friday);
- Ensuring that the operations do not conflict with other relevant local laws (such as *Jetties, Waterways and Marina Local Law 2011*);
- Ensuring the operations ensure pedestrian priority is maintained;
- No modifications to any City infrastructure will be permitted in order to allow the operation to proceed; and
- If the activity to impact upon the operations of the City in terms of infrastructure maintenance, replacement or construction and/or the conducting of City events, the trading activity is to cease. They will be able to be part of the event as per standard practice for stallholders and operators within the events.

The Guidelines provide the opportunity for the City to cancel, suspend or modify the terms of any permit (where necessary) in circumstances such as where the trading activity is likely to impact upon the operations of the City of Mandurah or its contractors or agents in terms of infrastructure maintenance, replacement or construction and/or the conducting of City of Mandurah Events. If concerns are raised by local businesses or the community on the operation or location of the operator, the City may require the operator to relocate or cease trading temporarily or permanently from any chosen location. Equally, a trading permit may be cancelled if the permit holder has not complied with the conditions of the permit or the provisions of any Local Law related to the activity.

To assist in the City's maintenance and management of reserves and open spaces, the City's Reserve Booking System will register the locations which have current permit approvals, as this approach will assist operators gain an understanding of similar or competing operators locating in a similar location. A key change to the current approach is that one or more of a similar operator may be able to locate in the same location, removing exclusivity over spaces.

Changes have also been made to the structure of Trading Permits providing, in the case of Commercial and Aquatic Operators, the surety of a three year term (with annual renewal) and for Mobile Traders, a 12 month permit. Extended terms for Commercial and Aquatic Operators, beyond three years may be considered by Council.

Commercial and Aquatic Operators

Currently recreation hire sites are made available for up to 2 years through an annual submission process and allow an operator to conduct a land or water based activity within the hire site area. Upon approval to operate at a recreation hire site, operators are currently required to enter into a standard licence agreement with Council incorporating conditions specific to each site or activity. Where, the activity involves the use of a jetty there is currently a requirement for an operator to enter into a non-exclusive jetty licence.

Council currently has 24 'Recreation Commercial Hire Sites' for commercial and aquatic activities to take place in designated locations. The 24 sites designated during the last review of sites by Council in 2009 remain unchanged. In reviewing the function and operations of the trading permit approach however, opportunities have arisen to consolidate, streamline and avoid duplication of similar approval processes. It is intended that a phased approach to transitioning the operators from existing Commercial Recreation Hire Site approvals to Trading Permits will occur.

Consistent with Council's endorsement of its position on Trading Permits in April 2017, the Guidelines remove restrictions for all trading on the Eastern Foreshore, but include plans to indicate where activities may be appropriate. This will assist in coordinating multiple operators, to carefully manage outcomes to provide a balanced outcome of providing activation and activity versus the general passive nature of the Eastern Foreshore. In the event that significant interest is generated, an annual 'Expression of Interest' process has been introduced to consider all proposals collectively and annually.

The proposed Guidelines provide clear provisions to aid in the management of these spaces, particularly the Eastern Foreshore, the Western Foreshore, Mandjar Bay and the Marina, being the most popular locations. More than one operator may be located within any of the identified locations, which may include operators with similar activities.

To further streamline the assessment process, Officers are seeking approval from the Department of Transport to include commercial and aquatic operations within the existing jetty licences (issued to the City by the Department of Transport) located within and surrounding Mandjar Bay in order to allow for Trading Permits to be issued as the sole approval for activities that utilise jetties. Discussions are progressing however, the Department of Transport have indicated their in principle support for the proposed changes.

Under the Peel Region Scheme, advice has been provided by the Department of Planning, Lands and Heritage in respect to a recent proposal for an activity on a foreshore reserve that development approval is required for the 'use' of land.

Again, in order to simplify approval requirements, Officers have requested that the Western Australian Planning Commission include an exemption from the need for development approval, for the 'use' of reserved land under the Peel Region Scheme, where a permit or licence has been issued under a Local Government Local Law. Officers are currently awaiting a response.

As such, the current referral processes will remain until such time as agreement has been reached with the relevant authorities.

Mobile Traders

The existing Trading in Public Places policy states that mobile food vendors are not permitted in the City Centre, along certain major routes or the Mandurah Ocean Marina for safety reasons. It is considered that these locations should continue to have restrictions to ensure that existing 'bricks and mortar' premises are not unfairly penalised.

In recent times, the 'food truck' movement has gained momentum and rather than being 'mobile' utilise a specific site, or set up as a collective for a particular occasion or non-City organised event. There may be circumstances where the use of privately owned land may be appropriate for food vans or 'pop-up' operators to assist in activation initiatives.

Nine trading zones have been designated to encourage outdoor food vending activities in a manner that improves the access, usage, quality and image of the City's public realm. Alternative locations may be considered with the exception of the exclusion zones.

It is recognised and acknowledged that the presence of activity can result in competing demands on public spaces for a variety of uses. In order to effectively manage this usage, the City has identified management provisions to address this issue.

Consultation

Since April, a number of operators have transitioned over to a 'Trading Permit' under the new arrangements. Several discussions have also been undertaken with other existing operators that have not yet reached the expiry of their current arrangements and new operators, to inform them of the proposed changes.

Discussions are continuing with the Department of Transport and the Department of Planning and the Department of Planning, Lands and Heritage.

It is open to Council to require the Trading Permit Guidelines to be publically advertised. If this was Council's desire then Recommendation 1 should be modified to read;

- 1. Adopt the Trading Permit Guidelines for the assessment and determination of Trading Permits for advertising purposes.*

Council may wish to take this approach given the interest that has been raised in relation to mobile traders. Equally, it is open to Council to not advertise the guidelines on the basis that Council wishes to see the designated trading zones used for trading purposes, as a means of activating these public spaces.

Statutory Environment

Part XII of the City of Mandurah's Consolidated Local Laws covers Trading in Public Places licences and the support for a policy to guide the assessment of applications.

These provisions with simplification as outlined above, are covered by Parts 10 and 12 of the *City of Mandurah Local Government Property and Public Places Local Law 2016*.

Policy Implications

These Guidelines for the assessment and approval of Trading Permits will replace the existing Trading in Public Places Policy (POL-ED02) and the Commercial Recreation Hire Site Policy (POL-RCS01).

The existing Street Activity Policy (POL-RCS-02), which covers Busking/Street Performance, Raffles, Street Appeals, Street Markets and associated procedures will continue to operate.

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

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

Economic Implications

Unlocking the potential for tourist based aquatic activities and land based activities with appropriate guidance and structure is important to balance community use and commercial gain over public spaces, whilst acknowledging an activation role for these spaces is important.

The activities provide additional activities for visitors and users of the foreshore areas which may contribute to tourist and City Centre expenditure.

Strategic Implications

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

Social:

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

Economic:

- Develop a strong and sustainable tourism industry.

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

The proposed Guidelines seek to simplify the various approvals required, streamline requirements for operators and the City assessment of proposals, allocate a fee structure based on the range of activities and realign delegation arrangements for the issuing of such Permits.

The proposed changes are important, as the general public and community expectations for the use of public spaces are in a period of change and in some degree maturity. Significant changes have been observed with elements such as food trucks, pop up activities and specifically in Mandurah utilising public spaces such as the eastern and western foreshores to undertake commercial and aquatic activities.

The use of public spaces is transitioning from a time of no formal activities being permitted, to one where they may be appropriate as a 'place-making' facilitation role of Local Government, as experienced in locations such as Elizabeth Quay, Perth Cultural Centre and the like.

It is recommended that Council adopt the Trading Permits Guidelines and repeals the existing Trading in Public Places Policy (POL-ECD 02) and the Commercial Recreation Hire Site Policy (POL-RCS01).

NOTE:

- Refer **Attachment 1 Trading Permits Guidelines**

RECOMMENDATION

That Council:

- 1. Adopt the Trading Permits Guidelines for the assessment and determination of Trading Permits.**
- 2. Revoke the existing Trading in Public Places (POL-ECD 02) and Commercial Recreation Hire Site Policies (POL-RCS01).as these policies are now considered redundant with the introduction of the new Guidelines on Trading Permits.**
- 3. Continue to seek approval from the Department of Transport to include commercial and aquatic operations within the existing jetty licences located within and surrounding Mandjar Bay in order to allow for Trading Permits to be issued for activities that utilise jetties rather than a non-exclusive jetty licence.**
- 4. Continue to request that the Western Australian Planning Commission exempt the need for development approval for the use of reserved land under the Peel Region Scheme where a permit has been issued under a Local Government Local Law.**
- 5. Notes that the current Street Activity Policy, which covers Busking/Street Performance, Raffles, Street Appeals, Street Markets and associated procedures will continue to operate without modification.**



City of Mandurah

Trading Permit Guidelines

December 2017

1. Introduction

1.1 Objectives

The objectives of these Guidelines are to:

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

1.2 Background

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

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

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

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

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

1.3 Application of the Guidelines

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

These guidelines apply in two parts:

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

1.4 Exemptions

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

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

2. Commercial and Aquatic Operators

2.1 Location

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

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

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

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

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

2.2 Amenity and Appearance

Commercial and Aquatic Operators are to:

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

2.3 Siting Requirements

Commercial and Aquatic Operators are to ensure that:

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

2.4 Maintenance and Cleaning

Commercial and Aquatic Operators are to:

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

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

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

2.5 Public Risk Management

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

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

2.6 Application Process

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

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

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

Expressions of Interest shall:

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

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

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

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

2.7 Operations

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

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

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

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

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

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

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

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

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

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

2.8 Assessment and Selection Process

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

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

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

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

Figure 1 - City Centre Waterfront Trading Locations

Commercial and Aquatic Operators (Approved Locations)

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

Mandjar Bay

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

Eastern Foreshore

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

Western Foreshore

- WF1 Adjacent War Memorial Car Park
- WF2 Adjacent to Pontoons
- WF3 Bridge Car Park North
- WF4 Bridge Car Park South

Exclusion Area

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



Figure 2 - City of Mandurah Trading Locations**Commercial and Aquatic Operators (Approved Locations)**

- ① Madora Bay Foreshore
- ② Wade Street Foreshore
- ③ Henson Street Reserve
- ④ Town Beach
- ⑤ Keith Holmes Reserve
- ⑥ Stingray Wharf / Entrance Channel Foreshore
- MB Mandjar Bay (See Figure 1)
- EF Eastern Foreshore (See Figure 1)
- WF Western Foreshore (See Figure 1)
- ⑦ Doddi's Beach
- ⑧ Mary Street Lagoon
- ⑨ Henry Sutton Grove Foreshore
- ⑩ Waterside Foreshore
- ⑪ Riverside Foreshore
- ⑫ Osprey Waters Foreshore
- ⑬ Novara Foreshore
- ⑭ Olive Road Foreshore
- ⑮ Falcon Bay
- ⑯ Avalon Beach North
- ⑰ Avalon Beach South
- ⑱ Northport Foreshore
- ⑲ Pyramids Beach
- ⑳ Estuary Place Foreshore
- ㉑ Estuary Road / Thisbe Drive Foreshore
- ㉒ Dawesville Foreshore
- ㉓ Melros Beach

Mobile Traders

- Exclusion Area - Major Roads
- ▨ Exclusion Area - City Centre / Mandurah Ocean Marina
- Pre Approved Locations
- | | |
|----------|--------------------------|
| A | Madora Bay North |
| B | Black Swan Lake |
| C | Quarry Adventure Park |
| D | Henson Street Reserve |
| E | Mandurah Terrace Reserve |
| F | Osprey Waters Foreshore |
| G | Novara Foreshore |
| H | Northport Foreshore |
| I | Melros Beach |

City of Mandurah Boundary



3. Mobile Traders

3.1 Definitions

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

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

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

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

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

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

3.2 Location

Mobile Traders are encouraged to locate within the pre-approved locations indicated in Figure 2.

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

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

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

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

3.3 Management

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

3.4 Amenity and Appearance

Mobile Traders must:

- Not sell alcohol or tobacco products at any time;
- Have a vehicle whose presentation contributes to the character of the area;
- Ensure that any advertisements, placards, flags, bunting or posters, are attached to and forming part of the vehicle, stall or display stand. One portable sign may be permitted to be displayed subject to compliance with Part 8 of the Local Government Property and Public Places Local Law 2016.
- Not install permanent fixtures. However, mobile traders may be permitted to provide tables and chairs for their patrons, to be located adjacent to the vehicle or stall,

subject to suitable space availability. Following trade, all related fixtures must be removed from the site;

- Ensure that they do not cause or make noise or a disturbance which is likely to be a nuisance or annoyance.

