



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 March 2018
at 5.30pm**

MARK NEWMAN
Chief Executive Officer
6 March 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

Councillor Schumacher (Leave of Absence).

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

Please refer to Attachment 4.1.

5 PUBLIC QUESTION TIME

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

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 13 February 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	2018/19 Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Winter Round	1 – 9
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13 LATE AND URGENT BUSINESS ITEMS**14 CONFIDENTIAL ITEMS**

14.1 Recycling Processing Costs

14.2 Rivers Regional Council – Amendments to Waste Services Agreement

15 CLOSE OF MEETING

RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE COMMITTEE OF COUNCIL MEETING HELD ON 13 FEBRUARY 2018

**CC.10/2/18 NAMING YABURGURT KAALEEPGA RESERVE (WINJAN'S CAMP) (BD)
(REPORT 5)**

Councillor Peter Rogers requested clarification as to the conditions by which reserves and parks are classified within the title of "Other" as contained within the Reconciliation Action Plan.

Response:

The 'Other' category of named reserves is in reference to three reserves within the Mandurah Junction development area which, in conjunction with street names, have been named based on a theme of trees and birds in the location.

NB: This response was presented at the Council meeting held on Tuesday 27 February 2018.

1. SUBJECT: 2018/19 Community Sport and Recreation Facility Fund (CSRFF)
Small Grants – Winter Round
CONTACT OFFICER/S: Craig Johnson
AUTHOR: Natalie Garnsworthy, Dale Christy
FILE NO:

Summary

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

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

The City has received three (3) applications from clubs/associations as part of the Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Winter Round. Details of these applications are:

- South Mandurah Football Club
Construction of Change Room Facilities
- Dudley Park Bowling Club
Resurface of Bowling Green B
- South Mandurah Tennis Club
Resurfacing of Courts 1-2 and 7-10

The South Mandurah Football Club previously submitted applications for the construction of new change room facilities in the March and July rounds in 2017 that were endorsed by Council. Unfortunately this project did not receive funding from the Department of Local Government, Sport and Cultural Industries and the Club is now resubmitting an application in the March 2018 round.

Council is requested to support the ratings and priorities of the three (3) 2018/19 Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Winter Round applications submitted and note that funds for the City's contributions towards each project will be listed for consideration in the 2018/19 draft budget, subject to the projects being approved by the Department of Local Government, Sport and Cultural Industries - Sport and Recreation.

Disclosure of Interest

N/A

Location

South Mandurah Football Club
Lynda Street, Falcon

- Construction of Change Room Facilities



Dudley Park Bowling Club
Gillark Street, Dudley Park

- Resurface of Bowling Green



South Mandurah Tennis Club
Merlin Street, Falcon

- Resurfacing of Courts 1-2 and 7-10



Previous Relevant Documentation

- G.24/8/17 Council considered the 2017/18 CSRFF Small Grant applications – Summer Round and endorsed an application from the Mandurah Croquet and Recreation Club: Construction of a Universal Accessible Toilet, South Mandurah Tennis Club: Upgrade to Sport Lighting on Courts 3 to 6, South Mandurah Football Club: Construction of Change room Facilities and Peel Thunder Football Club: Feasibility Study for a Future Centre of Excellence Facility.
- G.23/3/17 Council considered the 2017/18 CSRFF Small Grant applications – Winter Round and endorsed an application from the South Mandurah Football Club for the construction of change room facilities, Port Bouvard Sport and Recreation Club for the replacement of a B green bowling surface and a joint application from the Mandurah Triathlon Club and Mandurah Ocean Club for an upgrade to the storage facilities at Mandurah Yacht Club.
- G.35/3/16 Council considered the 2016/17 CSRFF Small Grant applications – Winter Round and endorsed an application from the Mandurah BMX Club for the installation of a starting gate shelter at Milgar Reserve, Western Australian Little Athletics (on behalf of the Peel District Little Athletics Association) for the installation of storage at Bortolo Reserve and Halls Head Bowling and Recreation Club for the replacement of the B green surface.
- G.13/8/15 Council considered the 2015/16 CSRFF Small Grant applications – Summer Round and endorsed an application from the Peel Community Cricket Board for the development of the Peel Cricket Future Facilities Plan.
- G.24/3/15 Council considered the 2015/16 CSRFF Small Grant applications – Winter Round and endorsed an application from the City of Mandurah for the resurfacing of 10 netball courts at the Thomson Street facility, Dudley Park Bowling Club for the replacement of B Green bowling surface, Port Bouvard Pistol & Small Bore Rifle Club for the replacement of the roof over the pavilion, Mandurah Netball Association for a feasibility study into future facility options and the Peel Community Cricket Board for the Peel Cricket Future Facilities Plan.

Background

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

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

The maximum CSRFF grant approved can be no greater than one third of the total estimated project cost. The Department of Local Government, Sport and Cultural Industries - Sport and Recreation contribution must be at least matched by the applicant's contribution.

Council is required to rank each project according to its priorities for the development or upgrade of facilities, ensuring consistency with relevant strategic documents, and then rate each project according to individual merit.

The project ratings are identified as follows:

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

Comment

Council has been requested to consider three applications for the 2017/18 Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Winter Round.

South Mandurah Football Club – Project 1

Project	Construction of Change Room Facilities
Location	27 Lynda Street, Falcon
Years Applied for	2018/19
Total Project Cost	\$181,363.65
Eligible Grant Criterial Total	\$ 60,454.55
CSRFF Grant	\$ 60,454.55
Requested from Council	\$ 60,454.55
Other Potential Funding	-
Clubs' Contribution (cash)	\$ 22,727.27
Clubs' Contribution (in kind)	\$ 37,727.28
Recommended Ranking	It is recommended that this project be given a ranking of "1" and a rating of "High"

Project Details

The South Mandurah Football Club is planning to construct a new unisex change room facility within the Clubs leased area at Falcon Reserve. The proposed design for the new change rooms cater for male and female sports, junior and senior players, participants of all abilities and ages in addition to external community groups and casual community hirers.

During the football season, Falcon Oval is used up to 6 days a week for training sessions with 15 games of football played on the oval on weekends. Currently, the amenities for participants are located within the Falcon Pavilion at the southern end of the ground and designed primarily to meet the needs of male participants. The existing change rooms do not meet the current male and female participation needs of the club and will not accommodate their expected future growth. The building of 2 new unisex change rooms is designed complement the City of Mandurah's plans to upgrade the existing change rooms and will see a total of 4 change rooms available to service the reserve.

In January 2018, the Peel Football and Netball League confirmed that the South Mandurah Football Club was successful in their application to field a senior team in the inaugural women's competition, providing a pathway between junior and senior football for women and girls.

The South Mandurah Football Club lease its facility from the City and in the winter, shares the reserve with the South Mandurah Junior Football Club and South Mandurah Veterans Football Club. During the summer season, the South Mandurah Cricket Club also utilise the clubrooms, together with a local Dart's competition.

The Club currently has no outstanding debts with the City and has in the past repaid two interest free loans to the City. Previously the Club has undertaken renovation works to upgrade toilet facilities, install reserve lighting and install CCTV to increase security for the premises.

Officers have recommended a ranking of one (1) and a rating of "high" for the project, as it assists in addressing a current issue being faced by the City of Mandurah relating to the provision of sporting infrastructure for women and girls and access to facilities such as change rooms that support and enhance participation.

Furthermore, the Club has obtained significant contributions from Club sponsors to assist with volunteer labour and materials for the delivery of the project and partnered with the South Mandurah Cricket Club who are supporting the project through a \$5,000 contribution.

Dudley Park Bowling Club – Project 2

Project	Resurface of Bowling Green
Location	Gillark Street, Dudley Park
Years Applied for	2018/19
Total Project Cost	\$127,025
Eligible Grant Criterial Total	\$ 42,341.50
CSRFF Grant	\$ 42,341.50
Requested from Council	\$ 42,342.00
Other Potential Funding	-
Clubs' Contribution (Cash)	\$ 42,341.50
Clubs' Contribution (in kind)	-
Recommended Ranking	It is recommended that this project be given a ranking of "2" and a rating of "medium/high".

Project Details

The Dudley Park Bowling Club is located on Reserve 25477, crown land title vested to the City of Mandurah for the purpose of recreation, with a power to lease and or sub lease. The lease with the club was recently renewed in 2013 for a period of 10 years, with an option for a further 11 years. The club resurfaced a synthetic bowling green in 2015/16 via the CSRFF program, to which the City contributed \$34,693.

The club is affiliated with Bowls WA and has 289 members (this is a slight increase in membership compared to 2015/16 - 265). It is primarily used by club members (96%) and local schools. The club hosts four (4) bowling carnivals each year that are generally regional, state or international events.

The Dudley Park Bowling Club have identified a need to replace the current synthetic surface on the B Bowling Green.

The original surface was installed in 2007 and has become significantly worn in the last few years. The club will be carrying out a full replacement of the surface to an Excel/UltraMax - a 36 stitch 10mm pile height synthetic surface.

The Excel/UltraMax surface requires less sand to infill the surface of the green and a shorter time frame is needed to bring the surface up to a standard for bowling. The synthetic surface is UV stabilized producing a long lasting, high performance surface.

Previously the Dudley Park Bowling Club has undertaken significant renovation works to upgrade toilet facilities and install solar panels. Officers have recommended a ranking of two (2) and a rating of "medium/high" as the proposed resurface works helps the club manage the activities on the bowling greens by rotating the usage and reducing the wear on the greens, while continuing to carry out a surface replacement program on the other greens over the next 5 to 10 years.

South Mandurah Tennis Club – Project 3

Project	Resurfacing of courts 1-2 and 7-10
Location	Merlin Street, Falcon
Years Applied for	2018/19
Total Project Cost	\$ 46,651.50
Eligible Grant Criterial Total	\$ 15,550.50
CSRFF Grant	\$ 15,550.50
Requested from Council	\$ 15,550.50
Other Potential Funding	-
Clubs' Contribution (Cash)	\$ 15,550.50
Clubs' Contribution (in kind)	-
Recommended Ranking	It is recommended that this project be given a ranking of "3" and a rating of "medium/high"

Project Details

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

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

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

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

Officers have recommended that this project is ranked three (3) and rated "Medium/high, as it is well planned and needed by the club. In making this assessment, Officers noted that the South Mandurah Tennis Club has a court replacement fund in place, is financially sustainable and is a good tenant of the City.

Consultation

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

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

Statutory Environment

N/A

Policy Implications

Policy CNP-05 Recreation Facility Development

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

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

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

Economic Implications

The three (3) projects recommended for support are:

Project	Lodged by	Council Contribution Requested
Construction of Change room Facilities	South Mandurah Football Club	\$60,454.55
Resurface of Bowling Green B	Dudley Park Bowling Club	\$42,342.00

Project	Lodged by	Council Contribution Requested
Resurfacing of courts 1-2 and 7-10	South Mandurah Tennis Club	\$ 15,550.50
<u>Total</u>		<u>\$118,347.05</u>

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

The three (3) projects listed have requested a total funding contribution from Council of \$118,347.05 in the 2018/19 financial year.

Strategic Implications

The following strategies from Council's *Strategic Community Plan 2013-2033* are relevant to this report:

Social

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

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.

Organisational Excellence

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

Conclusion

The three (3) applications received through the 2018/19 Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Winter Round have been well prepared by the clubs and are consistent with Council's Recreation Facility Development policy.

A requirement of the CSRFF funding program is that if Council funds are being contributed then there is a pre-commitment of funding for the year in which the grant is approved. Funding for any of the three (3) projects that are approved through the CSRFF programme will be funded through the City's Building Reserve fund. The Council contributions reflected in this report are as requested from the applicant clubs.

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

Grant Type	Rank	Project	Rating	Lodged by	CSRFF Funding Requested	Club Funding	Council Contribution Requested
Small	1	Construction of room Change Facilities	High	South Mandurah Football Club	\$ 60,454.55	\$ 60,454.55	\$ 60,454.55

Grant Type	Rank	Project	Rating	Lodged by	CSRFF Funding Requested	Club Funding	Council Contribution Requested
Small	2	Resurface of Bowling Green B	Medium/High	Dudley Park Bowling Club	\$ 42,341.50	\$42,341.50	\$42,342.00
Small	3	Resurfacing of courts 1-2 and 7-10	Medium/High	South Mandurah Tennis Club	\$ 15,550.50	\$ 15,550.50	\$ 15,550.50

RECOMMENDATION

That Council:

1. **Supports the rankings and ratings for the Community Sport & Recreation Facility Fund Small Grant applications from the following clubs:**
 - **South Mandurah Football Club**
Project - Construction of Changeroom Facilities
Ranking – One
Rating – Medium/High
 - **Dudley Park Bowling Club**
Project – Resurface of bowling green
Ranking – Two
Rating - Medium/High
 - **South Mandurah Tennis Club**
Project - Resurfacing of courts 1-2 and 7-10
Ranking – Three
Rating – Medium/High
2. **Notes that if any of the following applications are successful, the City will list these amounts for consideration as part of the 2018/19 capital budget process:**
 - **South Mandurah Football Club**
Project - Construction of Changeroom Facilities - \$60,454.55
 - **Dudley Park Bowling Club**
Project – Resurface of Bowling Green B - \$42,342.00
 - **South Mandurah Tennis Club**
Project - Resurfacing of courts 1-2 and 7-10 - \$15,550.50

2. SUBJECT: Facility Improvements to Accommodate the Growth of Women's Sport
CONTACT OFFICER/S: Craig Johnson / Dale Christy
AUTHOR: Natalie Garnsworthy
FILE NO:

Summary

In recent years, there has been significant growth throughout Australia in the participation rates for women's sport. This has been largely driven by the success of Australia's National Women's teams (Matilda's – Soccer, Southern Stars – Cricket) and the formation of new national elite competitions (AFLW – Football, WBBL – Cricket).

This growth is now starting to be felt here in Mandurah with a number of women's competitions already in place and many State Sporting Association's planning to launch new formats as early as 2018/19.

As the primary provider of infrastructure for local community sport, this presents a challenge for the City of Mandurah with a number of our change room facilities having been originally designed to solely meet the needs of male participants. The City has undertaken a desktop review of its change room facilities to identify gaps in the provision of existing amenities. The audit highlighted that some of the City's existing change rooms do not adequately accommodate women's sport with the issues primarily related to the need to replace open shower areas with shower cubicles and urinals with toilet cubicles.

It is recommended that the City look to implement a staged refurbishment of its change room areas over the coming years that would initially prioritise the upgrade of the City's older existing amenities to facilitate female participants, with the long term objective being for all change room facilities to be unisex in their design and function.

Council is requested to note the current growth in women's sport and the need for a staged refurbishment of existing change room facilities to accommodate female participation.

Disclosure of Interest

N/A

Location

N/A

Previous Relevant Documentation

July 2015 - G.20/7/15 Council endorsed the use of the Mandurah Active Recreation Strategy as a guide to the development of active open space in Mandurah.

Background

Over the past few years, there has been a strong focus on increasing female participation at community level club-based sport. Sporting codes have launched national competitions for women's cricket, soccer, netball, basketball and Australian Rules football. This emphasis has helped increase the interest and as a result the participation rates in female sport across the country.

In 2016/17, the total number of female participants in organised sport and recreation clubs in Western Australia was 350,155. This is an increase of over 50% from 232,873 participants in 2013/14.

This growth is primarily due to the introduction of new sporting products / formats led by main stream sports such as Football, Cricket and Netball targeting young children and female participants. These entry-level participation options (i.e. T20 Blast is a modified format of cricket) are increasing in popularity as they are generally conducted over a shorter period than the traditional formats and are delivered at a reduced cost.

Australian Rules Football as an example, has experienced rapid growth in female participation since the launch of the Australian Football League Women's (AFLW) competition in 2017. According to the 2017 AFL Census figures, WA had a 9% increase in total participation from 2016, with a 28% increase in female football alone.

Outlined below is a table indicating the growth in junior female participation in Australian Rules Football within the Peel Region:

Table 1 – Peel Junior Football Association - Female Participation Number

Year	Auskick	Juniors / Youth	Total	% Growth (from Previous Yr)
2015	90	135	225	
2016	133	226	359	60%
2017	221	455	676	88%

Notes:

- *The Auskick program is for primary school aged children aged between 5 and 8 years of age*
- *Junior and Youth football programs provide opportunities for children between the age of 8 and 18 years of age.*
- *The Peel Thunderbirds Youth team numbers are included in these statistics*

As a result of this growth, the Peel Football and Netball League has launched its first ever senior female football competition to commence in April 2018. This competition is designed for girls and women to move progressively through the sport from junior football to senior football. The inaugural season will see South Mandurah Football Club field a team with other Mandurah Clubs likely to join the competition from as early as 2019.

In addition, the Western Australian Football League has indicated that they will launch a Women's State League competition from 2019. The Peel Thunder Football club are expected to be a front runner for a women's license to represent the Peel / South West Region.

In addition to the growth of Australian Rules football, Cricket Australia has also identified significant change in participation trends with an increase in female participation. According to their latest National Cricket Census, 400,000 females played cricket across Australia in 2016/17, an increase of more than 80,000 from the previous year.

In 2015, Cricket Australia launched a Growing Cricket for Girls Fund, which saw associations and clubs create 363 new teams across 46 new all-girl competitions, demonstrating both the huge demand and the need for sport to create the right environment for female participation. The Peel Junior Cricket Association has started to see a slight increase in female participation with the majority of girls starting through the bottom of the club pathway.

The Football Federation of Australia (FFA) has identified a need to drive female participation at all levels of the game, with a key focus on increasing female player participation. In 2016, the FFA launched the Women's Football (soccer) Development Guide, which is a tool designed to assist community clubs in the recruitment and continued involvement of female players, coaches, administrators and referees.

Comment

The support of sports clubs by the City is an important partnership that provides both healthier communities through active sport and social connection through participation. Currently, the City has 23 bookable active reserves serviced by 9 change room amenities that provide an essential community asset primarily used for active sport and recreation.

In late 2017, City officers conducted a desktop review of its 9 change room facilities to gain an understanding of their existing functionality and capabilities to accommodate the growth in women's sport. The objective was to identify those facilities that are currently suitable for female participation, those that may require minor improvements and the facilities that need to be prioritised for future upgrade.

Below is a summary of the City's current change room facilities that service its major active sports reserves;

Table 2 – Current Change Room Provisions – Active Sports Reserves

Name of Facility	Classification	Current Sports	Male Change Rooms	Female Change Rooms	Unisex Change Rooms	Officials Area	Notes
Rushton Main Reserve	Regional	Football	3	-	-	1	Open showers in all change rooms, requires upgrade for female participation.
Rushton North Reserve	Regional	Football	2	2	-	1	Female change rooms have open showers - requires upgrade.
Thomson Street Netball	Regional	Netball	-		2	-	Refurbished in 2017.
Meadow Springs Sports Facility	District	Rugby Union, Cricket & Touch Rugby	2	2	-	1	Accommodates female participation – minor works required.
Bortolo Reserve	District	Soccer	2	2	-	-	Accommodates female participation – minor works required.
Peelwood Reserve	District	Soccer & Cricket	2	2	-	1	Accommodates female participation – minor works required.
Merlin Street Reserve	District	Football & Baseball	1	-	1	1	Open showers in male area - upgrade required.
Falcon Reserve	District	Football & Cricket	2	-		1	Toilets / Showers require upgrade - Priority 1.
Coote Reserve	Neighbourhood	Soccer & Ultimate Frisbee	2	-	-	-	Toilets / Showers require upgrade.

In recent years, many of the major sporting codes across Australia have developed facility guidelines to provide more detail around what is considered best practice in the design of change room amenities to facilitate both male and female participation. These documents look at transforming existing amenities to better cater for female use and include recommendations such as the removal of urinals and open shower areas and replacing them with toilet cubicles and shower cubicles that increase privacy and enable the facilities to be unisex in their function.

Outlined below is a summary of the new facilities that the City has designed and developed in recent years and those either under construction or currently being planned.

These facilities have all taken into account the need to accommodate women's sports participation and have either been designed with sufficient female facilities or with change rooms that are unisex.

Name of Facility	Classification	Current Sports	Male Change Rooms	Female Change Rooms	Unisex Change Rooms	Officials Area	Notes
Mandurah Aquatic & Recreation Centre	Regional	Multiple Sports	6	6	11	1	Fully completed in 2017
Ocean Road Reserve	District	Rugby League, Football, Cricket & Athletics	-	-	2	1	Under construction. Due for completion mid 2018
Lakelands District Space	District	TBA	-	-	4	1	Facility planning has commenced. Due for construction in 2019

Although a number of the City's change room facilities offer sufficient access for female participants in the short term, they do not cater for multiple teams playing out of the one facility. Future prioritising of minor enhancements and upgrades will be required to create appropriate facilities that include gender neutral spaces suitable for players, umpires and officials.

Furthermore, the desktop review identified the facilities at Falcon Reserve as critical for upgrade as they are over 30 years old and from an era where the focus was on single user groups that predominantly consisted of male players. The change rooms do not reflect current usage levels or the needs for future participation growth.

Outdated facilities and those that do not adequately accommodate need can restrict clubs and their ability to attract and retain female participants. The City has identified a real opportunity to provide improved participation opportunities for the community through the upgrade of its current change room amenities.

Recent changes in participation trends and demand have seen the traditional sports change room design replaced with multi-purpose, flexible and accessible facilities. Newly planned and designed change room areas at Ocean Road Reserve and Lakelands District Open Space will cater for male and female sports, junior and senior players, users of all abilities and ages in addition to external community groups and casual hirers.

The Mandurah Active Recreation Strategy was endorsed by Council in 2015 and provides a structured and consistent planning approach to the development of active reserves and supporting infrastructure. This strategy assists the City in prioritising projects and ensures that future facilities accommodate a variety of user groups.

Future Sport and Recreation planning will focus on providing multi-purpose, accessible and flexible change room spaces where appropriate. In addition, the City will continue to recognise the dynamic and changing nature of sport and recreation, which is influenced by sporting trends, community needs, opportunities and input from relevant stakeholders.

Statutory Environment

N/A

Policy Implications

N/A

Economic Implications

Although the City is yet to secure funding support for any potential upgrades, it needs to be acknowledged that both the Australian Football League and the Western Australian Cricket Association have developed a small grants program to assist clubs and Local Governments with small infrastructure development projects. City Officers are currently in conversations with all sports and intend to apply for any grant funding available to contribute to the planned upgrades.

In the 2018/19 Draft Capital Budget \$75,000 will be listed for upgrades to the changing facilities at Falcon Reserve.

Strategic Implications

The following strategies from Council's *Strategic Community Plan 2013-2033* are relevant to this report:

Social

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

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

Organisational Excellence

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

Conclusion

It is widely acknowledged that nationwide women's sport has seen unprecedented growth in recent years. This growth is being led by the major sporting codes including national women's competitions in their planning. This increased exposure is now having a positive effect on the growth of women's sport within Mandurah and is starting to put pressure on the City's sporting infrastructure, specifically its change room facilities at active sports reserves.

City Officers are recommending a proactive approach to meet the increasing demand in this space. If the City takes a planned approach towards the staged upgrade / refurbishment of its existing sports change room facilities and brings them up to a minimum standard for the growing demand for female sport over the next few years, we will be better positioned to meet the needs and expectations of the community into the future.

Council is requested to note the current trend in the growth in female sport participation and the need to undertake refurbishment works annually on its existing change room facilities to accommodate this growth.

RECOMMENDATION

That Council:

1. **Notes the current trends in the growth of Women's sport participation across Australia and in Mandurah.**
2. **Notes the need to undertake refurbishment works annually on its existing change room facilities to accommodate the growth in female participation.**

3 **SUBJECT:** Winter Wonderland 2018 – Expressions of Interest
 CONTACT OFFICER/S: Tony Free
 AUTHOR: Tony Free
 FILE NO:

Summary

Council is requested to agree to the terms prepared for an expression of interest process to be advertised for the Winter Wonderland 2018 event and activities.

In December 2017, Council resolved to outsource the management of the event in 2018. To facilitate that process, Council is requested to agree to the following terms for the expression of interest:

- The objective of the event/activities is to attract additional visitors to the city centre to support local businesses during the winter months.
- The events/activities are to run following the July school holidays for a minimum of 16 days
- Council will contribute to the events/activities up to the value of \$140,000
- Paid events/activities are permitted to be incorporated
- A revenue/profit share model and recognition of local/regional businesses have been incorporated into the assessment criteria for the event manager.

Council is requested to agree to the assessment criteria which will be used by Officers to select the event manager, and to acknowledge that the \$140,000 will need to be considered as part of the 2018/19 budget process.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.26/12/17 19 December 2017 Council acknowledged the learnings from Winter Wonderland 2017 and requested a further report to Council on outsourcing the event in 2018.

Background

In response to the need to close Mandurah Terrace between Pinjarra Road and Smart Street as part of the construction of the Mandurah Bridge, the City engaged a consultant, Spaced Out (place makers) to work with the affected businesses as to what might be able to be achieved to off-set the impact of the road closure for a period of approximately four weeks during August 2017. The most significant concept generated by the businesses was to place a temporary ice skating rink on the Eastern Foreshore adjacent to the closed section of road.

The proposal was to operate the ice skating rink for a period of 21 days, ultimately the event run from 4 to 27 August – 23 days to capture 4 weekends. This event was marketed as Winter Wonderland.

Comment

In considering the outcomes from the Winter Wonderland 2017, Council in December requested that a further report be presented to facilitate the outsourcing of the event in 2018. To enable this outcome, it is proposed that the City seek via an expression of interest process, interested parties to present to the City what a Winter Wonderland in Mandurah in 2018 would consist of, noting that the following has been recommended as the parameters to be adhered to:

- Objective:** To attract additional visitors to the City Centre to support local businesses during the winter months.
- Location:** Southern end of Eastern Foreshore and/or
Smart Street/Mewburn Gardens and/or another suitable location within this general area.
- Timing:** Events/activities to commence during the last weekend of July school holidays (say Saturday 14 July).
- Events/activities to occur over a period of at least 16 consecutive days, ideally 23 days.
- Community Involvement:** With the City's support, a business reference group is to be established to engage the business community in the event activities.
- Funding:** The City will contribute to the events/activities up to the value of \$140,000
Paid events/activities can be part of the program
The City will look to recover some of its investment through either a revenue or profit sharing model.

These parameters have been established for Council endorsement as they will guide the submissions received as part of the expression of interest process. So while Winter Wonderland 2017 consisted of an ice skating rink on the Eastern Foreshore, the benefit of seeking an eternal provider is that new ideas may be generated.

It is therefore important that Council is clear on the objective and timing of the event/program. The objective of Winter Wonderland, consistent with the 2017 event, is to attract additional visitors to the City Centre during winter. The proposal is that the event does not occur over the school holidays, but rather extend the benefit of the school holidays, where additional visitors do come to the City Centre, by providing the Winter Wonderland activities to follow immediately on from the school holidays, for two, ideally three weeks.

Success in 2018 for Winter Wonderland would be that the local businesses have some ownership of the event and received some financial benefit from the event. With this ownership and benefit being sufficient for the businesses to be motivated to support future winter based events.

The proposed evaluation criteria and the rationales for them are as follows:

Criterion	Weighting	Rationale
Skills & experience of key personnel	30%	Important to have event staged by experienced operators.
Methodology	25%	Ensures that operational aspects of event have been thought through including such things as traffic management, security, OSH etc.
Relationship management	20%	Demonstrated capacity to partner with the City to achieve common outcomes.
Revenue/profit share model	15%	Although not the ultimate driver for evaluation, this recognises that account needs to be taken of the City's need to achieve some payback on its investment.
Location of business/employees	10%	Provides a weighting to recognise local/regional businesses which can demonstrate how local content will be provided during project delivery. This will require development of a separate scoring matrix.

With Council approving the parameters for the event/activities and the selection criteria, it is proposed that Officers be granted delegated authority to appoint the event manager.

In line with the December 2017 resolution of Council, it is proposed that the expression of interest process only relate to Winter Wonderland for 2018, thus a one event contract will be entered into.

Statutory Environment

Nil

Policy Implications

Nil

Economic Implications

The required \$140,000 will need to be allocated in the 2018/19 budget.

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

Organisational Excellence:

- Deliver excellent governance and financial management

Conclusion

Following the 2017 Winter Wonderland event, Council has resolved to outsource the management of the 2018 event. This report establishes the parameters for the events/activities and the selection criteria for the expressions of interest process. The selection process is proposed to be delegated to Officers.

RECOMMENDATION

That Council:

1. **Agrees to the City obtaining expressions of interest from suitable, qualified event managers to run the 2018 Mandurah Winter Wonderland program, with the following parameters:**
 - (a) **The objective of the events/activities is to attract additional visitors to the City Centre to support local businesses during the winter months.**
 - (b) **The events/activities are to be located towards the southern end of the Eastern Foreshore, Smart Street/Mewburn Gardens or another suitable location within this general area.**
 - (c) **The events/activities are to commence during the last weekend of the July school holidays (first day not before Saturday 14 July) and are to continue over a period of between 16 to 23 days (as a minimum).**
 - (d) **The City will establish a business reference group which the event manager will need to liaise with to ensure business involvement in the events/activities.**
 - (e) **The City will contribute to the event/activities up to the value of \$140,000**

- (f) Paid events/activities can be part of the program
- (g) Profit share models involving the City and the event manager will be incorporated into the assessment criteria.

2. Approves the following as the assessment criteria for the expressions of interest:

Criterion	Weighting	Rationale
Skills & experience of key personnel	30%	Important to have event staged by experienced operators.
Methodology	25%	Ensures that operational aspects of event have been thought through including such things as traffic management, security, OSH etc.
Relationship management	20%	Demonstrated capacity to partner with the City to achieve common outcomes.
Revenue/profit share model	15%	Although not the ultimate driver for evaluation, this recognises that account needs to be taken of the City's need to achieve some payback on its investment.
Location of business/employees	10%	Provides a weighting to recognise local/regional businesses which can demonstrate how local content will be provided during project delivery. This will require development of a separate scoring matrix.

- 3. Endorses the selection of the successful Event Manager by the Chief Executive Officer (Director Sustainable Development) exercising delegated authority.
- 4. Acknowledges that the \$140,000 will need to be included in the 2018/19 draft Budget for Council's consideration.

4	SUBJECT:	Smart Street Precinct Working Group – Progress Update
	CONTACT OFFICER/S:	Tony Free
	AUTHOR:	Tony Free
	FILE NO:	

Summary

Council is requested to acknowledge the formation of the Smart Street Precinct Working Group which has been established and has made progress on the following items which Council is requested to acknowledge/approve:

- Introduction of security patrols
- Removal of the wall separating Smart Street and the Woolworths carpark
- Modifications to timed parking restrictions in nearby car parks
- Proposed modification to existing local laws to prohibit smoking in Smart Street, which will be subject to a future report to Council
- Identification of improvement opportunities for Crime Prevention through Environmental Design (CPTED)
- Commenced development of a conceptual design for the future of Smart Street

The Working Group was formed following a community information session held on 18 October 2017, and consists of a range of stakeholders including landowners, business operators and residents who have an interest in the precinct.

The Working Group has further work to undertake and further reports will be presented to Council.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.34/9/16 27 September 2016 Council endorsed the establishment of an independently facilitated collaborative process involving the City and the community, with a focus on the commercial hub of the city centre, particularly Smart Street.

Background

Council at its meeting of September 2016, endorsed the establishment of an independently facilitated collaborative process with the community with the focus on the commercial hub of the City Centre, particularly Smart Street.

On 18 October 2017, the City hosted a community information session held in the Mandurah Seniors and Community Centre. This session was attended by approximately 70 community members. This session was independently facilitated and allowed for the collection of thoughts and concerns from the community. The session also allowed the community members to nominate to be a part of a working group.

Comment

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

- Alison Symington – Tarvin Pty Ltd
- Rob West – Terrace Art Framers
- David Tuckey – Tuckey Property Group

- Raylene Blyth – The Fairy Dell
- Gary Godfrey – Cape Bouvard Investments
- Woolworths – One representative each meeting
- Bruce Nayler – Resident
- Valorie Jolley – Resident
- Jo Mcilvena – Cruiseabout
- Mandi Gemmell – Norma Jeans

This group provided a mix of landowners, tenants and residents, all who have an interest in Smart Street and/or to the surrounding areas.

The themes identified in the October Community Information session, which the working group has focused on are:

1. Antisocial behaviour

This was a significant area of concern to the community, as expressed at the October information session. Numerous ideas were presented and ultimately discussed by the Working Group. The single most effective measure, which was implemented on a trial basis for 20 days over the Christmas and New Year period, was security patrols. The City as a trial, following a meeting with business operators and the Mayor, with Councillor Lynn Rodgers also in attendance, engaged MIG Security to patrol the City Centre around Smart Street, Tuckey Street and Mandurah Terrace for five hours a day over a 20 day period. This reduced the anti-social behaviour and created a more pleasant environment in Smart Street Mall, which was very well received by the business operators.

After the 20 day trial, the patrols stopped however have now been re-established following a further meeting with business operators in Smart Street and the Mayor. The patrols now occur two days per week, Monday to Friday, on random days and times (with the patrols lasting five hours when they occur). The random nature of the patrols is key to their success. Council is requested to endorse this approach.

2. Quick wins

Whilst the security patrols have become the quick win in Smart Street and has improved the most significant issue, the antisocial behaviour, the Working Group has also identified that the removal of the following elements would have a positive effect of opening up Smart Street. These being:

- a) The removal of the wall which separates Smart Street and the Woolworths car park
- b) The removal of up to two planter boxes, to improve the pedestrian link and sight lines from Smart Street, along the frontage of Woolworths to Tuckey Street

This infrastructure currently narrows the entry to the mall that forces visitors to walk past points where they can feel intimidated and uncomfortable from particular people who congregate at these locations.

These modifications can be implemented by the City as maintenance works, at the request of the businesses and this will occur after Crab Fest.

3. Car parking

The Working Group have suggested the following modifications be made to the timed parking restrictions within the City Centre. The proposed modifications are as follows:

Car Parking Station	Current Limit	Proposed Limit
Woolworths Car Parking Station Number 7 Noted Within Attachment 1	2 hours 9am - 6pm Monday - Friday and 9am -5pm Saturday	3 hours 9am - 6pm Monday - Friday and 9am -5pm Saturday (With 10 bays signed as 30min at all times)
Mewburn Centre Parking Station Number 1 Noted within Attachment 2	3 hours 9am - 6pm Monday - Friday and 9am - 1pm Saturday	4 hours 9am - 6pm Monday - Friday and 9am - 1pm Saturday
Post Office Parking Station Number 10 Noted within Attachment 3	2 hours 9am - 6pm Monday - Friday and 9am - 1pm Saturday	3 hours 9am - 6pm Monday - Friday and 9am - 1pm Saturday (with 5 X 30 minute bays located adjacent to the post office building)

4. Prohibiting smoking in Smart Street

As means of promoting Smart Street as a family friendly space and to assist with reducing anti-social behaviour, the Working Group has requested that Council consider modifying its Local Laws to prohibit smoking in the Smart Street Mall.

As a result, it is open to Council to facilitate this by the commencement of drafting of a provisions under the City's Local Government Property and Public Places Local Law 2016 which subject to Council approval may be adopted by Council for advertising.

The City of Perth has a ban on smoking any tobacco product within any mall reserve, which is not an outdoor eating area as defined by the Tobacco Products Control Act 2006. The Smart Street Mall may be slightly different as this is currently designated as road reserve. Drafting of the local law for advertising will need to consider the current land designation.

5. Upgrade of Smart Street Infrastructure

The Working Group has considered the appearance of Smart Street and the role that this plays in its success or otherwise. A fundamental element to Smart Street is the restriction placed on vehicle traffic using the street. On balance, the Working Group formed the view that vehicles should continue to be excluded from the street. The Working Group has identified concerns with the red pavers, the planter boxes and the location of the street lights in the street. These elements are considered to create an enclosed and heavy feel, rather than an open, light and inviting feel.

The Working Group is working with officers to develop a conceptual plan for the street, which ultimately will be presented to Council for consideration.

Statutory Environment

In regards to alteration to time parking restrictions local law 3.1 of the City's Parking and Parking Facilities Local Law 2015 provides that Council may constitute, determine and vary permitted time and conditions of parking in parking bays, parking stations and parking areas which may vary with the locality and where the local government makes a determination it shall erect signs to give effect to the determination.

To ban smoking within the Smart Street Mall would require an amendment to the City's Local Government Property and Public Places Local Laws 2016. The amendment to a local law requires the City to follow the requirements of the Division 2, Part 3 Section 3.12 of the Local Government Act 1995.

Policy Implications

Nil

Economic Implications

In terms of the City's budget, all works so far have occurred with the Council's budget allocation. Any significant upgrades to the Smart Street infrastructure will need to be considered as part of future budget considerations.

Businesses have expressed that the security patrols have assisted their businesses and all the City's works with Smart Street it is hoped will benefit the economic viability of the individual businesses.

The security patrols which are undertaken in pairs, two days per week for 5 hours, will on an annual basis cost the City approximately \$40,000 plus GST. Officers will seek to incorporate this allocation into the draft budget for 2018/19.

Strategic Implications

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

Social:

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

Economic:

- Increase the level of regional employment.

Identity:

- Promote Mandurah's identity as a unique regional city, based on its waterways, history and future vision.

Conclusion

The Smart Street Precinct Working Group has been formed and progress is being made on suggestions that they have made. Further work will continue with the group, particularly around the future upgrade of Smart Street and the use of the space, which will need to be factored into the future design. Following the conceptual design work to be carried out by the Working Group, the design will be formally presented to Council.

