



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 November 2018
at 5.30pm**

GRAEME DAVIES
Acting Chief Executive Officer
7 November 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

Councillors Lynn Rodgers and Darcy on 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

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: 9 OCTOBER 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:

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13 LATE AND URGENT BUSINESS ITEMS**14 CONFIDENTIAL ITEMS****15 CLOSE OF MEETING**

RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE COMMITTEE OF COUNCIL MEETING HELD ON 9 OCTOBER 2018

**CC.8/10/18 TENDER T14-2018 MANDURAH FORESHORE BOARDWALK
REMEDICATION STAGE 3 (DL/EJ) (REPORT 5)**

Hon Councillor Riebeling asked, looking forward to future years, if there was any avenue to implement a special rate/levy on businesses in the boardwalk locality in relation to reconstruction/maintenance of the boardwalk facility. The Director Works and Services requested to take this question on notice.

Response:

The Acting Executive Manager Finance and Governance will undertake the appropriate assessment and financial modelling and report to Council in due course.

This information was provided to the Council meeting of 23 October, 2018

1	SUBJECT:	Mandurah and Murray - A Shared Economic Future Draft Implementation Plan
	CONTACT OFFICER:	Mark Newman
	AUTHOR:	Mark Newman

Summary

For the past four years, the City of Mandurah, in partnership with the Shire of Murray and in response to State Government regional development policy, has endeavoured to create a new economic plan to grow Mandurah's economy and deliver tangible economic benefits for Mandurah and the broader Peel Region.

From 2015 to 2017, the City and Shire endeavoured to participate in the WA Government's *Regional Centres Development Plan* (RCDP). However, following the March 2017 State Election, the new State Government ended the RCDP, with no new plan created to replace it.

Following a prolonged period of uncertainty, in January 2018 Council empowered the City to write its own economic plan. In doing so, Council approved funding of \$150,000 already contained within the City's Economic Development budget to consolidate economic planning already undertaken, and to identify key economic strategy areas and catalytic projects to pursue.

In partnership with the Shire of Murray, the City's Economic Development Unit has subsequently prepared its plan – *Mandurah and Murray: a Shared Economic Future*. The plan continues the work of the previous *Southern City Strategy*, adopted by Council in 2008, and implements components of the previous strategy, as well as specific new programs and projects aimed at improving Mandurah and Murray's socio-economic condition and ensuring its regional sustainability.

Separately in this Strategy Meeting agenda, Council is asked to consider the adoption of "*Mandurah and Murray: A Shared Economic Future*" as its formal economic development strategy.

This report requests Council's consideration of potential delivery models for the Plan. In particular, Council is asked to endorse the initial approach for delivery through a shared Mandurah / Murray unit, based on a Memorandum of Understanding (MOU) between the two local governments.

Disclosure of Interest

N/A

Previous Relevant Documentation

- G.22/1/18 30/01/2018 Council approved funding up to \$150,000 to prepare an Economic and Employment Plan for the Mandurah-Murray area.
- G.58/6/17 27/06/2017 Council resolved to actively advocate with the new WA Government to seek Round 2 *Regional Centres Development Plan* funding, and to seek \$1.2 million for the Mandurah-Murray Growth Plan, including \$500,000 towards catalyst programs.
- G.26/04/15 28/04/2015 Council approved preparation of a submission to the Department of Regional Development, in partnership with the Shire of Murray, seeking the City of Mandurah's participation in Stage 1 of the *Regional Centres Development Plan*.
- G.21/10/11 11/10/2011 Council approved the *Southern City Strategy Implementation Plan* to advance the economic objectives of the *Southern City Strategy*.
- G.19/11/08 18/11/2008 Council adopted the *Southern City Strategy* as a focus of the Council's and the community's desired future for Mandurah.

Background

In 2005, consultant Syme Marmion was engaged to help the City of Mandurah develop the *Southern City Strategy*. The *Southern City's Strategy's* broad objectives were to create a large employment base, diversify Mandurah's economic activity, attract additional private secondary and tertiary education providers, identify and prioritise social infrastructure, ensure that new development would not harm the environment, and ensure that governance and community development mechanisms were strong and enduring. The finalised strategy was adopted by Council in November 2008.