3.5 Siting Requirements

Mobile Traders must ensure that:

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

3.6 Maintenance and Cleaning

Mobile traders must:

- Ensure that any notable damage to City infrastructure is reported prior to the commencement of use of the

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

- Ensure that their vehicles, stalls, caravan, trailers are kept in a safe and well-maintained condition at all times; Trading locations must be regularly cleaned during all hours of operation presenting a well-cared for image;
- Mobile Traders must provide bins for use and ensure that the area around their position is kept clear of rubbish and refuse at all times.

3.7 Public Risk Management

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

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

3.8 Application Process

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

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

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

Once approval has been granted, a permit fee will be required to be paid (Refer Section 4) prior to the commencement of operations.

Food related mobile traders must ensure that they hold a current Food Act 2008 Certificate of Registration to ensure safe food handling practices.

Any new permits issued will be included within the City's Parks and Reserves Booking System.

Approval is valid for 12 months and is required to be renewed every year by 30 June. The valid permit is required to be displayed and/or produced upon request.

A Trading Permit may be transferred to a new owner upon application (submitted on the relevant form with payment of the applicable fee).

Notwithstanding the locational provisions within Section 3.2, Mobile Traders are permitted to operate on commercially zoned, privately owned land with the consent on the landowner.

Where a mobile trader intends to utilise a residential property for the storage of any commercial vehicles (when not in use), approval is required in accordance with the Local Planning Scheme.

4. Fee Structure

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

5. Delegations

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

10 **SUBJECT:** 'GIVIT' Donation Management Memorandum of Understanding
 CONTACT OFFICER/S: Tony Free
 AUTHOR: Myra Giardini
 FILE NO:

Summary

The City continues to play a key role in local emergency planning, proactively preparing for worst case scenarios, in order to minimize impact on the community, Council and environment.

During large scale disasters communities will react and want to help, to donate money, goods and services. GIVIT is an award winning, not for profit organisation, with an online donation management system. GIVIT supports charitable organisations, helping them manage the distribution of 'pledged' physical donations, discouraging the impulsive drop off and mass stockpiling of unwanted goods.

The GIVIT virtual warehouse runs year round, before, during and after an emergency event, promoting recycling and reuse of quality items, supporting the needs of community organisations.

In emergencies donations of cash through designated appeals such as the Lord Mayors Appeal remain the most effective way to support victims. This will remain the Councils key message. GIVIT, however, provides a coordinated, controlled response to one of emergency management's greatest concerns, physical donation management which are a reality in the communities desire to assist those in need.

Council is requested to enter into a Memorandum of Understanding with GIVIT to manage pledges of physical donations in an emergency and to adopt the reviewed Local Recovery Plan 2018 to reflect this approach.

Disclosure of Interest

N/A

Previous Relevant Documentation

- G.66/11/15 24 November 2015 2015 Local emergency management plans adopted
- G.26/3/15 25 March 2015 Emergency management MOU & Policy adopted
- G.8/11/14 25 November 2014 Emergency management review and action plan

Background

When developing the Mandurah Local Recovery Plan in 2015, lessons from previous natural disasters were taken into consideration, and the City took the stance of deterring the donation of physical goods.

6.6 Donation of Physical Goods

The City of Mandurah shall immediately deter the donation of physical goods, unless specific items are requested by the Recover Coordinator. A public announcement will be made by the Mandurah Recovery Committee spokesperson as soon as possible to inform all of this stance.

Any persons or groups responsible for unwanted deliveries may be asked to remove them in accordance with Section 23 of the Litter Act 1979.

Whilst community resilience, spirit and volunteering is to be applauded at these times, local charities and governments are often left to clean up the mess. Two years on, donations are still being stored from the Waroona- Harvey Bush Fires.

The overwhelming donations of the 2009 Victorian Bush Fires contributed to a secondary disaster - 50,000 square metres (twice the size of the MCG) of unwanted physical goods, resulting in a cost of \$8 million in storage and transport.

The following local governments have partnered with GIVIT:

- Cities of Albany, Busselton and Cockburn;
- Shires of Augusta / Margaret River, Cranbrook and Ashburton;
- The City of Melville promotes GIVIT and education around the platform in preparation for recovery as well as day-to-day donation opportunity.

The WA Local Government Association (Emergency Management) are supportive of GIVIT and are currently considering an overarching 'opt in' agreement or register of GIVIT-local government partnerships.

Comment

Benefits of GIVIT:

- Addresses the issue of 'donation management' rather than deterring it;
- Provides a reference point for community wanting to give;
- Online pledges are for 3 months, reducing spontaneous / unwanted donation;
- Encourage recycling – reuse during verge collection promotion (e.g. City of Melville);
- Charities can access all year;
- Minimize unwanted stockpiling, matching donor with need.

Proposed amendment to the Local Recovery Plan:

6.6 Donation of Physical Goods

The City of Mandurah has entered into a Memorandum of Understanding with GIVIT Listed. GIVIT will manage all offers of donated goods, including corporate offers of assistance for the City in the event of an emergency.

During emergencies:

- *All goods are to be donated through the GIVIT online platform (givit.org.au) and distributed to those in need via existing welfare agencies and/or the Mandurah Recovery Committee.*
- *Local welfare agencies and Council will request goods through the GIVIT online platform.*
- *GIVIT will broker donations on behalf of the City of Mandurah and local welfare agencies to meet specific community needs.*

Monetary donation will continue to be directed to the Lord Mayor's Appeal as per Local Recovery Plan - 5.2 Public Fund Raising.

The Mandurah Local Emergency Management Plans are amended and updated as required to ensure they are accurate and effective. The following changes have been made to the Local Recovery Plan since April 2015:

September 2015	Wording amendment
November 2015	Wording amendment
September 2016	Align to SEMC documents Inclusion of Community Outreach Form
December 2016	Inclusion of Asbestos Contractors and Disposal Sites
August 2017	Update Department of Communities information (formerly CPFS)

LEMC Comment

This item was considered by the Local Emergency Management Committee at its meeting on 29 November 2017 and the following recommendations were made:

1. *The Mandurah LEMC supports the City entering into an MOU with GIVIT and amending the Local Recovery Plan - 6.6 Donation Management to reflect the partnership.*

Officer Comment: LEMC members recognised the benefits of GIVIT, however requested further clarification on the coordination of consistent media releases.

The MoU is to be reviewed after three years and in the event of an emergency, a review will be conducted following the recovery phase. Clear messaging in an emergency is essential and the preference for monetary donation remains unchanged.

Consultation

In the spirit of a 'community lead approach', the GIVIT donation management system has been raised in a number of forums.

The GIVIT presentation held at Lotteries House on 20 September 2017 generated a healthy discussion between attendees from local charity groups and emergency services. The general consensus was that GIVIT would be a positive tool for local donation management, both during a crisis and on a day-to-day basis. Written feedback included:

"At this stage we believe that we wouldn't benefit from this worthwhile initiative, however will keep in touch with updates. It is certainly an excellent tool for the charity groups." – Mandurah Volunteer Marine Rescue Service.

"I definitely support GIVIT for both of these questions [promotion to local charities and groups] and believe it should be written into the LEMP" – Manager Peel Volunteer Resource Centre.

On 22 November 2017, the City sought comment from State Recovery Coordinator Steve Joske in relation to GIVIT and donation management:

"Donated goods are a reflection of a caring community. No one wants to discourage this type of donations. But experience from disaster events in WA, and other States, indicates that not all donations are helpful to affected people and communities, and often large volumes of donations remain behind when the community has recovered. This in turn causes logistical problems for a local government who already have many problems to deal with as they recover.

A more effective and efficient system of donation management is required. GIVIT has a product that can assist. It has a number of significant advantages, primarily they directly match a person affected by an event who has specific needs with a donor who wants to donate that specific item, and does so using a technological solution.

Donations from the general public are encouraged but importantly those donations are targeted to what people really need.

Technology is all around us and we need to support and encourage more smart technological solutions in the recovery space. Outside of disaster events, GIVIT can also play an important role in linking donors to people less well off in our community, and do so all year round. I support the GIVIT concept and the better use of technology to help fix age old problems."

Statutory Environment

Emergency Management Act 2005
State Emergency Management Plans

Policy Implications

In accordance with Emergency Management Policy EMS 02

Risk Implications

GIVIT reduces the likelihood of uncontrolled spontaneous donation of unwanted goods. The donor is required to make a declaration regarding the safety of the item prior to pledging it. Risk does come in the community choosing to pledge physical donations rather than monetary support. Council must remain clear in this messaging at all stages of the emergency management process.

Economic Implications

Nil

Strategic Implications

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

Social:

- Provide opportunities, services and activities that engage our young people.

Identity:

- Encourage active community participation and engagement.

Organisational Excellence:

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

Conclusion

GIVIT provides a controlled and coordinated platform to support and encourage community generosity and goodwill in both routine times and in disaster. If carefully managed it can provide a useful way of minimising the risk of the costly accumulation of physical donations. Clear messaging around the preference for monetary donations via the Lord Mayors Appeal is essential.

NOTE:

- Refer **Attachment 1** **GIVIT Summary**
Attachment 2 **GIVIT – City of Mandurah Memorandum of Understanding**

Subject to the Committees consent officers are able to make a short presentation.

RECOMMENDATION

That Council

1. **Agrees to enter into a Memorandum of Understanding with GIVIT Listed Ltd to manage the donation of goods in times of emergency.**
2. **Adopts the updated Mandurah Local Recovery Plan 2018.**

Reduce the burden of donation management in times of emergency

GIVIT's online donation management system ensures people in need get what they need when they need it most.

GIVIT currently supports over 200 charities, frontline services, agencies and government departments in Western Australia (1,700 nationally), with more registering to use the platform every week. **GIVIT's free, home-grown, award-winning website** reduces the deluge of donations that commonly occurs post-emergency and ensures offers of quality goods and services are allocated to meet specific community requests.

GIVIT's Emergency Recovery Service

- Manages all offers and requests of goods and services on behalf of councils
- Reduces the administration costs associated with managing unwanted and/or inappropriate donations
- Provides an online virtual warehouse thus eliminating storage, distribution and waste issues
- Provides councils with a daily list of offered goods and services
- Targets the needs of those affected, ensuring communities get exactly what they need, when they need it most
- Enables response agencies, including NFPs, to focus on the physical, emotional, psychological and social support needed for those directly affected by the emergency
- Recognises the need to respect the dignity of people affected by meeting their needs confidentially
- Guarantees scalability with application from localised to state-wide emergencies
- Manages surges in website traffic
- Supports the financial recovery of local economies by purchasing items from local businesses wherever possible
- Utilises corporate donations but, in consultation with councils, GIVIT will reject donations that may harm the local economy
- Provides comprehensive, to-the-minute reporting

How we can best work together

- Sign an MoU with GIVIT to ensure GIVIT is embedded in emergency recovery processes before an event
- Include GIVIT in Council's local emergency recovery plan
- Agree on a single person who will have regular contact with GIVIT throughout the recovery phase
- Utilise GIVIT's logo, speaking notes, media messaging, call centre scripts, website copy
- Direct all offers of goods and services to GIVIT's website - givit.org.au
- Encourage local charities to register with GIVIT

MEMORANDUM OF UNDERSTANDING

GIVIT Listed Ltd
and
City of Mandurah

This Memorandum of Understanding is made between GIVIT Listed of Level 2B, 300 Murray Street Perth and City of Mandurah of 3 Peel St, Mandurah WA 6210, Western Australia to manage the donation of goods in times of emergency and is not legally binding on either party.

1. Background

GIVIT offers all West Australian Local Governments a free Emergency Recovery Service that supports charities, front-line services, agencies and governments by coordinating the deluge of donations that commonly occurs post-emergency and ensures offers of good quality goods and services are allocated to meet specific need.

GIVIT is supported by its Founding National Partner IAG, and by the Bankwest Foundation in Western Australia to coordinate offers of assistance during times of emergency.

GIVIT's unique online portal allows the public and corporates to see exactly what is required by communities and enables people to pledge items and services to meet these needs.

GIVIT's virtual warehouse removes the need for front-line services to physically collect, sort and store donations. This significantly reduces the administrative and financial burden for recovery agencies and relieves the need to redirect valuable resources away from critical response and recovery activities. Working with local government emergency management committees and frontline services, GIVIT will identify and, if necessary, broker donations to meet specific community needs.

2. Rationale/Scope

GIVIT will manage all offers of donated goods including corporate offers of assistance for the City of Mandurah in the event of an emergency.

3. Goals and Objectives

Goals of the partnership

- To reduce the amount of unsolicited donations received by the City of Mandurah in times of an emergency.
- To meet the immediate material needs of the local community in times of an emergency.