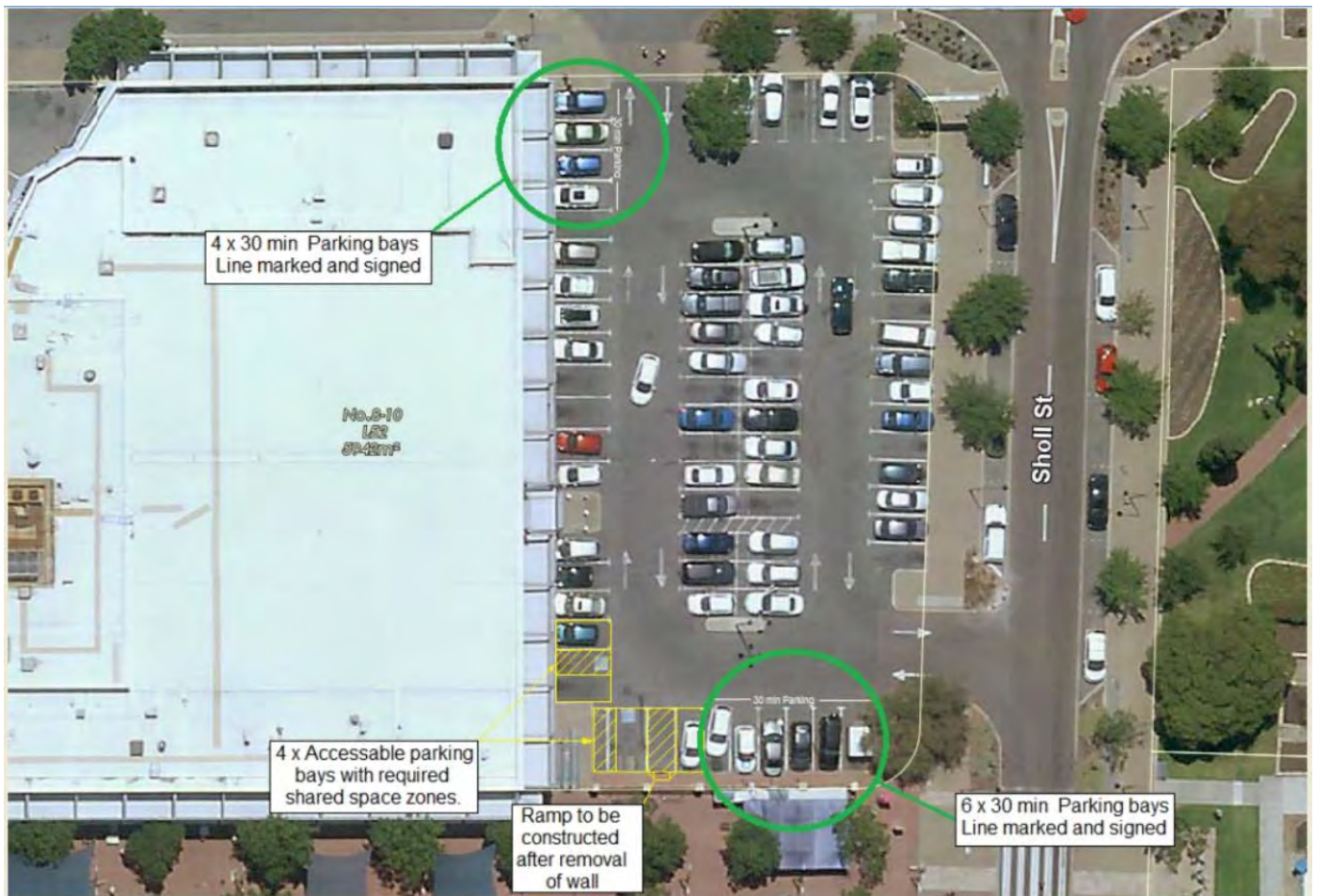
RECOMMENDATION

That Council:

- 1. Acknowledge that a Smart Street Precinct Working Group has been established;**
- 2. Endorses the engagement of security patrols in the city centre on random days during the week;**
- 3. Supports the removal of the wall between Smart Street and the Woolworths carpark, and the removal of the planter boxes to improve the link and sight lines from Smart Street to Woolworths;**
- 4. Approves the following modifications to the car parking time limits in the City Centre:**

- 4.1 **Parking Station No. 7 on the corner of Sholl and Tuckey Street have timed parking restrictions altered to 3 hours between the hours of 9am - 6pm Monday - Friday and 9am - 5pm Saturday unless otherwise signed. Within the car park 10 bays are to be separately signed to provide 30 minute parking at all times in accordance with Attachment 1;**
- 4.2 **Parking Station No. 1 adjacent to the Mewburn Centre and bounded by Sholl Street, Sutton Street and Church Street and noted within Attachment 2 with have timed parking restrictions altered to 4 hour parking unless otherwise signed;**
- 4.3 **Parking Station No. 10 adjacent to the Post Office on the corner of Sholl Street and Barracks Lane have timed parking restrictions altered to 3 hours between the hours of 9am - 6pm Monday - Friday and 9am - 5pm Saturday unless otherwise signed. Within the Carpark 5 bays are to be separately signed to provide 30min parking at all times in accordance with Attachment 3.**
5. **Supports the introduction of a Local Law modification to prohibit smoking in Smart Street Mall with a draft local law amendment of the City's *Local Government Property and Public Places Local Law 2016* to be returned to Council for consideration to commence the process as required by the provisions of the Local Government Act 1995.**
6. **Acknowledges that Smart Street Precinct Working Group will progress the development of a conceptual redesign for Smart Street Mall.**

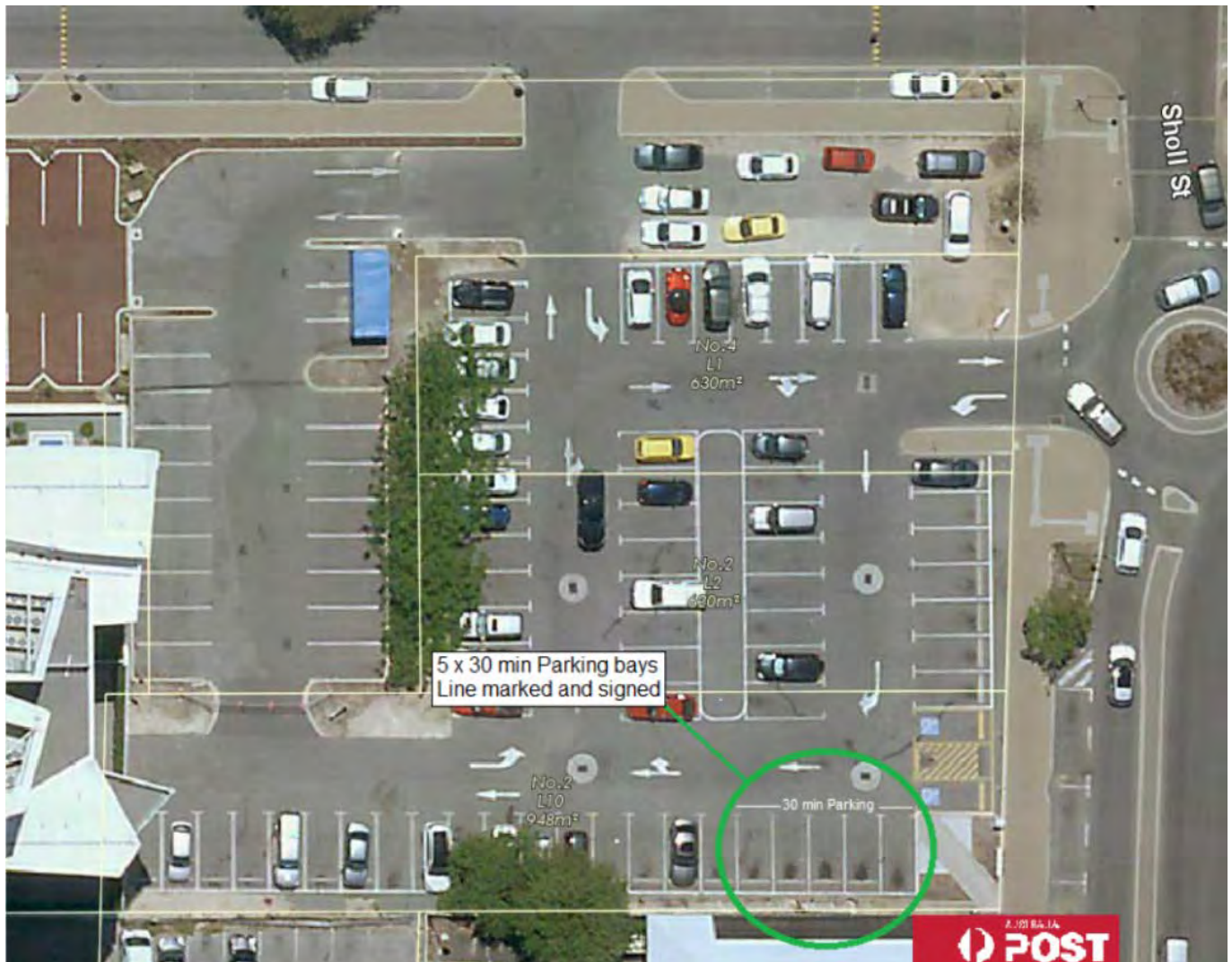
Attachment 1 Parking Station 7 (Woolworths)



Attachment 2 Parking Station 1 (Mewburn Centre)



Attachment 3 Parking Station 10 (Post Office)



5	SUBJECT:	Mandurah Ocean Marina Structure Plan Modifications Local Government Report to WAPC
	CONTACT OFFICER/S:	Ben Dreckow
	AUTHOR:	Ann Harrop/Tom Foulds
	FILE NO:	ODP119(3)/DAP77

Summary

Council is requested to consider submissions received in response to the advertising of modifications proposed to the Mandurah Ocean Marina Structure Plan (MOM SP) which included:

- Increasing the minimum car parking requirements for residential dwellings from 1 bay per dwelling to car parking to be in accordance with the requirements of the Residential Design Codes;
- Removing the land use 'Tavern' as permitted land use within the Mandurah Ocean Marina.

The modifications were proposed in response to the recommendations of the Mandurah Ocean Marina Working Group, to address concerns regarding car parking and anti-social behaviour in the Marina.

Four submission were received during the advertising period and Council has received two petitions, containing a total of 1440 signatures, opposing the removal of the land use 'Tavern' as a permitted use.

In addition to the above, as a requirement of a recent subdivision approval being granted by the Western Australian Planning Commission, a Local Development Plan has been prepared for Lot 450 Vivaldi Drive. This plan has also been advertised for comment with 6 submissions being received. The LDP submitted requires a number of changes to the MOM SP provisions, and it is recommended that all requirements be included within the one plan rather than separated.

Council is requested provide this report to the Western Australian Planning Commission arising from the advertising of the modifications to the Mandurah Ocean Marina Structure Plan recommending that the plan be subject to the following modifications:

- Making Taverns a discretionary use (rather than removing tavern as a permitted use);
- Introducing information and assessment criteria for taverns;
- Incorporating parking provisions for taverns where less than 75% of the patrons are seated;
- Incorporating the provisions for Lot 450 Vivaldi Drive and not progressing with a separate Local Development Plan for this lot.

Disclosure of Interest

Nil

Previous Relevant Documentation

- | | | |
|--------------|------------|--|
| • G.4/1/18 | 30/01/2018 | Council received a petition containing 346 signatures objecting to the removal of the land use 'Tavern' from the Mandurah Ocean Marina. |
| • G. 6/10/17 | 10/10/2017 | Council received a petition containing 1094 signatures objecting to the removal of the land use 'Tavern' from the Mandurah Ocean Marina. |
| • G.13/5/17 | 9/05/2017 | Council resolved to allocate funds in future budgets for upgrades to the movement network in and around the Mandurah Ocean Marina and make amendments to the Mandurah Ocean Marina Outline Development Plan. |

- G.30/7/15 28/07/2015 Council adopted a Parking Permits Policy.
- G.30/8/14 26/08/2014 Council agreed in principle to additional car parking in The Palladio, Keith Holmes Reserve, and along Breakwater Parade and Council also resolved to seek funding for the construction of the additional car parking.
- G.33/5/14 27/05/2014 Council approved proceeding to public consultation for the upgrade and modification of additional parking within the Mandurah Ocean Marina, with options to be considered for public consultation.
- G.57/11/13 26/11/2013 Council requested officers to investigate the current parking situation in the Mandurah Ocean Marina and the surrounding area, with the findings being reported back to Council.

Background

In December 2015, Council considered a proposal for a Tavern (Butcher and Son) to be located at Lot 57, No 2 The Palladio. The proposal had been advertised for public comment, during which a number of residents raised concerns regarding the impact that approving an additional Tavern would have on existing parking issues within the Mandurah Ocean Marina. The proposed Tavern was approved by Council subject to conditions.

In response to the level of concern raised regarding parking issues within the Marina, a community forum was held by the City in March 2016, which was attended by approximately 70 residents. From this forum a Community Working group was formed to determine potential solutions/management measures that would address the ongoing concerns of the community.

With the construction of the Marina coinciding with the property boom which occurred in Mandurah from 2003 to 2007, much of the built form in Marina reflects the maximum potential of each site, with future opportunities for commercial activities being accommodated at ground level.

The planning and design of the marina was based on new urbanism principles which sought to reduce car dependency and encourage mixed use activities. Under the requirements of the Mandurah Ocean Marina Outline Development Plan, only one car parking bay was required to be provided per residential dwelling with minimal car parking required for commercial developments, due to the provision of street parking and public parking as part of the civil works in the construction of the Marina.

At its meeting of 9 May 2017, Council considered recommendations from the Mandurah Ocean Marina Community Working Group in relation to modifications required to improve the movement network into and around the Marina, with a particular focus on land use, car parking, pedestrian safety, signage, parking enforcement and education with changes including the following:

- The provision of electronic signage on Ormsby Terrace and on Dolphin Drive, advising of the availability of car parking spaces.
- The upgrading of the lighting in the Cinema and Seniors and Community Centre car park.
- The upgrading of the pedestrian crossing on Ormsby Terrace including improved lighting.
- The upgrading of Keith Holmes Reserve Car Park and walkway to improve pedestrian amenity.

In addition, modifications to the Mandurah Ocean Marina Outline Development Plan were considered which included prohibiting further Taverns within the Mandurah Ocean Marina, modifying parking provisions to require parking for residential development to be in accordance with the relevant provisions of the Residential Design Codes, and administrative modifications to the Outline Development Plan to be consistent with the Deemed Provisions for Local Planning Schemes, as an 'Activity Centre Plan'.

Modifications to the Mandurah Ocean Marina Outline Development Plan were subsequently prepared and advertised in accordance with the requirements of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

During the public advertising period 4 submissions were received and two petitions were presented to Council, signed by a combined 1440 persons objecting to the removal of the land use 'Tavern' as a permitted use within the Mandurah Ocean Marina.

Comment

Taverns & Car Parking

Three of the submissions received relate to the proposed prohibition of Taverns within the Marina.

The removal of the land use 'Tavern' as a permitted use arose out of the communities concerns regarding parking and anti-social behaviour, with one of the submissions received reiterating the sentiment that Taverns should not be permitted due to insufficient parking.

A further two submissions were received objecting to the removal of the land use Tavern as a permitted use. Details of the submissions received are included within the Schedule of Submission included as Attachment 1.

- **Liquor Management**

In addition to addressing issues raised regarding carparking, the removal of 'Tavern' as a permitted land use was considered to be one method of addressing community concern regarding the potential anti-social behaviour that may arise from multiple Taverns within the Marina.

Under the Planning Scheme, the social impacts of a development on the amenity of an area, and the impact of a development on the community as a whole, have become relevant planning considerations in the determination of a development application.

Whilst licensed premises are generally perceived to add to the vibrancy of an area, Local Governments have a role to play in the management and location of these premises, and in the consideration of the potential impacts of alcohol related harm on the overall community.

The extent of the impact of alcohol related land uses depends on a number of factors, including;

- The number, size and type of land uses or activities present (cumulative impact);
- The way land uses are managed, and the capacity of the local area to accommodate them;
- Characteristics of the outlet in question (capacity, operations);
- Social characteristics of the community; and
- Existing levels of problems in the area.

Council has adopted a position regarding alcohol premises through its Alcohol Management Policy. Under this policy the City shall:

- *Promote an appropriate mix of land use that will prevent licensed premises having an unreasonable impact on the health, wellbeing, amenity and safety of the community.*
- *Consider the cumulative impact of licensed premises within any precinct prior to providing any approval or support for an application;*
- *Support the provision of smaller licensed venues as the preferred drinking environment;*
- *Actively encourage the availability of substantial food.*
- *Actively encourage the availability of seating for patrons at all liquor venues as the preferred drinking environment with Taverns required to provide seating for a minimum of 75% of patrons.*

The City has generally been successful in applying its policy to existing liquor outlets, with the existing Tavern within the Mandurah Ocean Marina operating under strict management conditions, including the provision of food, seating and the management of noise. As a Council policy however, its application through the development approval process is somewhat limited.

In a submission received by Glen Mcleod Legal, on behalf of Strzelecki Group Pty Ltd, it is suggested that these management conditions ensure the responsible service and consumption of alcohol with minimal impact on the amenity of the area. Rather than the removal of a Tavern as a permitted use (which would result in the existing approved Tavern becoming a 'non-conforming use'), the submission requests the use be listed as a discretionary use, which would enable the City to consider each application on its merits. The submission contends that the removal of the land use 'Tavern' as a permitted use within the Marina would be detrimental to the Marina's Tourism status and its ability to meet the needs of tourists and locals alike.

The existing approved Tavern (The Oceanic Bar and Grill) was approved in 2010 and since its commencement of operation the City has received minimal formal complaints, with the complaints received related to the operation of exhaust canopies rather than the operation of the venue.

Whilst larger licensed venues such as Taverns are considered higher risk in terms of alcohol related harm, it is considered that management measures such as the provision of food, the requirement for seating, security and noise management requirements can be effective in reducing potential impacts on the amenity of the immediate locality.

The 'status' of a Structure Plan in the planning framework further complicates the proposed modifications.

Under Scheme 3, Outline Development Plans were prepared and approved to have the force and effect of the Scheme. The *Planning and Development (Local Planning Schemes) Regulations 2015* replaced a number of Scheme provisions resulting in an ODP being entitled a Structure Plan, and provisions relating to land use can only be indicative only and do not have the force and effect of scheme provisions but "due regard" shall be given to the plan in the determination of any subdivision and development applications.

This has implications for land uses that are not considered appropriate in certain locations, but also for those that are considered appropriate and having a mechanism in place to exempt these from the need for development approval (and reduce red tape) as under the planning scheme, all land uses become discretionary.

Unless a land use is shown as being not permitted in the local planning scheme, it continues to be a discretionary use, and the contents of the relevant policy and structure plan framework will provide guidance in decision making. Therefore, should Council wish to have any land uses as being not permitted they should be included in the Scheme (whether via an amendment to Scheme 3 or included in draft Scheme 12).

Draft Scheme 12, did not propose to include land use provisions included for the central Mandurah area, including the Mandurah Ocean Marina, and it was proposed to continue to have the Activity Centre Plan provide the control of land uses, but given the above and based on preliminary advice from the Department of Planning, Land and Heritage, this aspect of the Scheme may need to be reconsidered.

In consideration of the submissions received and the above implications, it is recommended that the Mandurah Ocean Marina Structure Plan be modified to allow for a Tavern as a discretionary use rather and include provisions relating on alcohol management.

This will allow the City to consider each application on its merits, taking into account the potential cumulative impact of existing licensed premises within the locality; existing and potential harm and antisocial behaviour within the locality; physical design; trading hours and other operational characteristics and apply conditions accordingly.

- Parking

Under the existing Mandurah Ocean Marina ODP, permitted commercial land uses include “Leisure and Entertainment uses such as Restaurants, Small Bars, Cafés and Taverns”

Within these precincts, the ODP does not require the provision of any car parking for any ground floor commercial use. Parking is only required to be provided for permanent residential dwellings above ground floor, at a ratio of 1 bay per dwelling. Car parking for these commercial uses, within these two precincts, was however provided for as part of the civil works in the Marina construction, through on street parking and off-street public parking.

The existing Tavern within the Marina operates under management conditions including the requirement for seating to be provided for the majority of patrons. Similar conditions would be sought for any future tavern proposals.

At a precinct level, having development that generates activities that provide consolidated public parking areas and encourage pedestrian activity can provide for a vibrant precinct, rather than parking requirements being provided at a site by site basis where small parking areas are provided and managed by private landowners.

Introducing parking requirements into the Marina development requirements are unlikely, if not, impossible to provide within development sites and could only be provided off site or via cash in lieu provisions. An option to introduce parking provisions for taverns is open to Council on the basis that any proposal that is not predominantly a seated venue introduces more people into the precinct that require additional access options to use a venue. A schedule that required parking for venues that provided less than 75% seating (as recommended in management provisions) could be introduced, noting that the supply of parking bays is not likely to be achievable.

In reviewing the parking provisions for other locations (and including with existing Town Planning Scheme No 3), parking provisions for standing areas (‘bar area’) are greater than those for seating areas (‘lounge area’) generally on the basis that there is greater capacity to accommodate more people in the venue.

Given the ratios listed above (including existing Scheme 3 provisions) and that the Mandurah Ocean Marina’s parking requirements were generally listed as 50 per cent of the Scheme’s City Centre zone requirements (with the exception of a number of specific sites), it is recommended that the Structure Plan be modified to include the following schedule for the provision of taverns:

- 75% or greater seated 1 per 8 seats (unless a specific site states otherwise)
- 60 – 75% seated 1 per 4m² standing / bar area (ie 50% of City Centre zone requirements)
- 60% or less seated 1 per 2m² standing / bar area (as per City Centre zone requirements)

Lot 450 Vivaldi Drive

Under the advertised version of the Plan, the subject land is included within the Mixed Use Commercial zone, which does not permit the development of a single dwelling. This is consistent with the existing Outline Development Plan which had originally intended the site to be developed with a mixed use development, with mandatory ground floor tourist based uses.

A submission received on behalf of the owners of the subject lot have requested modifications to the Structure Plan to allow for single dwellings within the Mandurah Ocean Marina where provided for in a Local Development Plan, which would also mean the removal of the mandatory ground floor tourist development. The applicant contends that there is limited viability for development of the type prescribed by the current Outline Development Plan, and that there is a need for increased flexibility over the site.

In July 2017, a subdivision application was lodged with the WAPC for Lot 450 Vivaldi Drive, which proposed the creation of 12 lots ranging in size from 323m² to 404m². The City’s officers requested a

deferral of the application until such time as further work had been undertaken in respect to the built form outcome and that residential development would be restricted by virtue of the existing ODP requirements.

Notwithstanding the City's referral response, the subdivision was granted approval in September 2017 subject to conditions, including a requirement to prepare a Local Development Plan.

A draft Local Development Plan was submitted by the applicant in order to clear a condition of subdivision approval, and in accordance with the Deemed Provisions for Local Planning Schemes was advertised to surrounding landowners with a total of six submissions being received (refer Attachment 2 and 3).

The approval of the subdivision effectively means that residential development with individual access is the primary outcome and that any non-residential development for commercial or tourist, even if economically unviable, is not very difficult to deliver in a built form outcome.

Given that the Structure Plan already specifies detailed built form controls and to ensure consistency within the sub-precinct, it is recommended that the area covered by the draft Local Development Plan (i.e. Lot 450 Vivaldi Drive) be incorporated into Precinct 4A of the Structure Plan rather than have a further additional plan to reference and rely on in decision making.

Taking into account site specific considerations, the following additional provisions are recommended to be included within Precinct 4A under the heading "*Lot 450 Vivaldi Drive – Specific Provisions*".

"In addition the provisions of Precinct 4A, the following specific provisions apply:

- 1. Minimum setbacks as depicted on the Lot 450 Vivaldi Drive plan.*
- 2. Side loading garages may be setback 0m from Vivaldi Drive subject to openings and quality materials/colours being provided on the ground floor elevation facing the street.*
- 3. Garages shall have a minimum height of two storeys incorporating floor space above the ground floor capable of use for residential living, as a home office, and/or for short stay use. Major openings shall address the street.*
- 4. Awnings may project 1.5m into the street.*
- 5. Access to lots shall be via shared easements from Vivaldi Drive.*
- 6. Major openings shall address public open space and streets.*
- 7. A uniform wall / fence shall be installed by the developer adjacent to public open space, to a maximum height of 1m. Pedestrian access adjacent to public open space shall be provided."*

By including Lot 450 Vivaldi Drive within Precinct 4A, it removes the requirement to provide tourist uses at ground level and facilitates the development of single dwellings. However, the operation of tourist uses at ground level remains a possibility subject to the landowner's intention, whilst built form controls remain in place to ensure development addresses the public realm.

Consultation

The revised Mandurah Ocean Marina Structure Plan was advertised for public comment for a period of 28 days with submissions closing on the 29 September 2017. Notification in writing was sent to all Mixed Use properties and vacant residential properties, the Mandurah Police and Department of Racing, Gaming and Liquor. Four submissions were received along with two petitions containing a total of 1440 signatures opposing the removal of 'Tavern' as a permitted land use.

The Local Development Plan for Lot 450 Vivaldi Drive was advertised for public comment in accordance with the requirements of the Deemed Provisions for Local Planning Schemes. A total of 6 submissions were received during the 21 day advertising period.

Internal Consultation

Consultation undertaken with Principal Environmental Health Officer and Manager of Statutory Services with regards to management of licensed premises within the City of Mandurah.

Statutory Environment

Structure Plans are prepared and approved under Part 4 of the Deemed Provisions for Local Planning Schemes. Following advertising of a Structure Plan, the local government must consider all submissions made and prepare a report to the Western Australian Planning Commission, including the following information;

- a) a list of the submissions considered by the local government, including if relevant, any submission received on a proposed modification to the activity plan advertised under clause 35 (2);
- b) any comments by the local government in respect of those submissions;
- c) a schedule of any proposed modifications to address the issues raised in the submissions;
- d) the local government's assessment of the proposal based on appropriate planning principles;
- e) a recommendation by the local government on whether the proposed activity centre plan should be approved by the Commission, including a recommendation on any proposed modifications.

The status of a Structure Plan in the planning framework has been outlined above.

It should be noted that the continuing operation of the Mandurah Ocean Marina Structure Plan will in the shorter term be integrated into and be replaced by the Central Mandurah Activity Centre Plan which has been prepared for Council's adoption to advertise.

Policy Implications

Council's adopted Alcohol Management Policy outlines Council's position with regards to licensed premises. This policy has not been adopted as a Local Planning Policy however, and whilst the City has generally been successful in implementing this policy, there is an opportunity to strengthen Council's position through the inclusion of statutory provisions into the Mandurah Ocean Marina Activity Centre Plan and other Activity Centre Plans within the City of Mandurah. The proposed provisions set out minimum information requirements to accompany development applications for a Tavern and outline the issues that will be considered in the determination of an application.

The preparation of a Local Planning Policy further detailing the process of determining an application for a Tavern and other licensed premises is considered to be the next step in achieving Council's objectives with regards to alcohol management.

Economic Implications

N/A

Strategic Implications

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

Social:

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

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

Economic:

- Develop a strong and sustainable tourism industry.

Infrastructure:

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

Organisational Excellence:

- Listen to and engage with our community.

Conclusion

In consideration of the submissions received it is recommended that Council submit the report to the Western Australian Planning Commission on the modification advertised recommending the following modifications:

- Including the land use 'Tavern' as a discretionary use within the commercial precincts subject to the inclusion of additional provisions outlining minimum information requirements to be submitted within an application and key considerations to be taken into account when making a determination;
- Parking provisions being added for Taverns (based on internal design); and
- Incorporating Lot 450 Vivaldi Drive into Sub-Precinct 4A to allow for the development of single dwellings subject to built form criteria.

NOTE:

- Refer ***Attachment 1*** ***Schedule of Submissions – Structure Plan***
 Attachment 2 ***Local Development Plan - Lot 450 Vivaldi Drive***
 Attachment 3 ***Schedule of Submissions – LDP***

RECOMMENDATION

That

Under Clause 20(2) of *Planning and Development (Local Planning Schemes) Regulations 2015*, Council provides this report to the Western Australian Planning Commission for the modifications to the Mandurah Ocean Marina Structure Plan (Plan Dated August 2017) recommending that the proposed modified Structure Plan should be approved subject to the inclusion of the following modifications:

- 1. Including the land use 'Tavern' as a discretionary use (D use) within the 'Commercial' and 'Tourist' precinct of the Land Use Table;**
- 2. Including the 'Dining and Entertainment' land uses as a discretionary use (D use) within the 'Tourist' precinct of the Land Use Table;**

3. Incorporating the following provisions as Clause 1.5.1 of the Activity Centre Plan;

1.5.1 Approval of Taverns

An application for development approval for a Tavern shall be accompanied by the following:

- A full set of site and floor plans detailing the proposed use and patron capacity of all areas to be licensed and how the design of the building creates an active street frontage. The plans shall demonstrate the availability of designated seating areas catering for a minimum of 75% of total patron capacity, identify proposed waste storage areas and identify locations of proposed security lighting in and around the site, CCTV and amplification or speaker systems. If applicable, the location of any queuing areas, dance floor areas and areas where live performances may occur shall be detailed.***
- A site analysis plan (covering a 500m radius of the proposed venue) to detail the proximity of the venue to residential and other sensitive land uses, other licensed venues (including details regarding the services provided), public transport, taxi ranks and public car parks. Details relating to the capability of patrons to leave the area (ie, the timing and routes of public transport services and the average wait times at taxi ranks during peak periods) shall be provided.***
- A detailed management plan addressing hours of operation; operating style of the venue; the type of music and/or entertainment to be offered (including frequency and hours); the number and location of security staff required; the ability to provide food up until 1 hour before closing time; complaint and reporting procedures; patron control; sale of alcohol; how the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times; and proposed strategies to reduce anti-social behaviour.***
- An acoustic assessment undertaken by a suitably qualified acoustic consultant identifying all noise sources and proposed methods to be undertaken to control and mitigate noise emissions to achieve compliance with the Environmental Protection (Noise) Regulations 1997.***

The approval of any Tavern shall be subject to the consideration the following:

- the potential cumulative impact of existing licensed premises within the locality;***
- existing and potential harm and antisocial behaviour within the locality;***
- physical design;***
- trading hours and***
- other operational characteristics.***

Approval may be subject to conditions relating to the provision of seating, provision of food, operating hours, security and noise management.

4. Incorporating the following provisions into the parking requirements of the Structure Plan:

- 75% or greater seated 1 per 8 seats (unless a specific site states otherwise)***
- 60 – 75% seated 1 per 4m² standing / bar area***
- 60% or less seated 1 per 2m² standing / bar area***

Where a development cannot provide for car parking bays on site, Council may accept a cash in lieu payment for bays not provided on site.

5. Including Lot 450 Vivaldi Drive into the Residential Sub Precinct 4A and including the following additional provisions into Precinct 4A under the heading, *“Lot 450 Vivaldi Drive – Specific Provisions”*:

“In addition the provisions of Precinct 4A, the following specific provisions apply:

- 1. Minimum setbacks as depicted on the Lot 450 Vivaldi Drive plan.*
- 2. Side loading garages may be setback 0m from Vivaldi Drive subject to openings and quality materials/colours being provided on the ground floor elevation facing the street.*
- 3. Garages shall have a minimum height of two storeys incorporating floor space above the ground floor capable of use for residential living, as a home office, and/or for short stay use. Major openings shall address the street.*
- 4. Awnings may project 1.5m into the street.*
- 5. Access to lots shall be via shared easements from Vivaldi Drive.*
- 6. Major openings shall address public open space and streets.*
- 7. A uniform wall / fence shall be installed by the developer adjacent to public open space, to a maximum height of 1m. Pedestrian access adjacent to public open space shall be provided.”*

Attachment 1

Mandurah Ocean Marina Structure Plan Modifications
Schedule of Submissions

Owner / Address	Submission (Summarised comments)	Comment
1. David Mundy & Tina Mundy Torcello Mews, Mandurah	a. Do not want a tavern allowed in the marina as there is insufficient parking.	a. Parking for ground floor commercial development at The Lido and Dolphin Quay were provided as part of the civil works for the Marina in the form of street and public car parking. Council has endorsed recommendations of the MoM Working Group with regards to the modification of the movement network in and around the Marina to assist in mitigating parking issues.
2. Courtney Koolinda Street, Falcon	a. To exclude the land use tavern from the area would be detrimental for future potential.	a. Small Bars and Restaurants remain a permitted use under the Structure Plan and can contribute to a positive environment for residents and tourists. It is considered that well managed Taverns could also support a diverse and vibrant centre.
3. Roberts Day on behalf of FTI Consulting and ANZ Bank Owner of Lot 450 Vivaldi Drive	a. Lot 450 Vivaldi currently subject to Mandurah Ocean Marina Outline Development Plan, identified under Precinct 3B and is proposed as 'Mixed Use Commercial'. Site was previously proposed to be developed as a large scale commercial and tourism use, construction never occurred and land was transferred to ANZ bank, mortgagee for the site. b. New proposal of twelve dwellings across the site with supplementary accommodation which could be used for tourism-related commercial, or self-contained short stay accommodation. To achieve this, a subdivision to create twelve freehold lots ranging in size 323m ² to 404m ² was proposed and approved by Western Australian Planning Commission. A Local Development Plan proposed to confirm the built form elements of the proposed development, developed with officers at the City of Mandurah and is currently with the City for consideration. c. Identification of 'Single Dwelling' as an "X" use on land identified as Mixed Use commercial. Understood that Single Dwellings are generally not preferred in the ODP at present, but in practice some flexibility was reserved to consider proposals on a case –by-case basis. The allocation of an "X" use would remove this flexibility, which aided in the progress of Lot 450 Vivaldi Drive.	a. Noted b. Noted. As approval has been granted by the WAPC for a 12 lot subdivision, it is proposed that Lot 450 Vivaldi Drive be included within sub-precinct 4(a) which allows for single dwellings. Additional provisions relating to minimum development requirements for the site will be included. c. It is proposed to retain the X use for single dwellings in the Mixed Use Commercial zone. Rather Lot 450 will be included within the Precinct 4(A) Residential zone which would enable single dwellings to be considered.

Report from Director **Sustainable Development**
to **Committee of Council** Committee Meeting of **13 March 2018**

	<p>d. The history of the site demonstrates that the controls over land use as proposed are not viable and will constrain potential for development on the site, therefore flexibility should be considered.</p> <p>e. A 'Single Dwelling' use should be accompanied by built form controls that ensure the objectives of the Plan are being met.</p> <p>f. Request modifications being to include a footnote within section 1.5 of the document ("Land Use") to allow "Single Dwelling" land use to be considered where provided for in a Local Development Plan (LDP). The LDP can also guide built form. And, require any LDP employed for this purpose adopted as an appendix (or similar) to the ACP.</p>	<p>d. Modifications to the Activity Centre Plan will enable single dwellings to be considered.</p> <p>e. Agreed. Built form controls specifically related to Lot 450 Vivaldi Drive will be incorporated into sub precinct 4(A).</p> <p>f. Disagree. As an alternative, modifications have been proposed to include Lot 450 Vivaldi Drive into the residential sub-precinct 4(A).</p>
<p>4. Glen Mcleod Legal on behalf of Strzelecki Group Pty Ltd</p>	<p>a. Primary objection is that proposed Structure Plan conflicts with the existing state and local planning framework and detracts from a world class tourist development of State importance.</p> <p>b. Changes proposed impact primarily on the Dolphin Quay development and its ability to meet the needs of tourists and locals alike by removing 'Tavern' as a permitted use in the Marina.</p> <p>c. Plan should be amended to include 'Tavern' as a permitted use in the zoning table for the 'Tourist/Commercial' area</p> <p>d. Proposed amendments are without merit or justification and are contrary to orderly and proper planning. Consideration has not been given to the detrimental impact the changes will have on the amenity of the Marina.</p> <p>e. Original development of Marina was initiative of the State Government in conjunction with LandCorp and the City. LandCorp's website states that 'the main goals and objectives of the project were to develop a Western Australian icon tourism development that could effectively function as a strategically placed boat harbour for both commercial and recreational vessels providing both safety and security'. Marina is known for growth, recreational opportunities and business prospects.</p> <p>f. The marina is the largest regional marina in Western Australia with 20 hectares of water and 40 hectares of land and provides all the amenities and</p>	<p>a. Noted.</p> <p>b. Small bars and Restaurants remain a permitted use and can provide for the needs of Tourists and Locals. It is considered that well managed Taverns could also support a diverse and vibrant centre.</p> <p>c. Disagree. Council has a role in ensuring the management and location of taverns are not detrimental to amenity of an area and the community as a whole. Listing 'Tavern' as a permitted use does not provide the opportunity to consider the merits of individual applications.</p> <p>d. Disagree. The Structure Plan still provides for alternative forms of dining and entertainment.</p> <p>e. Noted.</p> <p>f. Disagree. The Structure Plan still provides for alternative forms of dining and entertainment.</p>

	<p>facilities expected of a modern, world class marina. Proposed changes to the Activity Centre Plan will directed threaten the capacity of the Marina to meet the growing needs of its users.</p> <p>g. Strzelecki Group has been involved in the Marina since the it was established. They are the largest single landowner in the Marina and currently either own, operates or has interest in the Dolphin Quay shopping centre and entertainment complex, Dolphin Quay Apartment Hotel, Oceanic Retreat and The Moorings luxury apartments.</p> <p>h. Dolphin Quay will be most detrimentally affected by the proposed Activity Centre Plan and is the premier tourism location in the region and integral to continuing growth in the area. Dolphin Quay consists of many restaurants, specialty stores, cafes, entertainment offerings and boat mooring facilities.</p> <p>i. Marina is zoned 'Urban' under Peel Region Scheme and Mandurah Ocean Marina Development (Marina Zone) under the City of Mandurah Town Planning Scheme No 3.</p> <p>j. Mandurah Ocean Marina Outline Development Plan was adopted by the City and endorsed by WAPC in 2013. Dolphin Quay identified as a 'Tourist/Commercial' area under the ODP. Clause 1.5 of the ODP includes a list of land uses that are to be treated as permitted uses under TPS3. 'Tavern' is listed as a permitted use for the Tourist/Commercial area within the ODP.</p> <p>k. Existing planning framework for the Marina is consistent with principles of orderly and proper planning and supports the amenity of the area as a preeminent tourism, leisure and entertainment precinct.</p> <p>l. There are currently two tavern licences approved and in operation and a number of restaurant licenses. These are governed by strict operating conditions to ensure the responsible service and consumption of alcohol.</p> <p>m. It is not clear how the Structure Plan will replace the ODP or overcome the provisions of clause 4.12 of TPS3 which specifically refers to the ODP.</p> <p>n. Officer's report in City's Council meeting minutes of 9 May 2017 makes it clear that the primary purpose of the working group was to address parking issues within the Marina. Without any justification a sentence is included at the</p>	<p>g. Noted</p> <p>h. Retail, small bars and restaurants will continue to be permitted uses under the revised Structure Plan.</p> <p>i. Noted.</p> <p>j. Noted</p> <p>k. Noted.</p> <p>l. It is conceded that well managed Taverns can support a diverse and vibrant centre with minimal impact on the amenity of an area.</p> <p>m. Clause 4.12 .2.1 and 4.12.2.2 were repealed upon introduction of Regulations. The term structure plan under the Regulations also includes Outline Development Plans.</p> <p>n. Agreed. A review of parking requirements across local governments demonstrates there is no differentiation between seated areas within Taverns and a restaurant. The only distinction</p>
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	<p>very end of the report which states that 'initial suggestions regarding land use planning framework and in particular, allowing taverns in the commercial precinct... were recommended by the working group'. This recommendation is provided without any justification or reason yet has been adopted into the Structure Plan. There is no planning evidence to show that the recommendation is consistent with the principle of orderly and proper planning. Instead the proposed changes will result in a number of approved taverns reverting to a 'use not listed'.</p> <p>o. Under clause 7.1.2 of TSP3, existing premises within Dolphin Quay already do not require Council approval for a permitted use. Further, if the City was concerned that there would be no opportunity to impose management conditions then they could include 'Tavern' as a discretionary use within the zoning table of the Activity Centre Plan. Through Liquor Licence application process the City has the opportunity to lodge an intervention seeking conditions on any liquor licence issues.</p> <p>p. City has the opportunity, because of section 40 liquor permit, to have all development related conditions transferred to the liquor licence, to support ensuring compliance by both the City and the Department of Racing.</p> <p>q. The City has not produced any evidence to show that the existing approval process is not working.</p> <p>r. The proposed changes to the Structure Plan should be rejected on the basis that the document seeks to remove 'Tavern' as a permitted use within the Marina without first determining the amenity of the area, the need for such a change and the effect the change in planning framework will have on the amenity. The decision to remove 'Tavern' as a permitted use appears to be an afterthought to the car parking issues, included without a proper consideration for the long term impacts the change will have on the amenity of such an important tourism precinct.</p> <p>s. The proposed changes fail to recognise the context, historical and otherwise, of the surrounding land uses within the Marina. They are not consistent with TSP3, PRS, State Planning Policy 4.2 or the principles of orderly and proper planning. The Structure Plan proposes that existing taverns within the Marina will continue as non-conforming uses. This outcome would be inconsistent with the orderly planning for a significant</p>	<p>occurs where standing areas are incorporated. Parking for commercial developments at both The Lido and Dolphin Quay as provided as part of the Civil Works for the development of the Marina.</p> <p>o. Noted. It is recommended that Tavern be included as a Discretionary Use with liquor management provisions included added to aid assessment.</p> <p>p. Agreed. The introduction of statutory provisions relating to the consideration and approval of applications for Taverns will further strengthen the City's ability to ensure well managed premises.</p> <p>q. Noted.</p> <p>r. Noted. Further investigations into the issues surrounding the management of licensed premises has resulted in the proposed inclusion of liquor management provisions into the Mandurah Ocean Marina Activity Centre Plan.</p> <p>s. Disagree.</p>
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	<p>tourist centre that has been carefully planned and developed to provide leisure and entertainment services.</p> <p>t. It is unclear what the reasoning is for changing the Structure Plan to remove 'Tavern' as a permitted use or what the future benefit to the amenity of the locality will be.</p> <p>u. Removing the permissibility of tavern licences within the Marina will have a detrimental impact on tourism in the region.</p> <p>v. The only impact the proposed changes will make on the Marina is negative as it will force tourists away from the Marina in favour of other leisure and entertainment precincts throughout the state, where those amenities are available.</p> <p>w. The removal of tavern licences from the Marina by the City sends a clear message that it does not care about the development and sustainability of tourism within the Marina. Further, it demonstrates that the City is willing to deliberately harm tourism within the Marina and make decisions without justification or planning evidence to support its position.</p>	<p>t. Noted.</p> <p>u. Small Bars and Restaurants remain a permitted use under the draft Activity Centre Plan and can contribute to a positive environment for residents and tourists.</p> <p>v. Disagree.</p> <p>w. Disagree.</p> <p>Modifications to the Mandurah Ocean Marina are proposed to include the land use 'Tavern' as a discretionary use. Additional provisions are also proposed to be included within the Structure Plan to clarify how the matters to be considered by Council.</p>
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LOCAL DEVELOPMENT PLAN PROVISIONS

The requirements of the Mandurah Ocean Marina Outline Development Plan (ODP) and City of Mandurah Town Planning Scheme No 3 are varied as follows.

General

- 1. These provisions replace those of the precinct-specific design criteria of Precinct 3(B) of the ODP
- 2. Land Use provisions for the subject land stipulated in the ODP are varied as stipulated under "Land Use" in this LDP
- 3. All other requirements of the ODP, City of Mandurah Town Planning Scheme No 3 and applicable management plans shall be complied with.
- 4. Consultation with adjoining or other landowners to achieve a variation to the ODP, in accordance with the Local Development Plan (LDP), is not required.
- 5. Owners are to confirm location of service points prior to lodging building plans with the City of Mandurah.