In October 2011, Council approved the *Southern City Strategy Implementation Plan*, created to advance the economic objectives of the *Southern City Strategy*. The Implementation Plan involved analysing the following industries for potential implementation and/or expansion in Mandurah:

- Agrifood (secondary agricultural and fisheries industry);
- Mining Support Industries;
- Information Media;
- Tourism;
- Marine;
- Environmental Industries.

As the current State Government had expressed a reluctance to continue the Regional Centres Development Plan, in January 2018 the City resolved to commence its own planning for economic growth, and subsequently allocated \$150,000 to commence this approach. The Shire of Murray agreed to contribute 20% of project funding, and subsequently the process for the creation of "Mandurah and Murray: A Shared Economic Future" began.

This report seeks to create a shared Mandurah / Murray Economic Development Unit (MMEDU) based on a cooperative Memorandum of Understanding (MOU) between the two Councils.

Comment

With the aid of its consultant, Pracsys, and in partnership with the Shire of Murray, the City's Economic Development Unit has spent 2018 creating its new economic development plan – *Mandurah and Murray: a Shared Economic Future*. The plan consists of an overview of Mandurah and Murray's current socio-economic condition and the challenges that the sub-region currently faces; the vision and objectives of the plan; and the programs and projects required to achieve its objectives.

The plan outlines the Mandurah/Murray sub-region's existing challenges, including a lack of growth in export-oriented activity, under-provision of local services and facilities, high local business attrition rates, high unemployment and low employment self-sufficiency, low education attainment, under-performance of the Mandurah CBD, low proportion of tertiary education attainment and working age population, and a comparatively low socio-economic index.

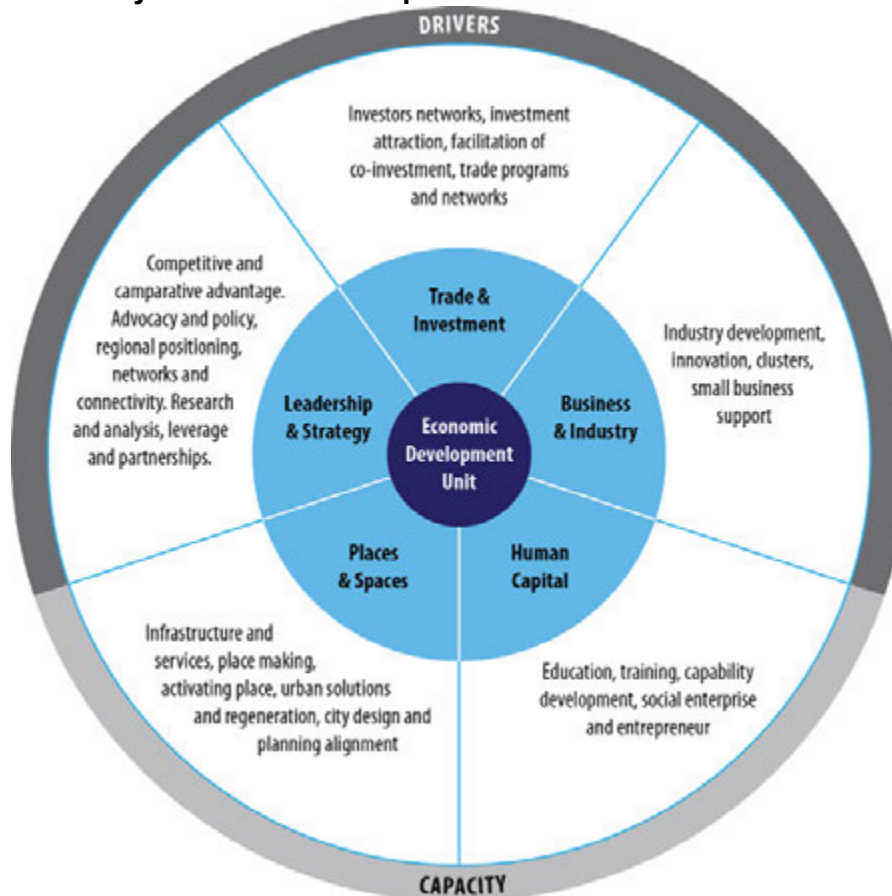
The proposed MMEDU would be a collaborative partnership between the City of Mandurah and Shire of Murray to ensure a coordinated approach to economic development across our sub-region, sharing resources, funding and networks.

The overall objectives of the MMEDU would be:

- Linking to external economic drivers;
- Ensuring local capacity exists to support growth.