Objectives of the partnership

- During emergencies, all goods are to be donated through the GIVIT online platform (givit.org.au) and distributed to those in need via existing welfare agencies or the Mandurah Recovery Committee.
- During emergencies, local welfare agencies and council will request goods and services through the GIVIT online platform (givit.org.au) to meet the needs of affected members of the local community.
- During emergencies, GIVIT will broker donations on behalf of City of Mandurah and local welfare agencies to meet specific community needs.

4. Contact Information

Organisation: GIVIT Listed LTD

Contact: Travis Fitch

Title: WA Manager

Address: Level 2B, 300 Murray Street Perth WA 6000

Telephone: 0499 110 810

Email: travis@givit.org.au

Organisation:

Contact:

Title:

Address:

Telephone:

Email:

5. Roles and Responsibilities

With respect to the management of donated goods in times of emergency, GIVIT will:

Prior to an emergency

- Raise awareness of GIVIT and GIVIT's online platform to prospective local donors to promote the matching of generosity to meet community need.
- Engage local community groups to encourage them to register with GIVIT, request items of need through the GIVIT website and reserve items pledged into the GIVIT virtual warehouse.

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ABN: 21 137 408 201

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- Through ongoing media messages, educate the public about the need for targeted quality donations during times of emergency.

During an emergency

- Provide a reliable online platform to handle all donations.
- Receive spontaneous donations into GIVIT's virtual warehouse.
- Liaise with a pre-determined council contact and key local welfare agencies to ensure needs of the local community are listed on the GIVIT website.
- Liaise with Local Emergency Coordinator or approved delegate and key local welfare agencies to ensure quality goods get to those in need within the local community.
- Utilise GIVIT's media and social media channels to inform the public of the correct channel for donating and the needs of the local community during and after an event.
- Provide City of Mandurah with daily email of significant offers of assistance.
- Broker donations on behalf of City of Mandurah and local welfare agencies to meet specific community needs.
- Purchase items from local businesses wherever possible.
- Arrange transportation of major donations.

With respect to the management of donated goods and services in times of emergency, City of Mandurah will:

Prior to an emergency

- Integrate GIVIT into City of Mandurah's Local Emergency Management Arrangements
- Provide GIVIT WA State Manager a single point of contact in times of emergency.
- Promote that, if goods are to be donated, they should be directed via the GIVIT online platform (givit.org.au) to meet the needs of established welfare agencies, including but not limited to:
 - Directing people who want to donate from the Council website to the GIVIT website
 - Incorporating GIVIT messages into Call Centre scripts
 - Informing local welfare agencies of the GIVIT service
 - Including GIVIT key messages in Council newsletter

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During an emergency

- Notify GIVIT WA State Manager of local emergency activation.
- Inform GIVIT WA State Manager of the material needs of the local community.
- Encourage council personnel, local agencies and council service providers to request items required by the local community through the GIVIT website.
- When required, provide logistics support to GIVIT to deliver needed items to affected members of the local community.
- Promote that, if goods are to be donated, they should be directed via the GIVIT online platform (givit.org.au) to meet the needs of established welfare agencies, including but not limited to:
 - Providing GIVIT key messages to key council spokespeople
 - Including GIVIT key messages in relevant media releases

6. Meetings

To accomplish these objectives, partners will meet at least annually for the purpose of planning, monitoring and evaluating outcomes. Following an emergency event, parties will meet to evaluate the effectiveness of the service. If required, due to geographic constraints, meetings will take place via telephone or video conference.

7. Communication, Information Sharing and Consultation Processes

During an emergency, GIVIT will provide City of Mandurah regular donation status updates through a predetermined point of contact. As part of the evaluation of the program, GIVIT will provide City of Mandurah with a summary of donation activity following an emergency.

8. Conflict Resolution

This agreement can be dissolved by any party at any time. Disputes, where possible and appropriate, will be resolved in the first instance by the persons involved. If the City of Mandurah is still dissatisfied with the outcome the matter should be elevated to GIVIT's CEO Juliette Wright at juliette@givit.org.au to discuss any unresolved issues.

9. Review and Evaluation

A three-year review of the partnership will be undertaken to assess the effectiveness of the service to meet its goals and objectives. If in the event of an emergency, a review will be conducted at the completion of the recovery phase.

PO Box 3061
Newstead, QLD 4006
Australia
ABN: 21 137 408 201

 givit.org.au



10. Resources

GIVIT will provide City of Mandurah with:

- Access to GIVIT's online donation management portal.
- Access to GIVIT's volunteer base to help broker needs of the local community following an emergency.
- A single point of contact in times of emergency – Travis Fitch, WA Manager.
- Communication materials including:
 - Speaking notes
 - Media release
 - Call Centre scripts
 - Website content
 - Newsletter copy

City of Mandurah will provide GIVIT with:

- A single point of contact in times of emergency.
- Access to City of Mandurah's media team to help promote the GIVIT service among local constituents prior to fire season.
- A list of local welfare agencies to ensure GIVIT is aware of the needs of the local community.
- Appropriate opportunities to promote the GIVIT service among key members of the council, welfare agencies and local community; including but not limited to an invitation to present at the Local Government Emergency Management Committee Meeting or Human Services Recovery Sub-committee; inclusion in Council newsletter, inclusion in Council's Get Ready activities.

**11. Authorisation**

This document is a statement of understanding and is not intended to create legal obligations on either party.

GIVIT

Name: Travis Fitch

Title: WA State Manager

Date:

Signature _____

City of Mandurah

Name:

Title:

Date:

Signature _____

7.	SUBJECT:	Western Power Community Power Battery Bank Proposal
	CONTACT OFFICER/S:	Brett Brenchley
	AUTHOR:	Karin Wittwer
	FILE NO:	

Summary

Western Power is seeking support from the City of Mandurah to run a trial of a 'Community Power Bank' (Power Bank) in Meadow Springs. The 'Meadow Springs Community Power Bank' will provide local customers who have solar panels the ability to store excess power which they can access later. The project offers benefits to multiple stakeholders including individual consumers, the electricity consumer group as a whole, the network operator (Western Power) and the energy retailer (Synergy).

By supporting the project, the City of Mandurah will be part of advancing the technologies required for a more sustainable energy future, whilst addressing network capacity issues in the area. High level findings generated by the trial regarding consumer behaviour and attitudes will also be shared with the City.

Council is requested to endorse

- The signing of a Memorandum of Understanding between the City of Mandurah and Western Power so a twelve month trial of the project can proceed on City managed land
- The use of the City of Mandurah logo for co-branding purposes
- The execution of an easement or excision at the end of the trial period so the infrastructure can remain on City managed land and tenure may be granted to Western Power.

Disclosure of Interest

Nil

Location

Glenbrook Lane (Reserve 48824), Meadow Springs



Due to the prominence of the site and the uniqueness of the project the proposed approach is to engage the community and make the Power Bank a feature. Artistic and informative screening (concept yet to be developed) around the Power Bank will be used to enhance and promote the project to the wider community. Minor landscaping around the Power Bank will also be undertaken by City Parks.

Previous Relevant Documentation

Nil

Background

Residential energy storage, using a combination of solar and battery, is a reality, and expected to take off in the mass market imminently. Western Power have developed a differentiated product concept that can compete and provide customer choice in this emerging market while at the same time addressing network issues which will help to mitigate against increasing power prices for all consumers.

The Power Bank would be located in a centralised location and is therefore an 'in front of the meter' energy storage solution. Customers are able store excess electricity from their solar panels (generally produced in the middle of the day when nobody is home) to use later on during peak times. The function is the same as a "behind the meter" battery such as the 'Tesla Powerwall' only the infrastructure to do so is located on the network instead of own the customers' own premises. The Power Bank can be likened to storing information in the cloud and takes advantage of the substantial cost saving due to the larger size of the unit and is therefore a more efficient solution.

Western Power will partner with Synergy to deliver a trial of the retail product which would allow customers to access the benefits of energy storage without needing to purchase a physical battery.

The objective of the trial is to be proactive in helping prepare Western Power and Western Australia for an impending energy storage future. The higher level objective is to shape the energy storage market by facilitating the most efficient solutions, with the vision of reducing energy costs for all consumers. This is achieved by alleviating peak power demand and the associated costs to Western Power and Synergy electricity prices can be minimised for the entire network therefore benefiting the electricity consumer group as a whole.

Using an incremental approach, a successful trial is also expected to lead to other products and benefits e.g. community solar and battery systems that can be accessed by those that can't afford solar, micro-grids or part of an energy trading platform.

The proposed scope includes installing the community battery in Meadow Springs, with potential locations under discussion with the City. Following installation and testing, a one year trial would commence in late 2018. The trial would be deemed complete after a period of evaluation. Subject to the evaluation, it is likely that the battery would continue operating after the trial is complete.

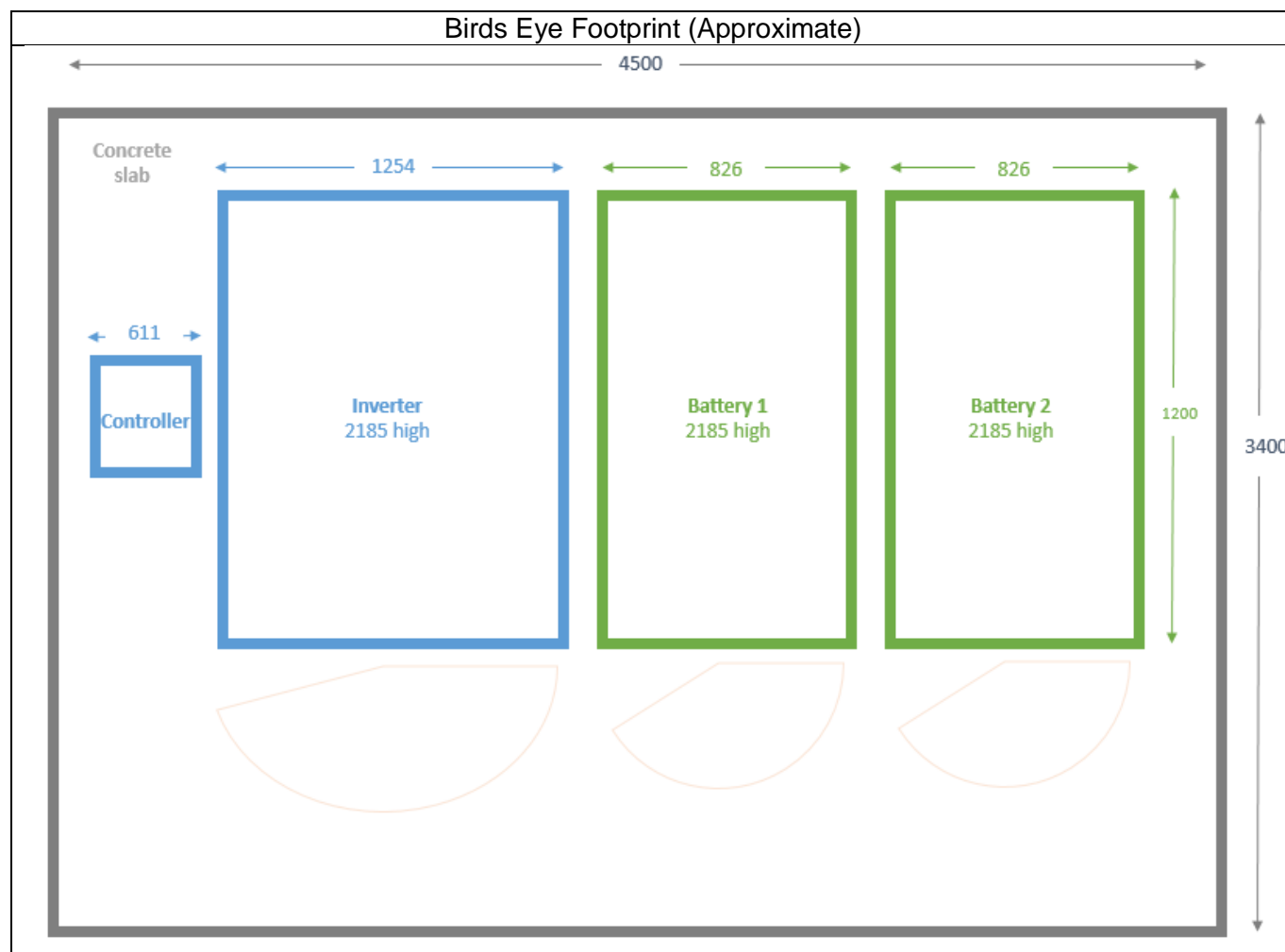
Phase 1 involves one ~420kWh battery to be installed in a network-constrained area. The footprint involves a concrete slab 4.5m long x 3.4m wide however the battery and related equipment is approximately 4m long x 1.4m wide. Several sites in Meadow Springs have been identified due to network requirements and benefits such as avoiding or deferring a network transformer replacement. The preferred site is in Reserve 48824 Glenbrook Lane. Connection to Low Voltage network via underground cable and termination (~100m) is required. The battery is to serve approximately 100 customers and customer demand and attitudes are to be assessed.