Land Use

- 6. Residential Uses (Category A) - Single Dwelling is a permitted ("P") use on all lots the subject of the LDP
- 7. All Residential Uses (Category B) are permitted ("P") on ground floors and upper floors on all lots the subject of the LDP
- 8. Supplementary or ancillary dwellings are required on each site, with a minimum size of 25sqm. These dwellings shall be self-contained and capable of being accessed separately from Vivaldi Drive.
- 9. Supplementary or ancillary accommodation may be used for residential, short stay accommodation or for home occupation purposes

Building Envelope

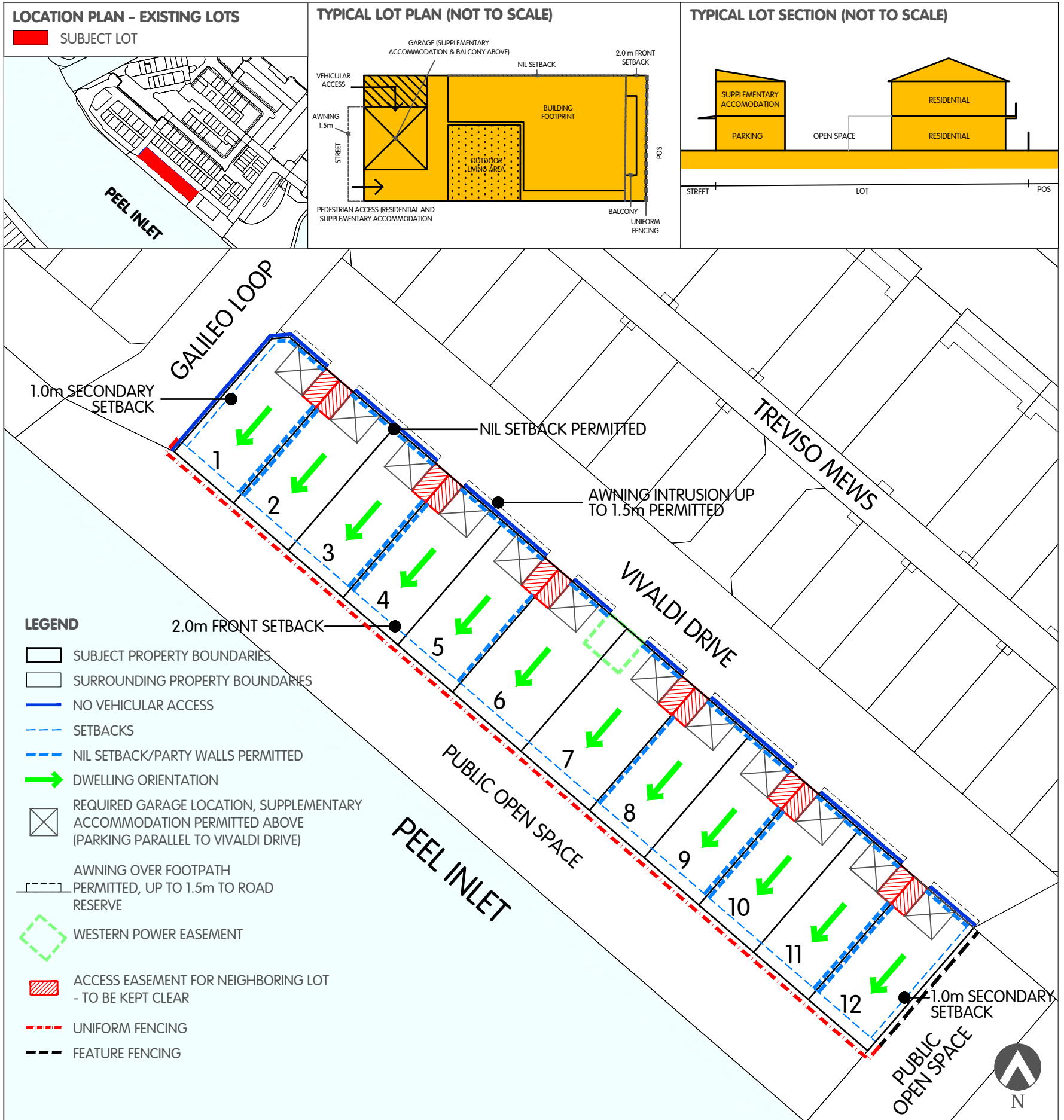
- 10. The main dwelling shall be a minimum height of two storeys (6.0m top of wall height above finished floor level), and a maximum of three storeys (10.0m top of wall height above finished floor level)
- 11. Residential roof terraces and loft spaces in a fourth level are also permissible.
- 12. Where basement parking is proposed, the internal finished ground floor level may be raised to an appropriate level subject to a practising structural engineer's design certification that no load is imposed in any primary or secondary retaining wall. The exterior ground level will generally not be permitted to be raised except where doing so does not impact on adjacent properties and subject also to certification from a practising structural engineer. Proposals to demolish and reconstruct existing secondary retaining walls will be considered on an individual basis.

Setbacks and Built Form

- 13. Minimum setbacks are as depicted on the plan. A setback of 0m is permissible for ground level development fronting the street.
- 14. For boundaries with a permitted nil setback, the minimum ground floor setback shall be nil to the maximum extent determined by front and rear setbacks height (max 7.0m).
- 15. Front elevations (to public open space) shall include at least one major opening or balcony from a habitable room on an upper floor of the main dwelling, and shall include at least one architectural feature to highlight the front entrance to the main dwelling (this may include a portico, verandah, the aforementioned balcony, or a similar feature agreed by the City of Mandurah)
- 16. Balconies should be contained within the property boundary. Balconies may, however, project into the building setback from Public Open Space
- 17. Uniform fencing, visually permeable above 1.2m above ground level, shall be provided and maintained along the primary frontage and within the front setback of all lots to the satisfaction of the City of Mandurah
- 18. Feature fencing shall be provided and maintained along the balance of the south east boundary of Lot 12 where it fronts public open space, in a style consistent with uniform fencing but providing privacy to the occupants of Lot 12.
- 19. Awnings over the footpath on Vivaldi Drive may be permitted with a maximum projection of 1.5m into the road reserve
- 20. The Vivaldi Drive elevations shall provide architectural detail to contribute to the streetscape. This detail may include major openings to supplementary dwellings, openings in garage facades, awnings, architectural features, and feature materials.
- 21. Minimum total open space is 40% of site area.
- 22. Minimum outdoor living area of 24sqm per site with a minimum dimension of 4.0m and with direct access from a living space
- 23. Uniform fencing to Public Open Space shall be installed by the developer, and cannot be modified, with the exception of maintenance and repair using materials that are as close as possible to those used in the original construction.

Access and Parking

- 24. Access to lots shall be via shared cross-easements from Vivaldi Drive, as depicted on the plan.
- 25. Two car parking bays are to be provided on-site per lot, screened from public view and oriented parallel to Vivaldi Drive



**Attachment 3 –
Proposed LDP - Lot 450 Vivaldi Drive
Submissions Table**

Owner / Address	Submission (Summarised comments)	Comment
1. A & L Rhodes (received via e-mail)	<p>b. Development should be two storeys maximum – encouraging owner occupiers.</p> <p>c. Contractors should use parking within Galileo Loop during construction.</p> <p>d. On-street parking adjacent to the site will be lost. Council may need to impose parking restrictions for the remainder of parking, giving residents priority.</p>	<p>b. Height proposed remains consistent with the provisions currently in place for the site (i.e. 2-3 storeys).</p> <p>c. Local Laws relating to parking apply.</p> <p>d. Some modification to the existing verge will be required to accommodate six shared crossovers to access twelve lots. Any decision on the restriction of parking in the precinct is likely to be considered at a later date.</p>
2. P Blakeley (received via e-mail)	<p>Objects to the plan as presented:</p> <p>b. Why was the lot allowed to remain undeveloped, conditions of sale specified a requirement to develop.</p> <p>c. Existing parking and space for waste collection is insufficient, let alone adding potential 48 dwellings.</p> <p>d. The site should be purchased by the City and turned into POS and parking.</p> <p>e. Height should be restricted to two storeys to allow compensation of vistas.</p> <p>f. Owners will explore a point of law given inconvenience.</p> <p>g. Precinct contributes significant revenue to the City.</p>	<p>b. Considered to be a matter between the purchaser and the developer. It is understood that ownership has changed a number of times.</p> <p>c. Future dwellings are required to provide parking on-site consistent with the Marina Design Criteria.</p> <p>d. The site was identified in the initial Marina Outline Development Plan to be developed.</p> <p>e. Height provisions remain consistent with the current provisions listed in the Marina Design Criteria.</p> <p>f. Noted, the requirement to develop the site within a timeframe a contract of sale condition which the City does not enforce.</p> <p>g. Noted.</p>
3. R & A Yuen (received via e-mail)	<p>Objects to the proposal for the following reason:</p> <p>a. Concerned that supplementary dwellings attached to each lot may be used for short stay (e.g. Airbnb).</p>	<p>a. Noted, however the City does not currently place restrictions on the use of a residential dwelling for short stay occupation, particularly within the Marina precinct which is intended to be a tourism precinct.</p>
4. P Dickson (received via e-mail)	<p>a. Concerned with loss of parking along Vivaldi Drive, parking is already an issue.</p>	<p>a. Some modification to the existing verge will be required to accommodate six shared crossovers to access twelve lots. There will be opportunities to explore the retention and provision of replacement bays during the design phase of dwellings.</p>

Report from Director **Sustainable Development**
to **Committee of Council** Committee Meeting of **13 March 2018**

	<p>b. Concerned with short stay accommodation at rear of site as a result of noise. Not in keeping with the development.</p> <p>c. Development should be two storeys with loft, additional height will block views of existing properties.</p> <p>d. No parking provided at the rear of the lots.</p>	<p>b. The City does not currently place restrictions on the use of a residential dwelling for short stay occupation, particularly within the Marina precinct which is intended to be a tourism precinct. However, regulations restricting noise do apply to all properties, which Officers can investigate.</p> <p>c. Height proposed remains consistent with the provisions currently in place for the site (i.e. 2-3 storeys).</p> <p>d. Future dwellings are required to provide parking on-site consistent with the Marina Design Criteria.</p>
5. D McGrath (received via e-mail)	<p>Supports the proposal, noting that:</p> <p>a. Changing land use to single dwelling is favoured.</p> <p>b. Proposal will enhance area long term and place less pressure on parking than original land use.</p>	<p>a. Noted.</p> <p>b. Noted.</p>
6. J Finnigan (received via e-mail)	<p>a. Concerned with use of land, and height of buildings.</p> <p>b. Currently no parking for visitors or owners of properties on Vivaldi Drive.</p> <p>c. Vivaldi Drive is now being turned into a laneway.</p>	<p>a. Mandatory tourist/commercial use at ground level is proposed to be removed. Modifications to the Marina Local Structure Plan are currently ongoing and are proposed to facilitate the development of single dwellings in this location. Restrictions are currently not placed on the use of a residential dwelling for short stay accommodation. Height proposed remains consistent with the provisions currently in place for the site (i.e. 2-3 storeys).</p> <p>b. All development is assessed against the Marina Design Criteria to ensure parking for residents is provided for within the site. It is acknowledged that parking within Vivaldi Drive is at times exhausted, however there are parking options in close proximity (i.e. Galileo Loop and Vivaldi Drive parking nodes).</p> <p>c. Built form controls are proposed to ensure garages are side loading to allow the elevation facing Vivaldi Drive can include window openings, whilst living space must be included above the garage to address the street.</p>

6	SUBJECT: Central Mandurah Activity Centre Plan – Adopt for Advertising CONTACT OFFICER/S: Ben Dreckow AUTHOR: Ann Harrop FILE NO: ACP1
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Summary

Mandurah is identified as a Strategic Centre with *State Planning Policy 4.2 – Activity Centres for Perth and Peel*, and as part of SPP4.2's implementation, is for a Strategic Centre to be guided by an Activity Centre Plan.

In accordance with SPP4.2 and the provisions of draft Local Planning Scheme 12, an Activity Centre Plan for the central Mandurah area has been prepared for Council's adoption and advertising.

This Activity Centre Plan sets out the planning framework for future land use and built form design outcomes in a manner that:

- Combines, consolidates and integrates the three existing Precinct Plans (City Centre, Mandurah Terrace and Inner Mandurah) and two existing Outline Development Plans (Mandurah Ocean Marina and Mandurah Junction) so that planning requirements are consistent and simplified;
- Provides for an number of areas located outside the existing Precinct Plans to be included for the purposes of having built form requirements outlined rather than through a combination of local planning scheme and policy requirements;
- Replaces the 'strategic plan' for the Strategic Centre that has generally be provided by the 2002 Mandurah Inner Area Strategic Plan;
- Has been prepared to assist the Western Australian Planning Commission progress the endorsement of Local Planning Scheme 12 to the next stages of approval; and
- Has been prepared so that additional areas can be included when detailed considerations of appropriate residential densities adjacent to the area covered by the plan.

In accordance with the requirements of the *Deemed Provisions for Local Planning Schemes*, Council is requested to consider adopting the Central Mandurah Activity Centre Plan for the purposes of advertising, and if required by the Western Australian Planning Commission, integrating elements of the plan into the draft Local Planning Scheme No 12.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.6/1/07 24 January 2017 Council adopted revised draft Local Planning Scheme 12 and Local Planning Strategy seeking the Western Australian Planning Commission's consent to advertise the Scheme and Strategy;
- G.25/3/14 25 March 2014 Council adopted the draft Mandurah Planning Scheme (Scheme Text and Scheme Maps dated March 2014) for forwarding to the Western Australian Planning Commission and the Environmental Protection Authority for consent to advertise the Scheme.
- G.21/10/13 15 October 2013 Council adopted the Mandurah Planning Strategy for forwarding to the WAPC for certification and consent to advertise.

- G.26/7/13 23 July 2013 Council resolved to prepare a new local planning scheme.
- G.25/12/12 18 December 2012 Council acknowledged the preparation of key strategic studies which will inform and maintain the City's Town planning Scheme and progress the Local Planning Strategy.

Background

State Planning Policy 4.2 – Activity Centres for Perth and Peel, was gazetted in 2011 and established a hierarchy of Activity Centres within the Perth and Peel regions, and a framework for the preparation of Activity Centre Plans. Under this hierarchy, Mandurah has been classified as a 'Strategic Metropolitan Centre', defined as a multipurpose centre that provides a diversity of uses and a full range of economic and community services necessary for communities in their catchment.

The SPP requires the preparation of an Activity Centre Plan for all strategic metropolitan, secondary, district and specialised centres prior to the consideration of any further major development within these centres. The extent of Mandurah's Strategic Centre has not been determined through the SPP, rather Council is required to define a boundary based on the following factors;

- Existing zoning;
- Topographical features;
- Major infrastructure elements
- Walkable catchments to major public transport stops; and
- Use of rear boundaries as an interface or transition for land use.

The historical development of Mandurah has led to a dispersed pattern of development, with the 'strategic centre' comprising of a number of sub-precincts including the Mandurah Forum, City Centre, Mandurah Terrace, Inner Mandurah, Mandurah Ocean Marina and Mandurah Transit Orientated Development precincts. Development within these areas has to date been governed by a variety of precinct plans and outline development plans along with the Local Planning Scheme.

Comment

In accordance with SPP 4.2 and the Planning and Development (Local Planning Scheme Regulations), an Activity Centre Plan has been prepared for Council's consideration. The Activity Centre Plan consolidates existing precinct and outline development plans and outlines development requirements to guide the future development of Mandurah's Strategic Centre. Precinct plans and Outline Development Plans that will be superseded by the Activity Centre Plan include:

- City Centre Precinct Plan
- Inner Mandurah Precinct Plan
- Mandurah Terrace Precinct Plan
- Mandurah Ocean Marina Outline Development Plan
- Mandurah Junction Outline Development Plan

Activity Centre Boundary

The boundary of the Strategic Centre has been determined through consideration of existing and future development within the City Centre. The Centre extends from the Mandurah Train Station and Forum to Mandurah Terrace and the Mandurah Ocean Marina, including residential infill areas identified through the Inner Mandurah Precinct Plan (Refer **Attachment 1**). At this time no additional areas of residential infill have been identified, however it is anticipated that further areas will be included in the future, upon further consideration of the servicing capability of these areas.

Activity Centre Plan Zones

Eight zones have been created through the Activity Centre Plan (Refer **Attachment 2**). These include:

- City Centre zone

The City Centre Core will be the key employment, retail and entertainment precinct within the Activity Centre. Residential development is permitted above ground level within this precinct however residential land uses should not dominate outcomes necessary to ensure that office, retail and entertainment uses prevail. Development within the City Centre zone will be required to be a minimum of two storeys.

- Commercial Mixed Use

Located within the identified tourism precincts of the Mandurah Ocean Marina and Silver Sands, the Commercial Mixed Use zone allows for commercial development that is more in keeping with the tourism nature of these locations, including entertainment, leisure and retail land uses and are located at key nodes based on active streets / pedestrian based environments.

- Commercial zone

The Commercial zone incorporates the Mandurah Forum development and surrounds. Development within this node should follow a 'main street' model designed to provide active frontages to all roads, but are acknowledged as car-based destination locations. Residential uses may be permitted within this zone above ground level.

- Residential Mixed Use zone

The Residential Mixed use zone frames the City Centre core and is located along key distributor roads. The Mixed Use zone provides for a transition between the City Centre and the adjacent residential areas, and provides important linkages between activity nodes within the Activity Centre. The ground floor of all buildings fronting the street are required to be designed for flexible use over time, however there is no mandatory requirement for non-residential land uses on the ground floor, unless on an identified within the design requirements.

- Service Commercial zone

The Service Commercial zone is located along Pinjarra Road between George Street and Parkview Road. This zone provides for a mixture of office and car based retail development. Provisions require all new development with an emphasis on providing good quality design outcomes with buildings brought closer to Pinjarra Road and street corners.

- Tourist Zone

The Tourist zone has been introduced for sites identified as key tourism sites within Council's Local Tourism Planning Strategy. These sites include the Atrium Hotel site, Peninsula Hotel site, Silver Sands Resort, The Lido Chalet Park, Seashells Resort and the Lucky Caravan Park. The Tourism zone provides for a range of land uses which complement and reinforce the tourism nature of these sites and specifies minimum requirements for the provision of short term accommodation.

- Residential

Currently consisting of predominately single residential development, this zone seeks to provide for grouped and multiple unit infill development in a manner that fronts the street. Requirements of the Inner Mandurah Precinct Plan have been incorporated into the Activity Centre Plan.

- Marina Service

The Marina Service zone applies to land reserved for marina purposes and includes the boat ramp, fishing club, yacht club, sea rescue, fisherman's depot, wharf and boat maintenance facilities.

Draft Local Planning Scheme 12 defers all land use and development requirements to the Activity Centre Plan, however this has implications on determination of permitted and not-permitted land uses due to the status of an Activity Centre Plan in the planning framework.

This has implications for land uses that are not considered appropriate in certain locations, but also for those that are considered appropriate and having a mechanism in place to exempt these from the need for development approval (and reduce red tape) as under the planning scheme, all land uses become discretionary.

Unless a land use is shown as being not permitted in the local planning scheme, it continues to be a discretionary use, and the contents of the relevant policy and structure plan framework will provide guidance in decision making.

Draft Scheme 12, did not propose to include land use provisions included for the central Mandurah area, including the Mandurah Ocean Marina, and it was proposed to continue to have the Activity Centre Plan provide the control of land uses, based on preliminary advice from the Department of Planning, Land and Heritage, this aspect of the Scheme may need to be reconsidered. Should the Western Australian Planning Commission require a land use table for the area to be included in the Scheme for it to progress to advertising stage, then it is recommended that the table included as **Attachment 5** be inserted into the Scheme text accordingly.

Areas subject to Future Investigation

The Activity Centre Plan identifies a number of residential areas as being 'subject to further investigation', immediately abutting the Activity Centre Plan boundaries.

In general, age of housing stock within these areas is younger than that of those within the existing boundaries of the Activity Centre and not as ready for redevelopment, however it is recognised that these areas represent further opportunities for infill development.

Investigations are required into the availability and capacity of existing services in these localities including sewer, power and water, and potential upgrades that may be required. In addition an analysis of the lot sizes and configurations is required to determine the most appropriate form of redevelopment in these areas.

Ground Level / Upper Level Land Use

Within both the City Centre and Mixed Use zones, the requirement for mandatory commercial and office development have been modified from the requirements of the City Centre Precinct Plan where at present, residential land uses were not permitted within the first three storeys within the central area or the ground floor for lots fronting Mandurah Terrace.

The revised Activity Centre Plan seeks to provide this restriction to the ground floor only, however maintaining the option of catering for future demands by having the first three floors to be designed to enable change over time. Within the City Centre, this includes the first three storeys of any development being required to incorporate access for people with disabilities; ceiling heights designed to accommodate commercial development and acoustic attenuation measures. This design criteria also applies to the first floor of all developments within the 'Mixed Use' zone.

Active Land Uses

Retail and entertainment land uses such as a shop, restaurant, small bar, café or similar, are uses which enhance the vibrancy and amenity of an area by encouraging pedestrian activity, improving passive surveillance and increasing public security. Such 'active land uses' are an essential component of the City Centre.

Within the Activity Centre Plan a number of active street frontages have been identified, including the Smart Street Mall and sections of Mandurah Terrace, concentrating pedestrian activity within the City Centre. Where a site has been identified as having an active frontage, the ground floor shall be required to contain an 'active' land use.

Semi-Active street frontages have also been applied to a number of streets within the Mixed Use zone, primarily within the Mandurah Ocean Marina and the City Centre frame. Within these locations the Activity Centre Plan stipulates that non-residential land uses must occupy the ground floor.

Building Height

Minimum and maximum building heights have been applied to all lots within the Activity Centre Plan area as shown within **Attachment 3**. No increases to the maximum heights previously stipulated within the existing precinct plans have been made, however a number of changes have been made to remaining height requirements, including;

- Reducing the minimum height requirement for mixed use development for the City Centre and Anstruther Road and Allnut/Peel Streets from 3 storeys to 2 storeys.
- Standardising maximum street wall heights and podium setbacks across the Activity Centre Plan area. Under the City Centre Precinct plan a maximum street wall height of 16.0m applied, with all building elements higher than 16.0m required to be setback a minimum of 6m from the street frontage.

Within the Inner Mandurah Precinct Plan however, buildings were able to be built up to a maximum of 21 metres with no podium setbacks required. Under the Activity Centre Plan, a podium setback of 6 metres will apply to all buildings elements higher than 16.0m across the whole of the Activity Centre Plan area.

Management of Licensed Premises

Provisions relating to licensed premises, and in particular the approval and assessment of Taverns, have been incorporated into the Activity Centre Plan, in order to strengthen Council's position regarding Alcohol Management. Whilst Council has an adopted Alcohol Management Policy, which City staff have generally been successful in applying to development applications, there is an opportunity to strengthen the statutory weight of this policy through the inclusion of provisions within the Activity Centre Plan.

Council's Alcohol Management Policy supports the provision of smaller licensed venues as the preferred drinking venue. In order to encourage the development of small bars and restaurants over larger venues, the Activity Centre Plan will provide for a more streamlined process for these type of 'lower risk' venues, which may be permitted within all zones with the exception of the Residential zone.

Planning approval for a change of use from an already approved restaurant to a small bar, and vice versa within the City Centre Core, Commercial and Commercial Mixed Use zones will not be required. The approval of higher risk venues such as 'Tavern' will however require more detailed assessment, with provisions within the Activity Centre Plan requiring the following information to be supplied with all applications;

- A full set of site and floor plans detailing the proposed use and patron capacity of all areas to be licensed and how the design of the building creates an active street frontage. The plans shall

demonstrate the availability of designated seating areas catering for a minimum of 75% of total patron capacity, identify proposed waste storage areas and identify locations of proposed security lighting in and around the site, CCTV and amplification or speaker systems. If applicable, the location of any queuing areas, dance floor areas and areas where live performances may occur shall be detailed.

- A site analysis plan (covering a 500m radius of the proposed venue) to detail the proximity of the venue to residential and other sensitive land uses, other licensed venues (including details regarding the services provided), public transport, taxi ranks and public car parks. Details relating to the capability of patrons to leave the area (ie, the timing and routes of public transport services and the average wait times at taxi ranks during peak periods) shall be provided.
- A detailed management plan addressing hours of operation; operating style of the venue; the type of music and/or entertainment to be offered (including frequency and hours); the number and location of security staff required; the ability to provide food up until 1 hour before closing time; complaint and reporting procedures; patron control; sale of alcohol; how the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times; and proposed strategies to reduce anti-social behaviour.
- An acoustic assessment undertaken by a suitably qualified acoustic consultant identifying all noise sources and proposed methods to be undertaken to control and mitigate noise emissions to achieve compliance with the Environmental Protection (Noise) Regulations 1997.

The approval of any Licensed Premises shall be subject to the consideration of the potential cumulative impact of existing licensed premises within the locality; existing and potential harm and antisocial behaviour within the locality; physical design; trading hours and other operational characteristics. Approval may be subject to conditions relating to the provision of seating, provision of food, operating hours, security and noise management.

MEAG/MCCAG Comment

This item will be referred to the Mandurah Environmental Advisory Group for comment during the public consultation period.

Consultation

Part 5, Clause 34 (2) states that an Activity Centre must be advertised for a period not less than 14 days and not more than 28 days, unless approved by the Commission. Council may elect to choose one or more of the following options for advertising the Activity Centre Plan;

- Give notice of the proposed activity centre plan to owners and occupiers who are likely to be affected by the approval of the activity centre plan;
- Publishing a notice of the proposed activity centre plan in a newspaper circulating in the Scheme area;
- Publishing a notice of the proposed activity centre plan by electronic means in a format approved by the local government CEO; or
- Erecting a sign or signs in a conspicuous place on the land the subject of the activity centre plan.

It is anticipated, subject to Council's endorsement, that the Mandurah Strategic Activity Centre Plan will be advertised alongside Local Planning Scheme No. 12 and the Local Planning Strategy. Letters will be sent to all landowners affected by changes to the plan, a notice placed in the local paper and details included on the City's 'Have your Say' web page.

Statutory Environment

Activity Centre Plans are prepared and approved under Part 5 of the Deemed Provisions for Local Planning Schemes. Clause 31 states that *“an activity centre plan in respect of an area of land in the Scheme area may be prepared if –*

- a) A State planning policy requires an activity centre structure plan to be prepared for the area; or*
- b) The Commission considers that an activity centre plan for the area is required for the purposes of orderly and proper planning.”*

State Planning Policy No. 4.2 Activity Centres for Perth and Peel identifies Mandurah as a Strategic Metropolitan Centre, requiring the preparation of an Activity Centre Plan.

Policy Implications

State Planning Policy 4.2 – Activity Centres for Perth and Peel establishes a hierarchy of existing and planned activity centres and requires the preparation of activity centre structure plans for these centres in order to guide the future growth and development of these areas.

Under this policy, Mandurah has been identified as one of 10 strategic metropolitan centres across the Perth and Peel region. Strategic metropolitan centres are considered to be significant regional centres which provide a supporting role to the Perth CBD through the provision of a full range of economic and community services to communities within their catchment.

The Mandurah Strategic Activity Centre Plan has been prepared in accordance with the framework provided in SPP 4.2. In addition, the plan also:

- Combines, consolidates and integrates the three existing Precinct Plans (City Centre, Mandurah Terrace and Inner Mandurah) and two existing Outline Development Plans (Mandurah Ocean Marina and Mandurah Junction) so that planning requirements are consistent and simplified;
- Provides for an number of areas located outside the existing Precinct Plans to be included for the purposes of having built form requirements outlined rather than through a combination of local planning scheme and policy requirements;
- Has been prepared to assist the Western Australian Planning Commission progress the endorsement of Local Planning Scheme 12 to the next stages of approval; and
- Has been prepared so that additional areas can be included when detailed considerations of appropriate residential densities adjacent to the area covered by the plan.

Economic Implications

The Activity Centre Plan provides for a full range of development outcomes, with this area the key to Mandurah's economic activity with regard to employment, servicing and medium to high density residential development.

Strategic Implications

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

Environment:

- Factor climate change predictions into land-use planning, building design and future Council decisions.

Social:

- Help build the community's confidence in Mandurah as a safe and secure City.
- Provide employment and educational opportunities, services and activities that engage the City's young people.
- Provide a range of social, retail, recreational and entertainment experiences for the City's residents and visitors.

Economic:

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

Infrastructure:

- Facilitate the provision of multi-purpose facilities and infrastructure that meets the needs of a growing population.
- Facilitate the provision of diverse housing stock.
- Enhance traffic management and parking infrastructure for the future.
- Facilitate the provision of an integrated and expanded public transport network.

Identity:

- Encourage active community participation and engagement.

Conclusion

The Mandurah Strategic Activity Centre Plan has been prepared in accordance with the requirements of State Planning Policy 4.2 – Activity Centres for Perth and Peel, and the Planning and Development (Local Planning Schemes) Regulations 2015. The Plan consolidates previously adopted precinct plans and outline development plans into one document, providing a consistent approach to the future development of the strategic centre.

It is therefore recommended that Council adopt the Mandurah Strategic Activity Centre Plan for the purposes of advertising.

NOTE:

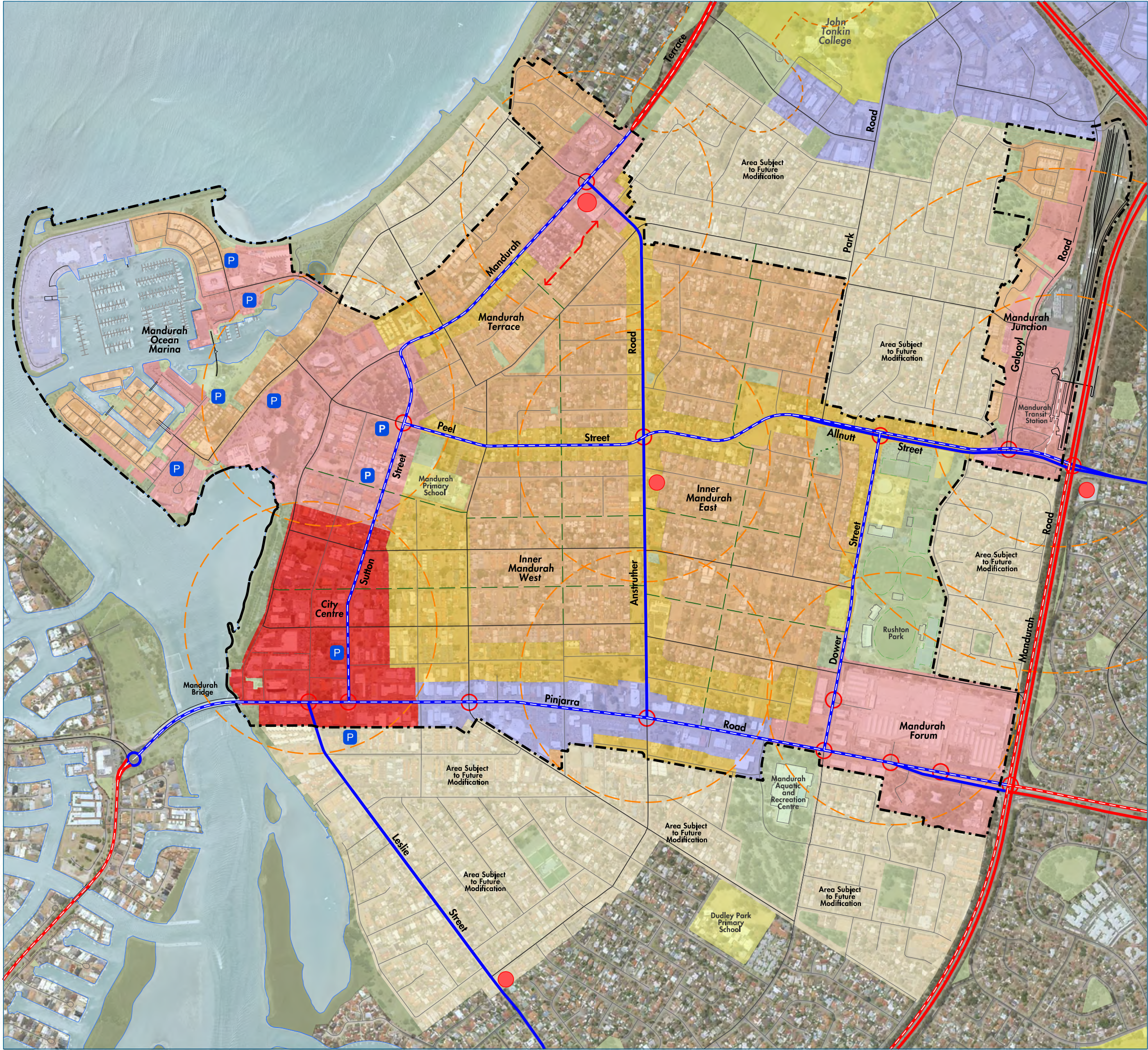
- Refer ***Attachment 1 Central Mandurah Activity Centre Plan***
Attachment 2 Activity Centre Zones
Attachment 3 Residential Density Plan
Attachment 4 Development Height Plan
Attachment 5 Land Use Table

RECOMMENDATION

That

- 1. In accordance with clause 34 of the Deemed Provisions, adopt the Central Mandurah Activity Centre Plan for the purposes of advertising.**

2. Council notes that advertising of the Activity Centre Plan will be undertaken in conjunction with the advertising of Local Planning Scheme No 12 and the Local Planning Strategy once endorsed by the Western Australian Planning Commission.
3. Council notes that the land use table for the draft Central Mandurah Activity Centre Plan (as shown in Attachment 5) may required by the Western Australian Planning Commission to be included in Local Planning Scheme 12 in order to be endorsed for advertising purposes.



Urban Form

- City Centre
- Mixed Use Precinct
- Mixed Use Corridor
- Local Centre (Existing and Potential)
- Medium Density Residential
- Residential Density Subject to Review
- Mixed Business
- Marina Service Area

Public Spaces

- Regional Open Space
- Local Open Space
- Public Infrastructure

Transport Network

- Major Road (City Entrance Roads)
- District Integrator (City Connectors)
- Neighbourhood Connectors
- Access to be Provided
- 'Green' Streets (Active Transport Connectors)
- Street Transit
- Traffic Signals
- Key Public Parking Nodes
- Walkable Catchment to Transit & Centres

Specific Requirements

- Bushfire Prone Areas
- Local Development Plan Required

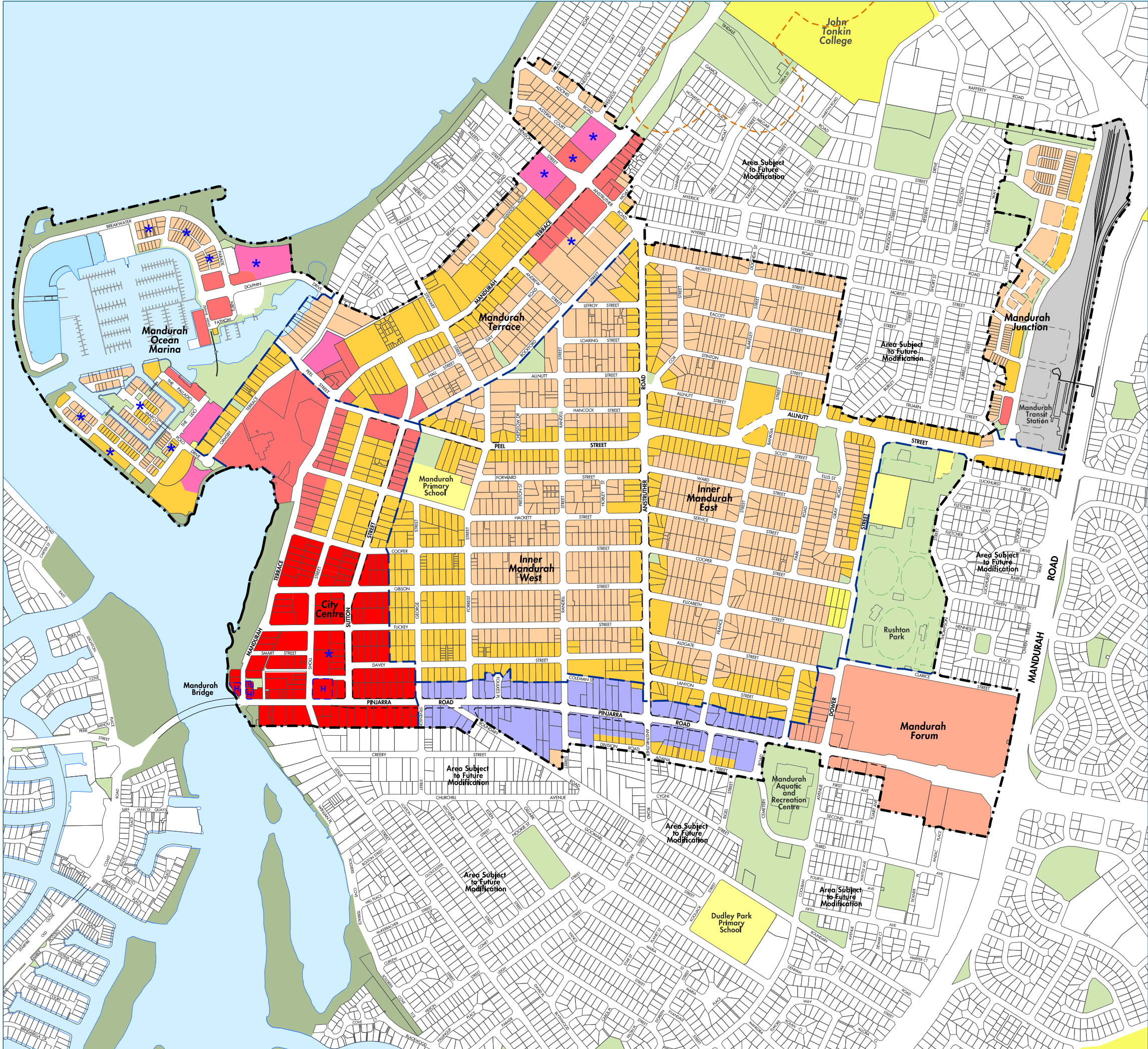
Activity Centre Plan Boundary

Details shown on the Activity Centre Plan that are outside the Activity Centre Plan boundary are indicative only.

0 120 240m



23 February 2018 | 18/5255/002 | 1:12 000 @ A3



Activity Centre Plan Zones

- City Centre
- Commercial Mixed Use
- Commercial
- Residential Mixed Use
- Tourist
- Residential
- Service Commercial
- Marina Service

Specific Requirements

- Heritage Precinct
- Street Setback / Road Widening
- Bushfire Prone Areas
- Local Development Plan

Reserved Land

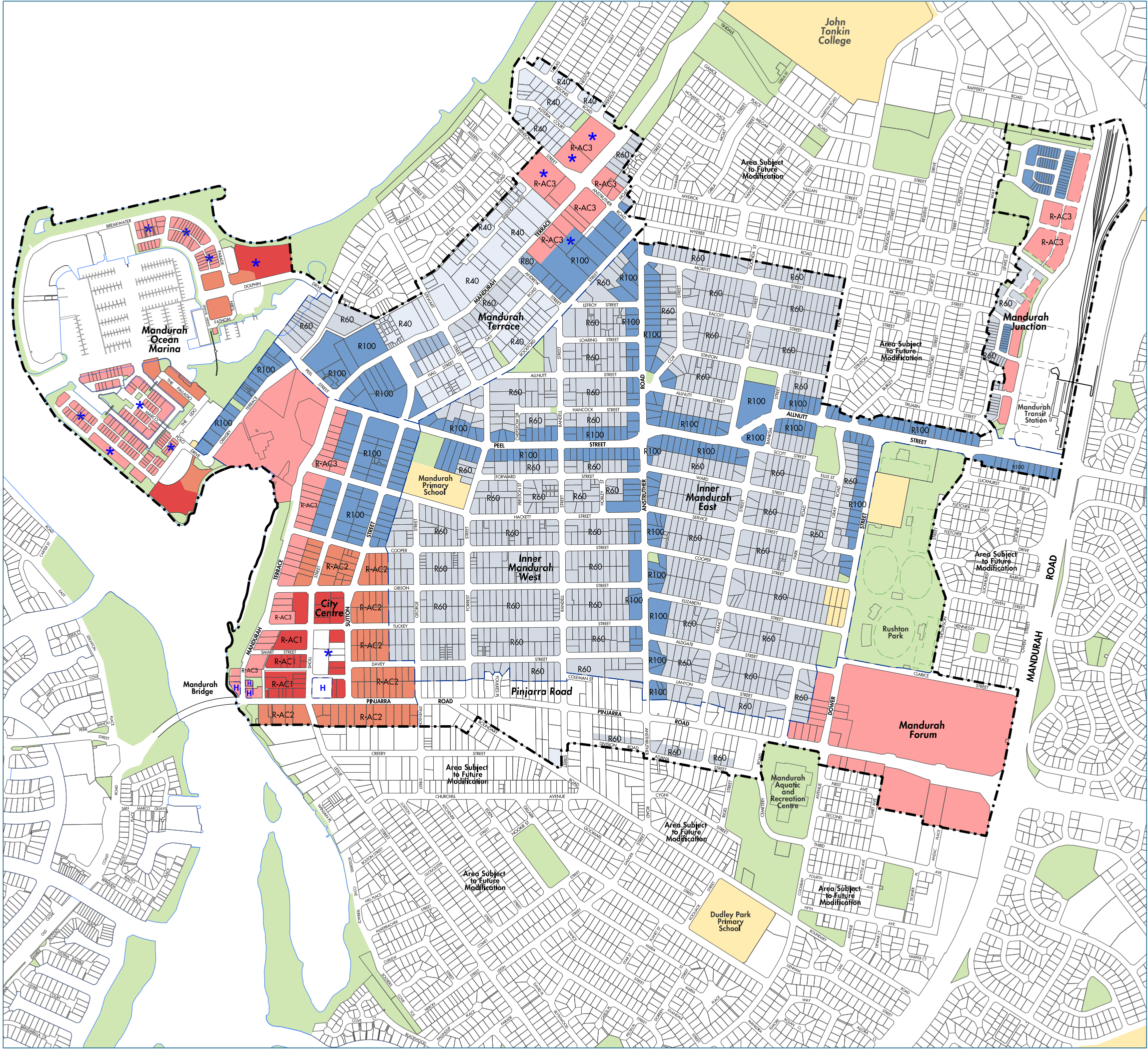
- Regional Open Space
- Waterways
- Railways
- Public Purposes (Regional)
- Community Purposes (Local)
- Public Open Space

- Activity Centre Plan Boundary
- Precinct Area

Details shown on the Activity Centre Plan that are outside the Activity Centre Plan boundary are indicative only.