There are a number of functions that exist within these core objectives that will contribute to the creation of conditions for investment, entrepreneurship and local industry growth. These are described below.

Figure 1 Mandurah-Murray Economic Development Unit Core Functions.



A full copy of the Implementation Plan is attached.

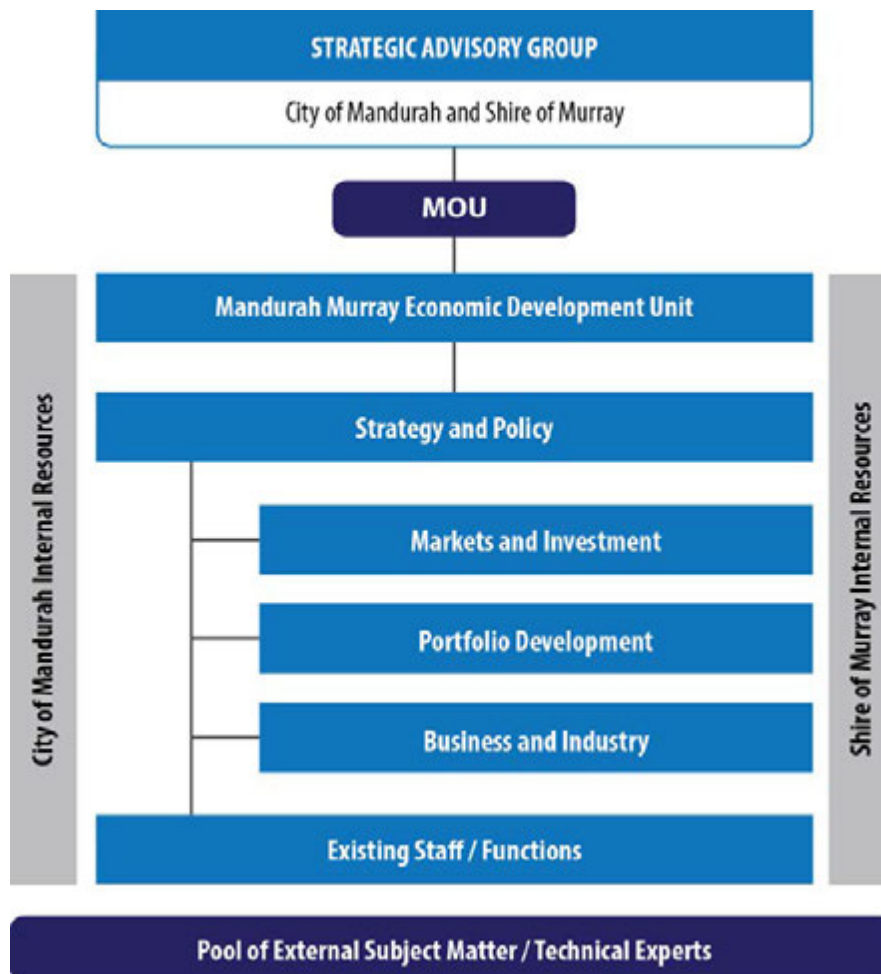
The draft Implementation Plan identifies existing particular weakness in private investment attraction and expansion of market links. It also recognises lesser strengths in:

- Linkages to State and Federal Government;
- Local Business Networking;
- Grant Submissions;
- Project Management Support.

These elements would need to be addressed in any future economic team. As a result, the Interim unit structure suggests the need for resources (staff or consultants) to cover the necessary focus on 'Markets and Investments and Business and Industry Support'.

The proposal Interim Structure would be as per Figure 6 in the Implementation Plan.

Figure 6 Interim Economic Development Unit Structure



It should be noted that this structure includes a 'Strategic Advisory Group' which should include as a minimum:

- Mayor and Chief Executive Officer – City of Mandurah
- President and Chief Executive Officer – Shire of Murray
- 4 x Business Representatives

The ultimate structure for the delivery of the Economic Development function could be through the formation of a 'Regional Subsidiary'.

If Council ultimately resolves to create a Regional Subsidiary, it may also wish to consider expanding the subsidiary's role, particularly in relation to the Tourism function that currently rests with Mandurah and Peel Tourism Organisation (MAPTO) through an Incorporated Association, and also potentially in relation to its City Centre Team.

Consultation

Council officers have liaised with Shire of Murray officers in relation to the formation of the MMEDU.