Phase 2 is to be determined and will be dependent on the outcomes of Phase 1, but may include 1 to 4 more batteries that could be located anywhere in the Western Power network. This could potentially be within the City of Mandurah if there is further interest, however Phase 2 is currently outside the scope of the initial trial.

The high level project timeline is as follows:

- February 2018 Formally gain Council support
- Q1 2018 Engage with the community
- Q3 2018 Install Power Bank 1
- Q3 2018 Initial project assessment (e.g. customer appetite) and consider setting up Phase 2
- Q3 2018 Launch product to selected customers
- 2018 → Project evaluation for probable ongoing use

A tentative plan exists to have the project (including battery) branded Western Power & Synergy and potentially co-branded with the battery manufacturer. A co-branding opportunity also exists for the City of Mandurah. Due to the numerous potential benefits and the uniqueness of the project is recommended that the City take advantage of this opportunity.



Comment

The Community Power Bank is an innovative use of new technology that has the potential to provide benefits to key stakeholders, particularly when contrasted with the scenario of increasing home (behind-the-meter) batteries. These opportunities are outlined below for each stakeholder group.

Customer: Increased Choice

- Lower electricity prices; indicative estimates are saving will be \$100-\$200 annually. The trial will include safeguards to ensure it is cheaper than current tariffs.
- Consumer choice; alternative method of accessing battery storage capacity with no upfront costs and no payback period as the infrastructure is owned by the utility.

- No installation required by the customer which will ensure quality and compliance with all relevant standards.
- Flexibility; Customers can choose to alter the scale at which they participate or opt out at any stage. For example if their consumption patterns change or they move house which makes this a viable option for smaller users or renters (provided they already have a solar system installed).
- Access to additional energy data that will come with the battery package (through advanced metering or alternate technology) giving customer's insight into their own behaviour and highlighting potential savings opportunities.
- Greater resource efficiency helping to mitigate the environmental implications of lithium batteries.

The Customer Group: Making the whole system cheaper and fairer

- Economic; a more cost effective storage solution compared with home batteries
- Less cross subsidisation; Customers with solar and batteries pay less for the electricity they do consume from the grid than the cost of generating and distributing it. As a result users without solar and batteries pay more for the electricity they consume than the cost of generating and distributing it. The pricing structure of the product offering will inherently include contributions to the costs of generating and distributing electricity (e.g. renewable energy contributions, metering costs, network tariffs), lowering (relatively) the price of standard grid electricity for everybody.
- Maximises the network by targeting areas to reduce network augmentation and optimise generation where it is needed most. This can delay or avoid the need to upgrade equipment for which the associated costs would invariably be passed on to the customer.
- Reducing peak capacity charges lowering electricity prices for all users
- Provide greater information around energy consumption behaviours to all consumers

Council: Supporting Sustainability

- Encourage the development of smarter energy grids to facilitate greater renewable generation
- Promote innovation; be part of advancing technology for a more sustainable energy future
- Help address network capacity issues, improving local reliability and placing downward pressure on network tariffs which affects all electricity consumers
- Knowledge sharing regarding consumer attitudes and behaviour to batteries
- Provide information to the community that will help them to better understand energy and the choices available to modify behaviour

Retailer: Addressing their objective of differentiation and diversification in the changing energy market

- Providing customers an alternative to buying their own battery
- Lower cost batteries - economies of scale
- Mitigate loss of business that mass deployment of behind the meter batteries will cause

Western Power: Addressing their objective of meeting the changing needs of customers

- Avoiding the need for costly equipment augmentation or replacement
- Reducing the peak
- Consumer expenditure stays in the system
- Utilises existing assets
- Revenue generation that will contribute to minimising grid prices

Overall there are many potential benefits of a successful trial and the risks to the City for participating are minimal.

MEAG/MCCAG Comment: This proposal will be referred to MEAG at the next meeting on the 23rd February 2018 and comments added prior to the Council Meeting

Consultation

Western Power will engage the community in the design of the facility and assist the community in understanding the significance of the trial.

Statutory Environment

Western Power are requesting that the City sign a Memorandum of Understanding (MoU) to allow them to install and access the Power Bank at an agreed location during the 12 month trial.

Following the twelve month trial Western Power have requested that the City of Mandurah seek an excision or easement to grant Western Power tenure over the permanent structure on City managed land.

Policy Implications

Nil

Risk Implications

The majority of risks sit solely with Western Power however the following risks relate to the council are:

Risk	Mitigation Strategy
General Factors	
Customer utilisation is low & leads to losses	Guaranteed customer savings
Customer dissatisfaction	Engagement plan to manage expectations prior to installation and the ability for consumers to opt out
Environmental damage	Technical specifications designed for environment
Battery recycling	The base option (current plan) is for the battery to be recycled through the manufacturer – they have a standard process in place for end of life batteries. The recycling may be done separate from the manufacturer if these types of facilities are developed in Australia in the future.
Environmental Factors	
Noise	The battery is completely non-audible
Visual footprint is 1.4m (width) x 4m (length) x 2.2m (height) has the potential for community opposition	<ul style="list-style-type: none"> Community Engagement conducted by Western Power prior to installation Proposed public art screening installation around the battery to improve the visual amenity and engage the community Alternative locations available
Fire safety	<ul style="list-style-type: none"> Rigorous testing of the battery has resulted in safe outcomes in both internal & external fire attack experiments. A full scale hazard assessment from the Nation Fire Protection Association is to be conducted (by Western Power)
Product Failure	Preventative service maintenance will be conducted annually in addition to remote monitoring
Vandalism	The housing has the second highest impact rating (IK09) as per IEC62262 – an international classification for the degrees of protection provided by enclosures for electrical equipment against external mechanical impacts

Economic Implications

Western Power will be funding the capital infrastructure and works for entire project so any incidental costs that may be occurred to the City will be minor.

Strategic Implications

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

Infrastructure:

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

Identity:

- Encourage active community participation and engagement.

Conclusion

The proposed Community Power Battery Bank is an innovative opportunity in community energy storage to add value with new products and services to benefit both the local resident and general electricity customers. The community energy storage project will provide local customers who have solar panels the ability to store excess power which they can access later.

The objective of this trial is to be proactive in helping prepare Western Power and Western Australia for the impending energy storage future, in order to minimise electricity prices. The higher level vision is to shape the energy storage market by facilitating the most efficient solutions, reducing energy costs for all consumers. This is achieved by alleviating peak power demand and the associated costs to Western Power and Synergy electricity prices can be minimised for the entire network therefore benefiting the electricity consumer group as a whole.

Overall there are many potential benefits of a successful trial and the risks to the City for participating are minimal.

NOTE:

- Refer **Attachment 1 Community Power Bank – Memorandum of Understanding**

RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer to sign Memorandum of Understanding between the City of Mandurah and Western Power for the purpose of the Community Power Battery Bank Trial
2. Authorise the use of the City of Mandurah logo for the purpose of co-branding the Community Power Battery Bank
3. Authorise City officers to request and easement or excision for Reserve 48824 Glenbrook Lane, Meadow Springs upon completion of the trial in favour of Western Power.

Memorandum of Understanding

BETWEEN

Electricity Networks Corporation trading as Western Power A.B.N. 18 540 492 861 a statutory body corporate established by section 4(1)(b) of the *Electricity Corporations Act 2005 (WA)* trading as Western Power of 363 Wellington Street, Perth, Western Australia (**Western Power**)

and

City of Mandurah

AGREE AS FOLLOWS

1. Background

- 1.1. This memorandum of understanding (**MOU**) aims to endorse – from both parties – the support of a community energy storage project in Meadow Springs.
- 1.2. Western Power is the holder of an Electricity Distribution Licence (EDL1) and Electricity Transmission Licence (ETL2) and is sole responsible for the safe and efficient operation and maintenance of all transmission and distribution systems in the South West Interconnected System.
- 1.3. City of Mandurah is a local government authority in Western Australia. Its purpose is to create a vibrant and connected city that supports and improves the community for everyone.
- 1.4. Both parties recognise there is an innovative opportunity in community storage to add value with new products and services to benefit both the local resident and general electricity customers. The community energy storage project will provide local customers who have solar panels the ability to store excess power which they can access later. The objective of this trial is to be proactive in helping prepare Western Power & WA for impending energy storage future, in order to minimise electricity prices. The higher level vision is to shape the energy storage market by facilitating the most efficient solutions (despite market distortions), reducing energy costs for all consumers.
- 1.5. Other than paragraphs 3, 5 and 6 (which the parties agree are binding on the parties), this MOU does not create any enforceable rights (whether in law or in equity), any legally binding obligations or agreement but is instead intended to be a statement of guiding principles covering the information sharing and assistance aspects of the Western Power and Synergy relationship.
- 1.6. Western Power and City of Mandurah have agreed to collaborate to address at an operational level the arrangements and understandings set out in this MOU. The nature, purpose and frequency of the various collaborations of this MOU will be:
 - (a) agreed from time to time by the parties to this MOU; and
- 1.7. Both parties intend to collaborate, specifically:
 - (a) Deciding on the best location for the battery
 - (b) Resident consultation
 - (c) Enabling the use of the battery to remain as a network asset regardless of the continuation of the customer facing product – unless there is compelling reasons to remove it.

2. Information Sharing

- 2.1. In addition to referrals referred to in this MOU, and subject to all applicable laws and each of Western Power's and City of Mandurah's privacy policies (as may be amended from time to time) and other privacy and confidentiality obligations, Western Power and City of Mandurah will, where appropriate, share with each other relevant information.
- 2.2. Sharing of information will usually take place by written or email communication or by communication.
- 2.3. It is agreed that information sharing should occur in respect of the following subject matter, subject to all applicable legal considerations and restrictions relating to each party:
 - (a) Customer energy usage and savings (aggregate)
 - (b) Customer issues and challenges
 - (c) Marketing plans
 - (d) Project updates
- 2.4. Western Power and City of Mandurah may agree guidelines or protocols detailing the timing, nature and scope for the sharing of information relating to the examples of the types of information to be shared set out in this paragraph 2.
- 2.5. The examples set out in this MOU do not limit the parties' intention or ability to share information or cooperate with respect to other matters, where appropriate and subject to legal constraints relating to each party.

3. Intellectual Property Rights

- 3.1. Western Power will retain the intellectual property rights of the project.

4. Cost Sharing

- 4.1. Western Power will fund all external costs. This does not include the incidental time the City of Mandurah's staff incur.

5. Limitations on information sharing

- 5.1. The provision of any information by one party to the other under this MOU is subject to all relevant legal considerations and restrictions including for example the *Electricity Corporations Act 2005 (WA)* and considerations relating to legal professional privilege, natural justice and obligations of confidence.
- 5.2. Neither Western Power or City of Mandurah will disclose any confidential information (which for clarity is any information provided under this MOU by a party other than information expressly stated as not being confidential information) obtained under this MOU to a third party unless:
 - (a) that third party is that party's legal advisers who are under a duty of confidence;
 - (b) that third party is that party's officers, employees, delegates, contractors, partners, agents and service providers who have a specific need to access that confidential information, but only to the extent that those persons need the confidential information for the purpose of performing their relevant obligations or exercising the relevant rights arising under this MOU;
 - (c) the disclosing party has obtained the prior written consent of the other party to disclosing the other party's confidential information; or
 - (d) disclosure is required by law.
- 5.3. If paragraph 5.2(d) above applies, the party seeking to disclose will, wherever practicable, notify the other party in sufficient time ahead of the intended disclosure so as to enable the relevant party to take any action deemed necessary by that party to protect the release of its confidential information.
- 5.4. Each party must immediately provide written notice to the other party if it becomes aware of any loss or unauthorised use, access, copying or disclosure of any confidential information.

6. Publicity

- 6.1. Subject to paragraph 5.2 above, the parties acknowledge that in a limited number of circumstances, either or both of the parties may have to deal with inquiries from third parties about a matter of high public profile. In such circumstances, where time permits, each party will consult with the other before making public any information in relation to information exchanged.
- 6.2. Subject to paragraph 5.2 above, where a party makes a public statement relating to the matter in relation to which the other party has made a referral or provided significant assistance, the disclosing party will give public acknowledgement of that fact. When time permits, the wording of the acknowledgement will be settled with the other party before release.

7. Other Parties

- 7.1. Western Power and City of Mandurah may agree to establish joint-forums involving third parties. The purpose and scope of any joint-forum will be set out in a side letter signed by authorised representatives of each party.