0 120 240m





R-Code

- R-AC1
- R-AC2
- R-AC3
- R100
- R80
- R60
- R40

Specific Requirements

- Heritage Precinct
- Local Development Plan

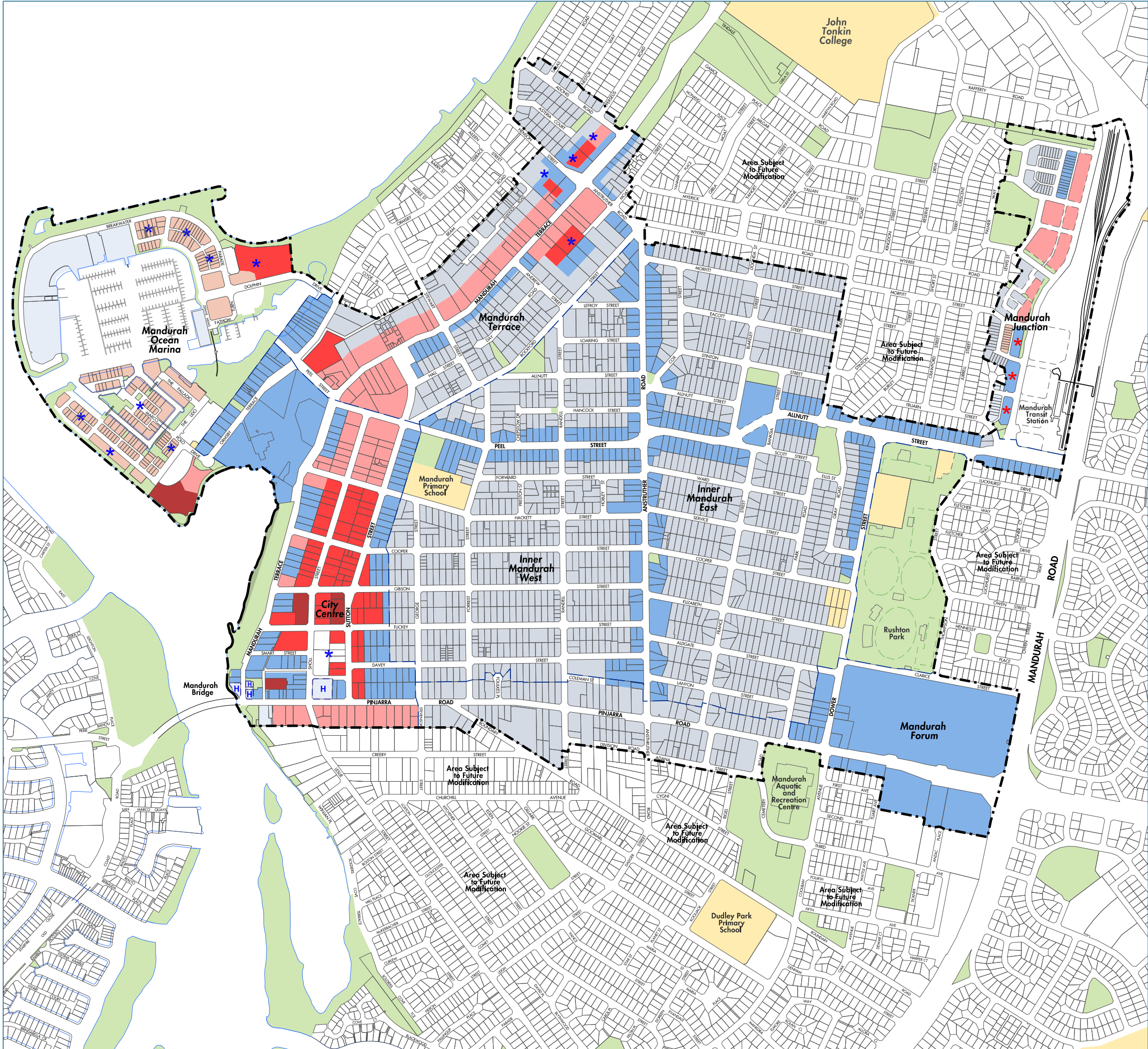
- Activity Centre Plan Boundary
- Precinct Area

Details shown on the Activity Centre Plan that are outside the Activity Centre Plan boundary are indicative only.

0 120 240m

12 January 2018 | 18/5255/004 | 1:12 000 @ A3





- Development Height**
- 45m (12 Storeys) / 3 Storey Minimum
 - 32m (8 Storeys) / 3 Storey Minimum
 - 24m (6 Storeys) / 3 Storey Minimum
 - 21m (5 Storeys) / 2 Storey Minimum
 - 3 Storeys + Loft / 2 Storey Minimum
 - 12m (3 Storeys) / 2 Storey Minimum at Street Front
 - 9m (2 Storeys)

- Specific Requirements**
- Heritage Precinct
 - Local Development Plan
 - 3 Storey Minimum

- Activity Centre Plan Boundary**
- Precinct Area**

Details shown on the Activity Centre Plan that are outside the Activity Centre Plan boundary are indicative only.

0 120 240m

22 February 2018 | 18/5255/005 | 1:12 000 @ A3



Table 2 Land Use Table

Zones	City Centre	Commercial Mixed Use	Commercial	Residential Mixed Use	Tourist	Residential	Service Commercial
Grouped Land Uses ¹							
Residential Uses (Category A) Ancillary Dwelling Single Dwelling Home Store	X	X	X	P ²	X	P ²	X
Residential Uses (Category B) Aged Care Family Day Care Aged Persons Dwelling Holiday House Bed and Breakfast Home Business Dwelling (Group, Multiple) Home Occupation Single Bedroom Dwelling Home Office	P ³	P ³	P ³	P ³	IP	P	X
Commercial Uses (Category A) Car Park Medical Centre Consulting Rooms Office	P ⁴	P	P ⁴	P	P	A	P
Commercial Uses (Category B) Bulky Goods Showroom Veterinary Centre	D ⁴	D ⁴	D ⁴	X	X	X	P

¹ **P – Permitted; I – Incidental; D – Discretionary; A – Discretionary Requiring Advertising; X – Not Permitted**

² **Subject to Minimum Scale and Design Outcomes**

³ **Above Ground Floor Only**

⁴ **Subject to Active / Semi Active Frontage Streets**

Zones	City Centre	Commercial Mixed Use	Commercial	Residential Mixed Use	Tourist	Residential	Service Commercial
Commercial Uses (Category C) Service Station Motor Vehicle Wash Funeral Parlour	X	X	X	X	X	X	P
Retail Uses Convenience Store Liquor Store (Small) Market Shop	P	P	P	P	IP	X	P
Tourism Uses Holiday Accommodation Motel Serviced Apartment Tourism Development	D	D	P ⁴	P	P	A	A
Dining & Entertainment Amusement Parlour Club Premises Reception Centre Restaurant Recreation - Private Small Bar	P	P	P	D	IP	X	D
Licensed Premises Brewery Betting Agency Hotel Liquor Store (Large) Tavern	D	D	D	X	IP	X	A
Community Uses Child Care Premises Community Purpose Education Establishment Place of Worship	D	D	P	D	IP	A	D

Zones	City Centre	Commercial Mixed Use	Commercial	Residential Mixed Use	Tourist	Residential	Service Commercial
Specific Land Uses							
Commercial Vehicle Parking	X	X	P	X	X	X	P
Cinema	P	P	P	X	X	X	D
Fast Food Outlet	X	X	P	X	X	X	D
Motor Vehicle Repair	X	X	D	X	X	X	P
Motor Vehicle Sales	X	X	X	X	X	X	P
Nightclub	A	X	X	X	X	X	X
Restricted Premises	X	X	X	X	X	X	D
Telecommunications Infrastructure	P	P	P	D	D	D	P

7 **SUBJECT:** Mandurah Performing Arts Centre Water Feature – Future Options
 CONTACT OFFICER/S: Allan Claydon
 AUTHOR: John Harris
 FILE NO:

Summary

The future of Mandurah Performing Arts Centre (MPAC) water feature needs to be considered to address ongoing issues of water quality, water use, visual amenity, recurrent costs and safety.

The 2014 adopted Mandjar Square Redevelopment Master Plan recommended reducing the overall size of the water feature. When this plan was presented to Council, clarification as to the past and ongoing maintenance cost for the water feature at the Mandurah Performing Arts Centre was sought and is the subject of this report.

Three proposed options for the future of the water feature (including capital and recurrent costs) were prepared by the City are the subject of this report and are to be read in conjunction with Drawings LAN0341-1718-C-01, 02 and 03-2017.

The three options are:

1. Retain as is
2. Reduce the size of the water feature
3. Water feature decommissioned and replaced with landscaping and integration with Mandjar Square

Council is requested to endorse Option 3.

Disclosure of Interest

Nil

Location



The subject water feature is located immediately adjacent to the Mandurah Performing Arts Centre which is constructed on Reserve 42050. The City of Mandurah has the Management Order over the reserve.

Previous Relevant Documentation

- | | | |
|--------------|---------------|--|
| • G.29/12/14 | December 2014 | Council endorsed the Mandjar Square Redevelopment Master Plan (Dwg No. LAN 0283-1415-002-B), as a concept for future development. |
| • G.34/4/12 | April 2012 | Council was requested to consider an allocation of \$70,000 for the replacement of the waterproofing membrane to the water feature pond as part of its deliberations on the draft 2012/13 Budget. Funding was not allocated and it was proposed that a future report considering the relative costs and benefits of retaining the water feature be provided for Councils consideration |

Background

The future of Mandurah Performing Arts Centre (MPAC), water feature needs to be considered to address ongoing issues of water quality, water use, visual amenity, recurrent costs and visitor safety.

In order to maintain the design water level in the existing water feature, the Administration bore (which irrigates the landscaped surrounds of the Administration Centre and the Eastern Foreshore and surrounds from the Leederville aquifer), is used to add to the water level. The water level is required to be topped up daily to cope with:

- Leakage from the water feature
- Leakage from the Pump Tanks and Pipework
- Significant evaporation losses from the shallow water body.

There is an ongoing issue with algae build up and rubbish collecting in the water feature. In its current condition, the water feature detracts from the visual appearance of the Performing Arts Centre and the Mandjar Square cultural precinct.

Regular and on-going complaints from the general public, City staff and MPAC staff are received relating to the poor water quality, appearance and visitor safety risks associated with the water feature.

In 2012, Council was requested to consider allocating \$70,000 capital funding in 2012/13 budget to replace the waterproof membrane of the water feature. Alternative landscaping options were considered at this time however it was recommended that the water feature be retained as it was considered an intrinsic component of the architecture of the building. Funding was not allocated and it was proposed that a future report considering the relative costs and benefits of retaining the water feature be provided for Councils' consideration.

The adopted Mandjar Square Redevelopment Master Plan initially recommended reducing the overall size of the water feature. When this plan was presented to Council, clarification as to the past and ongoing maintenance cost for the water feature at the Mandurah Performing Arts Centre was sought and is the subject of this report.

Three proposed options for the future of the water feature (including estimates of capital and recurrent costs) have been prepared and are detailed below and are to be read in conjunction with Drawings LAN0341-1718-C-01, 02 and 03.

Note in all options the existing Gary Aitken artwork located within the existing water feature is retained and renovated and access improved with proposed ramp to replace existing steps at the Fish-trap entrance.

A presentation was made to the MPAC Board on 11 December 2017 on the future of the water feature and the three options. The MPAC Board resolved to support Option 3 with consideration to work with the City to establish strong visual linkages between the foyer and the new landscaping.

The original Architects for the Mandurah Performing Arts Centre, Hames Sharley, were engaged by the City to review the option appraisal carried out by the City of Mandurah regarding the MPAC water feature and the interface with the new landscape masterplan for Mandjar Square. The outcome was that Hames Sharley recommended the decommissioned water feature and fully landscaped Option 3 as the preferred way forward.

Hames Sharley created a draft schematic proposal to rejuvenate and integrate the MPAC with the new Mandjar Square design. This also included consideration of the completed MPAC access audit. The Hames Sharley draft concept proposal aims to integrate the building interface and access points with the public open space beyond.

Comment

Three options have been prepared for consideration which are as follows:

OPTION 1 – Existing water feature retained in current form (approximately 270sqm) - Attachment 1

Water feature to be renovated including;

- Reseal the water feature and tanks to fix the leaks.
- Install a pre-screen to protect the pumps from floating debris, plastics and other rubbish.
- Install a chlorination pump and backflush system to keep the water clear.
- Install a water level sensor and control equipment to only fill when the feature runs below a certain point.
- Modify the tank system to include the new equipment gear and factor in confined space entry

Capital cost - Approximately \$100,000

Recurrent cost - Approximately \$37,000 per annum

OPTION 2 –Existing water feature is decommissioned and replaced with a smaller linear water feature - Attachment 2

New smaller linear water feature installed along east building façade (approx. 20% of the current water feature size)

Balance of former water feature area is planted with low sedge planting and landscaping referencing the pre-existing site and connecting it with the water's edge

Capital cost - Estimated - \$150,000 - \$200,000 (detailed design required to confirm cost)

Recurrent costs - Approximately \$20,000 per annum

OPTION 3 – Existing water feature is decommissioned - Attachment 3

Area currently taken up by water feature is enhanced with a new treatment including low height planting and landscaping referencing the pre-existing site and connecting it with the water's edge. A grove of white slim trunked Paperbark trees (*Melaleuca raphiophylla* or *Melaleuca cuticularis*), with up-lighting provide a new feature. These are local native tree species endemic to the area.

Other advantages include:

- The proposed planting and landscaping treatments will provide additional greening and visual appeal to the space and reinforce the sites sense of place and pre-development estuary edge environment.

- Up lighting of proposed Melaleuca trees will provide a new feature at the entry to the MPAC
- Public risk of people falling into the water feature and OSH concerns of staff maintaining the water feature is removed
- Existing handrails and barriers can be removed and visual amenity of entry to MPAC from the car park enhanced
- The landscape treatment requires significantly less maintenance costs than a water feature in order to maintain in a good condition.
- The landscape treatment uses significantly less water
- The removal of the water feature will demonstrate the City's commitment to sustainable water management consistent with the City's Platinum Waterwise Council status
- The increased width of the walkway improves access to MPAC and increases the function and adaptability of the space (eg could be used for performers, markets and long table lunches)

Existing walkway under canopy to MPAC entrance is widened (as per Mandjar Square Redevelopment Master Plan). This widened walkway could be used for performers, markets, and long lunches and would provide a suitable location for installation of relocated Australia Day Citizen of the Year plaques. The existing plaques were removed from the main thoroughfare through Mandjar Square due to paving subsidence and could be relocated to the canopy covered walkway to the MPAC entrance. The walkway has room for a significant number of future award plaques.

The advice received from Hames Sharley Architects included:

- Infill the existing water feature with new planter beds with seasonal native flowering displays
- New paving under existing covered walkway
- Blue aggregate concrete mix to feature low walls and decorative banding
- New access into MPAC foyer (to be considered as a separate project)
- Existing handrails and tactile paving can be removed due to proposed new planting areas being level with the paved walkway.

Of further benefit, removal of the water feature will demonstrate the City's commitment to sustainable water management consistent with the City's Platinum Waterwise Council status.

Capital cost - Estimated cost - \$150,000 (Detailed design required to confirm cost)

Recurrent costs - Approximately \$4,000 per annum

Summary of Expenditure

Option	Capital Cost Estimate	Recurrent Cost Estimate Per Annum
1 – Retain	\$100,000	\$37,000
2 – Amend	\$150,000 - \$200,000	\$20,000
3 – Remove	\$150,000	\$4,000

Each option is explored in more detail and included as respective Attachments 1 to 3.

Consultation

The three options have been the subject of a presentation to the MPAC Board.

Additional feedback was sought from Hames Sharley Architects who were the MPAC Architects.

Statutory Environment

The subject water feature is located immediately adjacent to the Mandurah Performing Arts Centre which is constructed on Reserve 42050. The City of Mandurah has the Management Order over the reserve.

Policy Implications

POL – CPM 04 - Infrastructure Asset Management

Sustainable service delivery through optimised lifecycle management of public infrastructure assets.

POL – PKR 02 – Parks and Reserves

The City of Mandurah will aim to provide and maintain a variety of parks and reserves to fulfil the community's need for balanced social, environmental and economic outcomes.

Economic Implications

Annual Capital and Maintenance budget allocations will be required to implement the preferred option.

	<i>Option 1 - Retain</i>	<i>Option 2 - Amend</i>	<i>Option 3 - Remove</i>
<i>Capital Cost</i>	\$100,000	\$150,000 - \$200,000	\$150,000 - \$150,000 +
<i>Recurrent Cost</i>	\$37,000	\$20,000	\$4,000

Strategic Implications

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

Environment:

- Protect and ensure the health of the natural environment and waterways.

Social:

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

Infrastructure:

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

Identity:

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Following careful consideration of the options, it is recommended that Option 3, where the existing water feature is decommissioned and the area landscaped, be endorsed by Council.

The area currently taken up by water feature would be enhanced with a new hard and soft landscape treatment including low planting and landscaping referencing the pre-existing site and connecting it with the water's edge.

Whilst the capital cost for all options is significant, the ongoing recurrent cost is lowest with Option 3.

Council is requested to endorse the **OPTION 3 – Landscape concept**, where the existing water feature is decommissioned and the area landscaped, as the preferred alteration to the Mandurah Performing Arts Centre (MPAC), water feature to address ongoing issues of water quality, water use, visual amenity and costs. The concept would be further refined by the City in consultation with Hames Sharley (WA) Pty Ltd and the MPAC Board.

NOTE:

Refer:

- **Attachment 1** **OPTION 1 – LAN0341-1718-C-01 11-10-2017**
- **Attachment 2** **OPTION 2 – LAN0341-1718-C-02 11-10-2017**
- **Attachment 3** **OPTION 3 – LAN0341-1718-C-03 11-10-2017**

RECOMMENDATION

That Council:

1. Approve the existing Mandurah Performing Arts Centre water feature being decommissioned and the area landscaped, to address ongoing issues of water quality, water use, visual amenity, recurrent costs and safety.
2. Endorse OPTION 3 landscape concept noting that further refinement of the plan will be undertaken to ensure integration into the Mandjar Square masterplan.

Future of MPAC Water Feature

OPTION 1 – LAN0341-1718-C-01 11-10-2017

Description:

Existing water feature retained in current form (approx. 270sqm)

Water feature to be renovated including;

- Reseal the water feature and tanks to fix the leaks.
- Install a pre-screen to protect the pumps from floating debris, plastics and other rubbish.
- Install a chlorination pump and backflush system to keep the water clear.
- Install a water level sensor and control equipment to only fill when the feature runs below a certain point.
- Modify the tank system to include the new equipment gear and factor in confined space entry

Advantages

- Original Architectural intent of water wrapping around the MPAC building is maintained
- Reflection of water onto walkway canopy and within MPAC foyer is maintained
- With renovation works the water quality will be improved

Disadvantages

- Water feature will still have inherent design and function issues and will require a high level of maintenance to operating effectively and be visually appealing
- The water feature uses a significant amount of Administration bore licence preventing functional areas of turf being irrigated using this licence. The Mandjar square turf areas need to be watered with scheme water due to the licence being fully allocated. The amount of water used by the water feature could irrigate the Mandjar Square turf areas (418m²) plus additional turf/landscape areas (266m²), in the precinct.
- The City has recently been awarded Waterwise Council of the year with Platinum Status for best practice sustainable water management. Use of limited ground water resources to maintain the MPAC water feature does not align with this endorsement and the City's ongoing commitment to reducing water use
- To maintain water quality and visual appeal the water feature requires regular cleaning and a high level of maintenance.
- To empty the water feature for cleaning it needs to be discharged via the drainage system into Mandjar Bay which means there is contaminated water with algae and potentially high pathogen counts going straight into the bay. If a chlorinator is pursued then chlorinated water would be discharged into the bay.
- There are occupational health and safety risks associated with accessing and maintaining water feature and equipment (including slippery base of the water feature and confined space entry to access tanks)
- Public liability risk of people falling into water feature and injuring themselves (there have been several incidents). This has been reduced with retrofitting of some sections of handrails, however these handrails have also compromised visual amenity of water feature and entry to MPAC from car park.

- The tank infrastructure takes up a large area of floor space in Mandjar Square near the entry of MPAC. This area is currently decked with access hatches. The decking requires complete replacement due to deterioration and damage caused by vehicles.

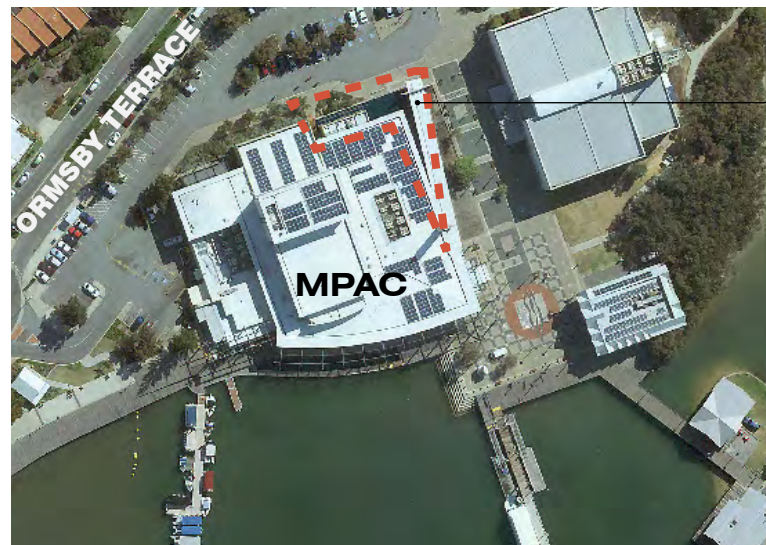
Capital cost

Approximately \$100,000

Recurrent costs

Approximately \$37,000

- Emptying and Cleaning of water feature (at least four x per year) - \$10,000 per annum
- The existing 9.0 kW circulation pump costs approximately \$2.50 per hour to run. Pumps should be runs 24/7 which would equate to \$ 22,000 per annum. Due to the costs MPAC Management only run the pumps for 4 hours per day (\$3,650 per annum) which effects the water quality of the feature.
- Floating rubbish/debris removed three times a week - \$ \$5,000 per annum
- Future replacement of pump/chlorinator infrastructure – assume 5 year life



Existing water feature



Existing barrier railing to the water feature to be retained - interrupts view across water feature

LOCATION PLAN

Accessible ramp access to the to MPAC walkway

Existing steps to be removed and new ramp access to existing side entrance handrail on one side and kick board on other side

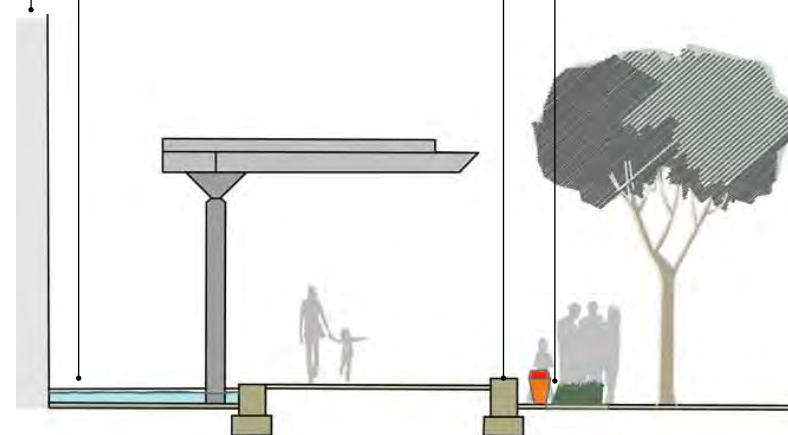
Existing garden be to be modified

Existing walkway widened - wall installed adjacent to walkway and steps removed

MPAC building

Retain full extent of existing water feature

Proposed landscape adjacent to MPAC as per current Masterplan



INDICATIVE SECTION - OPTION 1



PLAN

Stairs to be retained

- Total area (approx 270m²) of the existing water feature to be cleaned, repaired and maintained

- Architectural intent of water wrapping around the building and the reflective qualities of water is retained

- Existing handrails to water area to be retained

Accessible ramp access to the to MPAC walkway

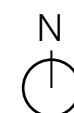
Existing Gary Aitken sculpture to be retained and restored

Existing walkway edge

Columns within water feature
Existing canopy edge

Decked area over existing water feature tanks with hatch openings for maintenance access

Accessible ramp access to the main entry to MPAC



Future of MPAC Water Feature

OPTION 2 – LAN0341-1718-C-02 11-10-2017

Description:

Existing water feature is decommissioned and replaced with a smaller linear water feature.

New smaller linear water feature installed along east building façade (approx. 20% of the current water feature size)

Balance of former water feature area is planted with low sedge planting and landscaping referencing the pre-existing site and connecting it with the water's edge

Advantages

- Visibility of water and within building is maintained along façade on a smaller scale.
- The smaller water feature will use less water than the current water feature.
- Running costs of the reduced size water feature will be reduced from current.
- The proposed planting and landscaping treatments will provide additional greening and visual appeal to the space and reinforce the sites sense of place and pre-development estuary edge environment
- The new water feature will be separated from the MPAC walkway reducing risk of people accessing it and falling into it. Existing handrails can be removed with will improve the visual amenity of MPAC from the carpark entry.
- Planting trees on the north-west side of MPAC will provide shading of the building
- Existing tank/pump infrastructure could be reduced/consolidated and footprint of area it takes up reduced

Disadvantages

- The smaller water feature will require a high level of maintenance and cleaning to keep it operating effectively and visually attractive.
- The smaller water feature will still require topping up using groundwater bore or scheme water which could otherwise be used to irrigate turf/planting areas in the precinct.
- Most water features have operational issues that have ultimately lead to them being removed some time after they are installed. The City no longer supports new water features in parks and gardens due to the large loss of water that occurs in these types of structures and high maintenance requirements. Installing a new water feature would not be consistent with this approach and Platinum Waterwise Council status.
Examples of decommissioned water features in the City in the last 10 years include (Brighton Plaza, Old Coast Road/Port Mandurah, Meadow Springs Drive Entry, Seascapes Blvd Entry, and Mariners Cove Entry). It is likely, that if a new water feature of any type is installed it will inevitably be decommissioned in the future.

Capital cost

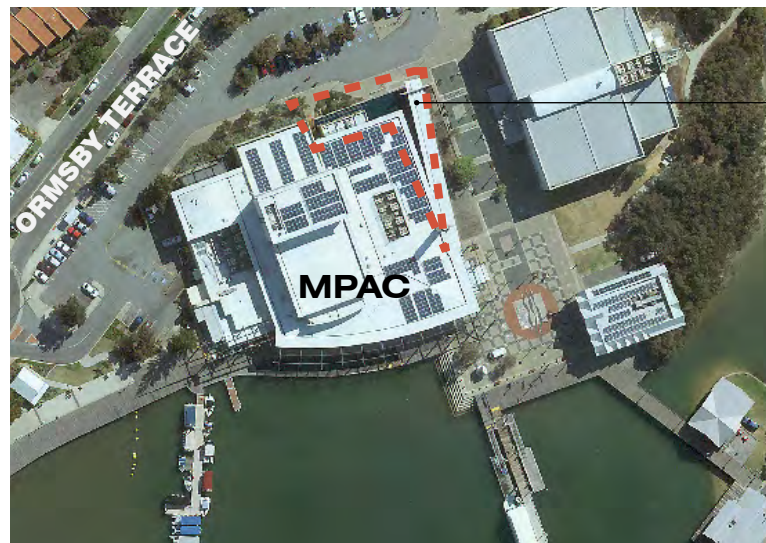
Detailed design is required to determine capital cost for Option 2.

Estimated cost - \$150-200,000

Recurrent costs

Approximately \$20,000

- Emptying and Cleaning of water feature (at least four x per year) - \$6,000 per annum
- Pump running cost - Smaller pump - costs approximately \$1.00 per hour to run. Pumps should be runs 24/7 which would equate to \$ 9,000 per annum
- Floating rubbish/debris removed three hours a week - \$3,000 per annum
- Future replacement of pump/chlorinator infrastructure – assume 5 year life
- Maintaining new landscaped area – two hours per week - \$2,000 per annum



Existing water feature

LOCATION PLAN

Accessible ramp access to the
to MPAC walkway

Existing steps to be removed and new ramp
access to existing side entrance handrail on one
side and kick board on other side

Existing garden be to be modified



PLAN

Stairs to be retained

This portion of the existing
water feature to be modified
for low sedge planting

Existing barrier railing to be
removed

Existing Gary Aitken sculpture
to be retained and restored

Accessible ramp access to
MPAC walkway

- Existing water feature to be
replaced by a linear water feature
- Proposed water feature is
approximately 20% of the original
size

- Architectural intent of the
reflective qualities of water exists
in a minimised form
- Low sedge planting separates
the walkway from the water

Columns outside the walkway
Existing walkway edge

Walkway widened on one side

Existing canopy edge

Existing tank infrastructure and
access through deck area to
be modified to suit new pump
and associated water feature
operational requirements

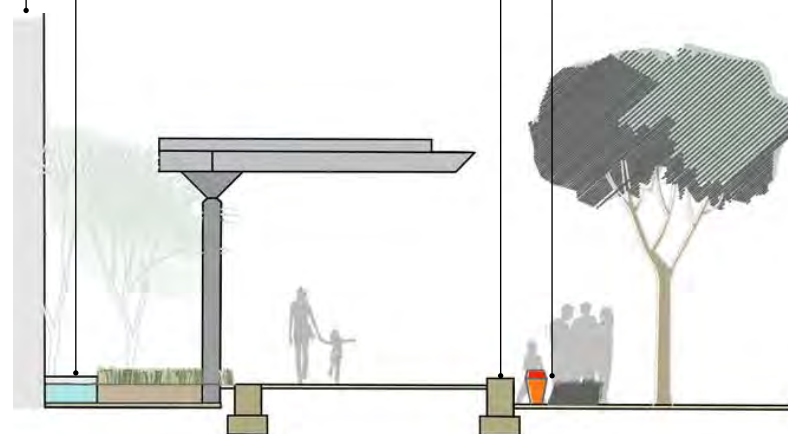
Accessible ramp access to the
main entry to MPAC

MPAC building

Replace existing
water feature with
a reduced linear
water feature

Existing walkway
widened - wall
installed adjacent
to walkway and
steps removed

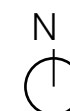
Proposed
landscape
adjacent to MPAC
as per current
Masterplan



INDICATIVE SECTION - OPTION 2

MANDURAH PERFORMING ARTS CENTRE - WATER FEATURE CONCEPT - 1718 OPTION 2 - WATER FEATURE AND PLANTING AS SHOWN IN THE EXISTING MASTERPLAN

LAN0341-1718-C-02 11-10-2017



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Future of MPAC Water Feature

OPTION 3 – LAN0341-1718-C-03 11-10-2017

Description:

Existing water feature is decommissioned.

Area currently taken up by water feature is enhanced with a new treatment including low sedge planting and landscaping referencing the pre-existing site and connecting it with the water's edge. Grove of white slim trunked *Melaleuca raphiohylla* trees with up-lighting provide a new feature.

Existing walkway under canopy to MPAC entrance is widened (as per Mandjar Square Redevelopment Master Plan).

Existing handrails and tactile paving can be removed due to proposed new planting areas being level with paved walkway.

Advantages

- The proposed planting and landscaping treatments will provide additional greening and visual appeal to the space and reinforce the sites sense of place and pre-development estuary edge environment.
- Up lighting of proposed Melaleuca trees will provide a new feature at the entry to MPAC
- Public risk of people falling into water feature and OSH concerns of staff maintaining water feature is removed
- Existing handrails and barriers can be removed and visual amenity of entry to MPAC from car park enhanced.
- The landscape treatment requires significantly less investment than water feature in order to maintain in a good condition.
- The Landscape treatment uses significantly less water (uses 550 litres per square metre per annum) (Evaporation losses in Option 1 water feature are +- 1800 litres per square metre per annum.)
- The removal of the water feature will demonstrate the City's commitment to sustainable water management consistent with the City's Platinum Waterwise Council status
- The increased width of the walkway improves access to MPAC and increases the function and adaptability of the space (e.g. Could be used for performers, market, long lunch)

Disadvantages

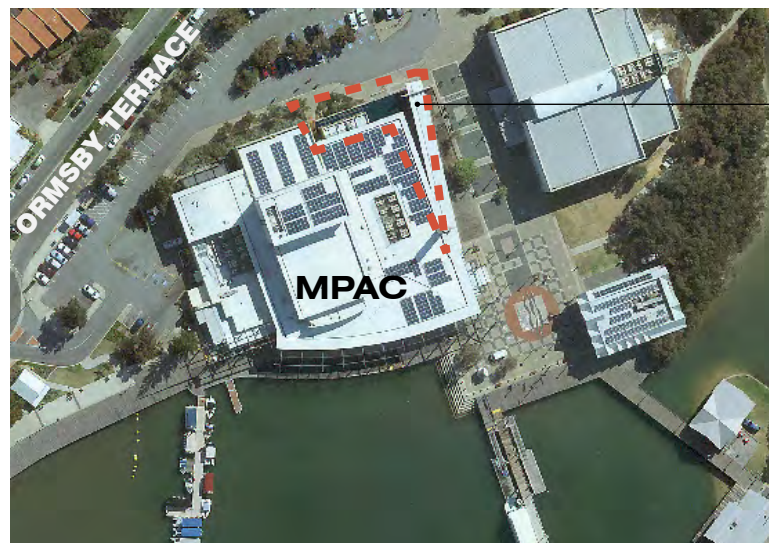
- Original Architectural intent of water wrapping around the MPAC building is changed (still view of Peel inlet from south/west facades)
- Reflection of water onto walkway canopy and within MPAC foyer is removed with loss of water (new landscape and lighting treatments introduced will provide alternate visual qualities)

Capital cost

Detailed design is required to determine capital cost for Option 3.
Estimated cost - \$150,000

Recurrent costs

- Maintaining new landscaped area – four hours per week - \$4,000 per annum



LOCATION PLAN

Accessible ramp access to the
to MPAC walkway

Existing steps to be removed and new ramp
access to existing side entrance handrail on one
side and kick board on other side

Existing garden be to be modified

Existing
water feature



Stairs to be retained

- Grove of white, slim trunked, local tree species, *Melaleuca raphiophylla*, typically found on the waters edge
- Uplighting to the trees
- Uplights and light trunked trees reflected in the windows
- Sedge planting and gravel under canopies and beside the building replacing water
- The simplified planting references the pre existing species found at the waters edge and thereby connects to the immediate location and the water's edge
- Handrails removed, this allows uninterrupted views



MANDURAH
PERFORMING
ARTS CENTRE
(MPAC)

Accessible ramp access to the
to MPAC walkway

Extensions to allow
performance-market space

Existing Gary Aitken sculpture
to be retained and restored

Existing walkway edge

Walkway widened to improve
access to MPAC and increase
function and adaptivity of the
space

Existing canopy edge

Columns within walkway

Existing deck cover to water
feature infrastructure to be
removed and paved to match
existing

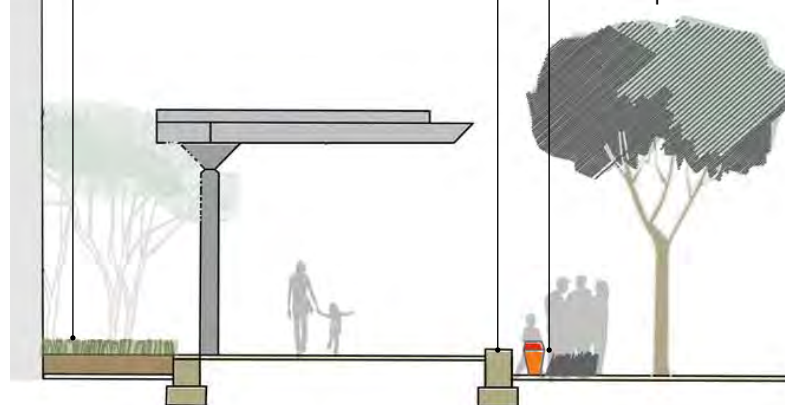
Accessible ramp access to the
main entry to MPAC

MPAC building

Replace existing
water feature with
sedge and tree
planting
Path extends
beyond columns

Existing walkway
widened - wall
installed adjacent
to walkway and
steps removed

Proposed
landscape
adjacent to MPAC
including musical
instruments
and seating
as per current
Masterplan

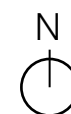


INDICATIVE SECTION - OPTION 3

PLAN

MANDURAH PERFORMING ARTS CENTRE - WATER FEATURE CONCEPT - 1718
OPTION 3 - REPLACE EXISTING WATER FEATURE WITH PLANTING AND AMEND WALKWAY

LAN0341-1718-C-03 11-10-2017



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LEGEND

- | | | | | | | |
|---------------------------------------|--|--|--|---|--|--|
| 1. Timber walkway to new North entry | | MPAC Primary access point | | Bench Seating | | Water fountain with bottle refill & dog bowl |
| 2. Bike Racks | | MPAC Secondary access point | | Feature blue aggregate concrete | | Interactive musical play equipment |
| 3. Interactive music and seating zone | | New access ramp | | Planter bed with mix of native sedge and shrub planting | | Interactive kids play wall |
| 4. MPAC Lobby | | Market pod opportunity (with potential provision of services for stalls) | | Tree | | |



8 SUBJECT: Waste Avoidance and Resource Recovery Strategy Consultation
CONTACT OFFICER/S: Paper: City of Mandurah Response
AUTHOR: Allan Claydon
FILE NO: Kyle Boardman/Allan Claydon

Summary

The *Waste Avoidance and Resource Recovery Act 2007* requires a statutory review of the Waste Strategy every five years. The first Waste Strategy was released in 2012 and a review of this Strategy is now due.

The Waste Authority is seeking stakeholder feedback on the Waste Avoidance and Resource Recovery Strategy Consultation Paper to inform its review of the Western Australian Waste Strategy: *Creating the right environment*.

The Consultation Paper suggests a number of key changes to the existing Strategy as follows:

- Renaming the existing objectives as foundations
- Introduce new objectives
- Refine the focus and establish priority areas
- Introduce the circular economy
- Establish the principles which are considered to underpin best practice approaches to waste management.

Submissions on the Consultation Paper closed on 1 March 2018. City officers have prepared a written submission to the Consultation Paper and have submitted this to the Waste Authority in order to meet the submission deadline.

Council is requested to consider the Waste Strategy Consultation Paper and endorse the City's written submission.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.32.3.15 24 March 2015 Council noted the Review of Waste Avoidance and Resource Recovery Act 2007 Discussion Paper and endorsed the City's written response.

Background

The Waste Authority is established under Section 8 and 9 of the *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)*. It is an agent of the State and its role is to provide advice and recommendations in relation to waste management matters in accordance with the Act.

At least every five years, the Waste Authority is required to review its Waste Strategy, and where necessary, prepare a draft revised strategy for the Minister for Environment's consideration following a period of public consultation led by the Authority. The aim of the Strategy is to drive continuous improvement in waste services, waste avoidance and resource recovery; and set targets for waste reduction, resource recovery and the diversion of waste from landfill.

The Waste Authority also drafts an annual Business Plan for the Minister for Environment's approval. The business plan, which needs to be consistent with the waste strategy, sets out the Waste Authority's

objectives, priorities and financial projections for the next five financial years and the Waste Authority's policy for the application of money from the WARR Account (which contains revenue from the landfill levy).

The current Waste Strategy was announced in March 2012 – five years after the introduction of the WARR Act. The Strategy includes performance targets for Local Government, but not State Government. Since the release of the Strategy, the City, and Local Government in general, has received limited support or funding to meet these targets, or implement programs and frameworks developed by the Department.

Prior to the March 2017 State Election, both the Auditor General and the Waste Authority requested feedback on the Waste Strategy. From these reviews, it became clear that limited implementation had occurred in a number of strategic priority areas in the Strategy. Many of the 2015 targets in the Strategy had not been met. A range of factors have impacted on the implementation and effectiveness of the Strategy, including:

- Timeliness of decision making and program implementation
- Programs and policies which are for, or effect, Local Government are frequently developed in isolation by the Department. Local Government has considerable operational understanding of implementing service changes, the time it takes and the issues associated. WALGA has repeatedly encouraged the Waste Authority and Department to engage the sector in the development of programs or policy to ensure they are fit for purpose and include realistic operational considerations
- If the Strategy is indeed a State Waste Strategy, it should be clear that Government is committed to its implementation and is leading by example in this area.

Another key issue with the implementation of the Strategy is funding. The passage of the WARR Act and the *Waste Avoidance and Resource Recovery Levy Act 2007 (WARRL Act)* were accompanied by an understanding that the primary rationale for the Levy was to provide funds for relevant strategic activities.

In 2009, the WARR and WARRL Acts were amended to substantially increase the Levy and divert funds away from strategic waste management activities. At least 25% of funds raised through the levy must now be paid into the WARR Account, with the remaining 75% of funds going into consolidated revenue.

Comment

The Government is seeking to make Western Australia into a sustainable low-waste society in which human health and the environment are valued and protected.

The Waste Strategy Consultation Paper (**refer Attachment 1**) sets out proposed amendments to the current Waste Strategy. These amendments are detailed as follows:

- Renaming the existing objectives as foundations
- Introduce new objectives
- Refine the focus and establish priority areas
- Introduce the circular economy
- Establish the principles which are considered to underpin best practice approaches to waste management.

The *WARR Act* and *Environmental Protection Act 1986* identify the following Principles that will underpin the Strategy:

- Intergenerational equity
- Shared responsibility and system stewardship
- The economic, environmental and social costs of waste generation and disposal are considered in decision making
- Behaviour change to minimise waste generation
- The waste hierarchy
- Continuous improvement

The Consultation Paper identifies the following foundations as essential for the successful implementation of the Waste Strategy:

- Planning
- Engagement and education
- Regulation, compliance and enforcement
- Better practice guidance
- Knowledge and data
- Economic incentives

The Consultation paper lists the following three objectives for the Waste Strategy:

- Minimise environmental impact
- Reduce generation
- Increase recovery

The Consultation Paper refers to the Waste Hierarchy and Circular Economy as the framework for the Strategy.

Waste Hierarchy

The Waste Hierarchy prioritises options for the efficient use of resources and is set out in the objects of the *WARR Act*. It identifies waste avoidance as the highest priority; resource recovery as the second priority; and disposal as the least preferred option.

Circular Economy

The Circular Economy expands on the principles of the Waste Hierarchy. It advocates for a change from a linear, 'cradle to grave' concept of materials and energy use (extract, make, use and dispose), to a circular, regenerative system in which waste, emissions and energy leakage are minimised by slowing, closing and narrowing material and energy loops (closed manufacturing circles, cascades of secondary raw material into multiple new uses and dwindling volumes of waste destined for final sinks).

A move towards Circular Economy thinking was initially driven by opposition to new waste disposal sites and rising waste disposal costs. It is now getting increased support from growing concerns about global warming, virgin resource depletion and resource scarcity.