8. Administration

- 8.1. This MOU comes into effect on the date it is executed and continues until terminated under paragraph 8.2 or 8.3 below.
- 8.2. If a party ceases to hold its licence as identified in paragraph 1.2, this MOU terminates with respect to that entity on and from the date it ceases to hold that licence.
- 8.3. This MOU may be terminated:
 - (a) by written agreement of both parties
 - (b) five years from the date of this document

- 8.4. The parties agree that this MOU supersedes any existing arrangement between the parties in concerning the subject matter detailed in this MOU.

9. Guidelines, protocols and side letters

- 9.1. This MOU may be supplemented by guidelines, protocols or side letters specifying agreed arrangements to give effect to the arrangements and understanding of this MOU from time to time. These will include guidelines, protocols and side letters foreshadowed in this MOU.
- 9.2. Unless otherwise stated in the guidelines, protocols or side letters foreshadowed by this MOU, such guidelines, protocols or side letters are to be non-binding on the parties.
- 9.3. Any such guidelines or protocols and any written notices or side letters required or contemplated under this MOU must be signed by:
- (a) The Chief Executive Officer or duly authorised Officer of Western Power; and
 - (b) the Chief Executive Officer or duly authorised Executive Officer of City of Mandurah.

10. General

- 10.1. Nothing in this MOU is to be constructed as creating a partnership, agency, joint venture or trust between the parties. Furthermore, the parties agree that nothing in this MOU or arising from this MOU will fix prices or restrict outputs between the parties or will otherwise constitute cartel conduct for the purposes of the Competition and Consumer Act 2010.
- 10.2. This MOU may only be altered or modified in writing, signed by the parties.
- 10.3. No party may undertake any obligation on behalf of the other party, or legally bind the other party, without that party's consent.
- 10.4. No party may assign or novate all or any part of its right or obligations arising under or in connection with this MOU without the prior consent of the other party.
- 10.5. This MOU is governed by the laws of the State of Western Australia.
- 10.6. In relation to any dispute or matter with respect to this MOU, the parties irrevocably submit to the exclusive jurisdiction of the courts of the State of Western Australia.

Western Power and City of Mandurah each enter into this MOU for itself.

Signed for and on behalf of Electricity Networks Corporation (A.B.N. 18540 492 861) a statutory body corporate established by section 4(1)(b) of the *Electricity Corporations Act 2005 (WA)* by:

Guy Chalkley

Growth Executive Officer

Date

Signed for and on behalf of City of Mandurah

Date

12 **SUBJECT:** Food Safety Functions Annual Report 2016/17
 CONTACT OFFICER/S: Brendan Ingle/Kim Frost
 AUTHOR: Kim Frost/Glen Fiorini
 FILE NO:

Summary

The City of Mandurah has a vibrant and diverse food environment which is enjoyed by the community in various ways such as completing their routine grocery shop at the local supermarket, eating from a temporary food stall at a local event or dining out at one of the many restaurants and bars across the City.

It is critical food business operators have a thorough understanding of the necessary processes and procedures that must be implemented to ensure they are producing food that is safe for the community whilst also achieving compliance with the relevant legislation.

The City undertakes a range of food safety activities to ensure food businesses are complying with their obligations under the provisions of the *Food Act 2008* (the Act) and subsidiary legislation. It is also acknowledged that in addition to the City's enforcement and compliance role it is vital that an educational approach is also incorporated into its core businesses to ensure food businesses are receiving a high level customer service and support from the City to support them in preparing safe food.

Section 121 of the Act requires all local governments to provide a report to the Department of Health (DoH) on their performance of their statutory functions. The report is required to be submitted annually to coincide with the DoH's financial year reporting legal obligations.

On 29 August 2017, City Officers prepared and submitted the report via the DoH's online reporting survey portal to ensure the City meets its reporting obligations under the Act.

The purpose of this report is to provide elected members an overview of the City's role and functions that were included in the abovementioned mandatory report in addition to other key functions.

Disclosure of Interest

NIL

Previous Relevant Documentation

NIL

Background

The community enjoys a wide range of food and beverages from various food businesses across the City of Mandurah. The sale of food within a community connects people with friends, family and work colleagues and brings vibrancy into an area. The community expects the food they have purchased is safe and has been prepared in a clean, well maintained premises by people that have appropriate skills and knowledge in food safety.

Recent information from the DoH has indicated that there has been a significant increase in common food-borne diseases Salmonellosis and Campylobacteriosis within the Perth Metropolitan Area in the 2016/17 financial year, increasing 19.9% (1511) and 20.6% (2715 cases) respectively.

The increase in *Salmonella* Typhimurium activity has been associated with undercooked eggs especially observed in the summer months. Campylobacter can be spread by consuming undercooked chicken, water and unpasteurised milk however is also spread through non-food sources such as contact with cats, dogs and farm animals. There has been no link identified between specific food sources and the increase in Campylobacteriosis.

The *Food Act 2008* (the Act) sets out the legislatively framework for the management of food safety across Western Australia. The Act requires compliance with the Australia and New Zealand Food Standards Code (the Code) to ensure a consistent approach to food safety across the nation and New Zealand.

The task of monitoring food safety is an essential function of local government across the state. City officers are authorised under the Act and are required to ensure food businesses are complying with the provisions of the Act. The Act requires that authorised officers meet specific environmental health (or similar) degree qualification requirements.

It is important to note, that a holistic approach to food safety through education, training, promotion and sampling is essential to ensure food businesses understand and appreciate the importance of ensuring food safety is a priority for their business.

The majority of food business such as restaurants, cafes, taverns, and sporting clubs are required to be registered under the Act due to the commercial nature of their business and the level of risk their food products pose. Certain food business that are considered 'charitable or of a community nature' are exempt from registration under the Act and are not required to obtain formal approval prior to operating. However there are limitations on the type of food permitted to be sold and their operations must comply with the Act.

Routine food premises assessments

There are currently 521 food businesses registered with the City of Mandurah under the Act. Each businesses is allocated a risk rating of either high, medium or low according to the type of food handled, volume of food produced and customer type.

Each food business is routinely assessed by City officers at the minimum frequency based on their level of risk as outlined in Table 1.

Table 1 – Food safety assessment frequency

Risk rating	Total registered with City	Minimum assessment frequency
High risk	48	2 per financial year (In addition to required auditing)
Medium risk	332	2 per financial year
Low risk	126	1 per financial year
Very low	15	Not assessed

As mentioned above, the assessment frequency is the minimum and can be increased at the City's Officer's discretion if serious non-compliance are observed during food safety assessments or subject to complaints being received. Follow up inspections are regularly undertaken to ensure outstanding non compliances are addressed.

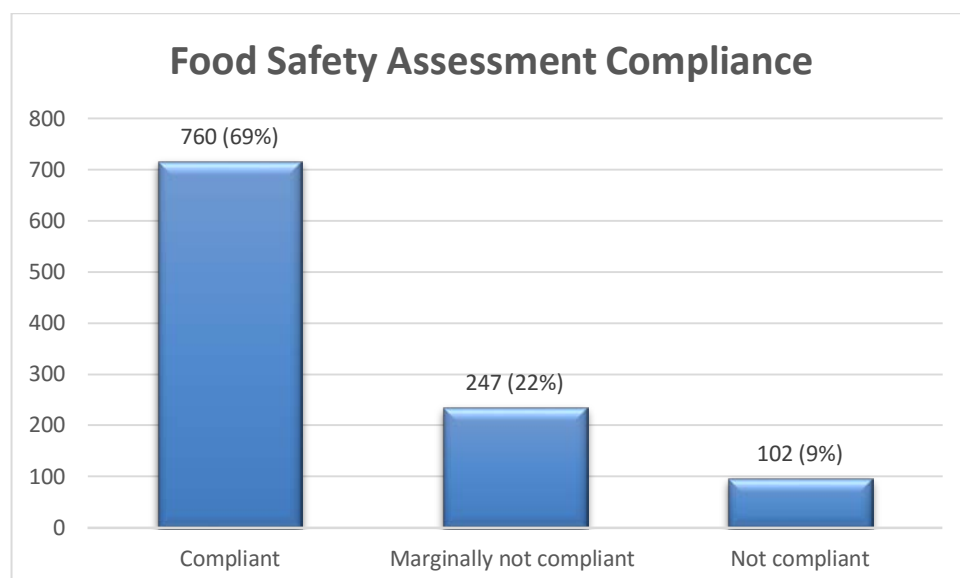


Figure 1 – Food safety assessment compliance

There were a total of 1109 food safety assessments undertaken by the City's Authorised Officers. As outlined in the above graph 69% of all assessments were compliant, 22% were marginally not compliant and 9% were not compliant.

82 food safety assessments were recorded as follow-up assessments therefore suggesting the majority of non-compliant food businesses received additional assessments to ensure compliance with the Act.

Compliance and enforcement activities

The Act provides a number of enforcement tools to assist City Officers with carrying out their duties with the aim of improving compliance with the Act.

As part of these assessments a report is completed and provided to the food business management/proprietor outlining the outcome of the assessment. This is retained by the proprietor to resolve any outstanding food safety matters. Where the proprietor does not respond to this correspondence more formal enforcement action is taken as outlined below. Notices can be issued immediately in the instance of non-compliances of a more serious nature.

An internal compliance and enforcement guideline was developed to assist City Officers with their decision making around the most appropriate enforcement tool to utilise for the situation based on the seriousness of the non-compliance(s) and overall compliance history of the food business.

The information in the guideline aligned closely with the DoH's '*Compliance and Enforcement Guideline for Enforcement Agencies*' to ensure the City's operations are consistent with the State's best practices.

The City has noted high rates of compliance in response to findings during their initial inspection and this reflects a generally positive attitude of food businesses to ensure their premises are operating in accordance with required standards.

Table 2 below outlines the compliance and enforcement activities for the reporting period.

Table 2 – Total number of enforcement action

Enforcement tool	Total
Improvement notice	6
Infringement notice	4

Prohibition order	0
Seizure	1
Prosecution	0

The City places a high value on maintaining a positive partnership with local food business proprietors and this is reflected in the low enforcement action being applied and also positive feedback received from a recent customer survey. The positive relationship between food business operators and City Officers is also reinforced in Attachment 1 which outlines the feedback received from a customer survey sent to all food businesses registered with the City.

The City generally favours a graduated enforcement approach where business proprietors are provided with an opportunity to take the appropriate steps to achieve compliance before enforcement action such as improvement and infringement notices are issued. It is important to note that the vast majority of non-compliance items observed by City Officers are general operational matters that are often resolved promptly therefore not warranting enforcement action.

Regulatory food safety auditing

Standard 3.3.1 of the Code sets out the requirements for mandatory food safety programs to be implemented by food businesses selling food to vulnerable persons such as aged care and child care centres. All food businesses captured under this standard must ensure they engage the services of a food safety auditor approved by the DoH to complete an audit of their operations at the designated audit frequency which is generally every 6 months.

A food safety program is a written document indicating how a food business will control the food safety hazards associated with the food handling activities of the business. The program requires detailed accurate records to be kept for key food safety process and procedures such as temperature control, cleaning, pest control, food supply traceability, food handler training and hygiene.

Food safety audits include a thorough examination of all food business processes and procedures and in depth review of all record keeping and documentation. The audit process is very onerous and goes beyond what is normally required during routine food safety assessments due to the vulnerable nature of the food business customers.

The City is required to verify all new food safety programs to ensure they meet the abovementioned standard and also set the mandatory food safety audit at the appropriate frequency.

There were a total of 27 food businesses that have a food safety program with 52 audits of these premises being undertaken by approved food safety auditors during the reporting period. Two new food safety programs were verified by City Officers.

Food sampling

Food sampling is an important function performed by City Officers as the analysis results guide food poisoning investigations and also provide important surveillance data which assist in common food safety risks being identified within the City and also across Western Australia.

The City is a member of the Local Health Authorities Analytical Committee (LHAAC) which main purpose is to provide analytical services to WA Local Governments. The LHAAC formulates and operates a sampling scheme for use by Local Governments. This includes the identification and employment of food analysts and the fixing of fees to be paid by Local Governments who participate in the scheme.

The City utilises this scheme for all food sampling analysis of products obtained during routine food sampling, coordinated sampling programs, complaint and food poisoning investigations.

A total of 91 food samples were obtained during the reporting period with 85 complying with the relevant food safety standards. Refer to table 3 below.

Table 3 – Total number of food samples per food type

Food type	Number of samples	Number of non-compliance
MICROBIOLOGICAL		
Crab Fest (various food types)	13	1
Frozen peas	4	0
Rice	4	1
Fruit salad	4	0
Sprouts	4	0
Prepared salads	5	1
Burgers	4	1
Chicken + Mayo Rolls	5	0
Sushi	4	0
Spinach	6	0
Salad Rolls	5	1
Soft cheeses	7	0
CHEMICAL		
Suplhur Dioxide in Meat	5	0
Crude Fibre Content in Bread	8	0
Gluten Free Claim	9	0
Pesticides in Herbs	4	1

The City also participated in a state wide '*Coordinated Sampling Project 20*' relating to heavy metals in Seafood. The outcome of this sampling project was 4 samples – 1 x non-compliant

Food recall

The purpose of a food recall is to remove unsafe food from distribution, sale and consumption. All food businesses must have an appropriate plan in place to ensure they can quickly remove food from sale that is unsafe. The most common causes for food products to be recalled are undeclared allergens, microbial contamination and foreign matter such as glass, wood and plastic.

Food Standards Australia New Zealand coordinates all food recalls in consultation with the food business and the relevant state/territory governments. This includes broad scale communication to consumers and food businesses however due to the complex nature of food distribution and supply across the food industry there is still the potential for food business to be unaware of a food recall.

Local government authorities will receive food recall information from FSANZ which includes the details of the products, reason for the recall and type/name of affected food businesses. When this information is received, City Officers will email it directly to the relevant food businesses to ensure they are aware of the recall and their responsibility to remove it from sale.

The following 28 food recalls were received and circulated to the relevant local food businesses in the 2016/17 period:

- 18 - Allergen
- 6 - Foreign Object
- 1 - Chocking Hazard
- 1 - Hepatitis A Virus
- 1 - Listeria
- 1 - Prohibited Food

Food safety education

It is vital that food handlers and food business proprietors have the appropriate skills and knowledge to prepare and sell safe food to the community. In order to support food businesses with training their employees the City offers the following:

- **I'm Alert Food Safety**
 - The 'I'm Alert Food Safety' is an on-line food safety training program aimed at food handlers that have minimal food safety knowledge. The City pays an annual subscription of \$1,100 which allows food handlers to access the program free through the City's website
 - The program was completed 563 times throughout the 2016/17 financial year.
- **FoodSafe**
 - FoodSafe is a training package aimed at food business proprietors and provides effective tools to train their employees in safe food handling practices and also includes document templates to ensure effective records are kept such as temperature of foods, employee training, pest control, cleaning and maintenance schedules. The product has recently undergone a significant review and improvement to be more engaging and meeting the needs of food businesses. The City has actively promoted the package and has purchased 15 packages and is providing a 30% discount (normally \$132.00) to local food businesses in attempt to increase the uptake of the package.
- **On-site food handler training**
 - City Officers deliver food safety presentations on-site at the request of food businesses or as recommended by Officers if there are concerns about skills and knowledge of food handlers.
 - City Officers delivered 11 food safety training presentations at various food business premises.
- **Food safety email notifications**
 - 10 email notifications were sent to 448 registered food business and topics are chosen based on common non-compliances observed by City Officers during assessments (i.e. temperature control & unsafe food handling), state/nationwide food safety concerns (i.e. salmonella in raw egg products) and other community issues where the City's extensive contacts can be useful.

An example of the effectiveness of this network was when it came to City Officers attention that the Mandurah Food Bank was experiencing difficulties with meeting the growing demand of people on low incomes seeking food to feed themselves and their families. An email notification was sent to all registered food business within the City of Mandurah encouraging them to donate food to the Food Bank and the relevant contact information was provided.

- **Facebook/Twitter/Intranet posts**
 - There were 5 posts released on the City's social media pages aimed at the general community. Food safety messages addressing common community concerns such temperature control, cross contamination and promotion of food safety events such food safety week were all promoted through this media channel.

Council Intranet was also utilised to raise awareness of food safety issues amongst the City's workforce with 22 intranet post being released.

Comment

Every year millions of people are affected by food-borne disease in Australia with many of these people developing long-term health effects. Often food-borne disease cases are preventable by applying suitable food safety interventions.

The City has a very important role to play in reducing the incidence of food-borne diseases within our community by continuing to take a holistic approach to food safety through ensuring the City has the capacity to undertake routine food safety assessments, education, sampling and training.

Routine food safety assessments are a significant function of the City to determine whether local food businesses are operating in a manner that does not compromise food safety and are achieving compliance with the Act and other relevant legislation. The minimum assessment frequencies are consistent with other similar Councils and typically provide a suitable timeframe to allow food businesses sufficient autonomy.

City Officers will continue to promote a positive partnership with food businesses to achieve legislative compliance without compromising the integrity of the City's enforcement responsibilities.

Poor food handler skills and knowledge is the leading cause of unsafe food being sold to the public therefore it is crucial that the City continues to provide a range of training and education options for food businesses to utilise and ensure associated costs are included in the budget.

Routine food sampling and participation in the LHAAC sampling scheme have continued to be a valuable source of information in terms of the safety of the food being sold within our community whilst also contributing to a broader food safety surveillance project.

Statutory Environment

The *Food Act 2008* (the Act) is the principal piece of legislation regulating the production and sale of food in Western Australia with the *Food Regulations 2009* as the subsidiary legislation.

The Act and the Regulations adopt the Australia New Zealand Food Standards Code which covers cleanliness, sanitation, hygiene, food serving practices and a whole range of other aspects that go into the preparation and provision of food.

The Act applies to all food businesses involved in the production and sale of food in Western Australia and incorporates a broad range of food safety issues.

Section 121 of the Act requires all local governments to provide a report to the Department of Health (DoH) on their performance of their statutory functions. The report is required to be submitted annually to coincide with the DoH's financial year reporting legal obligations. On 29 August 2017, City Officers prepared and submitted the report via the DoH's online reporting survey portal to ensure the City meets its reporting obligations under the Act (Refer to **Attachment 2**).

Policy Implications

NIL

Economic Implications

The City contributed \$19,000 of funds to the LHAAC sampling Scheme which allowed the City to participate in the state wide coordinated sampling project and undertake various routine sampling and food safety investigations.

Strategic Implications

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

Social:

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

Economic:

- Develop a strong and sustainable tourism industry.

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

The City can be confident that it is meeting its reporting obligations under Section 121 of the Act which requires local government to report their performance of functions. It is imperative that food business operators have a thorough understanding of food safety processes and procedures that must be incorporated into their daily operations to ensure the food they are selling is safe for the community to consume.

City Officers undertake a range of activities such as food safety assessments, education, sampling and unsafe food investigations. This holistic approach to food safety compliance ensures food business are aware of their legislative obligations under the Act whilst also receiving the necessary support from City Officers.

The Mandurah community is fortunate to live in place that has a vibrant and diverse food environment that can be enjoyed in a variety of ways. The purpose of this report is to provide an overview of the City's role and functions in terms of food safety compliance so that the community can be confident that the necessary resources are being allocated to ensure the food they purchase is safe to consume.

NOTE:

- Refer ***Attachment 1 Extract from Customer Survey Results***
Attachment 2 Food Act 2008 Submission

RECOMMENDATION

That Council:

1. **Acknowledges the information provided within this report and information contained within the City's *Food Act 2008* submission provided in Attachment 2.**

Extract from Customer Survey Results

ATTACHMENT 1

Q1 Overall, how would you rate your experience with the Environmental Health Officer during food safety assessments in the last 12 months?

VERY POSITIVE	POSITIVE	NEUTRAL	NEGATIVE	VERY NEGATIVE	TOTAL
79.49%	15.38%	5.13%	0.00%	0.00%	
31	6	2	0	0	39

Q2 For the following statements, please select whether you agree or disagree by selecting an option.

■ Strongly agree
 ■ Agree
 ■ Neutral
 ■ Disagree
 ■ Strongly disagree

	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	TOTAL
The Environmental Health Officer was polite and respectful	76.92% 30	17.95% 7	5.13% 2	0.00% 0	0.00% 0	39
The Environmental Health Officer was knowledgeable	69.23% 27	30.77% 12	0.00% 0	0.00% 0	0.00% 0	39
The Environmental Health Officer was professional	74.36% 29	20.51% 8	5.13% 2	0.00% 0	0.00% 0	39
You feel comfortable asking the Environmental Health Officer any questions about food safety and legislative requirements.	74.36% 29	20.51% 8	5.13% 2	0.00% 0	0.00% 0	39
The Environmental Health Officer clearly explained what is required to comply with the Food Act 2008 and Food Safety Standards	74.36% 29	23.08% 9	2.56% 1	0.00% 0	0.00% 0	39

Response ID ANON-SG7H-7VMC-P

Submitted to **Food Act 2008 and Public Health Act 2016 Reporting**

Submitted on **2017-08-29 17:05:41**

Food Act 2008 and Public Health Act 2016 Reporting**1 What is your Local Government Authority?**

LGA:

City of Mandurah

Part A - Public Health Act Authorised Officers**2 What is the number of full time equivalent [1] Public Health Act authorised officers working in your local government authority?**

Number:

9

3 What is the number of full time equivalent [1] persons that assist authorised officers with their duties under the Public Health Act in your Local Government Authority?

Number:

2

4 Has your local government authority experienced difficulties recruiting appropriately qualified persons to be designated as authorised officers under the Public Health Act during the reporting period?

No

5 Has your local government authority had any authorised officers return their certificate of authority (i.e. cease to be authorised officers) during the reporting period?

Yes

If yes, how many?:

1

Part B - Food Act Authorised Officers**6 What is the number of full time equivalent [1] Food Act authorised officers?**

Number:

9

7 What is the number of full time equivalent [1] persons that assist with the discharge of duties of Food Act authorised officers [2]?

Number:

0

8 What is the total number of full time equivalent Meat Inspectors [2]?

Number:

0

9 What are the qualifications of Food Act authorised officers. Please specify the number of authorised officers with the following qualifications [2]:

Environmental Health degree (number):

9

Audit competencies (number):

Other (number):

Please specify 'other' qualifications:

10 Has the enforcement agency experienced recruiting difficulties during the reporting period?

No

Registration and Assessment of Food Businesses

11 What is the total number of food businesses in the enforcement agency's jurisdiction [4]?

Number:

521

12 How many onsite assessments [5] were conducted during this reporting period?

Number of onsite assessments:

1109

13 What is the number of food businesses by risk rating?

High:

48

Medium:

332

Low:

126

Very low/exempt:

15

Not determined:

Other:

14 What is the number of food businesses by principal type of activity?

Manufacturer/processor:

Hotel/motel/guesthouse:

4

Retailer:

Pub/tavern:

6

Food service:

Canteen/kitchen:

13

Distributor:

Hospital/nursing home:

5

Importer:

Childcare centre:

16

Packer:

Home delivery:

Storage:

3

Mobile food operator:

Transport:

Market Stall:

Restaurant/cafe:

437

Charitable/community organisation:

7

Snack bar/takeaway:

25

Temporary food premises:

Caterer:

5

Primary processor [5]:

Meals-on-wheels:

Not determined:

Primary producer [5]:

Food Act compliance and enforcement activities

15 Does the enforcement agency have a compliance and enforcement policy in place?

No

16 Number of prosecutions instigated

Number:

0

17 Number of successful prosecutions

Number:

0

18 Number of seizures performed

Number:

1

19 Number of improvement notices served

Number:

6

20 Number of infringement notices served

Number:

4

Number paid:

4

Number referred to court:

0

Number withdrawn:

0

21 Number of prohibition orders served

Number:

0

Regulatory food safety auditing

22 What is the total number of food businesses captured under Standard 3.3.1?

Number:

27

23 In relation to the response to question 21, what is the total number of food safety programs that have been verified as of 30 June 2017? [7]

Number:

2

24 In relation to the response to question 22, how many of these businesses have had at least their first regulatory food safety audit as of 30 June 2017? [8]

Number:

26

25 How many regulatory food safety audits were conducted between 1 July 2016 and 30 June 2017?

Number:

52

26 How many regulatory food safety audits lead to compliance and enforcement action between 1 July 2016 and 30 June 2017?

Number:

0

Primary Production and Processing (PPP) Standards

27 What is the total number of food businesses captured under Standard 4.2.2 (Poultry), Standard 4.2.5 (Eggs) and Standard 4.2.6 (Seed Sprouts)?