Circular Economy principles argue that it is essential that the objective of waste management policies be not to slow the cradle-to-grave flow of material in the linear economy, but rather close the loop through regenerative products and systems. The focus on regeneration is significant because:

- Waste is reduced;
- Resources are used more efficiently;
- Emerging resource and scarcity issues are addressed; and
- The environmental impact of products and their consumption is reduced.

The Circular Economy is a regenerative system in which resource inputs and waste, emissions, and energy leakage is minimised through slowing, closing, and narrowing material and energy loops. The circular economy is based on three main principles:

- preserving and enhancing natural capital by controlling finite resources and balancing renewable resource flows;
- optimising resource yields by circulating products, components and materials in use at the highest value at all times in both technical and biological cycles; and
- nurturing system effectiveness by revealing and designing out negative components causing leakages.

City officers do not agree with the Circular Economy diagram as depicted in Figure 3 (page 17) of the Consultation Paper which is shown below

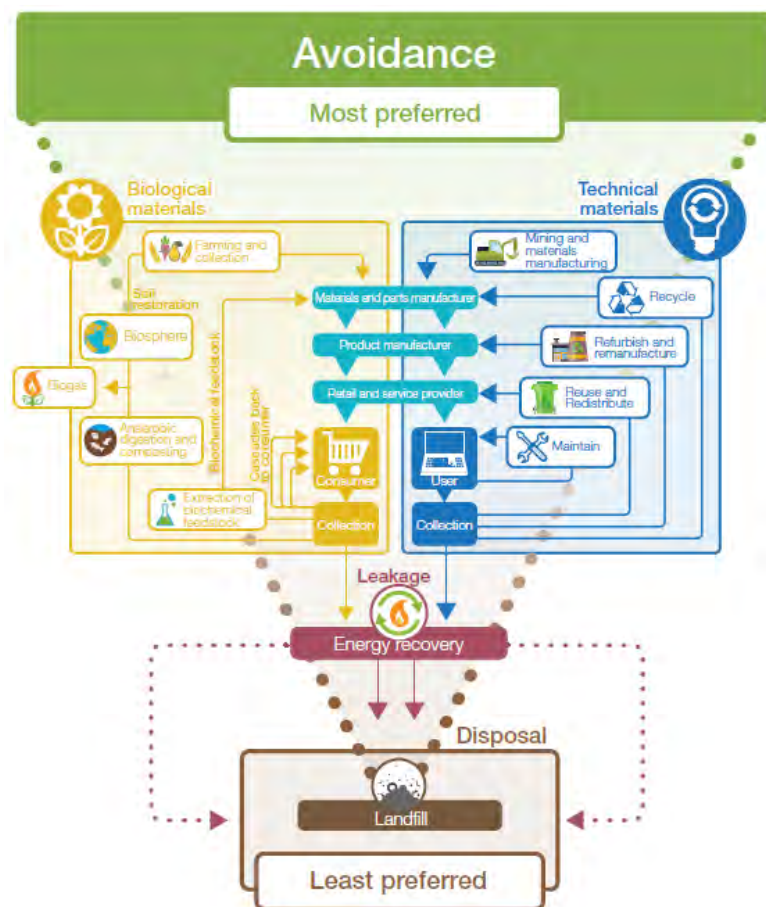
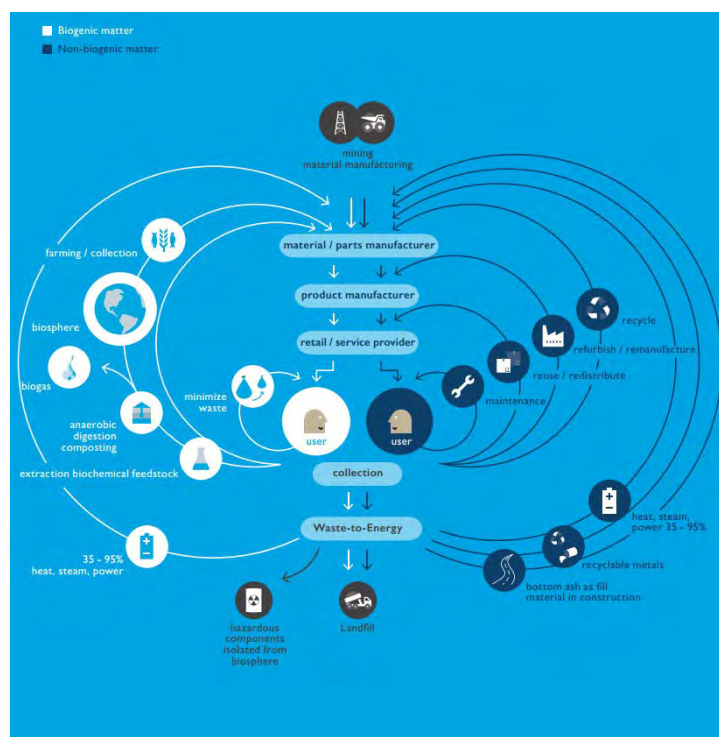


Figure 3: The waste and resource management hierarchy and the circular economy (adapted from the Ellen MacArthur Foundation, 2015)

It prefers the following Circular Economy model as sourced from the International Solid Waste Association.



Waste to Energy in itself can be expressed as follows:

Waste-to-Energy Cycle



Source: CEWEP = Confederation of European Waste to Energy Plants

Waste to Energy technology is one of the most robust and effective alternative energy options to reduce CO₂ emissions and to save limited fossil fuel resources used by traditional power plants.

Submissions on the Waste Strategy Consultation Paper closed on 1 March 2018.

WALGA also formed a State Waste Strategy Working Group to assist in formulating their written response to the Consultation Paper. The WALGA written submission was utilised in formulating the City's submission.

The Rivers Regional Council has also submitted a written submission to the Waste Authority.

City officers also met with Talis Consultants (City's Waste Consultant) who assisted with the City's written submission, with particular emphasis on the Circular Economy.

In order to meet the Consultation Paper deadline, officers have prepared and submitted the City's written submission to the Waste Strategy Consultation Paper. A copy of the City's written submission is attached to this report (**refer Attachment 2**).

The key recommendations of the City's submission are detailed as follows:

- *Recommendation 1: That the State Government commits to the implementation of the State Waste Strategy and takes a leadership role in its implementation.*
- *Recommendation 2: Action Plans outlining activity on priority issues/materials must be included in the Strategy, with clear responsibility for the implementation of individual actions assigned to relevant Government Departments.*

- *Recommendation 3: State Government needs to lead by example ensuring buy recycled preference policies are implemented across whole of government.*
- *Recommendation 4: The City supports in principle, the State Government's move towards a Circular Economy, but believes that further work is required to quantify the costs and benefits in transitioning to a Circular Economy. It should also recognise the role of waste to energy plants within the system.*
- *Recommendation 5: The landfill levy is an incentive to minimise waste being disposed of in landfill sites. It follows then, that there should be no levy applied to waste to energy processing of municipal solid waste as it is not being placed in landfill.*
- *Recommendation 6: State Government collaborates with stakeholders to clearly define how responsibilities are to be shared to support delivery of the aims and objectives of the Waste Strategy.*
- *Recommendation 7: State Government clearly defines the term 'shared responsibility' in the context of the Strategy.*
- *Recommendation 8: State Government commit to fully allocating landfill levy funds to strategic waste management initiatives (as identified in the Waste Strategy).*
- *Recommendation 9: Provide further information on the methodology and data used to arrive at the targets provided in the Consultation Paper.*
- *Recommendation 10: Set targets based on modelling of feasible configurations of infrastructure, engagement, and service delivery.*
- *Recommendation 11: Establish clear connections between all components / elements of the Waste Strategy.*
- *Recommendation 12: That the Principles in the Strategy reflect the objects stipulated within the Waste Avoidance and Resource Recovery Act.*

Council is therefore requested to note the Waste Strategy Consultation Paper and endorse the City's written submission to the Waste Authority.

Consultation

City officers consulted with the following organisations in preparing the written submission:

- Rivers Regional Council
- Municipal Waste Advisory Council
- Cleanaway
- Talis Consultants (City's Waste Consultant)

Statutory Environment

The WARR Act is the principal piece of legislation dealing with waste management in Western Australia and came into operation on 1 July 2008.

Policy Implications

Nil

Risk Implications

The Waste Avoidance and Resource Recovery Strategy would appear to indicate that waste to energy is to be treated outside the circular economy. It is referred to as leakage.

It may be inferred that a 'levy' could be placed on the processing of waste via waste to energy plants. The legislation specifically applies the levy to waste being deposited in landfill. If a change was to be made, then appropriate legislation would need to be enacted.

This is a perceived area of risk due to the potential reduction in State Government revenue that would arise with the introduction of waste to energy plants.

Currently

- The landfill levy is \$70 per tonne from 1 July
- State Government revenue is 75% of this levy
- State Government collects \$52.50 per tonne.

Rivers Regional Council will process 210,000 tonne per annum.
Reduction in State Government revenue of \$11.025M per annum.

Accordingly, as a second plant and/or additional processing is undertaken by the introduction of the Phoenix Energy plant, revenue will be reduced to State Government as follows:

300,000 tonne per annum	\$15.75M per annum
400,000 tonne per annum	\$21.00M per annum
500,000 tonne per annum	\$26.25M per annum

Current disposal costs are:

Entity	Current Processing Costs as at 1 March per Tonne
Mindarie Regional Council	\$210.00
Eastern Metropolitan Regional Council	\$165.50
City of Cockburn	\$155.00
City of Rockingham	\$154.00
City of Mandurah*	\$ 70.00 (no levy) \$135.00 (if levy applied)

* Note that the City of Mandurah does not attract a levy as it is outside the metropolitan area and waste is transportable to Dardanup.

The expected processing cost for members of the Rivers Regional Council of which the City is a member Council, is approximately \$130/tonne when the plant becomes fully operational.

Economic Implications

The City's annual waste management budget for 2017/18 is \$12.6 million.

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 WARR Act requires a statutory review of the Waste Strategy every five years. The first Waste Strategy was released in 2012 and a review of this Strategy is now due.

The Waste Authority has prepared a Consultation Paper on the review of the Strategy and have proposed a number of key changes to the existing Strategy as follows:

- Renaming the existing objectives as foundations
- Introduce new objectives
- Refine the focus and establish priority areas
- Introduce the circular economy
- Establish the principles which are considered to underpin best practice approaches to waste management.

City officers have prepared a written submission to the Waste Authority on the Waste Strategy Consultation Paper and Council is now requested to endorse this submission.

NOTE:

- Refer ***Attachment 1: Waste Avoidance and Resource Recovery Strategy***
Attachment 2: City of Mandurah written Submission

RECOMMENDATION

That Council:

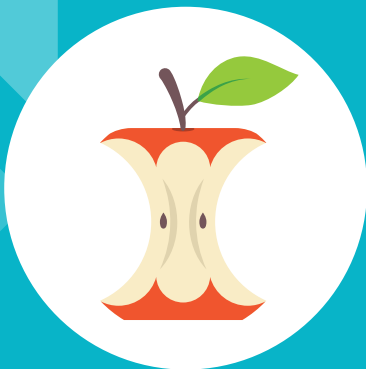
- 1. Receives and notes the Waste Avoidance and Resource Recovery Strategy Consultation Paper.***
- 2. Endorses the City's written submission to the Waste Authority on the Waste Avoidance and Resource Recovery Strategy Consultation Paper that was submitted on 1 March 2018.***
- 3. Request the Mayor to seek a meeting with the Minister for Environment to support the City's response to the Waste Avoidance and Recovery Strategy Consultation paper.***



Western Australian

Waste Avoidance and Resource Recovery Strategy

Consultation paper





Disclaimer

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www.wasteauthority.wa.gov.au

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October 2017

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Acknowledgements

The Waste Authority would like to acknowledge the contribution of Department of Water and Environmental Regulation staff to the development of this document.

Disclaimer

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This document is available in alternative formats and languages on request to the Waste Authority.

About stakeholder consultation

The Waste Authority is seeking stakeholder and community feedback on this consultation paper to inform its review of the Western Australian Waste Strategy: *Creating the right environment*.

This is your opportunity to help shape the future of waste and recycling in Western Australia.

The Waste Authority will analyse submissions before making recommendations to the Minister for Environment.

You can provide feedback through the anonymous [online survey](#) or by making a written submission.

Written submissions will be treated as public documents. Your name will be published with the submission but your contact details will be withheld.

If you do not want your submission to be published, mark it as confidential, or specifically identify the parts that you consider confidential, and include an explanation.

The Waste Authority may request that a non-confidential summary of the material is also provided. Even if your submission is treated as confidential by the Waste Authority, the *Freedom of Information Act 1992* or other applicable written law may still require its disclosure.

The Waste Authority reserves the right to delete any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation before publishing a submission.



How to make a submission

► Online survey

Access the online survey at https://www.surveymonkey.com/r/WasteStrategy_Review

► Written submissions

Written submissions must be received by 5:00pm (WST) on **1 March 2018**. Late submissions will not be considered. Written submissions can be lodged by email to wastestrategyreview@wasteauthority.wa.gov.au.

Hard copies can be mailed to:

Waste Authority
C/- Department of Water and
Environmental Regulation
Locked Bag 33
Cloisters Square
PERTH WA 6850

► For further information contact us

Telephone: (08) 6364 6965

Email:

wastestrategyreview@wasteauthority.wa.gov.au

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Message from the Minister



Addressing the issue of waste is a high priority in the Environment portfolio of the McGowan Labor Government.

Waste, or rubbish, is what people throw away when they feel they no longer have a need for it. Almost everything we do creates waste – at home, in the community, socially and at our places of work.

The Earth's natural resources are precious and we owe it to future generations to use them wisely. Ensuring we get the maximum use out of the products and materials we consume can significantly reduce demand on our natural environment. Avoiding unnecessary consumption and reusing material will allow us to move to a low waste society. Our current behaviour will need to change if we are to achieve this.

The reality is that Western Australia's waste performance needs to be strengthened, and we intend to work with the Waste Authority, industry, the community and local governments to turn this track record around.

This Government has demonstrated its commitment to waste, introducing a number of strategic waste reform initiatives, including the introduction of a container deposit scheme and a ban on lightweight single-use plastic bags. We are also making regulatory amendments to require record keeping and annual reporting of waste and recycling data and amendments to waste categories prescribed in the *Environmental Protection Regulations 1987*.

This Government recognises that the waste and recycling sector makes a significant contribution to our economy. A high performing waste sector can deliver substantial benefits to the economy – through jobs, investment and keeping materials in the productive economy. If it is not well managed, waste can also have negative impacts on human health and the environment.

The review of the waste strategy provides an opportunity for all of us to work together to achieve greater environmental outcomes, create employment and build businesses. It is a strategy for all Western Australians – including all levels of government, industry, the social enterprise sector and the community. Through shared responsibility and collaboration we can achieve more.

A handwritten signature in black ink, appearing to be 'Stephen Dawson'.

Hon Stephen Dawson MLC
Minister for Environment

Chairman's foreword



Western Australians are making progress with waste and recycling. While we are generating less waste and recycling more, there is still more work to be done to protect our unique environment from the impacts of waste and litter, and to maximise the economic benefits of good waste management.

The first Western Australian Waste Strategy: *Creating the Right Environment* was published in 2012 following stakeholder consultation and approval by the Minister for Environment under the *Waste Avoidance and Resource Recovery Act 2007*. Since then, total waste generation has reduced by 14 per cent, waste disposed to landfill is down 30 per cent and the amount of material recovered for recycling has increased.

Waste recycling in the commercial and industrial sector was 56 per cent in 2015–16, exceeding the State's 2015 target of 55 per cent. In the construction and demolition sector, the recycling rate increased to 57 per cent, up slightly from the previous year. However recycling rates for municipal solid waste (mainly household waste) in the Perth metropolitan region is currently at 36 per cent, which is much lower than acceptable.

The statutory review of the waste strategy provides an opportunity to reflect on our achievements and set the future direction for waste and recycling in Western Australia. This consultation paper on proposed amendments to the waste strategy has been developed for all Western Australians and the Waste Authority is seeking your views to ensure it broadly reflects the aspirations of the Western Australian community.

On behalf of the Waste Authority, I encourage you to have your say on the proposed amendments to the waste strategy to help shape how Western Australia manages its waste and recycling into the future.

A handwritten signature in blue ink, appearing to read 'M. Geisler', written over a horizontal line.

Marcus Geisler
Waste Authority Chairman



About the Waste Authority

The Waste Authority is established under sections 8 and 9 of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act). It is an agent of the State and its role is to provide advice and recommendations in relation to waste matters in accordance with the Act.

At least every five years, the Waste Authority is required to review the waste strategy and, where necessary, prepare a draft revised waste strategy for the Minister for Environment's consideration following a period of public consultation led by the Authority.

Apart from the WARR Act, there is also the *Waste Avoidance and Resource Recovery Levy Act 2007*. The Waste Authority is responsible for the administration of the Waste Avoidance and Resource Recovery Account to which at least 25 per cent of the forecast waste levy is credited.

The Waste Authority also drafts an annual business plan for the Minister for Environment's approval. The business plan, which needs to be consistent with the waste strategy, sets out the Waste Authority's objectives, priorities and financial projections for the next five financial years and the Waste Authority's policy for the application of moneys from the WARR Account.

It also details the programs the Waste Authority intends to deliver over the next financial year and any other matters that the Minister requires.



Why do we need a waste strategy?

Australia is one of the richest countries in the world yet it is losing the recycling race, ranked seventeenth among Organisation for Economic Co-operation and Development (OECD) nations.

Australians generate 2.2 tonnes of waste per person per year and our waste generation increased by 23 per cent between 2006–07 and 2014–15 (OECD, 2017). Waste is Australia's most rapidly increasing environmental and economic metric, according to the Australian Bureau of Statistics (ABS) (Pickin and Randell, 2017).

Western Australia's recovery rates are low compared to other Australian jurisdictions, and there are significant opportunities to create a better environment through improved waste and recycling practices and performance.

The Australian waste sector contributes over \$10 billion a year to the economy. Materials worth hundreds of millions of dollars are lost to landfill each year (ABS, 2014). High performing waste and recycling systems in which materials are recovered, reused and recycled can reduce this economic impact. The creation of a circular economy can harness the economic value of materials and drive investment in infrastructure and jobs. The circular economy is explained later in this paper.

Reducing the amount of waste disposed of to landfill can generate significant economic opportunities for the Western Australian community. The National Waste Policy estimates that for each 10,000 tonnes of waste recycled, 9.2 full-time equivalent jobs are created compared to only 2.8 jobs for landfill (Environment Protection and Heritage Council, 2009).

The *Waste Avoidance and Resource Recovery Act 2007* requires the development of a long-term waste strategy for the state to drive continuous improvement in waste services, waste avoidance and resource recovery; and set targets for waste reduction, resource recovery and the diversion of waste from landfill.

Most importantly, waste can have a significant impact on the environment and human health through greenhouse gas emissions, pollution, biodiversity loss and resource depletion (Environmental Protection Authority, 2015). Reducing the volume of waste generated is the best way to manage those risks. It is also critical that where waste cannot be recovered it is treated or safely disposed of to landfill.

We know more can be done but we need your help to shape our next waste strategy and share the responsibility for its delivery.



The impact of waste

Decomposing waste in landfill generates methane, a potent greenhouse gas 25 times stronger than carbon dioxide. The waste and landfill sector is responsible for around two per cent of Australia's greenhouse gas emissions (Department of the Environment and Energy, 2017).

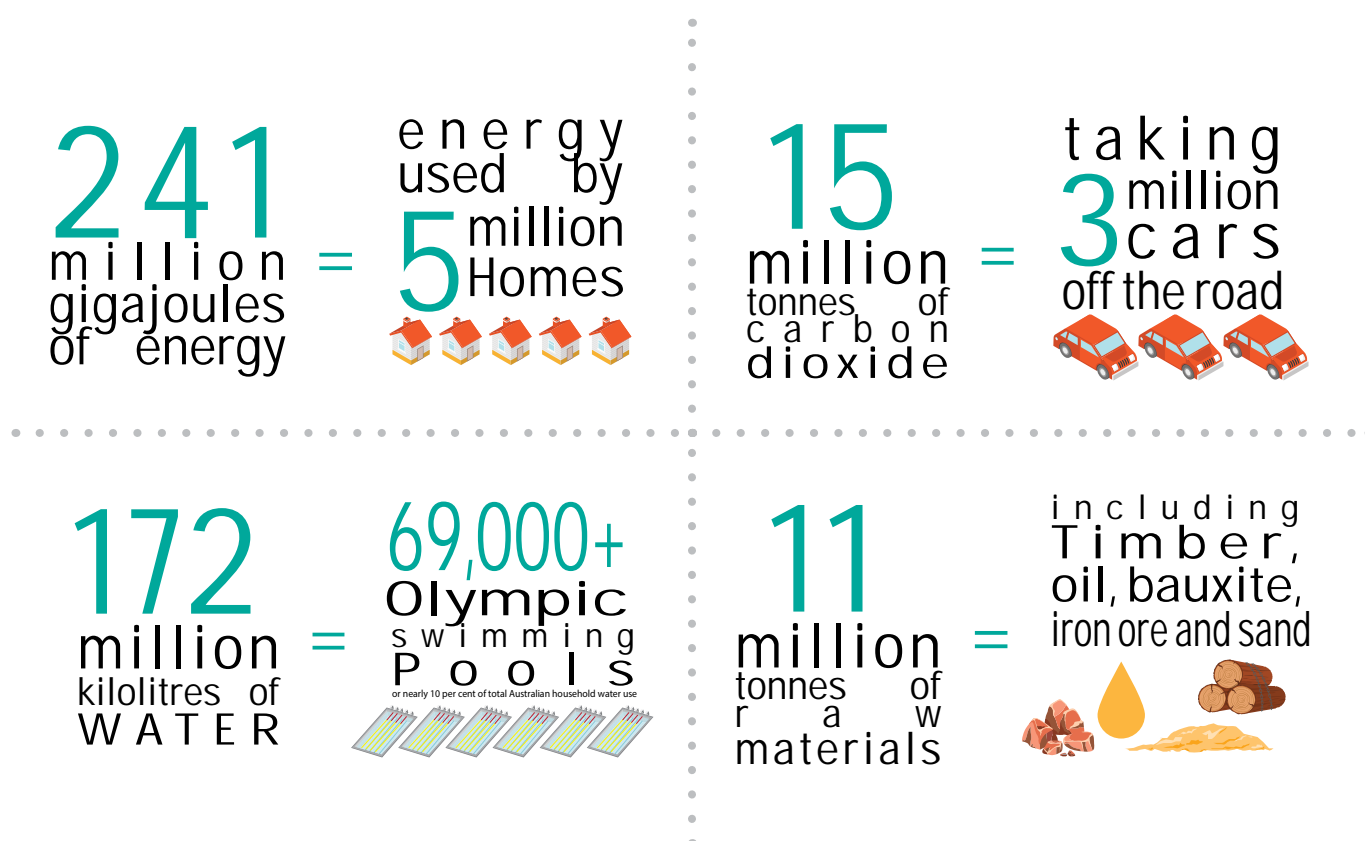
Poorly managed waste poses risks to human health and the environment. Leachate, liquid which passes through waste, can pollute groundwater and the environment. Emissions from landfill can pollute land, groundwater and the atmosphere. Exposure to waste chemicals and asbestos can harm human health. If not well managed, waste can attract vermin, generate odours and spread disease.

Illegally dumped waste and littering causes significant direct harm to human health and the environment and costs state and local government millions of dollars each year to manage, enforce and clean up.

The process of extracting raw materials also has direct impacts on our environment. For example, the use of limestone in road building requires the clearing of land which can impact on flora, fauna, water and groundwater, as well as contributing to greenhouse gas emissions.

The benefits of improved waste management

Avoiding waste generation and recovering waste reduces the demand for raw materials, energy and water. This protects and conserves resources for future generations. Based on performance in 2008–09, it is estimated that recycling in Australia saved:



Source: Net Balance, 2012

In 2010–11, the Australian waste management services industry was estimated to generate \$10.4 billion of activity, and the value of recycled materials was estimated to be \$5.4 billion (Australian Bureau of Statistics, 2014).

The benefits of moving towards a circular economy include a reduction in impacts on the environment and resource costs, and an increase in productivity and employment.

The waste reform agenda

Waste is an issue of significant public concern. A range of waste initiatives are currently underway to ensure waste management and resource recovery in Western Australia reflects best practice. In formulating reform proposals, waste management approaches of other jurisdictions were considered.

Through separate consultation processes, the Government has sought feedback on proposed reforms to address indefinite stockpiling of waste and associated financial and environmental risks and provide certainty to industry regarding waste management and the waste levy.

There are also opportunities to improve the operation of the waste levy as an economic lever and create a level playing field in the waste industry, with the aim that the levy does not act as a disincentive to reuse and recycling that is environmentally acceptable.

Regulatory amendments are proposed by the Government to strengthen the relationship between the waste framework and the environmental protection regime. Through robust and effective regulation that delivers on objectives and principles of the waste strategy and WARR Act we can support implementation of the waste hierarchy.

The Government has also identified the need to improve the quality and reliability of data on waste to inform regulatory decisions and policy to address inconsistent waste measurement methods and inaccuracy of volumetric survey method of waste measurement.



You can find out more about these waste reforms at:
www.der.wa.gov.au/our-work/consultation

About this consultation paper

The Government is seeking to make Western Australia into a sustainable low-waste society in which human health and the environment are valued and protected.

The Western Australian Waste Strategy: *Creating the Right Environment*, published in 2012, set a long-term strategic direction and identified priorities for waste in the State.

The lessons learned over the past five years show us that one of the most fundamental principles to becoming a low waste society is shared responsibility.

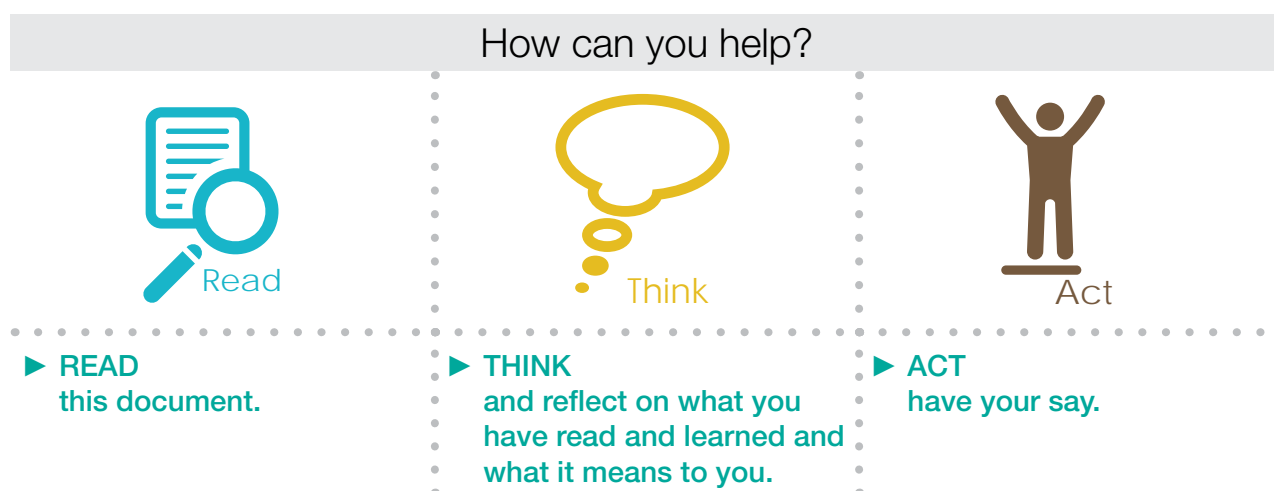
As a community, we need to build on progress to address challenges and take advantage of opportunities. Working together, we can improve our state's waste avoidance and recovery performance.

To prepare this consultation paper we looked at research and lessons learned from our progress in achieving the targets in the current waste strategy and experience elsewhere. It describes how waste is currently managed in Western Australia and summarises our waste performance.

This consultation paper also sets out proposed amendments to the waste strategy (page 16 onwards) that:

- rename the existing objectives as foundations;
- introduce new objectives;
- refine the focus and establish priority areas;
- introduce the circular economy; and
- establish the principles which we consider should underpin better practice approaches to waste management.

This consultation paper includes questions to seek your feedback and input on the above proposed amendments.



Your input is welcome on any aspect of the strategy, and a series of questions is included to guide feedback around key issues. Responses can be made through the [online survey](#). Alternatively, if you wish to provide evidence and reasons to support your views, you can make a written submission.

The management of waste in Western Australia

Roles and responsibilities

We are all responsible for avoiding waste to reduce its generation (how much) and the fate of waste (whether it is recycled, processed or disposed of to landfill).

The United Nations provides leadership and guidance on waste management through the Global Partnership on Waste Management and the OECD Council has adopted a *Recommendation on the Environmentally Sound Management of Waste*.

The Commonwealth Government is responsible for national legislation, strategies and policy frameworks for waste to give effect to obligations under international agreements. State and territory governments regulate and manage waste, and influence behaviours in accordance with legislation, policies and programs.

Local governments provide household waste collection and recycling services, manage and operate landfill sites, and deliver education and awareness programs.

Industry and business, community groups, households and individuals provide services and influence others, and have responsibilities for their own waste behaviours.

State Government

The system steward and provides waste management leadership. It aims to create an environment which encourages businesses to invest in the waste and recycling sector to support a productive economy through levies and incentives. State government agencies can lead by implementing best practice waste management processes.

Waste Authority

Established under legislation to provide waste management leadership and advice to Government and the community, and deliver programs to avoid and recover waste. It administers the Waste Avoidance and Resource Recovery Account and reports on performance.

Western Australian Planning Commission and the Department of Planning, Lands and Heritage

Deal with urban, rural and regional land-use planning and land development matters, including those related to waste.

Department of Water and Environmental Regulation

Administers the *Waste Avoidance and Resource Recovery Act 2007*, *Environmental Protection Act 1986* and the *Waste Avoidance and Resource Recovery Levy Act 2007* and their regulations. It delivers strategic waste policy and legislation, environmental regulation, compliance and enforcement in respect of waste premises, levy collection, illegal dumping enforcement and provides services to the Waste Authority.

Local governments and regional councils

Deliver municipal waste services, provide information, infrastructure and incentives to encourage behaviour change and plan for the management of waste within their districts.

Commonwealth Government

Deals with compliance with international conventions, administers the *Product Stewardship Act 2011* and related schemes and works with jurisdictions to identify and address issues which warrant nationally consistent approaches. It also establishes forums for cross-jurisdictional collaboration to improve national waste policy outcomes.

Business and industry

Provide waste collection, sorting, processing (reuse or safe disposal) and information services and make investment and business decisions to provide waste services. They also generate waste as part of their production processes.

Community and charity groups

Lead the delivery of clean-up activities and awareness campaigns, as well as delivering community recycling enterprises, such as op-shops and Mission Australia's 'Soft Landing' enterprise which recycles used mattresses.

Individuals

Make personal decisions that impact on the generation of waste and the extent to which materials are reused and recycled.

Waste streams

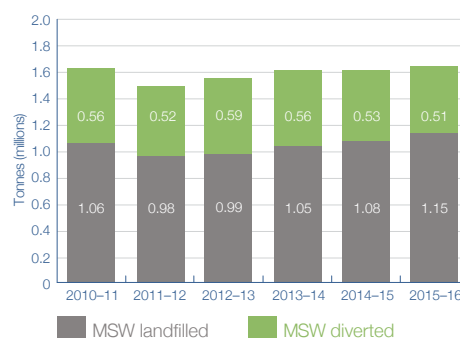
Most jurisdictions, both in Australia and internationally, categorise solid waste into three streams.

Municipal solid waste

Municipal solid waste (MSW)

Municipal solid waste is primarily waste collected from households and local governments through waste and recycling collections. It includes biodegradable material, recyclable materials such as bottles, paper, cardboard and aluminium cans, and a wide range of nondegradable material including paint, appliances, old furniture and household lighting.

MSW diverted and landfilled, Western Australia

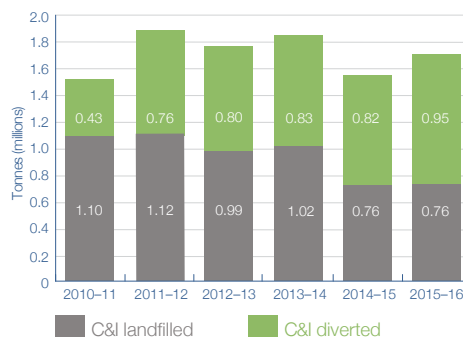


Commercial and industrial waste

Commercial and industrial (C&I) waste

Commercial and industrial waste is waste that is produced by institutions and businesses. It includes waste from schools, restaurants, offices, retail and wholesale businesses and industries including manufacturing.

C&I waste diverted and landfilled, Western Australia

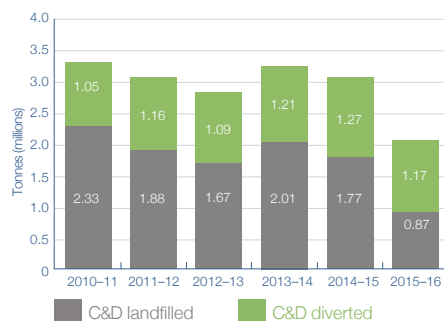


Construction and demolition waste

Construction and demolition (C&D) waste

Construction and demolition waste refers to waste produced by demolition and building activities, including road and rail construction and maintenance and excavation of land associated with construction activities. The C&D waste stream usually covers only some of the generation, disposal and recycling of C&D wastes, these materials can also be found in the MSW and C&I streams.

C&D waste diverted and landfilled, Western Australia



Our waste performance

Western Australians generate more municipal waste per capita than most comparable nations in the OECD and our performance in waste and recycling also lags that of most other Australian jurisdictions.

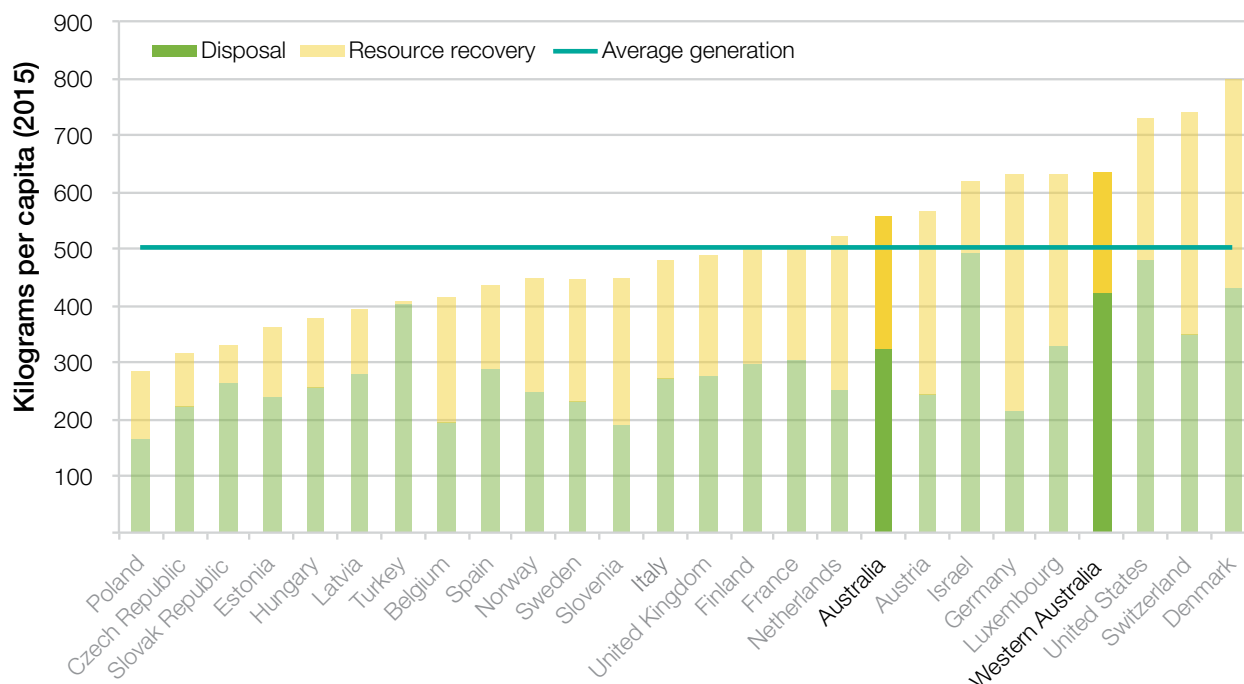


Figure 1: Municipal waste generated, disposed and recovered per capita, OECD member countries and Western Australia (OECD, 2017) (USA data is 2014)

National data for 2014–15 shows that on a per capita basis, Western Australians generate more waste than people in other Australian states and territories (2,623 kilograms per capita per annum), dispose of the second highest amount of waste to landfill (1,358 kilograms per capita per annum) and have the equal second lowest rate of resource recovery (48 per cent) (Pickin and Randell, 2017).

Although Western Australia's geographical and economic characteristics contribute to these differences, we can do better.



Western Australia is a vast state with a relatively small centralised population and markets. This, coupled with its distance to end markets, can impact investment in waste and recycling infrastructure.

Seventy-four per cent of the state's population lives in the Perth metropolitan region which accounts for 75 per cent of the waste material recovered in 2015–16 (ASK Waste Management, 2017).

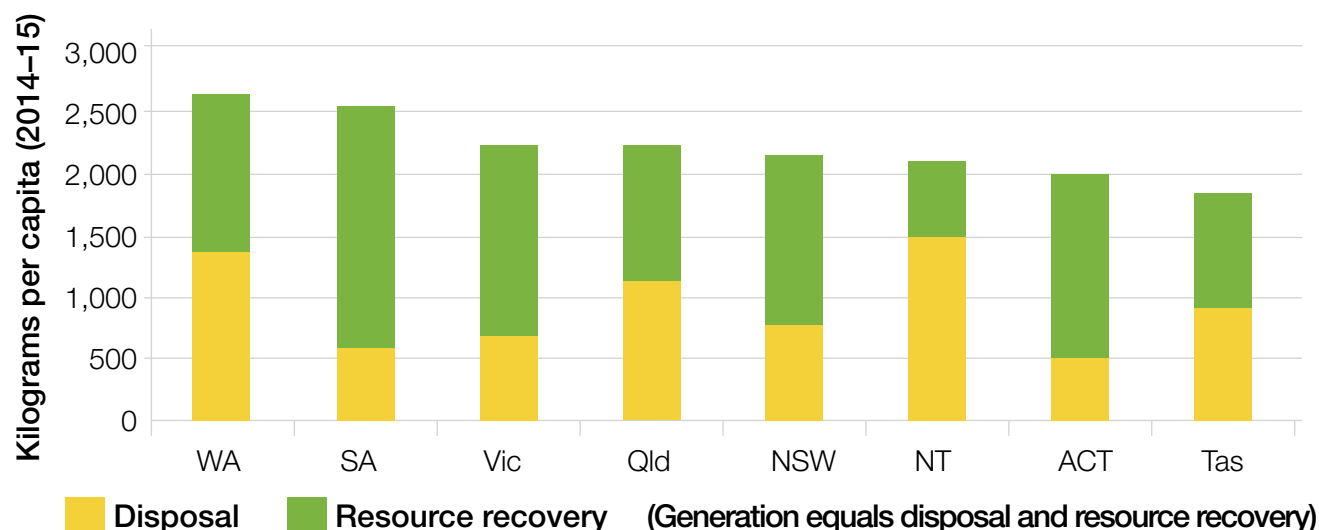


Figure 2: Waste disposal and resource recovery by state (Pickin and Randell, 2017)

It's not all bad news though. Western Australia's waste generation, disposal of waste to landfill and resource recovery rates are trending in a favourable direction. This has been driven by increases in the waste levy, and supported by government programs and initiatives, industry investment in infrastructure and collection systems and increased community engagement and participation in managing waste and recycling.

	2010-11	2015-16	Percentage change
Waste generation			
Total	6.53 million tonnes	5.42 million tonnes	↓ 17%
Per capita	2,764 kg	2,081 kg	↓ 25%
Waste to landfill	4.49 million tonnes	2.79 million tonnes	↓ 38%
Resource recovery	2.04 million tonnes	2.63 million tonnes	↑ 29%

Table 1: Changes in waste generation and landfill in Western Australia, 2010-11 and 2015-16 (ASK Waste Management, 2017)



Further detail on Western Australia's waste performance is available at www.wasteauthority.wa.gov.au/programs/data.

Waste strategy framework

The circular economy

Many jurisdictions, including the European Union, are adopting circular economy principles to guide economic and environmental policies and practices. Closer to home, in early 2017, South Australia released a report on the *Benefits of a Circular Economy* to encourage the development of a circular economy to achieve economic growth while producing no or minimal waste and pollution.

Building on the waste hierarchy, the circular economy aims to limit waste by moving away from a linear 'cradle to grave' model of material and energy use.

A circular economy is a regenerative system in which resource input and waste, emissions, and energy leakage are minimised by slowing, closing, and narrowing material and energy loops (Geissdoefer, 2017). This is achieved through long-lasting design, maintenance, repair, reuse, remanufacturing, refurbishing, and recycling (Geissdoefer, 2017) which contributes to waste avoidance.

A circular economy is self-sustaining, relying on renewable energy and keeping material resources in use, or 'circulating', as long as possible. It extracts the maximum value from resources while they are in use, then recovers and regenerates products and materials (Waste and Resources Action Programme (WRAP), 2015).

The circular economy recognises the value of the environment and the economic impact of environmental degradation. It acknowledges that keeping materials in the productive economy creates employment, investment and economic opportunities.

Waste management plays a central role in the circular economy: it determines how the waste hierarchy is put into practice.

The waste hierarchy


The circular economy builds on the principles inherent in the waste hierarchy which prioritises options for the efficient use of resources, and it is set out in the objects of the *Waste Avoidance and Resource Recovery Act 2007*.

The highest priority, **avoiding** unnecessary resource consumption, thereby reducing the generation of waste, encourages the community, industry and government to reduce the amount of raw materials extracted and used.