Eggs (number):

0

Poultry (number):

0

Sprouts (number):

0

28 How many of these are registered?

Eggs (number):

0

Poultry (number):

0

Sprouts (number):

0

29 How many assessments have been conducted in relation to the PPP Standards? [9]

Eggs (number):

0

Poultry (number):

0

Sprouts (number):

0

30 How many food safety management statements have been recognised [10] in relation to the PPP Standards?

Eggs (number):

0

Poultry (number):

0

Sprouts (number):

0

Part C

31 Does the enforcement agency provide food safety education or training?

Yes

If yes please specify:

We provide training as follows:

- Link to 'I'm alert' online training
- EHOs deliver food safety training sessions at food businesses upon request or as recommended by EHO due to food handling concerns.
- Monthly email notifications are sent to all registered food businesses outlining a specific food safety topic

32 Key highlights of the last 12 months

Key highlights of the last 12 months:

Food Sampling and promotion Project achieved the following:

- 91 food samples (not including LHAAC surveys)
- 22 Intranet Posts
- 5 Social media posts
- 10 food safety emails sent to registered businesses

Signed declaration by enforcement agency

33 Local Government

Enforcement Agency:

Kim Frost

34 Declaration

By checking this box, I declare that this is a true and accurate report on the performance of the functions during the 2016/2017 financial year and that I have the authorisation to submit this report on behalf of the Chief Executive Officer of the Local Government Authority stated above. I understand that this declaration and the information I have provided will be retained according to the government record keeping laws:

Yes

35 Authorisation

Name and Position:

Principal Environmental Health Officer

Date:

29 August 2017

Email:

kim.frost@mandurah.wa.gov.au

13	SUBJECT: CONTACT OFFICER/S: AUTHOR: FILE NO:	Tender T24-2017 Mandurah Foreshore Boardwalk Remediation Stage 2 Simon Hudson / Natasha Pulford Derek Lynch / Erin Johnson
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Summary

The City of Mandurah invited tenders for the Mandurah Foreshore Boardwalk Remediation – Stage 2 on 18 November 2017.

The request for tender is a lump sum contract to carry out the renovation works to the second stage of the Mandurah Foreshore Boardwalk. The tender includes the removal of the old decking and joists, the abrasive blasting and coating of the steel substructure, installation of new hardwood timber joists and a merbau deck to match stage one.

Council approval is sought to select Mandurah Jetty Construction as the preferred tenderer for Mandurah Foreshore Boardwalk Remediation – Stage 2.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.42/5/17 23 May 2017 That Council awards Engineered Water Solutions Pty Ltd the contract under Tender T08- 2017 for the Mandurah Foreshore Boardwalk Remediation at the alternative price of \$339,462.52.

Background

The remediation works are part of the City's asset renewal programme. The sequencing and programming of the works was divided into stages based upon the condition of the existing boardwalk and sub-structure which was given a priority rating from a condition assessment undertaken by the City's consultants. The extent of each of the three stages are described as:

- Dome to San Churro's – Stage 1.
- Simmo's to Mandjar Square – Stage 2 (see Figure 1 below).
- MPAC to Stage Door – Stage 3.

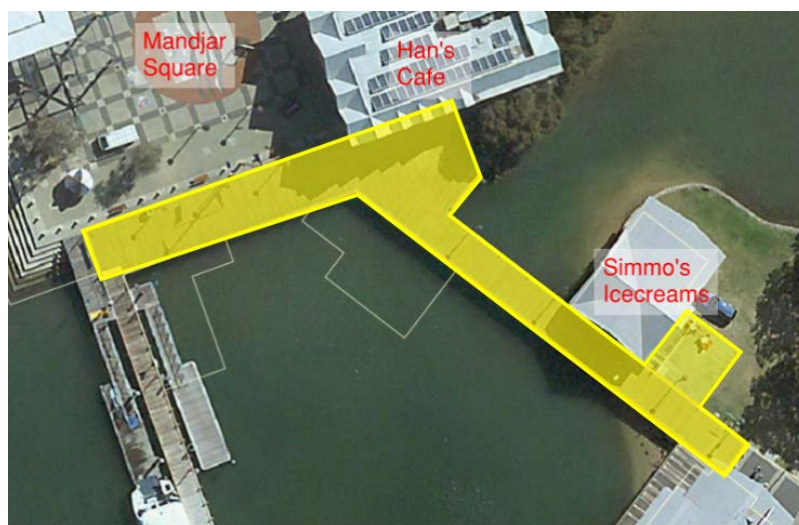


Figure 1 - Stage 2 of the Mandurah Foreshore Boardwalk

Stage 1 is currently under construction with a projected completion of the early March. Stage 2 is scheduled to commence following the Easter holidays where the contract was awarded to Engineered Water Solutions Pty Ltd.

Comment

The tender closed at 2:00pm on Tuesday 19 December 2017. Submissions were received from the following:

1.	Engineered Water Solutions Pty Ltd	Willetton
2.	Mandurah Jetty Construction	Mandurah

All tenders were received by the closing deadline. No tenders were deemed non-compliant. The following weighted qualitative criteria were used to assess and rank each tender submission:

Methodology and Quality	20%
Programme	15%
Technical Skills and Experience of Key Personnel	15%
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 and Mandurah Ocean Marina individually assessed each tender against the weighted qualitative criteria submitted by each tenderer.

A member of the City's Governance and Tenders section then coordinated and observed the collective qualitative evaluation process and is satisfied that the probity and procedural aspects relating to the evaluation were compliant. Once completed prices were entered into the Evaluation Matrix as shown in the ***Confidential Attachment***.

A final analysis taking into account competitiveness and combined qualitative and price ranking in order to determine the tender which represented best overall value for money for the City occurred.

As a result, the tendered submission from Mandurah Jetty Construction was the most advantageous tender and upon completion of a positive credit check was therefore considered the recommended and preferred tenderer.

Consultation

A non-mandatory site inspection was held on Thursday 30 November 2017 at Mandjar Square, Mandurah WA 6210 and was attended by Engineered Water Systems Pty Ltd.

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

Statutory Environment

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

Policy Implications

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

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

Risk Implications

A risk assessment has been conducted for this project where the following inherent key risks to the contract are:

- Contaminants from works entering the estuary – the containment and encapsulation requirements for the works will address this risk
- Works impacting upon City festivals and events – the contract obligates the contractor to demobilise during upcoming festivals.

The identified controls in place manage these risks are considered adequate to manage those risks.

It is also noted that subsequent to the closure of tenders, Engineered Water Solutions Pty Ltd went into liquidation.

Economic Implications

The tendered price is within the 2017/18 budget for the works. Please also refer to the ***Confidential Attachment***.

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

Tenders for the Mandurah Foreshore Boardwalk Remediation – Stage 2 were recently invited. Two were received and assessed against both qualitative criteria and price. The result was that the submission from Mandurah Jetty Construction represented overall best value for money for the City and it is therefore recommended that the City selects Mandurah Jetty Construction as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment***

RECOMMENDATION

That Council accepts Mandurah Jetty Construction as the preferred tenderer for Tender T24-2017 for the Mandurah Foreshore Boardwalk Remediation Stage 2.

14	SUBJECT:	Tender T25-2017 – Street Tree Inventory
	CONTACT OFFICER/S:	Matthew Hall / Natasha Pulford
	AUTHOR:	Cameron Tuck / Vicki Lawrence
	FILE NO:	F0000135555

Summary

The City of Mandurah invited tenders to undertake a Street Tree Inventory which required a suitably qualified and experienced arboricultural consultant to undertake an inventory of 20,000-30,000 street trees, inclusive of a spatial survey and collection of tree attribute data.

Ongoing maintenance of our street tree assets in terms of annual street tree planting, formulation of street tree masterplans and day to day maintenance can be much better informed through collection of accurate street tree data including information on the health and condition of various tree species. Street tree data will be used internally to aid in proactive maintenance of the City's trees, for reporting, and planning and design of future street tree plantings.

Council approval is sought to select The Trustee for Ben and Rachael Kenyon Family Trust T/as Homewood Consulting Pty Ltd as the preferred tenderer for the Street Tree Inventory project.

Disclosure of Interest

Nil.

Previous Relevant Documentation

Nil.

Background

A tender for the Street Tree Inventory was advertised in the 18 November 2017 edition of the 'West Australian' newspaper and in a notice which was displayed on the Administration Centre and Library notice boards.

Comment

The tender closed at 2:00pm on Tuesday 19 December 2017. Submissions were received from the following:

1.	Arbor Centre Pty Ltd	Wattle Grove, WA
2.	The Trustee for Ben and Rachael Kenyon Family Trust T/as Homewood Consulting Pty Ltd	Nunawading, VIC
3.	Paperbark Technologies Pty Ltd	Trigg, WA
4.	PEP Consulting Services Pty Ltd ATF PEP Consulting Trust	Carrington, NSW
5.	Talis Consultants	Leederville, WA

No tenders were received after the closing deadline.

Talis Consultants tender 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 tendered submission:

Relevant Company Experience, Expertise and Resources	20%
Proposal Content and Methodology	20%
Data Collection Standard, Formats and Reporting	20%

Price

40%

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 Cityparks, Landscape Services and Asset Management 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 undertaken in order to determine the tender which represented best overall value for money for the City.

As a result, the tendered submission from The Trustee for Ben and Rachael Kenyon Family Trust T/as Homewood Consulting Pty Ltd 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 and 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.

Statutory Environment

Local Government (Functions & General) Regulations 1996, Part 4.

Policy Implications

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

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

Risk Implications

No significant risks have been identified.

Economic Implications

Expenditure over the last two years for similar/same services was just under \$150,000 which was procured through “as-required” quoting processes from the WALGA preferred supplier arrangement panel with a single supplier being awarded the works on all occasions. There is funding in the budget for the project for this financial year with future works of a similar value subject to further budget approvals.

The reason for tendering as opposed to quoting, was to fully engage the market to identify suitable but alternative suppliers, including local suppliers where the advertising process associated with tendering provides for greater market accessibility. While it is preferred that tenders aren't sought for goods and services under \$75,000 the process on this occasion has proven effective in identifying other suitable suppliers with the costs for services slightly reduced.

Strategic Implications

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

Organisational Excellence:

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

Conclusion

Tenders for the Street Tree Inventory were recently invited. Five were received and four were assessed against both qualitative criteria and price. The result was that the submission from The Trustee for Ben and Rachael Kenyon Family Trust T/as Homewood Consulting Pty Ltd represented overall best value for money for the City and it is therefore recommended that the City selects The Trustee for Ben and Rachael Kenyon Family Trust T/as Homewood Consulting Pty Ltd as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment***

RECOMMENDATION

That Council accepts The Trustee for Ben and Rachael Kenyon Family Trust T/as Homewood Consulting Pty Ltd as the preferred tenderer for Tender T25-2017 Street Tree Inventory.

15	SUBJECT:	Tender T27-2017 – Installation of Sports Ground Lighting at Bortolo Reserve
	CONTACT OFFICER/S:	Simon Hudson / Natasha Pulford
	AUTHOR:	Simon Hudson / Vicki Lawrence
	FILE NO:	F0000136297

Summary

The City of Mandurah invited tenders for the Installation of Sports Ground Lighting at Bortolo Reserve on 29 November 2017.

The works consist of the installation of four 25 metre tall galvanised light towers each with four 150watt lamps that will achieve a lighting standard of 100Lux over the oval. In addition to the installation of the towers and luminaires on the northern oval, a new Halytech controller system will also be installed to control the new lights and will also be connected to, and control the existing seven lights.

The project is wholly grant funded by the Peel Development Commission.

Council approval is sought to select Citylight Holdings Pty Ltd t/as Auriemma Electrical Services as the preferred tenderer for Installation of Sports Ground Lighting at Bortolo Reserve.

Disclosure of Interest

Nil.

Location

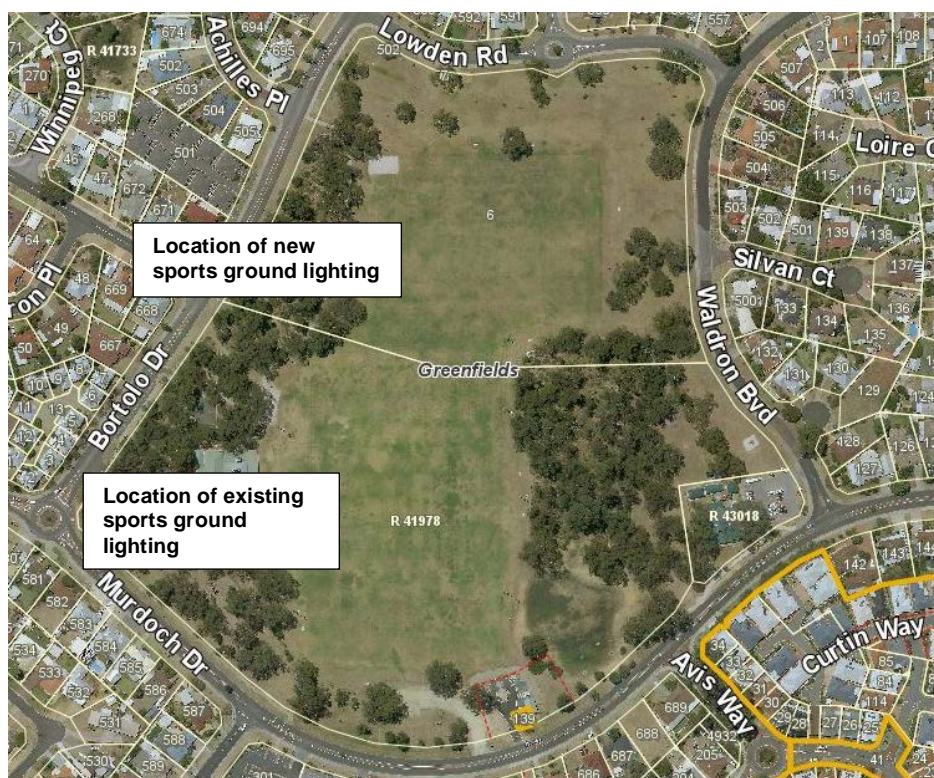


Fig 1. Bortolo Reserve

Previous Relevant Documentation

Nil

Background

A tender for the Installation of Sports Ground Lighting at Bortolo Reserve was advertised in the 29 November 2017 edition of the 'West Australian' newspaper and in a notice which was displayed on the Administration Centre and Library notice boards.

The Peel Development Commission has provided a grant of \$200,000 to assist with the delivery of this project. Three clubs currently make use of the facilities; being Little Athletics, Peel United and Peel Junior Club.

The works will consist of the installation of four 25m galvanised light towers each with four 150watt lamps that will achieve 100Lux over the oval. In addition to the installation of the towers and luminaires on the northern oval, there will be the installation of a new Halytech controller system that will control the new lights on the northern oval and be connected and control the existing seven lights. Having flood lighting on the northern sports oval will provide additional flexibility for community use of the area.

Comment

The tender closed at 2:00pm on Thursday 21 December 2017. Submissions were received from the following:

1.	Cityholdings Pty Ltd T/A Auriemma Electrical Services	Munster
2.	Industrial Automations Group Pty Ltd	Joondalup
3.	Hender Lee Electrical Contractors Pty Ltd	Bibra Lake
4.	IPC Pty Ltd	Rockingham
5.	National Grid Link Pty Ltd	Heathridge
6.	Practon Group Pty Ltd	Midvale
7.	SMB Electrical Services	Wangara
8.	Sunningdale Holdings Ltd Pty T/A Strong Electrical Services	Mandurah
9.	Surun Services Pty Ltd	South Fremantle
10.	Wired West Electrical Contracting Pty Ltd	Wangara
11.	Future Power WA Pty Ltd (Conforming)	Cockburn Central
12.	Future Power WA Pty Ltd (Alternative)	Cockburn Central

No tenders were received after the closing deadline.

Industrial Automations Group Pty Ltd's tender 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	20%
Technical Skills and Experience of Key Personnel	20%
Methodology	10%
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, Recreation Centres and Services and an external Electrical 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 undertaken in order to determine the tender which represented best overall value for money for the City.

As a result, the alternative tender from Citylight Holdings Pty Ltd t/as Auriemma Electrical Services was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer.

The alternative tender proposed use of products that met or exceeded the requirements of the specification, whilst providing cost efficiencies.

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 credit check and financial assessment has been undertaken by Financial Services where no issues were identified.

A reference check with the nominated referees reported that the preferred tenderer is considered to be capable of carrying out the Contract within the price offered as part of their tender.

The wholesalers of the light towers were also contacted to verify the pricing offered. No issues were identified.

Statutory Environment

Local Government (Functions & General) Regulations 1996, Part 4.

Policy Implications

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

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

Risk Implications

A risk assessment has been conducted for this project where the key risks to the City and other stakeholders in relation to this contract are:

- Health and safety risks with contractor interface to the public.
- Long lead times of light poles.
- Contractor delay in project completion.

These risks will be managed as part of the contract management procedures.

Economic Implications

The project budget is \$200,000 which is wholly grant funded by the Peel Development Commission. The preferred tender price is below the project budget. It is noted that the project also provides for professional consultant fees and a project contingency sum where a breakdown is provided in the Confidential Attachment to this report.

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

Tenders for the Installation of Sports Ground Lighting at Bortolo Reserve were recently invited. 12 were received and 11 were assessed against both qualitative criteria and price. The result was that the submission from Citylight Holdings Pty Ltd T/as Auriemma Electrical Services represented overall best value for money for the City and it is therefore recommended that the City selects Citylight Holdings Pty Ltd T/as Auriemma Electrical Services as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment***

RECOMMENDATION

That Council accepts Citylight Holdings Pty Ltd t/as Auriemma Electrical Services as the preferred tenderer for Tender T27-2017 for the Installation of Sport Ground Lighting at Bortolo Reserve.

16	SUBJECT: Tender T29-2017 – Electrical Consultancy Services CONTACT OFFICER/S: Simon Hudson / Natasha Pulford AUTHOR: Derek Lynch / Erin Johnson FILE NO: F0000135586
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Summary

Tenders for an Electrical Consultancy Services contract which provides for the provision of design advice to the City, and aid in delivery of capital, maintenance and compliance works, were invited early December 2017.

Council approval is sought to select Powerlyt Group Pty Ltd as the preferred tenderer for Electrical Consultancy Services.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.24/1/15 27 January 2015 That council award GHD Pty Ltd the contract under Tender 15-2014 – Separable Portion One for Supplementary Consultancy Services – Electrical Engineering for a period of three (3) years, commencing on 1 March 2015.

Background

The current contract for Supplementary Consultancy Services was awarded to GHD Pty Ltd for a period of three (3) years and commenced on 1 March 2015.

The work which has been performed under the contract has ranged from lighting design for sports grounds and street lighting, design work for switchboards upgrades, third party reviews, and feasibility studies.

To provide continuation of the services a tender for the services was advertised in the 2 December 2017 edition of the 'West Australian' newspaper and in a notice which was displayed on the Administration Centre and Library notice boards.

The request sought the provision of the services for a period of three (3) years commencing from the expiry of the existing contract due 29 February 2018.

Comment

The tender closed at 2:00pm on Tuesday 9 January 2018. Submissions were received from the following:

1.	Anser Group Pty Ltd	West Perth
2.	Engineering Technology Consultants	Leederville
3.	GHD Pty Ltd	Perth
4.	Lucid Consulting Engineering	Subiaco
5.	Powerlyt Group Pty Ltd	Balcatta
6.	M & M Siano Family Trust T/A E-Consulting Engineers	West Leederville
7.	Sage Consulting Engineers Pty Ltd	Subiaco
8.	Wood & Grieve Engineers Limited	Perth

All tenders were received by the closing deadline. M & M Siano Family Trust T/A E- Consulting Engineers was rejected in accordance with clause 19 of the Conditions of Tendering due to incorrect completion of the Pricing Schedule.

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

Relevant Experience and Reference	25%
Skills and Experience of Key Personnel	15%
Resources	10%
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 and Facilities Management, individually assessed each submission against the weighted qualitative criteria submitted by each tenderer. The scores were then averaged to produce a total weighted qualitative result.

Tendered prices were then 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 in order to determine the tender which represented best overall value for money for the City.

As a result, the tendered submission from Powerlyt Group Pty Ltd 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 evaluation process and is satisfied that the probity and procedural aspects relating to the evaluation were compliant.

Consultation

A credit check was undertaken by Financial Services and 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.

Statutory Environment

Local Government (Functions & General) Regulations 1996, Part 4.

Policy Implications

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

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

Risk Implications

The risk to the City is considered to be low as it relates to the preferred tenderer not being capable to deliver works based on the highly competitive prices submitted. If that case was to eventuate, the possibility of contract termination and/or alternative source of supply would be contemplated.

Economic Implications

The price basis, being a schedule of hourly rates and capping for estimated cost parameters is fixed for the 3 year term of the contract. Average expenditure on the existing contract is approximately \$420,000 per year. Budget provision has been against relevant projects for 2017/2018.

The preferred tenderer's upper cost limit rates offer savings on the existing contract rates of up to 8% with the hourly rates being up to 50% lower than the existing contract. The combined outcome is therefore that the preferred tenderer is expected to provide an overall saving to the City of up to \$85,000 annually based on the current arrangements.

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

Tenders for the Electrical Consultancy Services were recently invited. Eight were received and assessed against both qualitative criteria and price. The result was that the submission from Powerlyt Group Pty Ltd represented overall best value for money for the City and it is therefore recommended that the City selects Powerlyt Group Pty Ltd as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment***.

RECOMMENDATION

That Council accepts Powerlyt Group Pty Ltd as the preferred tenderer for Tender T29-2017 Electrical Consultancy Services.

17 **SUBJECT:** T30-2017 Architectural Consultancy Services
CONTACT OFFICER/S: Simon Hudson / Natasha Pulford
AUTHOR: Jonathon Spain / Erin Johnson
FILE NO: F0000136600

Summary

Tenders for the Architectural Consultancy Services contract provides for the provision of architectural design and construction contract administration services were invited early December 2017. The contract will aid in the delivery of the capital and maintenance budgets.

Council approval is sought to select Cox Architecture Pty Ltd as the preferred tenderer for architectural consultancy services.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.24/1/15 27 January That Council awards Holton Connor Pty Ltd the contract under Tender T15-2014 – Separable Portion Three for Supplementary Consultancy Services – Architectural Services for a period of three years.

Background

The current contract for architectural consultancy services was awarded to Holton Connor Pty Ltd for a period of three years and commenced on 1 March 2015.

To provide continuation of the services a tender for architectural consultancy services was advertised in the 2 December 2017 edition of the 'West Australian' newspaper and in a notice which was displayed on the Administration Centre and Library notice boards.

The tender seeks the provision of the required services for a period of three years commencing on the expiry of the existing contract due 29 February 2018.

Comment

The tender closed at 2:00pm on 9 January 2018. Submissions were received from the following:

1.	Cox Architecture Pty Ltd	Perth
2.	Hodge Collard Preston Pty Ltd	West Perth
3.	Holton Connor Pty Ltd t/a Holton Connor Architects & Planners	West Perth
4.	Lantern Creative Pty Ltd t/a Lantern Architecture	East Fremantle
5.	Lycopodium Infrastructure Pty Ltd	East Perth
6.	MCG Architects Pty Ltd	Bunbury
7.	MPS Architects	Leederville
8.	Peter Hunt Pty Ltd t/a peter Hunt Architect	West Perth
9.	Radarchi Pty Ltd	Osborne Park
10.	Sia Architects Pty Ltd	East Fremantle
11.	Site Architecture Studio	Perth
12.	Bollig Design Group Pty Ltd t/a the BDG Trust	West Perth
13.	With Architecture Studio Pty Ltd	Perth

No tenders were received after the closing deadline.

MPS Architects was rejected in accordance with clause 9 of the Conditions of Tendering document for not submitting a Pricing Schedule.

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

Relevant Experience	25%
Demonstrated Skills and Experience of Key Personnel	25%
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 and Technical Services, individually assessed each submission against the weighted qualitative criteria submitted by each tenderer.

Tendered prices were then 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 in order to determine the tender which represented best overall value for money for the City.

As a result, the tendered submission from Cox Architecture Pty Ltd 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 evaluation process and is satisfied that the probity and procedural aspects relating to the evaluation were compliant.

Consultation

A credit check was conducted by Financial Services where no issues were identified. However it was noted that the search was limited.

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

Statutory Environment

Local Government (Functions & General) Regulations 1996, Part 4.

Policy Implications

POL-CPM 02 – Purchasing of Goods or Services Policy.
POL-CPM 01 – “Buy Local” Regional Price Preference Policy.

Risk Implications

The risk to the City is considered low as it related to insufficient contractor resources to deliver the services. If that case was to eventuate, the possibility of contract termination and/or alternative source of supply would be contemplated.

Economic Implications

The price basis for the contract is fixed for the term of the contract subject to annual CPI adjustments, over three years. The expenditure estimate for the contract is approximately \$110,000 per year, based on previous year's expenditures. Provision has been made in various cost codes across the City's current financial budget where applicable.

The price schedule provides capped consultancy fees as a percentage of the overall project value, as well as hourly rates for the architectural services. The preferred tenderers upper cost limit rates offer savings on the existing contract rates of up to 5%, which may result in savings of approximately \$5,000 annually.

Strategic Implications

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

- Deliver excellent governance and financial management.

Conclusion

Tenders for the architectural consultancy services were recently invited. Thirteen were received and twelve were assessed against both qualitative criteria and price. The result was that the submission from Cox Architecture Pty Ltd represented overall best value for money for the City and it is therefore recommended that the City selects Cox Architecture Pty Ltd as the preferred tenderer

NOTE:

- Refer ***Confidential Attachment***.

RECOMMENDATION

That Council accepts Cox Architecture Pty Ltd as the preferred tenderer for Tender T30-2017 Architectural Consultancy Services.