The second priority, **resource recovery**, keeps materials in the productive economy and benefits the environment by decreasing the need for new materials and waste absorption.

Finally, the waste hierarchy recognises that some types of waste, such as hazardous chemicals or asbestos, cannot be safely recycled and direct treatment or **disposal** is the most appropriate management option.





*The Waste Avoidance
and Resource
Recovery Act 2007
and the Environmental
Protection Act 1986
identify principles that
we believe should
underpin the waste
strategy.*

Principles

Principle 1: Intergenerational equity

Western Australians ensure that the health, diversity and productivity of our environment is maintained or enhanced for the benefit of future generations.

Principle 2: Shared responsibility and system stewardship

The state's environmental resources belong to all Western Australians and everyone has a role to play in protecting them. Effective system stewardship requires leadership by government in setting strategic objectives and working collaboratively across all levels of government, industry and the community to achieve those objectives.

Principle 3: The economic, environmental and social costs of waste generation and disposal are considered in decision-making

The true cost of waste must take into account the negative economic, environmental and social costs to government, business and the community. The cost associated with the impact of waste on the environment and human health and the scarcity of raw materials and landfill sites close to major population centres need to be considered. Transport costs and the cost of landfill remediation also need to be considered. Collectively, these are a great expense to the community and governments.

Principle 4: Behaviour change to minimise waste generation

Good management of resources benefits our society, economy and environment. Everyone should minimise the generation of waste and its discharge into the environment.

Principle 5: The waste hierarchy

Priority is to be given to the avoidance of unnecessary consumption and waste generation then recovering resources through reuse, reprocessing, recycling and energy recovery. Disposal of waste to landfill should be used as a last resort.

Principle 6: Continuous improvement

To drive continuous improvement, Western Australia's waste management performance should be benchmarked against the waste strategy objectives and targets, and the performance of others.



QUESTIONS

Have the correct principles been identified?

Are there other principles that you consider should be included?

Foundations

We will continue to see global advances in technology and improvements in waste management, along with the adoption of new approaches, such as the circular economy. We have identified that planning, engagement, regulation, better practice guidance, economic incentives and data collection and measurement are essential foundations for the successful implementation of the waste strategy.

Planning

Waste collection and processing systems vary across Western Australia limiting the potential for economies of scale and reducing opportunities for the coordination of waste for processing. Waste planning, particularly that undertaken by metropolitan and non-metropolitan local governments and regional councils, should be aligned with the waste strategy. There is no 'one size fits all' in waste management. In Western Australia, our vast distances and small population will continue to influence decision-making.

Land use planning impacts the delivery of waste services and infrastructure, and affects investment decisions. Waste management facilities are considered essential infrastructure in the Western Australian Planning Commission's *State Planning Strategy* (WAPC, 2015). Planning is required to ensure waste infrastructure needs are understood and to support increased recovery of resources from waste. Good planning also reduces environmental risks from waste facilities including landfills. It can also reduce travel time and distances, which is particularly important considering the large number of truck movements involved in transporting waste.

Infrastructure includes the 'hard' infrastructure (including land, buffers and transport networks) required to process waste and the 'soft' infrastructure (including the structures of government and regulation that apply to the management of waste). The right waste management infrastructure enables improved effectiveness and efficiency.

Engagement and education

Through community, industry and stakeholder engagement and education we can embed the behaviour change required to reduce our waste generation and increase resource recovery.

A range of programs is needed. State and local government, with the support of community and industry based groups, work collaboratively to deliver key messages that promote waste avoidance and provide information so that individuals and entities know what to do to make better waste decisions.

Evaluation of engagement and education programs identifies where additional work is required and ensures effectiveness. Similarly, the acknowledgment of success encourages the achievement of the outcomes of the waste strategy.

Regulation, compliance and enforcement

Effective regulation, including compliance and enforcement, is critical to ensuring that the environment and human health are protected. It also provides a level playing field to ensure that responsible operators are not competitively disadvantaged.

The regulatory framework provides the waste and recycling sector with clear rules and guidelines within which to operate. Western Australia's regulatory framework should be subject to ongoing review to ensure that it remains current, appropriate and addresses any regulatory issues or gaps.

This review should include consideration of regulatory approaches that have been effective elsewhere.

The waste levy influences the decisions of the waste sector and can lead to positive outcomes such as increased resource recovery. It may also lead to unintended consequences such as illegal dumping. Enhanced compliance and enforcement maximises the positive impact of the waste levy as an economic incentive to reduce disposal of waste to landfill.

Better practice guidance

The identification of better practice waste collection and processing systems, the development of guidelines and benchmarks, and support for their adoption can drive improvement. For example, the State Government's Better Bins program provides funding support for source separation through improved kerbside services.

Guidance improves waste and recycling performance by assisting local governments and the waste sector to adopt better practices that improve business processes and performance efficiency.

Knowledge and data

Knowledge and understanding about why change is necessary and how to implement change can drive waste related behaviour change and improve our waste management performance. Good data can contribute to building such knowledge.

Waste and recycling data are collected and reported by government, industry, and non-government organisations for a range of purposes.

Data supports evidence-based policies, informed decision making and investment. Reliable data are important to understanding the performance of the waste and recycling industry, and measuring Western Australia's progress against its waste generation and resource recovery targets and to monitor trends.

Economic incentives

Incentives can provide the driving force for changed waste behaviour and improved outcomes.

The market is a major determinant of economic incentives in the waste sector. Market prices provide incentives to the recycling industry that influence which waste materials they process. Similarly, market prices for goods can incentivise consumers to consume or not consume recycled products.

To support the objectives of the waste strategy, there will sometimes be a need to provide economic incentives for action that complement those provided by markets. Such incentives can be positive, such as funding, or negative, such as penalties and compliance actions.



QUESTIONS

Are these the right foundations for our waste strategy?

Are there others that you consider should be included?

Based on experience elsewhere, we have identified that there are significant opportunities to improve Western Australia's waste and recycling performance to generate benefits for our economy, environment and community.



Western Australia's opportunities for improvement

Valuing waste

Waste has an economic value. When the full costs and benefits of waste are not realised, waste represents a loss to the economy. The circular economy recognises and aims to quantify the benefits of keeping resources 'circulating' in the economy.

Through quantifying the full costs and impact of waste – such as the value of materials, benefits to jobs and investment, and cost of waste littered, illegally dumped and disposed of to landfill – we can ensure that the waste management system delivers direct and measurable benefit to our economy.

Collaboration and shared responsibility

Local governments and the private sector play a lead role in managing waste, particularly at the point of recovery and disposal. The choices made by each of us affect waste generation and drive resource recovery. Achievement of the waste strategy targets requires a holistic approach which extends across the whole economy, and engages stakeholders – including industry, government and consumers – across a product's life cycle.

Engaging users of the waste system, providers of services and experts, led by state government, to understand, explore and change the waste system would support delivery of the waste strategy.

Harnessing markets

Waste and recycling decisions are primarily market based. Efficient markets require competition, access to high quality information to inform decision making and certainty to support investment decisions.

Government can harness markets through policy and regulatory settings that provide investment certainty, address market failure and foster competition, and educate the community.

Removing barriers

Identifying and removing real and perceived barriers to waste reduction and recycling through improved procurement policies and the development of appropriate guides and standards can lead to reduced waste and increased recycling.

Technology and innovation

Technology can improve waste and recycling performance across the whole sector. Technology can help the community recycle, improve regulation and the efficient management of waste processing by businesses and local governments.

Waste management systems must adapt to take advantage of rapidly changing technologies and new material sorting and recovery infrastructure as it becomes available.

Waste disposal

Recovering materials, particularly in regional and remote areas, is a significant challenge. Recovery is preferred where, having regard to the full life cycle cost of waste, it delivers net benefits to the state. Where recovery does not deliver a net benefit, alternatives such as high performing landfills or alternative technologies and uses should be considered.

At present, the majority of waste generated in Western Australia is disposed of to landfill. Landfills therefore remain an important part of our waste management system. High performing landfills can complement resource recovery and protect the environment through good on-site practices that divert recoverable materials and pricing which reflects the full costs (economic and environmental) of disposal.

Landfills must be well sited, designed and managed at all stages of their life.



QUESTIONS

Are there other opportunities for Western Australia to improve its waste performance?

Scope of the strategy

The Waste Avoidance and Resource Recovery Act 2007 defines waste to include liquid, solid, gaseous or radioactive material which is discharged into the environment or prescribed by the regulations to be waste.

The scope of the current waste strategy is materials managed through solid waste and recycling management systems because it aims to reduce the disposal of waste to landfill. In a circular economy there is little or no disposal activity.

The waste strategy could be broadened to cover other types and sources of waste.



Hazardous wastes include spent radioactive medicines, potentially infectious materials from hospitals and asbestos from demolition sites.

Hazardous and non-recoverable wastes are an important priority area. Western Australia's robust legislation and regulation provides a sound basis for the management of hazardous wastes. These materials should continue to be a key focus.



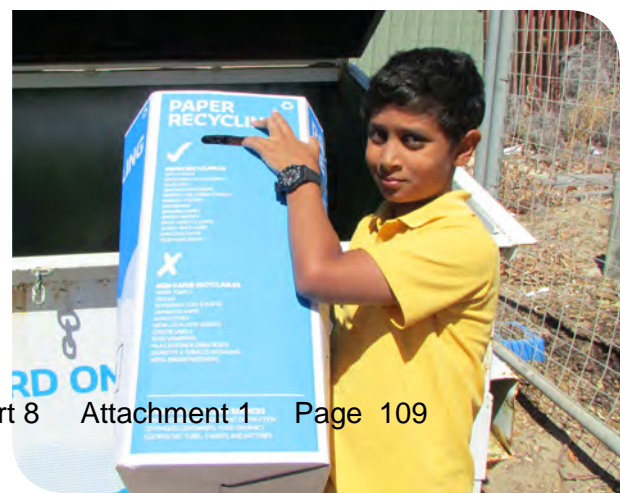
QUESTIONS

Should the scope of the waste strategy be broadened to include other types and sources of waste?

International and national initiatives

Western Australia is not alone in the waste problems it faces. The management of some types of waste require an international or national approach. Western Australia collaborates with, learns from and shares its knowledge and experience with international and national colleagues. We consider that Western Australia should continue to be involved in these waste initiatives including:

- The **Basel Convention** which is an international treaty designed to reduce the movement of hazardous waste between countries with a view to protecting human health and the environment.
- The **Minamata Convention on Mercury** which is a global treaty to protect human health and the environment from the adverse effects of mercury.
- The **National Waste Policy** and the **Product Stewardship Act 2011** which support national approaches to problem waste streams. A range of products and materials, such as televisions and computers, paint, tyres and packaging, have been identified as national priorities and are being managed collaboratively by governments and industry. Waste plastics and microbeads, oil containers, batteries, photovoltaic systems and food waste are also being addressed.
- The **Australian Packaging Covenant** and the **Environment Protection (Used Packaging Material) Measure** which are national programs aimed at reducing generation and encouraging the re-use and recycling of used packaging materials.



Priority materials

We believe that the waste strategy should focus on reducing the generation of waste materials that Western Australians produce in the highest volume, and those that have the potential to be recovered for reuse.

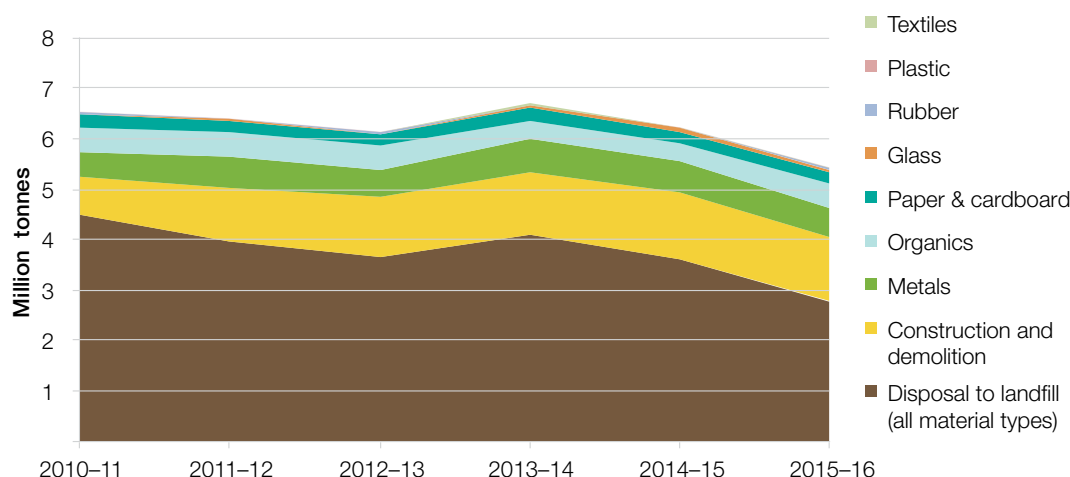


Figure 5: Landfill and recycling in Western Australia by material type 2010–11 to 2015–16 (ASK Waste Management, 2017)

By weight, more than 90 per cent of the waste Western Australians generate is made up of:

- **Construction and demolition materials:** concrete, asphalt, rubble, bricks, sand and clean fill
- **Organics:** food and garden waste
- **Metals:** steel, non-ferrous metals, packaging and containers
- **Paper and cardboard:** office paper, newspaper and magazines
- **Glass:** packaging and containers
- **Plastics:** packaging and containers
- **Textiles:** clothing and other fabric based materials

We already recover high volumes of metal and glass (Net Balance, 2012) but we could do better at recovering:

- **Construction and demolition materials:** concrete, asphalt, rubble, bricks, sand and clean fill
- **Organic waste:** food and garden waste
- **Paper and cardboard:** office paper, newspaper and magazines
- **Plastics:** packaging and containers



QUESTIONS

Have the highest priority wastes for Western Australia been identified?

How will market and processing based factors affect the inclusion of these priority materials in the waste strategy?

Waste strategy objectives

The European Parliament has issued a directive that the first objective of any waste policy should be to minimise the negative effects of the generation and management of waste on human health and the environment (EU, 2008). We agree. We also believe that our waste strategy should aim to reduce the generation of waste and increase the recovery of resources, in line with the principles of the circular economy and the waste hierarchy.

We have identified three objectives for the waste strategy:

1. Minimise environmental impact

The transport, processing, storage and disposal of waste impacts on the environment. Reducing waste generation and increasing resource recovery can minimise environmental impacts and risks.

Pollution can result from poorly managed waste infrastructure (including landfills and recycling facilities) and poor waste behaviours such as littering and illegal dumping.

Regulation, illegal dumping prevention and enforcement, litter prevention and the management of problem wastes are priority focus areas to minimise environmental impacts from waste.

2. Reduce generation

In 2014–15, Western Australia generated 2.9 million tonnes of construction and demolition materials, 1.4 million tonnes of organic waste (including food and garden waste), 0.8 million tonnes of waste metals, 0.6 million tonnes of waste paper and cardboard and 0.4 million tonnes of plastic waste (Pickin and Randell, 2017).

We believe that Western Australians should not generate more waste than the national average.

3. Increase recovery

The recovery of resources from waste is impacted by the availability of materials for recovery, the ability to separate materials in the waste stream, processing capacity and technology, processing costs, the value of recovered materials, and access to markets.

We can improve our rates of recycling, saving valuable materials and creating jobs through better procurement, collection and management practices.



QUESTIONS

Are these the right objectives for the waste strategy?



Western Australia should manage and monitor the generation, recovery and disposal of its waste, with a focus on minimising risk to the environment and human health.



Without regulation to govern waste management activities, waste could end up in places that have the potential to pose significant risks to human health or the environment.

Waste that ends up in water can change its chemical composition, affecting ecosystems and causing harm to organisms that rely on it.

Hazardous chemicals that get into the soil can harm plants and animals. If humans eat plants and animals that have been in contact with polluted soils, there can be negative health impacts.

Poor waste management practices can lead to land and air pollution, causing respiratory problems and other adverse health effects.

Leachate is the liquid that forms as water moves through contaminated areas, it forms a harmful mixture of chemicals that can result in hazardous substances entering surface water, groundwater or soil.

► Western Australia's performance

The State Government has primary responsibility for the regulation and administration of waste, including planning for waste management and waste avoidance, minimisation and reuse, licensing and regulation of waste transport, storage, treatment, resource recovery and disposal, and managing the impacts of waste management activities. The government has comprehensive legislation and policy in place to protect the environment and conserve our natural resources.

Western Australia's regulatory framework licenses prescribed premises and monitors compliance with licence conditions to minimise the risk of impacts to the environment and public health from waste-related activities.

The policy and management approaches applied are consistent and commensurate to the environmental risks posed by waste facilities, transportation and waste disposal practices.

► Effective approaches



Case study: Household hazardous waste program

Household hazardous wastes are products used in and around the home that are flammable, toxic, explosive or corrosive. If not disposed of correctly, these wastes can pose a threat to human health and the environment.

The household hazardous waste program is delivered in collaboration by the State Government, local governments and the Western Australian Local Government Association (WALGA).

It provides local governments and regional councils with funding to assist with the collection, storage and disposal of these wastes. It is funded by the State Government through the waste levy, and is administered by WALGA.

The Household Hazardous Waste program currently has eight metropolitan and five regional permanent facilities where householders can drop off unwanted household chemicals at no charge.



The environmental risks and impacts from waste activities can be minimised by:

- **Improving the design of products** to extend product life and minimise the generation of problem waste.
- Regularly reviewing and **updating regulatory approaches** taking into account best available information.
- **Improving services and infrastructure** for waste disposal or recovery, including appropriate siting, design and operation.
- **Improving consumer and producer behaviour** to avoid the generation of problem wastes, reduce littering and illegal dumping, and increase safe disposal and recovery.
- Funding programs to support the **reduction and safe disposal of problem wastes**, reduce littering and illegal dumping.



QUESTIONS

Do you have any other ideas about how we can minimise environmental risks and impacts from waste?

► What we are currently doing

In line with the current waste strategy we are:

- Applying the **waste levy and enforcing compliance** at waste premises under the waste avoidance and resource recovery legislation and the *Environmental Protection Act 1986*.
- Detecting, investigating and prosecuting **illegal dumping**, and educating the community, industry and government to understand the impacts, and reduce the incidence, of illegal dumping.
- Implementing the **litter prevention strategy** to reduce littering and manage its impacts.
- Providing for the **collection, storage and disposal of hazardous waste** generated by households.
- **Reviewing and updating the regulatory framework** for waste to ensure it is appropriate and reduces the environmental impacts and risks from waste management.
- Introducing a **container deposit system** to change behaviour, increase recycling and reduce littering.
- **Banning single use lightweight plastic bags**, which are harmful to the environment.



► What else can we do?

We believe that we should also:

- **Expand the Illegal Dumping Program.** New focuses could include working with land owners and managers to build their capacity to tackle dumping and improving data collection to allow program resources to be better targeted. A community engagement and education campaign could be implemented to educate the community on what illegal dumping is and raise awareness of its impacts.
- **Waste classifications and definitions** should be **reviewed and updated** to reflect current knowledge to ensure waste materials are managed according to their risk and are treated and/or disposed of appropriately.
- Ensuring the **equitable application of the waste levy** and measuring its effectiveness to provide a level playing field.
- We should develop a legislative framework to **encourage the use of waste-derived materials**, including **product specifications**, to increase reuse and decrease the environmental impacts.
- We should develop **better practice guidance and standards for waste facilities, waste streams and waste-derived products** to inform industry practice, leading to improved services, higher recovery and improved environmental outcomes. Key focus areas include:
 - vergeside and drop-off services provided by local government
 - the siting, design, building and operation of waste facilities (including landfills) to provide clarity to proponents, and manage legacy risks when waste facilities are closed
 - standards for waste-derived products (compost, fill and treated wastewater) to drive the use of these products.
- **Landfill infrastructure and practices** should be assessed to inform for the development of guidance to improve landfill management.
- Approaches to the **management of hazardous waste** including controlled and liquid waste should be reviewed.
- Measures to encourage the **use of recycled products** to reduce the risks and impacts from stockpiled waste should be implemented.



QUESTIONS

Are there other actions that should be undertaken to minimise environmental impact?

What should state and local governments do? Business and industry? Community groups? What will you do?



► Targets

Reducing waste generation and increasing resource recovery will contribute to protecting the State's environment. The risks of environmental impact from the management and disposal of those wastes that remain need to be actively managed.

Identifying quantitative targets for this objective is not straightforward. The baseline data required to develop targets for this objective is not available. The proposed amendments to the waste strategy encourage greater focus on management of the environmental risks of waste. Over time, we propose to identify baseline data to inform the development of targets for the management of the environmental risks of waste.

Where relevant quantitative targets cannot be identified, qualitative targets are proposed:

- Collect and report data on the incidence, impact and outcomes of the illegal dumping program.
- As set out in the *Litter Prevention Strategy for Western Australia 2015–2020*, achieve a 25 per cent reduction in 2012–13 littering levels by 2020.
- Facilitate the appropriate separation, collection, transport, management and disposal of problem wastes.
- Ensure that regulatory and non-regulatory mechanisms are consistent, appropriate and reduce the environmental impacts and risks from waste management.

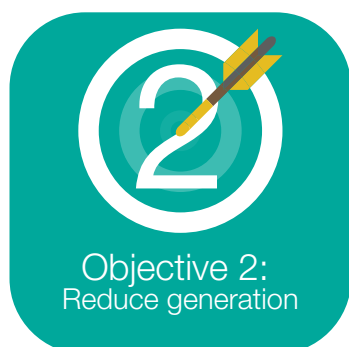


QUESTIONS

What targets do you consider should be used for this objective?



Western Australians should reduce waste generation and change their decisions and behaviours to avoid unnecessary consumption.



It is estimated that almost 99 per cent of everything we buy becomes waste within six weeks of purchase (Environment Victoria, 2016). To protect our environment, we all need to reduce the amount of waste we produce.

Waste is a social and ethical issue as well as an economic and environmental one. Our consumption habits, purchasing choices and disposal practices are part of the problem. As consumers, we need to think about how we can get more out of less.

Our individual choices can support or hamper the circular economy. We can make choices that avoid or reduce the generation of waste.

► Western Australia's performance

In 2014–15, on average each Western Australian generated 2,623 kilograms of waste. Western Australia had the highest rate of waste generation in Australia per capita, 19 per cent above the national average.

We believe that Western Australians should not generate more waste per capita than the national average.

► Effective approaches



Case study: Plastic Free July

Plastic Free July was developed by the Western Metropolitan Regional Council in 2011, commencing with 40 participants. The campaign has since been adopted globally with an estimated two million participants from 159 countries.

Plastic Free July aims to raise awareness of the problems associated with single-use disposable plastic and challenges people to do something about them. In 2017 around 200,000 Western Australians participated in the challenge resulting in 4,850 tonnes of waste avoided.

In launching the 2017 event, the Minister for Environment said:

There are a number of ways we can all help reduce waste every day including bringing your own reusable shopping bags, remembering reusable coffee cups and water bottles, and avoiding pre-packaged fruit and vegetables. Plastic Free July is a fantastic homegrown challenge and is a great way to avoid landfill, reduce our eco-footprint and protect the ocean from plastic pollution.

Plastic Free July co-founder Rebecca Prince-Ruiz said:

A staggering 100 kilograms of plastic packaging – including plastic containers, water bottles, plastic bags or disposable coffee cups – are used by householders every year. Plastic Free July is creating conversations and education around the issues of plastic pollution and more importantly has resulted in a wave of community action.



Objective 2

Research shows us that reducing waste generation relies on efficient production processes, and product design that minimises material use and packaging. Some examples of issues that influence, and practices that minimise, waste generation include:

- Inbuilt obsolescence, inefficient use of materials, poor quality products with short life spans, and products that cannot be repaired or maintained all contribute to increased resource use and waste generation. **Choosing products designed for longevity and serviceability** can help to avoid waste generation.
- Inefficiencies in the food supply chain from producer to consumer can increase packaging and food waste. **Improved food supply chain processes** generate less waste.
- Single use and disposable packaging, containers and other products are often cheap, convenient and readily available. Their widespread use creates significant plastic, paper, cardboard and metal waste. **Reducing the availability and convenience of 'disposable' products and choosing low-waste alternatives** can help to generate less waste.
- Building layout and design, choice of materials and the staging of construction processes can contribute significantly to the generation of construction and demolition waste. **Improved building design and construction planning** can minimise waste generation.
- Consumers and producers contribute significantly to the generation of waste. Increasing **knowledge and awareness** of the impacts of waste and strategies for avoiding waste generation can improve attitudes towards waste avoidance and motivate behaviour change.
- **Incentives and disincentives** reduce waste generation. They should be regularly reviewed to ensure they remain appropriate and effective.



QUESTIONS

Do you have any other ideas about how we can reduce our waste generation?

► What we are currently doing

In line with the current waste strategy we are:

- **Implementing a ban on single-use lightweight plastic bags** and promoting the benefits of avoiding waste plastic.
- Changing behaviour to avoid waste and increase recovery of materials through **community education and communication**.
- Supporting schools to plan, implement and maintain projects to reduce waste generation such as composting and worm farming (**Waste Wise Schools**).
- Supporting **charitable organisations** that operate clothing and other goods recycling services to avoid waste through reuse and recycling.
- Supporting **community and industry initiatives** that deliver waste avoidance and help achieve the waste strategy targets.



► What else can we do?

We believe that we should also:

- **Lead collaboration between state government agencies** that undertake construction activities such as road building and land development to reduce the generation of construction and demolition waste and promote the reuse of recycled materials.
- **Develop industry guidance** to reduce waste generation.
- Encourage **behaviour change to reduce food waste** through education about its impacts.
- Improve **community awareness and understanding** of waste generation issues and solutions.
- **Engage with decision makers and opinion leaders** to shift thinking from 'what's in it for me' to a 'community benefit' focus.



QUESTIONS

Are there other actions that should be undertaken to reduce waste generation?

What should state and local governments do? Business and industry? Community groups? What will you do?

► Targets

Our proposed targets would bring Western Australia's waste generation in line with the national average.

	2025	2030
Reduction in waste generation per capita compared to 2014–15	10%	20%
Waste generation (kilograms per capita)	2,361	2,098



QUESTIONS

Are these the right targets for Objective 2 of the waste strategy?



Western Australia should increase resource recovery to optimise the economic benefits derived from reuse, recovery and recycling.

The United States Environmental Protection Agency defines resource recovery as the extraction of useful materials including paper, glass and metals that can be reprocessed for re-use from solid waste. Resource recovery is important to the environment and protects our limited natural resources. It can also be cost effective by decreasing the amount of waste disposed of to landfill and reducing the amount of space needed for landfills.

The waste hierarchy establishes a priority order from prevention, reuse, recycling through to disposal to landfill.

The way we collect and manage our waste can lead to high rates of recycling and valuable materials finding their way back into the economy, or to an inefficient system where most recyclable waste ends in landfills, with potentially harmful environmental impacts and significant economic losses (EU, 2015).

► Western Australia's performance

Western Australia does not perform well in the recovery of resources.

In 2015–16, it was estimated that 57 per cent of construction and demolition waste, and 56 per cent of commercial and industrial waste was diverted from landfill. Both these streams have shown significant improvements compared to 2010–11 levels. The municipal solid waste stream in the Perth metropolitan region has shown no general improvement over this time and in 2015–16 recovery was 36 per cent compared to 39 per cent in 2010–11.

Construction and demolition waste makes up more of the waste stream in Western Australia than the national average, and its recovery lags behind the majority of states (Pickin and Randell, 2017). As a result, there is an opportunity to increase the recovery of construction and demolition materials.

Organic materials, including garden and food wastes, and paper and cardboard, make up around two thirds of the municipal solid waste stream. More organic waste needs to be recovered to improve municipal solid waste performance.

While there have been improvements in the recovery of construction and demolition materials, more can be done to increase recovery of organic waste, paper, cardboard and plastics.



► Effective approaches



Case study: Richgro

Richgro's enclosed anaerobic digestion plant in Jandakot is turning food waste that would otherwise go to landfill, into renewable energy and power that is used on site and exported back into the grid. Using the latest proven and safe technologies, the plant works like a live stomach in breaking down the food waste. Managing Director Geoff Richards said:

The organic waste is simply and naturally broken down into biogas (carbon dioxide and methane) and organic fertiliser called digestate. We recycle solid and liquid waste from nearby food processing plants, supermarket wastes and other food suppliers, right down to out-of-date or damaged beverages (in aluminium cans or plastic bottles which are then also recycled).

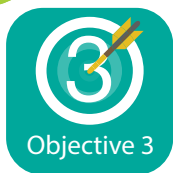
The plant can process an average of 137 tonnes of commercial and industrial organic waste per day or 50,000 tonnes per year. It produces an average of 60,000 litres of biofertiliser per day.

With \$500,000 funding from the State Government, \$1.1 million from the Commonwealth Government and a \$2 million loan from Clean Energy Finance Corporation, the plant is part of a national focus on renewable energy, low-emission technology and energy efficiency.

The Richgro anaerobic digestion plant contributes to Western Australia's move towards a more circular economy by diverting organic wastes from disposal into value-added products that replenish local soils and produce renewable energy.

The factors that influence the recovery of construction and demolition materials, organic waste, plastics, and paper and cardboard include:

- Availability, cost and access to services and infrastructure are important in increasing resource recovery for the community and industry. **Services and infrastructure** are required to support increased recovery of resources.
- Knowledge and attitudes can be a barrier to increased recycling and use of recycled products. **Behaviour change** that increases demand for recycled products and decreases the contamination of recyclable waste will lead to increased recovery of resources.
- Process and product design can recover more materials from the food supply chain, the building industry and packaging. **Improved product design, longevity and serviceability** result in increased use of recycled materials in product design and support greater resource recovery.



- **Improved building and construction processes** can promote source separation and the recovery of waste construction and demolition materials throughout the construction process.
- Inefficiencies in the food supply chain from producer to consumer can increase packaging waste as well as food waste. **Improving food supply chain processes** leads to increased resource recovery.
- **Incentives and disincentives** are a tool to increase resource recovery. They should be regularly reviewed to ensure they remain appropriate and effective.
- **Increasing the demand for recycled products** contributes to increased recovery.



QUESTIONS

Do you have any other ideas about how we can increase resource recovery?

► What we are currently doing

In line with the current waste strategy we are:

- Providing funding to local governments to introduce better practice kerbside services to increase resource recovery to meet the waste strategy targets (**Better Bins**). The program encourages a three bin system for greater source separation and higher recovery. The program is being supported by a communications toolkit.
- Providing funding to encourage local governments, state government entities, regional councils and industry to use recycled construction and demolition products in civil projects such as road construction (**Recycled Construction Products Program**).
- Supporting schools to plan and implement recycling, composting and worm farming. **Waste Wise Schools** provides educational strategies for reducing waste to landfill through reducing, reusing and recycling.
- Reducing contamination in waste streams through the **household hazardous waste** program.
- Developing **guidance to improve local government vergeside and drop off services**.
- **Supporting community and industry initiatives** that promote resource recovery through grants programs.
- Introducing a **container deposit scheme** to change community behaviour, increase recycling, reduce littering and support community groups.



Objective 3

► What else can we do?

We believe that we should also:

- **Develop opportunities for state government agencies** to increase their use of recycled products and recover resources.
- **Develop better practice guidance to increase resource recovery** including for the building industry, food supply chain, waste drop-off facilities and landfills.
- **Implement consumer and industry recycling education and engagement programs** to improve attitudes to recycled products, source separation, reducing contamination of recyclable materials and the benefits of recycling.
- Develop a legislative framework to **encourage the use of waste-derived materials**, including **product specifications**, to remove regulatory barriers, build confidence in recycled products and drive increased demand for these products.
- Implement a **state government procurement policy** to support sustainable government procurement principles and practices.
- **Promote food and garden organics kerbside systems** to increase the recovery of food waste.



QUESTIONS

Are there other actions that should be undertaken to increase resource recovery?

What should state and local governments do?
Business and industry? Community groups?
What will you do?

► Targets

Our proposed targets build on those in the 2012 waste strategy, benchmarked against targets in other jurisdictions.

Resource recovery rate	2020	2025	2030
All sectors – Western Australia		70%	75%
Municipal solid waste – Perth metropolitan region	65%	67%	70%
Municipal solid waste – Major regional centres	50%	55%	60%
Commercial and industrial – Western Australia	70%	75%	80%
Construction and demolition – Western Australia	75%	77%	80%



QUESTIONS

Are these the right targets for Objective 3 of the waste strategy?

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How to make a submission

► Online survey

Access the online survey at www.surveymonkey.com/r/Waste_Strategy_Review

► Written submissions

Submissions can be lodged by email to wastestrategyreview@wasteauthority.wa.gov.au.

or hard copies can be mailed to:

Waste Authority

C/- Department of Water and Environmental Regulation

Locked Bag 33

Cloisters Square, PERTH WA 6850

Closing date: **1 March, 2018**

► For further information

Telephone: (08) 6364 6965 / email: wastestrategyreview@wasteauthority.wa.gov.au



Enquiries: Kyle Boardman
Our Ref: CoM Submission – Waste Strategy

1 March 2018

Waste Authority
C/- Department of Water and Environmental Regulation

[Email: wastestrategyreview@wasteauthority.wa.gov.au](mailto:wastestrategyreview@wasteauthority.wa.gov.au)

Dear Sir/Madam

Waste Avoidance and Resource Recovery Strategy Consultation Paper

Please find below the City of Mandurah's submission to the WA Waste Avoidance and Resource Recovery Strategy Consultation Paper.

The comments in this submission are a reflection of City officer's and not the Mandurah City Council. A report will be presented to Council in March 2018 seeking endorsement of this submission.

1. Background

The City of Mandurah has a population of 85,000 residents and provides waste and recycling services to about 39,000 residential premises.

The City provides the following waste management services to its community:

- Weekly 240 L MGB refuse service
- Fortnightly 240 L MGB com-mingled recycling service
- Two green waste verge collections
- One junk and metals verge collection.

The City operates two waste facilities:

- Waste Management Centre for the receipt of general waste and recyclables from residents and commercial customers
- Class I inert landfill.

The City is a member of the Rivers Regional Council and has committed to supply its municipal waste to the Phoenix Energy - Waste to Energy project.

2. Current Waste Strategy

The current Strategy was announced in March 2012 – five years after the introduction of the Waste Avoidance and Resource Recovery (WARR) Act. The Strategy includes performance targets for Local Government, but not State Government. Since the release of the Strategy, Local Government has received limited support or funding to

meet these targets, or implement programs and frameworks developed by the Department.

Prior to the March 2017 State Election, both the Auditor General and the Waste Authority requested feedback on the Waste Strategy. From these reviews, it became clear that limited implementation had occurred in a number of the strategic priority areas in the Strategy. Many of the 2015 targets in the Strategy had not been achieved. A range of factors have impacted on the implementation and effectiveness of the Strategy, including:

- Timeliness of decision making and program implementation
- Programs and policies which are for, or effect, Local Government are frequently developed in isolation by the Department. Local Government has considerable operational understanding of implementing service changes, the time it takes and the issues associated. WALGA has repeatedly encouraged the Waste Authority and Department to engage the sector in the development of programs or policy to ensure they are fit for purpose and include realistic operational considerations
- If the Strategy is indeed a State Waste Strategy, it should be clear that State Government is committed to its implementation and is leading by example in this area.

3. Whole of Government Commitment

Many of the issues with implementing the current Strategy appear to originate from different understandings of who has ownership of the Strategy's implementation and which party is responsible for implementing the individual actions. As the current Strategy is endorsed by State Government, there was a clear expectation by stakeholders that State Government would support and fully commit to its delivery. There are a range of actions within the Strategy that have not been delivered, such as the development of the State Waste and Recycling Infrastructure Plan. If the Strategy is indeed a State Waste Strategy it should be very clear that State Government, in its entirety, is committed to the Strategy's implementation and is leading by example.

Currently all sectors have targets for landfill diversion, except State Government. There are significant volumes of organics and recyclables in waste streams controlled by State Government (i.e. hospitals, schools, prisons, department offices, etc.) that go to landfill. The responsible government departments should be committed to their own diversion targets.

The City considers that a coordinated and effective State Government agency must drive the implementation of the Strategy. This is particularly relevant for the delivery of waste related policy, guidance, programs, regulation and enforcement. There appears to be limited coordination in the Department's current approach to these functions, making it difficult to effectively influence the decisions of the waste management industry and other government agencies.

The Waste Authority, as the agency tasked with developing the new Strategy must clearly articulate how the Strategy will be implemented. The City considers that an Implementation Plan/Action Plan must be included in the Strategy, assigning responsibility for implementation of the individual actions to the Department, other agencies and stakeholders.

Waste Strategies adopted by other State jurisdictions clearly document how implementation will occur. For example, both the *Queensland Waste Avoidance and Resource Productivity Strategy 2014-2024* and the *Tasmanian Waste and Resource Management Strategy 2009* are designed to be implemented through a series of government, industry sector, or peak body Action Plans.

Recommendations 1: That the State Government commits to the implementation of the State Waste Strategy and takes a leadership role in its implementation.

Recommendation 2: Action Plans outlining activity on priority issues/materials must be included in the Strategy, with clear responsibility for the implementation of individual actions assigned to relevant government Departments.

Recommendation 3: State Government needs to lead by example ensuring buy recycled preference policies are implemented across whole of government.

4. Frameworks

The Consultation Paper refers to the Waste Hierarchy and Circular Economy as the framework for the Strategy. While the objects of the WARR Act do broadly refer to the Waste Hierarchy, they do not establish a connection to the concept of a Circular Economy.

4.1 Circular Economy

The Circular Economy expands on the principles of the Waste Management Hierarchy. It advocates for a change from a linear, cradle to grave concept of materials and energy use (extract, make, use and dispose), to a circular, regenerative system in which waste, emissions and energy leakage are minimised by slowing, closing and narrowing material and energy loops (closed manufacturing circles, cascades of secondary raw material into multiple new uses and dwindling volumes of waste destined for final sinks).

A move towards Circular Economy thinking was initially driven by opposition to new waste disposal sites and rising waste disposal costs. It is now getting increased support from growing concerns about global warming, virgin resource depletion and resource scarcity.

Circular Economy principles argue that it is essential that the objective of waste management policies be not to slow the cradle-to-grave flow of material in the linear economy but rather close the loop through regenerative products and systems. The focus on regeneration is significant because:

- Waste is reduced;
- Resources are used more efficiently;
- Emerging resource and scarcity issues are addressed; and
- The environmental impact of products and their consumption is reduced.

The Circular Economy is a regenerative system in which resource inputs and waste, emissions, and energy leakage is minimised through slowing, closing, and narrowing material and energy loops. The circular economy is based on three main principles:

- preserving and enhancing natural capital by controlling finite resources and balancing renewable resource flows;
- optimising resource yields by circulating products, components and materials in use at the highest value at all times in both technical and biological cycles; and
- nurturing system effectiveness by revealing and designing out negative components causing leakages.

The City does not agree with the Circular Economy diagram as depicted in the Consultation Paper. It prefers the Circular Economy model (sourced from the International Solid Waste Association) illustrated below in Figure 1.

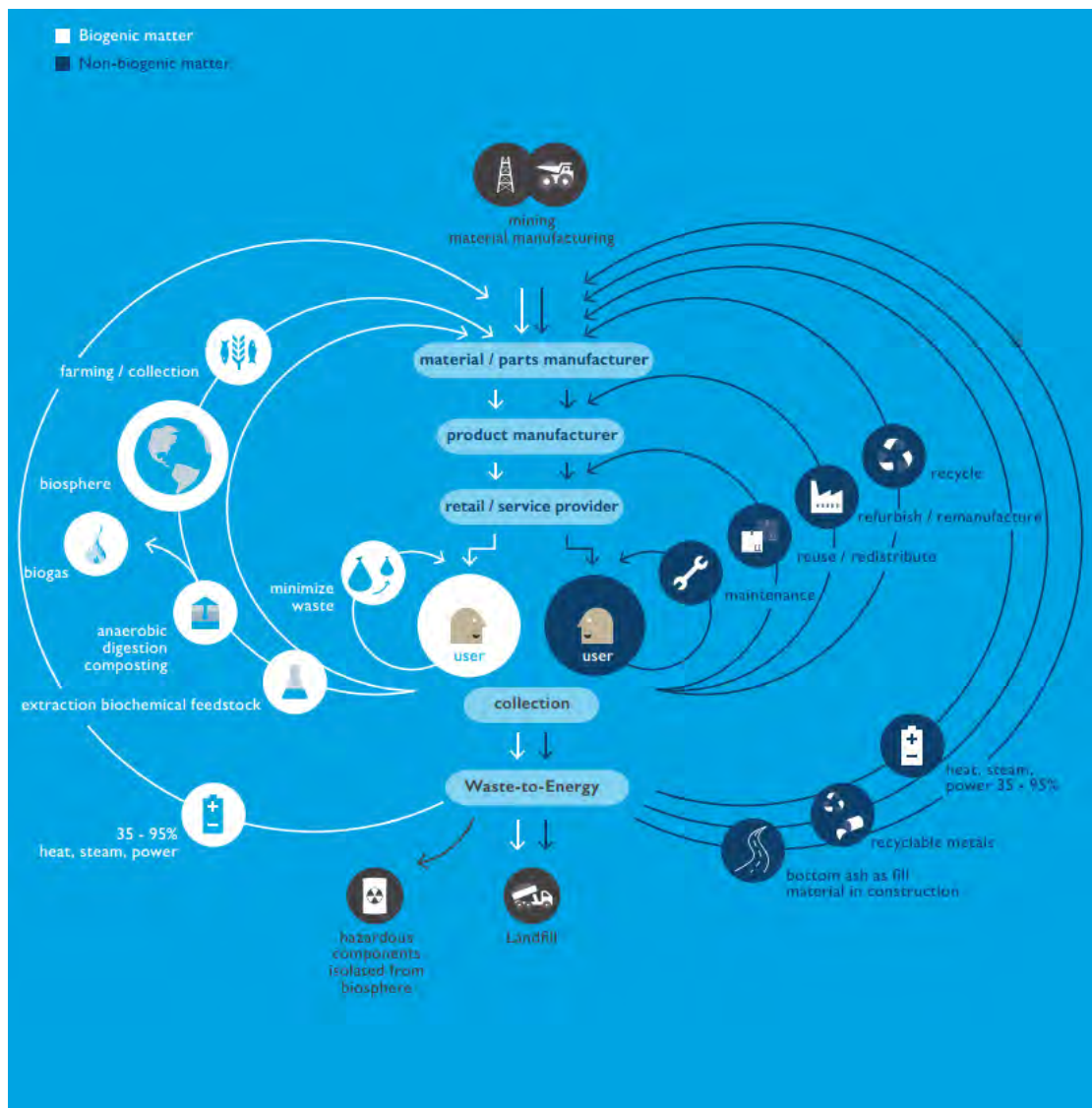


Image Source: International Solid Waste Association.

Figure 1: Circular Economy

Management practices in Australia for municipal waste have focused around separation and recovery of recyclable materials, separation and processing of organics derived from living things (animals and plants) and the disposal or treatment of the remainder (residue). The following comments address the practices through the framework of the Circular Economy.

4.2 Recyclables

The objective of recycling is to recover materials from the waste stream for use in the manufacture of other materials. The continuing issue for recycling companies has been to find end-users for the recyclable materials. An important factor has been the quality of the recyclable material that must meet the requirement of the manufacturing process into which it will feed. Experience has shown that the more recyclables collected, the less is the purity and quality of the recyclable materials. This was illustrated by the recent ban on the importation of waste by China, the world's largest purchaser of recyclables. These comments are particularly relevant for Western Australia that has a largely unindustrialised economy and vast distances to markets.

The China Ban

China was the global hub for recyclable materials and for at least two decades, it was receiving recyclables, especially plastics, with high impurities. Most of the recyclables that were shipped to China were not suitable for other regional and local end-users in, for example, USA, EU and Australia due to their low-quality. As a consequence, the western world was able to build high recycling rates, ignoring the quality problems involved, and China received cheap, low-end materials that were further processed or used as a cheap fuel, with vast environmental impacts in both cases (Mavropoulos, *International Solid Waste Association (ISWA) 2018*). The ban is now having a widespread impact on recycling. It is now being recognised that focusing only on recycling rates can be very misleading. Mavropoulos, the President of the ISWA, has advocated achieving more high-quality recyclables. He stated “*This does not always mean higher recycling rates, although in many cases this is definitely part of the job. In some cases, it means that we should work hard to “purify” further the existing recycling activities to make them more viable and to provide them more local and regional end-users. In other cases, it means that we must select carefully which materials are recycled and how. In all cases, it obliges us to rethink the feasibility of the recycling activities exactly as they are: as market-based activities.*”

4.3 Organics

The carbon and nutrients contained within municipal organics can be extracted, modified, or transformed into a range of different products which can be classed into three main categories:

- high value, low volume products – these are bio-based fine and speciality chemicals which are used in relatively small amounts for high-technology applications;
- medium value, medium volume products – these include commodity chemicals, bioplastics, biogas, struvite, fibreboard and cellulose; and
- high volume, low value products – these are primarily shredded mulch, compost and digestate, resulting from shredding, composting and anaerobic digestion processes, respectively.

Most municipal organics in Australia are used to produce shredded mulch, compost and digestate. Although of low value they represent significant sources of carbon and plant nutrient that can benefit crops and soils. Their use is impacted by the purity and quality of the feed stock organics.

4.4 Residue Waste

Virtually all residue waste in Australia is disposed to landfills, which is leakage of resources in terms of the Circular Economy and the least preferred option in terms of the Waste Hierarchy. The alternative method for processing residue waste in many situations is to recover energy from the waste. The methods to produce energy and fuels from waste are:

- Combustion processes to generate electricity and heat;
- Anaerobic digestion processes to produce biogas; and
- Collection and treatment of biogas emitted from landfills (landfill gas).

The ISWA Task Force on Resource Management has produced a series of papers relating to the Circular Economy and its impact on the waste industry. The Task Force has, in part, concluded that energy recovery from waste:

- Goes hand in hand with recycling and, as such, is an integrated part of the circular economy
- Is an important contributor in saving fossil fuels and reducing climate change impact
- Through anaerobic digestion of waste of organic origins, is an important means of utilising easily degradable materials for energy production
- Has the potential of expanding thereby increasing its share of the supply of gas, electricity and heat and being an important contributor to abatement of fossil fuels.

4.5 The Journey Towards a Circular Economy

The EU waste industry has been driven by policy on the path from landfill dependence, to energy recover and now towards a closed loop economy.



The early pioneers (such as Denmark, Netherlands, Germany, Japan, Sweden, Korea) now landfill less than 5% of their waste and have become highly efficient at generating energy from waste. Such countries have encouraged social behavioural change to support the development of the infrastructure required to process materials formerly landfilled. They are now going further as they explore how to cascade materials efficiently and integrate energy production in this process. Their waste industry and governments are seeking to balance the needs of society to both manage secondary resources effectively and ensure its embedded energy plays a key role in future energy supplies. They are also beginning to explore how waste volumes overall can be reduced. *(ISWA Task Force on Resource Management, 2015)*

Other countries are following with the progressive establishment of infrastructure to achieve similar outcomes, including the use of energy from waste to recover resources for waste that would otherwise go to landfill.

4.6 Implications of the Circular Economy for the City

The City of Mandurah is on a path of diverting residue waste from landfill through a waste supply agreement with an energy from waste facility operator (through Rivers Regional Council). This will mean that resources (energy, metals and ash) are being recovered in a practical way from the waste that has not otherwise been recovered for higher and better uses.

The City is now well positioned to focus its attention on diverting further waste from the residual waste stream that is of suitable purity and quality for alternative higher uses.

Circular Economy Case Study – The Netherlands

A case study on initiating moves towards a circular economy can be found in the Netherlands where the Dutch government has set a target to realise a circular economy by 2050. The government has invited stakeholders to sign a National Resources Agreement which contains an agreement to fuel the Dutch economy on secondary resources as much as possible. The agreement is part of the Nationwide Strategy for the Circular Economy and was co-signed by over 325 companies, industry associations, lower governments, etc. Based on this agreement, 5 priority sectors of the economy have been identified to realize the transition to a circular economy: biomass & food, plastics, consumer goods, building industry and the production industry (Goorhuis, 2018)

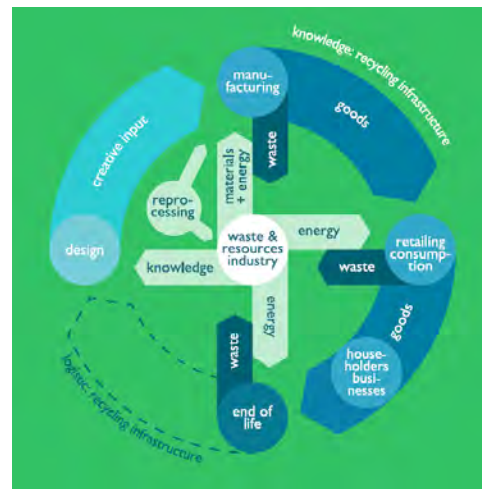
4.7 Waste and Resources at the Centre of Circular Economy

A study by ISWA shows that key organisations have highlighted critical barriers that are interfering with the change towards a circular economy. For the waste industry, these can be broken down into six key areas:

- Financing the waste industry to support the circular economy;
- Regulations to support “materials management”;
- Commodity markets for secondary raw materials;
- Data and information systems;
- Best practice and skills exchange; and
- International Co-operations.

In moving towards a circular economy, waste industry leaders are beginning to understand the potential impacts of moving towards a circular economy that sees the waste and resources industry in the centre. In doing so, it can provide an opportunity to engage with forward thinkers in design and manufacturing. Placing the waste industry at the heart of the circular economy will allow the industry to identify opportunities for secondary resources within waste streams and give them the best chance to be redesigned into new products, remanufactured or displace raw materials. Waste operators' exposure to 'end of life' of materials can lead to improvement and best practice for cascading materials through cycles of re-use, identification of the optimum opportunities to extract energy and strategic design for unusable materials.

ISWA reports that the global waste industry is already working towards evolving markets for secondary raw materials, in much the same way that virgin materials are traded. Implementation of appropriate standards and specifications will allow manufacturers and designers to have the confidence to then blend virgin and secondary resources to provide a quality product. The transition of the waste industry towards the centre of the circular economy, in conjunction with the resources industry, will present significant opportunities to shift the balance between virgin and secondary materials.



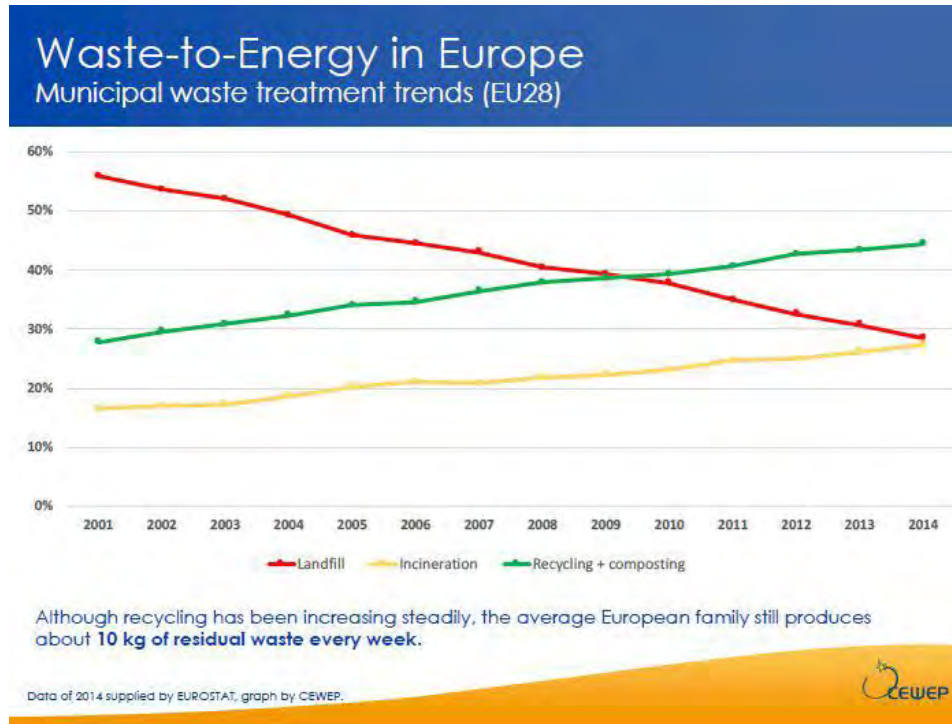
4.8 Waste to Energy

As previously stated the City (in conjunction with other Rivers Regional Council members) have committed to supplying municipal waste to the Phoenix Energy Waste to Energy facility proposed to be constructed in Kwinana.

Two large waste to energy facilities have been proposed for the Perth metropolitan area and yet the draft Waste Strategy makes no specific reference to Waste to Energy and its potential to be part of the overall solution to Zero Waste to Landfill.

Waste to Energy facilities have a role to play in the medium term in diverting waste from landfill. It is not a competitor for recycling but rather of landfill and results from the European Union clearly show that waste to energy compliments existing recycling services and can be part of an integrated waste management solution.

Waste to Energy is recognised as part of the overall solution to achieving the Zero Landfill objectives of the Waste Strategy. European experience has demonstrated that WtE can play a major role in the reduction of landfill with data from CEWEP (an umbrella organisation representing 386 WtE plants across Europe) showing the substantial reduction in landfill over 14 years.



The following chart also demonstrates the substantial contribution from WtE to the Circular Economy.

Circular Economy Waste-to-Energy Cycle



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Circular Economy Question #2: can't everything be recycled?

- New recycled materials depend on the **quality** of the sorted waste:
 - Materials too dirty or too contaminated (e.g. vacuum-cleaning bags)
 - Mixed materials (too difficult/expensive to sort)
 - Materials degrade after repeated recycling
 - Demand necessary for recycled products
 - If high quality recycling is not possible
 - the waste should be turned into energy
 - rather than being landfilled
- **Residues from recycling also often need thermal treatment**

Even countries with the highest recycling rates in Europe (e.g. Austria, Belgium, Germany and the Netherlands) depend on WtE to treat remaining waste not suitable for recycling.

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Circular Economy

Question #3: what about energy?

WtE helps to divert waste from landfills, contributing to the waste targets. And by treating the waste that is not suitable for quality recycling and producing energy from it, it helps to make Europe less dependent on fossil fuel imports and contributes to security of energy supply, a major goal of the Energy Union policy.



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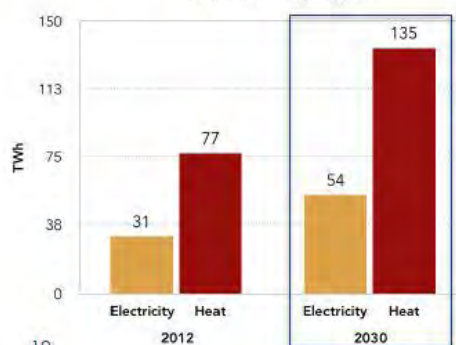
Circular Economy

Question #3: what about energy?

Based on Circular Economy targets for MW:

- Reuse + Recycling: **65%** by 2030
- Landfill: maximum **10%** by 2030
- Remaining MW to WtE + residual Commercial&Industrial (C&I) waste

2030 Energy potential for WtE in EU28 based on Circular Economy targets



Potentially producing **189 TWh** of secure energy from MW and C&I waste

Which would replace 10% of the energy supplied by the coal sector*

*Heat Roadmap Europe 2050 (Second pre-study for the EU27), May 2013



Recommendation 4: The City supports the State Government's move towards a Circular Economy, but believes that further work is required to quantify the costs and benefits in transitioning to a Circular Economy.

5. Shared Responsibility

The Consultation Paper states that “... *one of the most fundamental principles to becoming a low waste society is shared responsibility.*” The City agrees that there is a need to share responsibility to achieve this outcome, but considers it essential to clearly define what is meant when using the term “shared responsibility”.

To create an environment where responsibility for the delivery of the Strategy is truly shared, all parties must commit on an equal basis. WALGA have prepared an outline that clearly defines shared responsibility for all stakeholders for implementation of the Waste Strategy. The City supports this view, which is attached as Appendix 1.

Currently tasks that are delivered by the Waste Authority and the Department of Water and Environment Regulation are funded through the WARR Account. In 2017/18 this was approximately \$11 million out of a possible \$19 million. Very little financial support is provided to the remainder of the system to implement their responsibilities and/or move to new frameworks and systems proposed by the Department. Aside from the funds provided from the WARR account, it would appear that the State Government is not investing in many other waste management initiatives.

Local Government's contribution to residential waste and recycling services, as reported in the *2015-16 Local Government Census* was \$288 million. The City's annual waste budget for 2015-16 was approximately \$14 million.

Recommendation 5: State Government collaborates with stakeholders to clearly define how responsibilities are to be shared to support delivery of the aims and objectives of the Waste Strategy.

Recommendation 6: State Government clearly defines the term ‘shared responsibility’ in the context of the Strategy.

6. Landfill Levy

The passage of the WARR Act and the *Waste Avoidance and Resource Recovery Levy Act 2007* (WARRL Act) were accompanied by an understanding that the primary rationale for the Levy was to provide funds for relevant strategic activities. Specifically, implementation of the “*Strategic Direction, and the administration costs directly associated with its implementation*”. WARR Account funds should be used to address critical issues, such as market development and infrastructure needs.

The establishment of the WARR Account in 2008 saw a balance of \$11 million transferred from a similar Levy that was previously raised under the *Environmental Protection Act 1986*. Initially, a Levy of \$7/tonne for putrescible waste and \$3/m³ for inert waste was applied to waste collected or landfilled in the metropolitan area. In 2009, the WARR and WARRL Acts were amended to substantially increase the Levy and divert funds away from strategic waste management activities. At least 25% of funds raised through the Levy must now be paid into the WARR Account, with the remaining 75% of funds going to consolidated revenue. The regulatory amendment to increase the Levy occurred before the Waste Strategy was developed, or any additional resources were allocated to the enforcement of either the Levy or illegal dumping provisions. Local Government continues to view the Levy increase as a serious breach

of trust. For the 2017/18 Financial Year, the Levy is \$65/tonne for putrescible waste and \$60/m³ for inert waste.

Section 36(1)(da) of the WARR Act allows WARR Account funds to be used to cover the services and facilities of the Department. Since the introduction of the WARR Act, there has been a marked increase in the percentage of funds allocated to the Department. In the 2017/18 Financial Year, \$19 million will be allocated to the WARR Account, with at least \$11 million funding the Department's operational activities. The increase in funds allocated to the Department has not resulted in the implementation of the Strategy, or the development of publically available frameworks, programs and resources that deliver measurable benefits to the sector and reduce waste to landfill.

This may also include subsidising start up waste management processing businesses.

The City supports funds from the Landfill Levy being applied fully towards strategic waste management initiatives (as identified in the Waste Strategy) and opposes its use to fund State Government core activities.

Recommendation 7: State Government commit to fully allocating landfill levy funds to strategic waste management initiatives as identified in the Waste Strategy).

7. Targets

The Consultation Paper queries if targets should be introduced for each of the objectives. While the proposed objectives fulfil the WARR Act requirement for targets on waste reduction, resource recovery and the diversion of waste from landfill, further information needs to be provided on the methodology that was used to arrive at the targets suggested in the Consultation Paper. It is vital that targets are based on achievable configurations of infrastructure, engagement, and service delivery. The methodology used to develop the current Strategy targets was never provided.

The Waste Strategies adopted by other jurisdictions clearly explain what rationale and data have been used to set targets. For example, targets for MSW, C&I and C&D waste streams in the *South Australian Waste Strategy 2015-2020* are based on a detailed analysis that was undertaken as part of the *Review of South Australia's Waste Strategy 2011–2015*, annual recycling activity surveys and Zero Waste SA's own internal analysis.

Recommendation 8: Provide further information on the methodology and data used to arrive at the targets provided in the Consultation Paper.

Recommendation 9: Set targets based on modelling of feasible configurations of infrastructure, engagement, and service delivery.

8. Interconnectivity

There are no clear linkages in the Consultation Paper between the framework, principles, foundations, opportunities for improvement, priority materials and the objectives. Many of the actions listed under the objectives do not appear to be aligned with the principles of either the Waste Hierarchy or Circular Economy. Further clarity is

also required on how the actions under each objective leverage the various policy tools that have been referred to as foundations in the Consultation Paper.

The City suggests that the Waste Authority considers replicating the interconnected approach to Strategy development used by the Victorian Government. An infographic summarizing how the vision, purpose, goals, strategic directions and outcomes of the *Victorian Statewide Waste and Resource Recovery Infrastructure Plan 2015-44* work together are provided in Appendix 2 of this Submission.

Recommendation 10: Establish clear connections between all components / elements of the Waste Strategy.

9. Response to Questions

8.1 Principles

Have the correct principles been identified? Are there other principles that you consider should be included?

The principles should be simple and straightforward, providing clarity on what the Strategy is attempting to achieve. The WARR Act includes objects which identify the purpose of the Act. The Strategy is a requirement of the Act.

“The primary objects of this Act are to contribute to sustainability, and the protection of human health and the environment, in Western Australia and the move towards a waste-free society by —

- a) *promoting the most efficient use of resources, including resource recovery and waste avoidance; and*
- b) *reducing environmental harm, including pollution through waste; and*
- c) *the consideration of resource management options against the following hierarchy –*
 - i. *avoidance of unnecessary resource consumption;*
 - ii. *resource recovery (including reuse, reprocessing, recycling and energy recovery);*
 - iii. *disposal.”*

Recommendation 11: That the Principles in the Strategy reflect the objects stipulated within the Waste Avoidance and Resource Recovery Act.

8.2 Western Australia's Opportunities for Improvement

Are there other opportunities for Western Australia to improve its waste performance?

The City considers that other opportunities for improvement include:

- State Government leadership in the implementation of the Strategy
- Standardised data collection
- Infrastructure development

- Development of markets for recyclables
- Improved extended producer responsibility

Local Government cannot influence waste minimisation in isolation. It requires a paradigm shift in the manufacturing and retail sectors to improve packaging design, use less resources and make items easier to disassemble and recover. Extended Producer Responsibility programmes are required for problematic wastes like tyres, car batteries, gas bottles, mattresses, etc. There are currently too few costs or regulatory drivers on production and retailing models to elicit change in the waste supply chain.

Waste collection and disposal costs are primarily borne by Local Government and not the manufacturer, retailer or individual purchaser of the products. The costs are shared across the whole community and not associated to individual behaviour or production models.

8.3 Scope of the Strategy

Should the scope of the Waste Strategy be broadened to include other types and sources of waste?

The City does not support the expansion of the Strategy to include additional types and sources of waste, due to the limited progress on current waste streams.

8.4 Priority Materials

Have the highest priority wastes for Western Australia been identified? How will market and processing based factors affect the inclusion of these priority materials in the Waste Strategy?

The biggest issue facing the recycling industry in WA at the present time is the access to viable markets for processed kerbside recyclables. The China ban as mentioned in section 4.2 of this submission is already having a significant impact on the recycling industry (MRF operators) and will result in local governments having to increase refuse rates to cover increased recycling processing costs.

The effect has been felt throughout the supply chain in Australia, but also in the USA, Canada, Asia and Europe. This is far more than a downturn in the market, it is a wholesale removal of a market that once received half of the world's recycling.

There is no quick fix to this solution and government (at both state and federal level) need to assist waste management and manufacturing industries by encouraging and promoting the establishment of local reprocessing and re-use facilities in Australia.

It is noted that the Victorian Government announced on 23 February 2018 that they would implement a \$13 million package to assist Councils and industry that have been affected by China's decision to stop the import of low quality mixed recyclable materials. The assistance package will help Council's and the industry in the short term while they can develop longer term solutions, including contract re-negotiations.

What assistance is the WA State Government going to provide with respect to this issue?

Glass is the other major issue for Councils and the recycling industry. Glass is not being recycled and MRF operators are exploring options to reuse the product in civil and building type applications.

Should you have any further queries please do not hesitate to contact the City's Coordinator Waste Management, Mr Kyle Boardman on 9550 3685.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Claydon', with a stylized, cursive script.

Allan Claydon
Director Works and Services

Enc

Attachment 1

Table 2: Defining Shared Responsibility.

Table 2: Defining Shared Responsibility							
Entity type(→)	State Government (Environment Minister, Waste Authority and Department of Water and Environmental Regulation)	Other Government entities/ Departments	Local Government, Regional Councils and WALGA	Waste management industry (private sector)	Product Manufacturers	Not for profits (e.g. charities, social enterprises, environment groups)	Community
Aspect(↓)							
Legislation/ Regulation	Write, consult on, enact, ensure compliance and review relevant legislation and regulation. This includes requirements for sustainable procurement and product stewardship.	Write, consult on, enact, ensure compliance and review relevant legislation and regulation.	Comply with legislation. Regulate as appropriate.	Comply with relevant legislation and regulation.			
Strategic direction	Through consultation, set the Strategic Direction. Implement the actions in this matrix to achieve, monitor and review progress towards Strategic Direction.	Contribute to the development and achievement of the strategic direction.					
Targets	Through consultation, research and modelling, set targets. Implement the actions in the matrix to achieve, monitor and review targets.	Contribute to the development and achievement of the targets.					
Policy, Programs & Guidance	Through consultation and research, develop Policy, Programs and Guidance. Provide adequate funding, or incentives, to ensure uptake of Programs and Guidance. Support Local Governments with development of local	Contribute to the development and successful implementation of Policy, Programs and Guidance.	Contribute to the development and successful implementation of Policy, Programs and Guidance. Develop relevant local policies, programs and guidance.	Contribute to the development and successful implementation of Policy, Programs and Guidance.			

	<p>policies. Making sure programs work across regional areas as well as metropolitan.</p>						
Market Development	<p>Facilitate a market for recycled materials, by undertaking research and pilot projects, promoting procurement of recycled materials to other Government Departments, providing funding incentives, developing product specifications and pursuing Product Stewardship where appropriate.</p>	<p>Required to use, and support the use of products made from recycled materials.</p>	<p>Provide collection and processing services for recycled materials.</p> <p>Use, and support the use of products made from recycled material.</p>	<p>Provide collection and processing services for recycled materials.</p> <p>Manufacture, use, and support the use of, products made from recycled materials.</p>	<p>Use recycled materials as feedstock in manufacturing processes.</p> <p>Initiate Product Stewardship Schemes to facilitate market development, when required.</p>	<p>Use, and support the use of products made from recycled materials.</p> <p>Promote the benefits of using recycled materials.</p>	<p>Support the use of recycled materials, purchase products made from recycled materials.</p>
Infrastructure (such as MRF's, drop off centres, composting facilities, landfills)	<p>Work with relevant agencies and stakeholders to coordinate large scale planning for required infrastructure including developing an infrastructure plan to identifying key locations for infrastructure, current infrastructure capacity and potential infrastructure needs.</p> <p>Develop best practise guidelines for the development of infrastructure.</p>	<p>Work with the Department of Water and Environmental Regulation to ensure that infrastructure locations with protected buffers are made available in a timely manner.</p>	<p>Commission relevant waste management infrastructure.</p>	<p>Build, operate, supply waste management infrastructure.</p>	<p>Consider the capacity and capability of existing infrastructure in product design.</p>	<p>Create, maintain and service specific infrastructure as appropriate</p>	<p>Use infrastructure correctly.</p>
Services (such as collection, transport, material sorting)	<p>Use services that contribute to reuse, resource recovery and diversion of waste from landfill.</p>	<p>Through purchasing processes engage services that contribute to reuse, resource recovery and</p>	<p>Deliver municipal waste services which contribute to reuse, resource recovery and diversion of waste from landfill.</p>	<p>Deliver collection, sorting and processing services.</p>	<p>Use services that contribute to reuse, resource recovery and diversion of</p>	<p>Collection, sorting, processing of specific streams.</p> <p>Use services that contribute to</p>	<p>Use services correctly.</p> <p>Use services that contribute to reuse, resource recovery and</p>

		diversion of waste from landfill. Use services that contribute to reuse, resource recovery and diversion of waste from landfill.	Use services that contribute to reuse, resource recovery and diversion of waste from landfill.	Use services that contribute to reuse, resource recovery and diversion of waste from landfill.	waste from landfill.	reuse, resource recovery and diversion of waste from landfill.	diversion of waste from landfill.
Behaviour Change	Develop and run initiatives on matters where there is commonality across the state. For example, waste avoidance messages. Influence decision making on Government services to encourage reuse, resource recovery and diversion of waste from landfill. Support Local Government to uptake programs to change behaviour around waste which suits a whole state approach with regional programs differing from metro	Engage staff and contractors to undertake activities in a way that contributes to reuse, resource recovery and diversion of waste from landfill.	Develop and run initiatives on matters specific to a region or local area for example how to use the kerbside recycling bin. Communicate with and update the local community on changes at a state level (targets, initiatives etc).	Develop and run initiatives on behalf of Local Government. Supply State and Local Governments with specific information on infrastructure, such as capacity and access to markets.	Contribute on a product specific basis.	Contribute to behaviour change initiatives in line with the organisations sphere of influence and objectives.	Act according to education material received.
Measurement and monitoring	Set standards and definitions for data collected, enforce data collection as required. Analyse the data that is reported from other entities and use the data to inform decision making. Monitor and report on progress towards the strategic direction / targets.	Collect and report data to the relevant state agency.	Collect and report data to the relevant state agency.	Collect and report data to the relevant state agency.	Collect and report data to the relevant State / Federal agency (e.g. TV and Computer Scheme).	Collect and report data to the relevant state agency.	Receive information on progress towards the strategic direction and targets.

9 **SUBJECT:** Point Repose Foreshore Reserve - Proposed Picnic Tables and Shade Shelter
CONTACT OFFICER/S: Terry Blanchard
AUTHOR: John Harris
FILE NO:

Summary

A petition containing 18 signatures from local residents requesting the installation of permanent seating and shelters along the estuary path in Reserve 44417, Bouvard, was presented to Council in June 2016. Council resolved to receive the petition and refer it to officers for consideration and inclusion in the reporting process.

The shelter and seats are consistent with the reserve purpose as it enhances community recreational use of the reserve and estuary environment and supports the aims of the Draft Point Repose Foreshore Management Plan, 1999. The 2017/2018 budget allocation for the project is \$35,000.

Reserve 44417 is a 5.782 hectare, "C" Class reserve created for the purpose of Public Recreation and Foreshore Management with the responsible authority being the Department of Water and Environmental Regulation (DWER).

Currently in order for the project to proceed, the responsible authority needs to approve of the structure on their land. Indications are this will not be forthcoming from DWER.

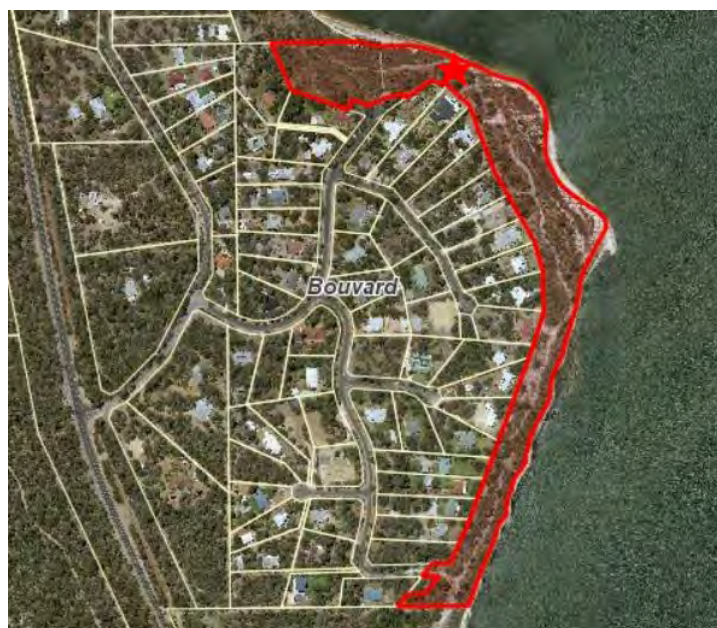
As the land is under the care, control and management of the Department of Water and Environmental Regulation, Council is requested to advise the petitioners that as this proposed project is on land controlled by another agency, the project will not proceed.

Disclosure of Interest

Nil

Location

The Point Repose foreshore reserve (Reserve 44417), is located on the western foreshore of the Harvey Estuary in the vicinity of Crescent Drive, Bouvard.



Property Details

Reserve 44417 is a 5.782 hectare, "C" Class reserve created for the purpose of Public Recreation and Foreshore Management with the responsible authority being the Department of Water and Environmental Regulation (DWER). It is largely a bushland reserve but does have a shared concrete path traversing the area linking Crescent Drive with Park Way.

Previous Relevant Documentation

- G.5/6/16** **16 June 2016** Hon Councillor Riebeling presented a petition that contained 18 signatures, requesting that the City provide permanent seating and shelters along the estuary off the end of Crescent Drive, Bouvard.

- G.32/7/17** **25 July 2017** Council supported the Peel Harvey Catchment Council advocating for the establishment of an appropriate governance/management structure for the Peel Harvey estuary. Furthermore, advocates for the preparation of a new Water Quality Improvement Plan for the Peel-Harvey and the establishment of resources and accountabilities for its delivery. Council also endorsed to have best practice water related and environmental management as a key strategic focus of the City.

Background

A petition containing 18 signatures from local residents requesting the installation of permanent seating and shelters along the estuary path in Reserve 44417 was presented to Council in June 2016. Council resolved to receive the petition and refer it to officers for consideration and inclusion in the reporting process.

The petition was initiated primarily in response to local net fishers and families meeting socially once a week on site to set fishing nets in accordance with strict set net licence conditions. Nets can only be set on Wednesdays between 4.30pm and midnight, from 1 November to 31 July and are banned during August, September and October. Fishers are required to attend and remain within 100 metres of their net and lift and clean the net every hour. Advice received indicated netting numbers have been between 12 and 21 persons on the designated netting evening. The netters have been using their own fold up and plastic chairs etc. and currently store them on the foreshore in the location highlighted below.

It is considered that the request is consistent with the reserve purpose as it enhances community recreational use of the reserve and estuary environment and also supports the aims of the Draft Point Repose Foreshore Management Plan 1999, prepared by the then Water and Rivers Commission (now DWER). As such, it is recognised that a shelter could be constructed on the site but would need formal approval from DWER.

Department of Water and Environmental Regulation

The responsible authority for Reserve 44417 is the Department of Water and Environmental Regulation (DWER). As such, approval was sought from that Department to undertake proposed works. A formal response was received from The Program Manager (DWER) on 20 November 2017, which noted:

"After discussion with the DWER Land Asset Branch, the Department finds it difficult to support this structure on Reserve 44417. The proposed use is consistent with the purpose of the vesting being for Foreshore Protection and Recreation. The Department did not take issue with the specifics of design or location of the proposed structure. It is a matter of the Department's current ability to manage land and

any liabilities brought on by the project because the Department's resourcing in the region are low and are unlikely to change."

DWER considered that due to the above limitations that they would support the City taking the vesting of Reserve 4417 (should the City accept), and thus enabling the construction of the shelter.

"This would be in keeping with the majority of foreshore lands fronting the Peel-Harvey waterways and would help to ensure that the Point Repose lands could be managed consistently with other recreational lands in the City for the benefit of residents. Should the City be willing to accept vesting of Reserve 44417, DWER would likely be a willing partner in such a transfer."

Comment

DWER has the management authority over the land but not the capacity to undertake maintenance of the land (weeds, revegetation, erosion, track upkeep, fence repairs, litter removal, path clearance, signage), and maintenance of existing or proposed infrastructure to meet community expectations. Minimal maintenance to the reserve currently occurs and works needed includes litter collection, trimming vegetation away from paths and clearing fallen and dead timber from the shared path

Council does not have care and control of this reserve. Although it is rare for DWER to control a reserve abutting the Peel Estuary, it is not uncommon for State agencies to have care and control.

It may be appropriate for some of these reserves to be managed by the City, but this should only be done after careful consideration of the community access requirements and the potential cost to Council.

Should the City take over reserves adjacent to the estuary the cost implications become high based on the needs of the community and the community's expectations.

Consultation

Community engagement with local residents was undertaken. A letter, site plan and details of the structure were provided to 64 surrounding properties, as shown below.



For the record, the response from the residents was as follows:

Nil Choice	Yes and No	Yes	No	Total
1	1	21	8	31

Statutory Environment

Reserve 44417 is a 5.782 hectare, "C" Class reserve created for the purpose of Public Recreation and Foreshore Management with the responsible authority being the Department of Water and Environmental Regulation (DWER).

Policy Implications

Parks and Reserve POL-PKR 02

Risk Implications

- The vestment of land remaining with DWER who are unwilling to provide resources to maintain the foreshore may lead to unacceptable environmental outcomes.
- Transfer of the Management Order not effected and the facility is not built.

Economic Implications

Current 2017/2018 budget allocation for the project includes \$35,000 in Account 1635.700326 would not be expended.

Strategic Implications

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

Environment:

- Protect and ensure the health of our natural environment and waterways.

Social:

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

Infrastructure:

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

Conclusion

The Point Repose foreshore reserve (Reserve 44417), is located on the western foreshore of the Harvey Estuary in the vicinity of Crescent Drive, Bouvard. It is a 5.782 hectare, "C" Class reserve created for the purpose of Public Recreation and Foreshore Management with the responsible authority being the Department of Water and Environmental Regulation (DWER).

The request for a shelter and seats was consistent with the reserve purpose and the aims of the Draft Point Repose Foreshore Management Plan 1999. However, as DWER manage the reserve they have stated that they are unwilling to support the proposal.

It is recommended that based on the advice of DWER that they would not be able to service or maintain the Point Repose development the City of Mandurah advise the petitioners that the project will not proceed.

RECOMMENDATION

That Council:

- 1. Not proceed with the proposed picnic tables and shade shelter at Point Repose Foreshore Reserve because the reserve is not under the care and control of the City of Mandurah.**
- 2. That the petitioners be advised accordingly.**

10 SUBJECT: Tender Number T26-2017 – Mandurah Performing Arts Centre Lift Installation

CONTACT OFFICER/S: Simon Hudson / Natasha Pulford

AUTHOR: Derek Lynch / Erin Johnson

FILE NO: F0000131670

Summary

The Mandurah Performing Arts Centre (MPAC) was constructed in 1997. The design made provision for the future installation of a lift from the foyer lobby to the mezzanine level.

There is a need to provide the option for universal access to the facility and therefore the City invited tenders for the Mandurah Performing Arts Centre Lift Installation in December 2017.

As a result of the evaluation of tendered submissions, Council approval is sought to select Kone Elevators Pty Ltd as the preferred tenderer.

Disclosure of Interest

Nil

Location



Previous Relevant Documentation

Nil

Background

The need for the lift is to ensure that the building is accessible for all as at present there is no accessibly compliant means to provide access to the mezzanine level.

The tender specification required a minimum ten person (800kg) personnel lift. The finishes to the interior of the car were specified to reflect the design work currently been undertaken with the interior for the MPAC. Respondents to the tender were asked to provide a lump sum offer for the supply, installation and commissioning of a personnel lift in the MPAC building. The specifications required that the lift comply with all relevant standards in relation to provision for accessibility requirements.

The tender for the Mandurah Performing Arts Centre Lift Installation 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.

Comment

The tender closed at 2:00pm on Thursday 21 December 2017. Submissions were received prior to the closing deadline from:

1.	Schindler Lifts Australia Pty Ltd	Belmont
2.	Kone Elevators Pty Ltd	Belmont

Schindler Lifts Australia Pty Ltd tender was rejected in accordance with clause 4 of the Conditions of Tendering document for not responding to all the Selection Criteria.

The following weighted qualitative criteria were used to assess and rank the tendered submission:

Description of Qualitative Criteria	20%
Methodology and Maintenance	20%
Price	60%

An evaluation panel, comprising of officers from Infrastructure Management and Facilities Management individually reviewed the tender and mutually assessed it against the weighted qualitative criteria.

On completion of the assessment of the qualitative criteria the price was entered into the Evaluation Matrix, as shown in the ***Confidential Attachment***, where a final analysis taking into account the combined qualitative and quantitative aspects occurred, along with a review of the financial estimate to determine whether the City would achieve value for money.

The tendered submission from Kone Elevators Pty Ltd is recommended as the preferred tenderer.

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

Consultation

A non-mandatory site inspection was held on 11 December 2017 at The Mandurah Performing Arts Centre, Ormsby Terrace Mandurah and was attended by Kone Elevators Pty Ltd.

A financial assessment has been undertaken by Financial Services and no issues were identified.

The referee was contacted who report that the preferred tenderer is considered capable of carrying out the contract.

Statutory Environment

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

Policy Implications

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

Risk Implications

There is also the potential that the breaker is required to be updated on existing switchboard however this is a minimal cost budgeted under maintenance.

Economic Implications

The price basis for this contract is a fixed lump sum fee which can be accommodated within the project budget of \$194,000. The project value is funded 50% from grant funding and 50% from a reserve account.

Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Tenders for the Mandurah Performing Arts Centre Lift Installation were recently invited and assessed against both qualitative criteria and price. The result was that the submission from Kone Elevators Pty Ltd represented overall value for money for the City and it is therefore recommended that the City selects Kone Elevators Pty Ltd as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment***.

RECOMMENDATION

That Council accepts Kone Elevators Pty Ltd as the preferred tenderer for Tender T26-2017 for the Mandurah Performing Arts Centre Lift Installation.

11 SUBJECT:	Tender Number T31-2017 - Architectural Consultancy Services for Lakelands Shared Sports Facility
CONTACT OFFICER/S:	Simon Hudson / Natasha Pulford
AUTHOR/S:	Jonathan Spain / Vicki Lawrence
FILE NO:	F0000136784

Summary

The Lakelands District Open Space is a proposed shared use school, sport and recreation facility to be constructed in an area bounded by Mandurah Road and Banksiadale Gate in Lakelands.

The City of Mandurah has worked in partnership with the Department of Education to secure land for the development through the consolidation of developer public open space contributions, the co-location of primary and secondary school sites and strategic land acquisitions to form an education and public recreation precinct.

The Project will deliver three senior multi-use active reserves, a district level community clubroom facility, car parking and sports floodlighting across all three reserves. The total project cost is estimated at approximately \$7.9M, with the City successfully securing an election commitment of \$2.5M from the State government towards the delivery of the Community Clubroom Facility.

The City invited tenders for the Architectural Consultancy Services for Lakelands Shared Sports Facility (Community Clubroom Facility). Council approval is sought to select Bollig Design Group Pty Ltd ATF the BDG Trust as the preferred tenderer.

Disclosure of Interest

Nil

Location

Lakelands Shared Sports Facility is currently located on three lots. One being owned by Urban Capital, and the others being PEET and Department of Education.



Previous Relevant Documentation

G.10/9/17	September 2017	Council notes the planned funding strategy and draft project timelines for the delivery of the Lakelands District Open Space project. Approved unbudgeted borrowings of \$2,800,000 from the Western Australia Treasury Corporation, noting the need to advertise publicly as per Section 6.20 of the Local Government Act. Approved unbudgeted Capital Expenditure of \$1,000,000 in 2017/18 for the Lakelands District Open Space Project to be funded from: Loan Funding \$300,000 and Grant Funding (State Government) \$700,000.
G.36/9/17	September 2017	Council supported the rankings and ratings for the Community Sport & Recreation Facility Fund Forward Planning applications: Noted that the City is currently progressing with the detailed design work for the Active Reserve Development with intent to commence construction works in early 2018, subject to project funding.

Background

The Lakelands District Open Space is a proposed shared use school, sport and recreation facility to be constructed in an area bounded by Mandurah Road and Banksiadale Gate in Lakelands. The City of Mandurah has worked in partnership with the Department of Education to secure land for the development through the consolidation of developer public open space contributions, the co-location of primary and secondary school sites and strategic land acquisitions to form an education and public recreation precinct.

The Project will deliver three senior multi-use active reserves, a district level community clubroom facility, car parking and sports floodlighting across all three reserves. The total project cost is estimated at approximately \$7.9M, with the City successfully securing an election commitment of \$2.5M from the State government towards the delivery of the Community Clubroom Facility.

The price basis for the contract is a lump sum fixed price for stages one (review of schematic design), two (design development) three (construction contract document) and four (tender evaluation/construction).

Comment

The tender for the Architectural Consultancy Services for Lakelands Shared Sports Facility 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 closed at 2:00pm on 11 January 2018. 14 submissions were received prior to the closing deadline from the following:

1.	APOD Pty Ltd Ta Donovan Payne Architects	Mosman Park, WA
2.	Armstrong Parkin Pty Ltd	Fremantle, WA
3.	Hodge Collard Preston Pty Ltd	West Perth, WA
4.	Holton Connor Architects and Planners	West Perth, WA
5.	Lantern Creative Pty Ltd ta Lantern Architecture	East Fremantle, WA
6.	Lycopodium Infrastructure Pty Ltd	East Perth, WA
7.	MCG Architects Pty Ltd	Bunbury, WA
8.	Mode Design Corp Pty Ltd	Perth, WA
9.	MPS Architects Pty Ltd	Leederville, WA

10.	Sandover Pinder Pty Ltd	Perth, WA
11.	Scatena Clocherty Architects	West Leederville, WA
12.	SITE Architecture Studio	Perth, WA
13.	Bollig Design Group Pty Ltd ATF the BDG Trust	West Perth, WA
14.	With Architecture Studios Pty Ltd	Perth, WA

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, Project Management and Recreation Services, individually assessed each tender against the weighted qualitative criteria submitted by each tenderer.

On completion of that assessment, prices tendered 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 occurred in order to determine the tender which represented best overall value for money for the City.

The tendered submission from Bollig Design Group Pty Ltd ATF the BDG Trust was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer.

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

Consultation

A financial assessment and credit check have been undertaken by financial services where no issues were identified with the preferred tenderer. Reference checks have been undertaken with nominated referees who report 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

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

Risk Implications

The delivery of the consultancy services are low risk. Contract management measures will be in place through the course of the contract.

Economic Implications

The City has secured an election commitment of \$2.5M from the State government towards the delivery of the Community Clubroom Facility.

The fixed cost of the architectural consultancy is the tendered price of \$123,790.

Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Tenders for the Architectural Consultancy Services for Lakelands Shared Sports Facility were recently invited. 14 were received and assessed against both qualitative criteria and price. The result was that the submission from Bollig Design Group Pty Ltd ATF the BDG Trust represented overall best value for money for the City and is therefore recommended as the preferred tenderer at a lump sum price of \$123,790.

NOTE:

- Refer ***Confidential Attachment***.

RECOMMENDATION

That Council accepts Bollig Design Group Pty Ltd ATF the BDG Trust as the preferred tenderer for Tender T31-2017 for the Architectural Consultancy Services for Lakelands Shared Sports Facility.

12	SUBJECT:	Tender Number T33-2017 – Groundwater Bore Construction
	CONTACT OFFICER/S:	Terry Blanchard / Natasha Pulford
	AUTHOR:	Dale Robinson / Vicki Lawrence
	FILE NO:	F0000138254

Summary

The Lakelands District Open Space will be a shared use school, sport and recreation facility to be constructed in an area bounded by Mandurah Road and Banksiadale Gate, Lakelands.

The City uses groundwater from the artesian and superficial aquifers to irrigate sporting reserves and recreational parks and as such a bore is required to reticulate the open space.

The City invited tenders for one Artesian Groundwater Bore Construction during December 2017.

Council approval is sought to select Welltechnics Pty Ltd T/as Darling Downs Drilling as the preferred tenderer.

Disclosure of Interest

Nil

Previous Relevant Documentation

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

Location

The Lakelands District Open Space Artesian bore is proposed to be located in the North-Western Corner of the future playing fields (Figure 1).



Figure 1: Lakelands District Open Space Development Site and Artesian Bore Construction.

Background

The development of the active reserve space and the reserve surrounds will require a water supply to ensure the ongoing maintenance of the site. Application to construct one artesian bore was made to the Department of Water and Environmental Regulation which has subsequently been approved. The approval of the licence comes with the licence duration commencing from 31 January 2017 to 30 January 2020.

The tender requires the installation of the Artesian Bore to commence as soon as practicable, subject to Council approval.

The tender for the Artesian Groundwater Bore Construction at the Lakelands District Open Space was advertised in the 16 December 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 23 January 2018. Two submissions were received prior to the closing deadline from:

1.	Welltechnics Pty Ltd t/as Darling Downs Drilling	Oakford WA
2.	Western Irrigation Pty Ltd	Bibra Lake WA

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

Technical Skills and Experience of Key Personnel	25%
Methodology	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 Project Management, Technical Services, Landscape Services and City Parks - Irrigation, 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 occurred in order to determine the tender which represented best overall value for money for the City.

The tendered submission from Welltechnics Pty Ltd T/as Darling Downs Drilling was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer.

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

Consultation

A non-mandatory site inspection was held on Wednesday 20 December 2017 at the Lakelands District Open Space and was attended by tenderer Western Irrigation Pty Ltd.

A financial assessment and credit check have been undertaken by financial services where no issues were identified with the preferred tenderer.

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

Statutory Environment

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

The licence to construct granted by the Minister under section 26D of the Rights in Water and Irrigation Act 1914 for the Artesian Bore for the duration of the licence is from 31 January 2017 to 30 January 2020.

Policy Implications

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

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

Risk Implications

The Artesian bore will be drilled and used initially for the construction of the facilities and then for the reticulation of the completed public open space. Whilst the City is confident that the water resource is available, a minor risk exists until such time as testing is conducted and the bore is actually drilled.

Economic Implications

The price basis for the contract is fixed for the term of the contract at \$183,719.00 (excl. GST) for the bore construction. The City has allocated funding in the 2017/18 Capital Budget for planning and design works associated with the delivery of the Lakelands District Open Space. The construction and commissioning the bore is within the project allocation for this component of works.

Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Tenders for the Groundwater Bore Construction for the Lakelands District Open Space were recently invited. Two Tenders were received and assessed by an evaluation panel against both qualitative criteria and price. The result was that the submission from Welltechnics Pty Ltd T/as Darling Downs Drilling represented overall best value for money for the City and is therefore recommended as the preferred tenderer for the lump sum price of \$183,719.00 (excl. GST).

NOTE:

- Refer ***Confidential Attachment.***

RECOMMENDATION

That Council accepts Welltechnics Pty Ltd T/as Darling Downs Drilling as the preferred tenderer for Tender T33-2017 for the Groundwater Bore Construction for the Lakelands District Open Space.

13	SUBJECT:	Jetties, Waterways & Marina Amendment Local Law 2018
	CONTACT OFFICERS:	Natasha Pulford/Neil Carroll
	AUTHORS:	Sophie Luxton/Natasha Pulford
	FILE:	R0001163425

Summary

A review of the Jetties, Waterways and Marina Local Law 2010 has identified the need for some minor amendments to clarify provisions within the local law and bring the local law into line with current drafting practices.

As a legal requirement, all local laws are to have a purpose and effect where the following is proposed for the Waterways and Marina Amendment Local Law 2018:

PURPOSE: to amend provisions within the *City of Mandurah Jetties, Waterways and Marina Local Law 2010*.

EFFECT: to ensure that the *City of Mandurah Jetties, Waterways and Marina Local Law 2010* is as clear, concise and effective as possible.

Council is requested to adopt the proposed Jetties, Waterways and Marina Amendment Local Law 2018 for advertising.

Disclosure of Interest

Nil.

Previous Relevant Documentation

G.43/12/11	14 December 2011	Jetties, Waterways and Marina Amendment Local Law 2011.
G.30/3/11	22 March 2011	Final Adoption Jetties, Waterways and Marina Local Law 2010.

Background

Local laws are subsidiary legislation made by Local Governments under the head of power granted by the *Local Government Act 1995*. They are generally made to serve a purpose that State or Federal Acts and Regulations do not address for the particular local government.

In 2011 Council adopted the original local law. Due to the fact that the issues experienced in Mandurah are quite unique because of our geographical location no sufficient Western Australian Local Government Association Model Local Law on which we could base our proposed local law existed.

Consideration was instead given to the City of Albany's Jetties, Bridges and Boat Pens Local Law and the Town of Cottesloe's Jetties, Waterways and Marina Local Laws. The local law was based on a combination of these two local laws and the City consulted with the Minister for Local Government, Minister for Planning and Minister for Water, Department of Transport, Mandurah Surf Lifesaving Association, local resident associations, Mandurah Police, Water Police and local cruise companies.

Once adopted, all local laws are to be reviewed every eight years, or as required in the interim. As such a review has been conducted of the 2010 local law.

Comment

The intent of most local laws introduced by the City is for it to be a preventative measure before being an instrument for enforcement. As such the City has adopted an "education before enforcement" approach to all of its local laws.

Amendments are to be incorporated into a new local law and advertised for six weeks to allow for public response. They are also to be provided to the Minister for Local Government and Minister for Water for review. Any public or Ministerial responses made to the City will be acknowledged and reported to Council for consideration prior to approving and making the local before it moves on to be published in the Government Gazette.

The following State-wide and Local public notice will be given stating that:

- the City of Mandurah proposes to make a Jetties, Waterways and Marina Amendment Local Law 2018, the purpose of which is to amend provisions within the *City of Mandurah Jetties, Waterways and Marina Local Law 2010* and the effect of which is to ensure that the *City of Mandurah Jetties, Waterways and Marina Local Law 2010* is as clear and effective as possible;
- a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
- submissions about the proposed local law may be made to the City before the day specified in the notice, being not less than 6 weeks after the notice is given.

A provision within this proposed amendment local law is intended to apply outside of the City's District boundary and therefore may require the approval of the Governor. Following the consultation period for this amendment local law the City is required to request the Department of Local Government make a submission to the Governor to provide approval for the local law to apply outside of the District.

All proposed amendments are within **Attachment 1 Proposed City of Mandurah Jetties, Waterways and Marina Local Law 2018**. The main amendments proposed and their reasoning are:

Proposed Amendment	Reasoning
<p>Clause 1.2 Definitions</p> <p>A definition for "nuisance" has been added.</p>	<p>Without a clear definition it would be very difficult for any enforcement action in the Magistrates Court to prove that a nuisance has been caused.</p>
<p>Clause 4.2 Mooring of vessels</p> <p>This clause has been redrafted to clarify that vessels are not to be moored, fastened or left alongside a public jetty for more than four hours in any 24 hour period unless there is a sufficient reason (ie. the vessel is in distress or where the approval of the City has first been obtained).</p>	<p>The City has experienced instances where vessels have been left unmoored alongside public jetties for an extended period of time. This can result in safety and nuisance issues for the City and other users of the waterways. The proposed amendment provides the City with the ability to better manage these circumstances.</p> <p>It is to be noted that the inclusion of the provision "alongside a public jetty" may fall outside of the district boundaries for the City of Mandurah and therefore this local law may require the Governor's approval.</p>
<p>Clause 4.14 Local government may close jetties or regulate activities</p> <p>This is a new clause which allows the City to close or restrict access to public jetties.</p>	<p>This proposed clause provides the City with the ability to close or restrict access to jetties for purposes such as the holding of a function, public safety, repair/maintenance or construction works.</p>
<p>Clause 5.3(4) Private jetties and pontoons & 6.1 Maintenance of waterway-edge wall</p>	<p>Legal advice received indicates that the City may experience difficulty in enforcing the clause as it is currently worded.</p>

This clause clarifies that the requirement for an owner to maintain a jetty, pontoon or waterway-edge wall includes doing so as to avoid it becoming dilapidated, unsightly, unsafe or otherwise unfit for its purpose and must comply with any notice given by the City requiring repair.	
Clause 8.2(3) Notice of breach Addition of a new subclause (3) to provide clarity as to the use of notices of breach by the City.	In order to enable the City to issue notices of breach for prohibitions including a timeframe (such as clause 4.2) the new subclause (3) is required.

In addition to the above, administrative amendments to 30 clauses and subclauses have been made for the purpose of adding clarity to the operational intent of the clause and also to bring the local law into line with current drafting practices. These amendments do not alter the operation of the local law.

Consultation

Advice was sought from McLeods Barristers and Solicitors and the proposed amendments to the Jetties, Waterways and Marina Local Law 2010 reflect the advice received.

The City of Busselton Jetties Local Law 2014 was considered as part of the review.

Statutory Environment

- Local Government Act 1995, Part 3, Division 2;
 - Subdivision 1 – Local Laws made under this Act; and
 - Subdivision 2 - Local laws made under any Act.

Policy Implications

Nil.

Risk Implications

There are risks associated with introducing legislation around matters that affect community members. Additional reasoning has been provided to clarify the minor nature of amendments.

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

In accordance with statutory obligations the City's Jetties, Waterways and Marina Local Law 2010 has been reviewed where some minor amendments are proposed to clarify provisions within the local law and bring the local law into line with current drafting practices.

Council is therefore requested to adopt the proposed Jetties, Waterways and Marina Amendment Local Law 2018 for advertising and note that any responses will be reported to Council for consideration prior to the making and gazettal of the local law.

NOTE:

- Refer ***Attachment 1 Proposed Jetties, Waterways and Marina Amendment Local Law 2018***

RECOMMENDATION

That Council:

1. **Adopt the proposed City of Mandurah Jetties, Waterways and Marina Amendment Local Law 2018 for advertising.**
2. **Note that any public and Ministerial responses will be reported to Council for consideration prior to the making of the local law and publication in the Government Gazette.**

ABSOLUTE MAJORITY REQUIRED

LOCAL GOVERNMENT ACT 1995*City of Mandurah***JETTIES WATERWAYS AND MARINA AMENDMENT LOCAL LAW 2018**

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

1. Citation

This local law may be cited as the *City of Mandurah Jetties, Waterways and Marina Amendment Local Law 2018*.

2. Commencement

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

3. Principal Local Law

In this local law, the City of Mandurah Jetties, Waterways and Marina Local Law 2010 published in the Government Gazette No. 53 of 4 April 2011 is referred to as the principle local law.

4. Clause 1.2 amended

- (a) Move the definition of “authorised person” so that it appears in alphabetical order;
- (b) In the definition of “jetty” following the word “quay” add the word “jetty”;
- (c) In the definition of “marina” delete the “s” in the term waterways;
- (d) Insert the following definition “**nuisance** means
 - (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law; or
 - (b) an unreasonable interference with the use and enjoyment by a person of his or her ownership or occupation of land; or
 - (c) interference which causes material damage to land or other property on the land affected by the interference.”;
- (e) Delete the definition of “owner” and replace with “owner in relation to any vessel, vehicle, cargo, property or other chattel, means the person who is the lawful owner of the person entitled to possession of the same if that is not the lawful owner”;
- (f) Delete the definition of “reasonable notice” and replace with “reasonable notice in regard to intended entry, means notice containing the purpose or purposes for which entry is required and giving a notice period of not less than 24 hours in accordance with section 3.32 of the Act;”; and
- (g) In paragraph (b) of the definition of “vessel” insert the word “or” after the word “wholly” and in the last line delete the passage “purposes or walkways or storage” and replace it with “purpose of a jetty, or for storage”.

5. Clause 2.5 amended

- (a) Delete the number (1);
- (b) In paragraph (c) add the word “otherwise” before the term “within 20 metres”; and

- (c) Move the passage “except in a fuel storage facility constructed with the approval of an authorised person” onto a separate line after (c).

6. Clause 2.8 amended

- (a) At the end of subclause (1) after the term “this local law” delete the full stop and add the passage “and shall have effect as such”; and
- (b) In subclause (2)(b) add the word “related” after the word “next”.

7. Clause 3.3 amended

- (a) Delete the number (1);
- (b) Insert the term “; and” after the mooring line diameter of “ Not less than 24 mm”;
- (c) In subclause (b) delete the passage “lines which are unfit for their intended purpose” and replace with the passage “line which is unfit for its intended purpose”.

8. Clause 3.4 amended

- (a) Delete the number (1);
- (b) Delete the word “comply” and replace it with “compliant”; and
- (c) Delete the passage “clause 3.3(1)(a)” and replace with “clause 3.3(a)”.

9. Clause 3.5 amended

Delete clause 3.5 and replace with the following:

“The owner of a moored vessel must not connect or permit the connection of the vessel to the mains power supply of a dwelling unless-

- (a) the power supply of the vessel complies with AS/NZS 3004; and
- (b) the power cords used to connect the power supply of the vessel to the mains power supply of the dwelling comply with AS/NZS 3191; and
- (c) the power cords or leads used to connect the vessel to the mains power supply of the dwelling do not enter the water and do not otherwise create a hazard for those in the vicinity of the vessel.”.

10. Clause 3.6 amended

Delete the first line “No person shall moor a vessel in a waterway so as to -” and replace it with “A person shall not moor or anchor a vessel in a waterway so as to -”.

11. Clause 4.1 amended

- (a) In subclause (2)(b) move the words “unless that person is engaged in the construction or repair of that public jetty in accordance with the written authorisation of an authorised person” onto a new line so that it applies to (a) and (b); and
- (b) In subclause (2)(b) insert “,” after the words “any other written law”.

12. Clause 4.2 amended

- (a) In subclause (1) after the word “jetty” insert the passage “or allow a vessel to remain alongside or so that any part of the vessel is within 3 metres of the public jetty,”;
- (b) In subclause (1)(b) delete the word “single” in the first line and replace with the word “continuous”;
- (c) In subclause (2)(a) delete the words “make fast” and replace with “fasten”;
- (d) In subclause (2)(c) delete the words “or any part of the jetty”; and
- (e) Insert a new subclause “(3) For the purpose of this clause 4.2, a vessel is considered to remain alongside or adjacent to a public jetty if any part of the vessel remains within 3 metres of the jetty for more than two hours in any 24 hour period”.

13. Clause 4.4 amended

In paragraph (b) move the words “except for an emergency vehicle responding to an emergency” onto a separate line so that it applies to (a) and (b).

14. Clause 4.6 amended

Delete the heading “Nuisance on public jetties or bridges” and replace with “Prohibited activities on vessels, public jetties or bridges”.

15. Clause 4.7 amended

Delete the words “trees, shrubs, grasses” and replace with “tree, shrub, grass”.

16. Clause 4.8 amended

- (a) In subclause 3(b) after the word “by” insert the passage “the use of”; and
- (b) In subclause (3) delete subclause(c) and substitute the following – “(c) where the damage is caused by the use of a vessel or a vehicle while under the control of an agent or employee of the owner of the vessel or vehicle, but without prejudice to the liability of any person arising under this or any other clause of the Local Law”.

17. Clause 4.12 amended

- (a) In paragraph (a) delete the words “any jetty;” and replace with the words “the jetty or bridge;”;
- (b) Delete paragraph (e) and renumber the remaining subclauses accordingly.

18. Clause 4.14 added

Add a new clause:

“4.14 Local government may close jetties or regulate activities

The local government may –

- (a) Close or cause to be closed any jetty or any part thereof;
- (b) Regulate, prohibit or restrict access to any jetty or any part thereof;
- (c) Direct persons to leave the jetty or any part thereof, for the purposes of –
 - i. a function or public convenience at or on the jetty;
 - ii. repair, maintenance or construction of the jetty;
 - iii. public safety; or

- iv. other operational reasons.”

18. Clause 5.1 amended

Delete the heading “Causing a nuisance from a private jetty” and replace with “Activities prohibited on a private jetty”.

19. Clause 5.2 amended

- (a) At the end of paragraph (a) after “,” insert “or”;
- (b) Delete paragraph (b); and
- (c) Re-number paragraph (c) accordingly.

20. Clause 5.3 amended

- (a) In the heading following the word “jetties” add the words “and pontoons”; and
- (b) Delete subclause (4) and replace with:

“(4) The owner of a private jetty or pontoon must maintain the jetty or pontoon so as to avoid it becoming dilapidated, unsightly, unsafe or otherwise unfit for its purpose, and must comply with any notice given by the local government in that regard within 28 days or such longer period as may be stipulated in the notice.”.

21. Clause 5.4 amended

In subclause (2) delete the passage “No person shall” and replace with “A person must not”.

22. Clause 6.1 amended

- (a) Delete subclause (1) and replace with:

“(1) An owner of property must maintain any waterway-edge wall within their property so as to avoid it becoming dilapidated, unsightly, unsafe or otherwise unfit for its purpose, and must comply with any notice given by the local government in that regard within 28 days or such longer period as may be stipulated in the notice.”; and

- (b) In subclause (2) delete the passage “No person shall” and replace with “A person must not”.

23. Clause 7.1 amended

Delete the words “No person shall” and replace with “A person must not”.

24. Clause 7.2 amended

- (a) In subclause (4) delete the word “will” and replace with “is to”; and
- (b) In subclause (5) delete the words “for a licence”.

25. Clause 7.3 amended

- (a) In subclause (1) delete the word “shall” and replace with the word “must”;
- (b) In subclause (1)(d):

- i. delete the word “shall” and replace with “does”;
 - ii. delete the word “anytime” and replace with the words “any time”; and
 - iii. delete the “s” from the end of the word “vessels”;
- (c) In subclause (1)(e):
 - i. delete the word “shall” and replace with the word “does”; and
 - ii. delete the word “anytime” and replace with the words “any time”;
- (d) In subclause (1)(f) delete the words “his agent” and replace with the words “or the licensee’s agent or licensee”;
- (e) Delete subclause (1)(g) and replace with:

“(g) ensure that hose pipes or electricity leads or similar projections from a vessel do not obstruct or create a hazard to persons walking or otherwise travelling within a marina.”;
- (f) In subclause (2) delete the word “shall” and replace with the word “must”; and
- (g) Delete subclause(2)(p) and replace with the following:

“(p) do or leave undone, or cause or permit to be done or left undone, in or upon the pen any act or thing which may –

 - (i) cause damage; or
 - (ii) become a nuisance, annoyance or inconvenience;

to other users of the pen system.”.

26. Clause 7.4 amended

- (a) In subclause (2) delete the word “a” in the first line, and insert the word “a” before the word “power” in item (a), and insert the word “a” before the word “water” in item (b);
- (b) Also in subclause (2) after the word “midnight”, insert the passage “of the previous day”; and
- (c) Delete subclause (3) and replace with the following:

“(3) A person who has obtained the written authorisation of the local government to live on board a vessel may connect to power for longer periods but must not in doing so restrict power to other pen holders required for the purpose of minor maintenance.”.

27. Clause 7.5 amended

- (a) In subclause (1):
 - i. Delete the word “the” in its second instance and substitute the word “a”;
 - ii. In the second line, insert the word “relevant” before the word “pen”; and
 - iii. After the word “thereof” at the end of the subclause, add the passage “within or attached to the pen”.
- (b) In subclause (3) delete the word “shall” and replace with the word “must”.

28. Clause 7.6 amended

- (a) In the second line, delete the “s” from the end of the word “costs” in the second line; and
- (b) After the word “licensee” at the end of the subclause, add the passage “and recoverable in a Court of competent jurisdiction”.

29. Clause 7.7 amended

- (a) In subclause (3), after the word “licensee” at the end of the subclause, insert the passage “and recoverable in a Court of competent jurisdiction”; and
- (b) Change subclause (5) to a separate clause with a number and heading as follows –
“7.8 Breach of licence”.

30. Clause 8.2 amended

- (a) In subclause (2), after the word “notice” at the end of the subclause, add the passage “, except as provided in subclause (3).”;
- (b) Insert a new subclause (3) as follows –
“(3) Where the breach of a notice involves or includes the treatment or use of a vessel for a limited period of time, the breach will occur if the vessel is treated or used in the manner complained of for more than the limited or stipulated time.”; and
- (c) Re-number the subclause previously numbered (3) as (4).

31. Clause 8.3 amended

- (a) In subclause (1)(b) after the passage “this local law”, insert the passage “by the local government or”; and
- (b) In subclause (5) delete the word “his” and replace with the words “the authorised person’s.”

32. Clause 8.4 amended

- (a) In subclause (2) insert a full stop in the second line after the passage “adjacent to the clause in Schedule 1”;
- (b) Change the word “in” at the beginning of each paragraphs (a) and (b) to “In”;
and
- (c) Add the word “and” after paragraph (a).

33. Clause 8.7 amended

After the passage “caused to the local government” at the end of the clause, add the passage “and the local government may recover the cost as a debt due in a Court of competent jurisdiction”.

34. Schedule 1 amended

- (a) At item number 13 delete the word “on” and replace with the word “at”;
- (b) At item number 25 delete the passage “Causing a nuisance from a public jetty” and replace with “Prohibited activities on a private jetty”;
- (c) At item number 26 delete reference to “5.2(1)” and replace with “5.2(a)”;
- (d) Delete item number 27;
- (e) At item number 28 delete reference to “5.2(3)” and replace with “5.2(b)”;
- (f) At item number 35 delete reference to “8.2(3)” and replace with “8.2(4)”.

Dated:

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

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

PROPOSED

14	SUBJECT:	Proposed Cemeteries Amendment Local Law 2018
	CONTACT OFFICERS:	Natasha Pulford/Diana Pollard
	AUTHORS:	Natasha Pulford/Sophie Luxton
	FILE:	R0001155928

Summary

A review of the City's Cemeteries Local Law 2010 has identified the need for some minor amendments to provide clarity to clauses, align with current City administrative practices, and to ensure the safety of the community and City officers whilst visiting or working within City Cemeteries.

As a legal requirement, all local laws are to have a purpose and effect where the following is proposed for the Cemeteries Amendment Local Law 2018:

PURPOSE: to amend provisions within the *City of Mandurah Cemeteries Local Law 2010*.

EFFECT: to ensure the *City of Mandurah Cemeteries Local Law 2010* is as clear and effective as possible.

Council is requested to adopt the proposed Cemeteries Amendment Local Law 2018 for advertising.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.33/9/10 28 September 2010 Proposed Cemeteries Local Law.
- G.44/4/11 27 April 2011 Final Adoption Cemeteries Local Law 2010.

Background

Local laws are subsidiary legislation made by Local Governments under the head of power granted by the *Local Government Act 1995*. They are generally made to serve a purpose that State or Federal Acts and Regulations do not address for the particular local government.

In 2011 Council adopted the original local law. While it was based on the preapproved WALGA Model, the City also engaged with the Metropolitan Cemeteries Board, Australian Funeral Directors Association, Mandurah Police and 23 local funeral directors/monumental masons. There were only two minor suggestions made which were incorporated in to the local law prior to final adoption by Council.

Once adopted, all local laws are to be reviewed every eight years, or as required in the interim. As such a review has been conducted of the 2010 local law.

Comment

The intent of most local laws introduced by the City is for it to be a preventative measure before being an instrument for enforcement. As such the City has adopted an "education before enforcement" approach to all of its local laws. For this local law it will be rare for increased enforcement to occur as a result of the amendments. Enforcement would only occur if there is a significant threat or hazard to the community and/or City officers where alternative treatments have been applied and were unsuccessful.

Amendments are to be incorporated into a new local law and advertised for six weeks to allow for public response. They are also to be provided to the Department of Local Government for Ministerial review. Any public or Ministerial responses made to the City will be acknowledged and reported to Council for consideration prior to approving and making the local before it moves on to be published in the Government Gazette.

The following State-wide and Local public notice will be given stating that:

- the City of Mandurah proposes to make a Cemeteries Amendment Local Law 2018, the purpose of which is to amend provisions within the *City of Mandurah Cemeteries Local Law 2010* and the effect of which is to ensure that the *City of Mandurah Cemeteries Local Law 2010* is as clear and effective as possible;
- a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
- submissions about the proposed local law may be made to the City before the day specified in the notice, being not less than 6 weeks after the notice is given.

All proposed amendments are within **Attachment 1 Proposed Cemeteries Amendment Local Law 2018**. The main amendments proposed and their reasoning are:

Proposed Amendment	Reasoning
Clause 1.2: amend the definition of 'authorised person' to include the appointment under the <i>Cemeteries Act 1986</i> .	This is currently standard practice for the City and is included as a matter of transparency as the CEO can also authorise under a City delegation.
Clause 1.2: include definitions for 'coffin' and 'vehicle'.	While this omission has not caused any confusion so far, it is considered appropriate to include the terminology.
Clause 3.4: amend the requirement to provide twenty four hours' notice for a funeral to forty eight hours.	This is the normal operational practice for the City. It is noted however that in exceptional circumstances and for cultural purposes if later notice is required, the City will continue to accommodate those requirements.
Clause 5.3: amend the last burial to be carried out from 3pm to 2:30pm.	This is being introduced to enhance operational and financial efficiencies for the City. It is noted that it is very rare for a funeral service to occur past 2pm so there is likely to be minimal impact on the City.
Clause 5.7, Schedule 1 and Schedule 2: reduce the speed limit within Cemeteries from 25km to 5km.	5km is the average walking pace. While there have been no significant incidents, safety concerns have been raised and it is therefore considered appropriate for both the public and City officers to travel at this speed.
In Part 6 add two new clauses: 6.2 Dimensions of graves; and 6.3 Preparations of graves.	This is standard City practice conducted in accordance with the Metropolitan Cemeteries Board, the current local law is silent on the matter.
Clause 7.2: clarify that the clause applies to plants as well as trees and shrubs.	Currently the community plant flora in cemeteries in addition to the existing trees and shrubs, which have been planted in line with aesthetic and functional design suitable to the cemeteries.
Clause 7.4: clarify that the Office of Australian War Graves is required to notify the City and complete an application for monumental works for War Graves.	This is current standard practice carried out with the Office of Australian War Graves.
Clause 7.5 add a new subclause prohibiting the placement of a cover over	This is proposed to improve the safety of the community and City officers working at the Cemeteries. Currently, the

a memorial plaque.	community place unauthorised covers over memorials made of materials that degrade to an undesirable aesthetic and shatter when lawns are being maintained. A risk assessment identified the issue as a hazard requiring treatment.
Clause 8.2 and 8.6 and 8.7: include the word “waste” in front of the term “receptacle”.	The current local law uses the terminology “receptacle” for flowers and for waste. The amendment is to remove any ambiguity with the clauses.
Clause 8.7: add a new subclause outlining that it is an offence to mark, scribe or write on a plinth or memorial.	This is to address unwanted markings which have an undesirable effect on the overall aesthetics of the cemeteries and can negatively impact on the community when visiting.
Clause 9.1: clarify that any flowers placed in a memorial plaque receptacle must be contained wholly within the receptacle.	This is proposed to improve the safety of the community and City officers working at the Cemeteries. Currently, the community place glass and other breakable vases that have become unsafe for both the public and City officers. A risk assessment identified the issue as a hazard requiring treatment.
Clause 9.1: remove reference that an authorised person may approve the placement of unapproved items within the cemetery or on the concrete plinth.	This is the current practice of the City and the approval of an authorised person outside of the City’s practices would not occur.
Schedule 2: remove reference to paying modified penalties at Ranger Services.	The City’s Ranger Services building no longer accepts payments. Payments are to be made at the City’s Administration Building.

Consultation

Busselton and Karratha City Councils as they have recently amended their local laws.

Statutory Environment

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

Policy Implications

‘POL-CNP 01 Funeral Services in Community Halls and Public Open Spaces Policy’ will require minor amendments.

Risk Implications

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

Economic Implications

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

In accordance with statutory obligations the City's Cemeteries Local Law 2010 has been reviewed, minor amendments are proposed to allow for enhanced safety for the community and City officers when in cemeteries, alignment to City current practices, and to provide clarity.

Council is therefore requested to adopt the proposed Cemeteries Amendment Local Law 2018 for advertising and note that any responses will be reported to Council for consideration prior to the making and gazettal of the local law.

NOTE:

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

RECOMMENDATION

That Council:

1. **Adopt the proposed City of Mandurah Cemeteries Amendment Local Law 2018 for advertising.**
2. **Note that any public and Ministerial responses will be reported to Council for consideration prior to the making of the local law and publication in the Government Gazette.**

ABSOLUTE MAJORITY REQUIRED

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

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

1. Citation

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

2. Commencement

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

3. Principal Local Law

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

4. Clause 1.2 amended

In clause 1.2:

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

5. Clause 3.4 amended

In clause 3.4 delete the words “twenty four” and replace with “forty eight”.

6. Clause 4.4 amended

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

7. Clause 5.3 amended

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

8. Clause 5.7 amended

In subclause (2) delete the words “25km” and replace with “5km”.

8. Part 6 amended

Following clause 6.1 add:

6.2 Dimensions of graves

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

6.3 Preparation of graves

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

9. Clause 7.2 amended

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

10. Clause 7.4 amended

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

11. Clause 7.5 amended

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

12. Clause 8.2 amended

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

13. Clause 8.6 amended

Clause 8.6 amended by inserting the word “waste” before the word “receptacle”.

14. Clause 8.7 amended

- (a) In subclause (a) delete “or” where it appears in the forth instance;
- (b) In subclause (b) insert the word “waste” before the word “receptacle” and insert “; or” following the term “for that purpose”; and
- (c) Insert “(c) mark, scribe or write on a plinth or memorial”.

15. Clause 9.1 amended

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

16. Schedule 1 amended

At item no 2 delete the words “25kph” and replace with “5kph”.

17. Schedule 2 amended

- (a) Delete the words “25kph” and replace with “5kph”;
- (b) In (a) delete the words “in person to Ranger Services, 5 Pinjarra Road Mandurah WA, or”; and
- (c) In “1. Infringement Notices Served Personally” delete the word “chance” and replace with the word “change”.

Dated:

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

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

15	SUBJECT:	Rates Exemption – 21 & 43 Oakmont Avenue, Meadow Springs
	CONTACT OFFICER/S:	Paul Bates
	AUTHOR:	Paul Bates
	FILE NO:	R0001168805

Summary

The City has received a request from Amana Living for exemptions for a retirement village at 21 Oakmont Avenue and vacant land at 43 Oakmont Avenue, Meadow Springs. Until February 2018 this village and land was owned by a commercial operator.

Amana Living meet the requirements for assessing the use of land for charitable purposes for the retirement village located on 21 Oakmont Avenue. The vacant land situated at 43 Oakmont Avenue has been assessed as not for charitable purposes. Council is requested to approve non-rateable status for 21 Oakmont Avenue.

Disclosure of Interest

None

Location

21 Oakmont Avenue, Meadow Springs (SL:1 L/L:1 SP: 382100)



43 Oakmont Avenue, Meadow Springs (Lot: 98 D/P 52205)



Previous Relevant Documentation

None

Background

The retirement village and vacant land were previously owned by INA Settlers Co Pty Ltd as trustees for Settlers Operations trust. They have now been sold to Amana Living, a charitable provider.

Comment

Amana Living have provided the City with documentation to support their claim, including their constitution and charitable registration. Their claim for exemption is based on both meeting the needs of the aged and their status as a charitable organisation. On the basis of current legislation, this is a valid claim for non-rateable status for the retirement village only. Amana living have previously been provided exemption for charitable purposes for land located at 7 Leslie Street Dudley Park.

The vacant land situated at 43 Oakmont Avenue is a separate assessment and needs to be assessed for exemption separate to 21 Oakmont Avenue. Vacant land is, by its very nature held for development or investment purposes. The current usage of the vacant land in question, is therefore not exclusively for charitable purposes. The request for exemption for vacant land at 43 Oakmont Avenue is not eligible for exemption.

Until this point, INA Settlers Pty Ltd have paid rates for this property. The total value of rates foregone for this property will be \$59,807 based on the 2017/18 rates. The property was acquired on 31st January 2018 and the exemption will take place from that date.

Consultation

None

Statutory Environment

Local Government Act 1995 S 6.26 (2)(g)

Policy Implications

None

Economic Implications

The previously-reported value of rates foregone for charitable exemptions is adjusted to approximately \$1,689,000.

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

Amana Living have requested non-rateable status for their land in Oakmont Avenue, Meadow Springs and the criteria for defining charitable use are, at best, vague and Amana Living fit within the current definitions. The land holding at 21 Oakmont Avenue is eligible for non-rateable status.

RECOMMENDATION

That Council

- 1 Approves non-rateable status from the 1 February 2018 for 21 Oakmont Avenue, Meadow Springs (SL: 1 SP: 382100).**
- 2 Confirms the continued rateable status of vacant land situated at 43 Oakmont Avenue, Meadow Springs (Lot 98 DP: 52205)**

16	SUBJECT:	Rostering Software Purchase
	CONTACT OFFICER/S:	Graeme Davies / Richard King
	AUTHOR:	Richard King / Natasha Pulford

Summary

The City of Mandurah last year commenced the procurement for a Human Resources Management System (HRMS). As part of the evaluation process it was identified that the acquisition of an 'all-inclusive' system posed integration issues with the City's current Enterprise Resource Planning (ERP) system Civica Authority. However the rostering element of the solutions were considered viable.

Given the City could not award just one element of the tender, Council rejected all tenders and noted that work would be undertaken to examine suitable alternative solutions. So far, the City has examined the most suitable solution for rostering.

Council approval is sought for the purchase of the Riteq Workforce Rostering System.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.34/4/16 08 August 2017 T13-2017 Acquisition of a Human Resource Management System.

Background

In March 2017 expressions of interest (EOI) were received to provide a HRMS for the City of Mandurah where as a part of that process, a partnering solution was tested for Rostering functionality. A detailed assessment was conducted which included full costing details and a self-assessment against the functional rostering specifications required.

All Rostering software Vendors were invited to demonstrate their software on site at the City of Mandurah. Of the three Rostering Systems there was no significant differentiation on price however one solution was clearly more successful with the qualitative criteria when meeting the required specifications. The areas of differentiation included proven integration with the Civica Authority ERP system, a more comprehensive and user friendly award interpretation functionality and greater experience with local government recreation centres.

Comment

The City currently operates a number of manual and labour intensive processes for the management of rosters, timesheets, leave and payroll. As part of its on-going development of systems aimed at making the workplace more efficient, the City has identified several business objectives associated with the use of a rostering system:

- Rostering systems can automatically allocate staff based on business criteria, compliance rules and budget. This removes considerable manual effort from supervisors and team leaders in managing staff rosters.
- Workforce management and costing options ensure resource allocation represents value for money. This would have particular application at the City's Recreation Centres, Visitor Centre and Contact Centre. At present, roster cost modelling is not performed at the City.
- Employee and Manager Self-service with electronic timesheets and leave applications. This would remove a significant amount of manual processing and free staff from manual data entry processes.

- Advanced award interpretation with the ability to transfer payroll files to Authority for processing. This will remove the manual interpretation of award rules and streamline the pay process.
- Mobile functionality for time capture, accessing rosters, approvals and timesheets. Staff can access this information via SMS, email, web portal or a mobile app. This greatly improves how operational staff work, access information and engage with supervisors and team leaders.
- Detailed reporting and analytics to improve business operations and allow for data driven decision making. Current reporting options are very limited and time consuming to develop.
- The rostering system can potentially provide cost savings of approximately \$145,000 per year or free up the capacity of impacted leadership and administrative staff for other value add duties.

The functionality offered by Riteq delivered to all of the City's core requirements, with the vendor also having significant experience of Council operations. A reference check was conducted where it was identified that Riteq are capable of fulfilling the needs of the specification requirements.

Consultation

Market research and consultation with a number of Councils across the country has identified that no single ERP currently contains the level of rostering functionality required by the City. This results in a best-of-breed rostering solution being the only viable option and would be highly likely when procuring a replacement ERP in the future.

The evaluation process included key business stakeholders and included site demonstrations, reference site visits and external research.

Statutory Environment

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

Policy Implications

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

Risk Implications

The key risks of procuring rostering software are:

- The ability to integrate with our existing Payroll and Finance systems;
- Ensuring adequate capability and resourcing of the project in terms of systems expertise, business knowledge, change and project management;
- Engaging business units and our employees in a new digital self-service environment;
- Aligning project timing with the broader program priority of systems and technology projects.

In order to mitigate these risks a project team consisting of key resources from HR & Organisational Development, Systems & Technology and Business unit end users is being formed.

The preferred product has a proven record across a number of council sites of integrating with Civica Authority Payroll and Finance systems. Consultation with a number of East Coast councils and the City of Canning in WA has given us knowledge on how to address the change management issues arising during this type of implementation. The Project approval process has included the Digital Innovation Team and

the IT Project Steering Group enabling the project to be scheduled in to a timeslot where key resourcing is available throughout the implementation period.

Economic Implications

Riteq's costs would include \$60,000 for project consulting costs, \$10,000 in hardware in year 1, and \$16,200 a year in licensing costs for the 300 employees in target. This totals up to a 3 year ownership cost of around \$118,600 which is within the governance requirements to progress contractual arrangements without the need for a tendering process. If the numbers managed on the system were to increase the impact on licensing costs is modest at around \$5000 per year for 100 additional employees.

A budget of \$180,000 per annum (over 5 years) was set aside for the purchase of the HRMS. As with most of the City's systems, these are now leased and the annual leasing cost for the rostering system including licencing is expected to be approximately \$35,000 per annum. The 2017/18 budget costs will be approximately \$10,000.

The ongoing need for the rostering system should not be impacted by decisions around our core systems as the solution chosen has been proven to be able to integrate with a range of ERP systems including the current best practice systems in local government.

Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

During the evaluation of the HRMS tenders it became obvious that the strongest part of the business case for a HRMS system came from rostering functionality. The further exploration of Rostering solutions has confirmed that this functionality can make a significant difference to the business in terms of process efficiencies and potential cost savings.

The City noted in the Tender outcome report for the HRMS system that it would report back to Council on alternative solutions.

RECOMMENDATION

That Council endorses the purchase of the Riteq Workforce Rostering System.