Statutory Environment

There is no legislation preventing Council from pursuing a cooperative model as proposed by an MOU. The formation of a Regional Subsidiary is governed by the *Local Government Act 1995*,

Policy Implications

N/A

Economic Implications

Council and the community have identified that the economy of Mandurah and the Peel is a priority. The City has resolved to invest significant funds to explore opportunities to grow and diversify the economy. This report explores models for driving its economic strategies.

Risk Analysis

Although not a traditional core activity for local governments, the trend is that regional local governments are focussing more and more on opportunities to impact on attraction of business and industry, trade and investment, education and capability development, investment attraction and place making activities. All these are designed to stimulate or grow the local or regional economy. To not engage in the activities creates significant risk, whereby business growth, employment outcomes and property values can all be negatively affected.

Strategic Implications

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

Environment:

- Increase our scientific understanding and knowledge of the marine and estuarine environment.

Social:

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

Economic:

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

Infrastructure:

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

Identity:

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

Conclusion

Council is requested to consider future models for delivery of its economic development activities through a cooperative MOU with the Shire of Murray. In the longer term, it is recommended that Council explores the creation of a Regional Subsidiary to deliver its economic development objectives.

NOTE:

- Refer ***Attachment 1 Mandurah and Murray: A Shared Economic Future Draft Implementation Plan***

RECOMMENDATION

That Council

- 1 Authorises the Mayor and Chief Executive Officer to liaise with the President and Chief Executive Officer of the Shire of Murray over a suitable cooperative Memorandum of Understanding for the delivery of “*Mandurah and Murray: A Shared Economic Future*” for the period 2019/20 to 2020/21.**
- 2 Authorises the Mayor and Chief Executive Officer to commence the process of creating a suitability skilled Strategic Advisory Group.**
- 3 Authorises officers to examine the potential of creating a Regional Subsidiary for the delivery of Mandurah/Murray’s economic development program beyond 30 June 2020.**
- 4 Notes that the draft budget will recommend allowance for extra resources within the Mandurah / Murray Economic Development Unit to focus on Markets and Investments, Portfolio Development, and Business and Industry.**

****ABSOLUTE MAJORITY REQUIRED****

Mandurah and Murray: A Shared Economic Future

DRAFT REGIONAL ECONOMIC DEVELOPMENT STRATEGY
IMPLEMENTATION PLAN 2018



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DRAFT

FOR INTERNAL REVIEW ONLY

1 INTRODUCTION

The Mandurah and Murray Draft Regional Economic Development Strategy 2018 'A Shared Economic Future' presents a new chapter in cooperative economic development initiatives targeting large scale impact in response to the rapidly increasing population and falling socio-economic conditions observed in the Mandurah-Murray region in the past decade.

The Strategy lays out the challenge faced by the region. Based on current trends, an additional 24,700 jobs will be required over and above baseline growth in order to meet State Government employment self-sufficiency targets. Additional employment opportunities are required to arrest the region's poor performance across a full range of socio-economic indicators. At a fundamental level, two critical factors must be addressed:

- 1) While growing with population, there is a significant overall shortfall in population-driven employment in the region. This is reflective of an underperforming retail sector and a lack of major regional-scale health and education facilities, State Government bodies and general industrial areas.
- 2) Despite the presence of major mining facilities, there is a growing shortfall in export-oriented employment. Historical export activity cannot be relied upon to provide future growth and new avenues for expansion of export-oriented activity must be fostered.

Key to the region's future is the development of an ecosystem that supports innovation, entrepreneurship and investment. The region must become integrated in a more diverse range of productive and knowledge-based export-oriented activity. Both the City of Mandurah and Shire of Murray can play an important role in identifying and supporting opportunities as they arise. To perform as an effective unit, a high-degree of organisational coordination must exist between the two Local Governments and with external stakeholders. The region will be influenced highly by decisions made at a State level and it will be imperative for the region to present a united front in achieving broader advocacy and funding support for key projects.

Expected to develop to a true city scale over the coming decades, Mandurah and Murray should look to a future in-which it has a large degree of control over decision making and project development benefiting the region. The ongoing shift in economic development responsibilities from the State Government to Local Government, and upcoming changes to the Local Government Act, makes this an imperative. The Strategy and establishment of the Mandurah Murray Economic Development Unit is the first-step towards this future.

2 THE MANDURAH-MURRAY ECONOMIC DEVELOPMENT UNIT

2.1 Core Functions

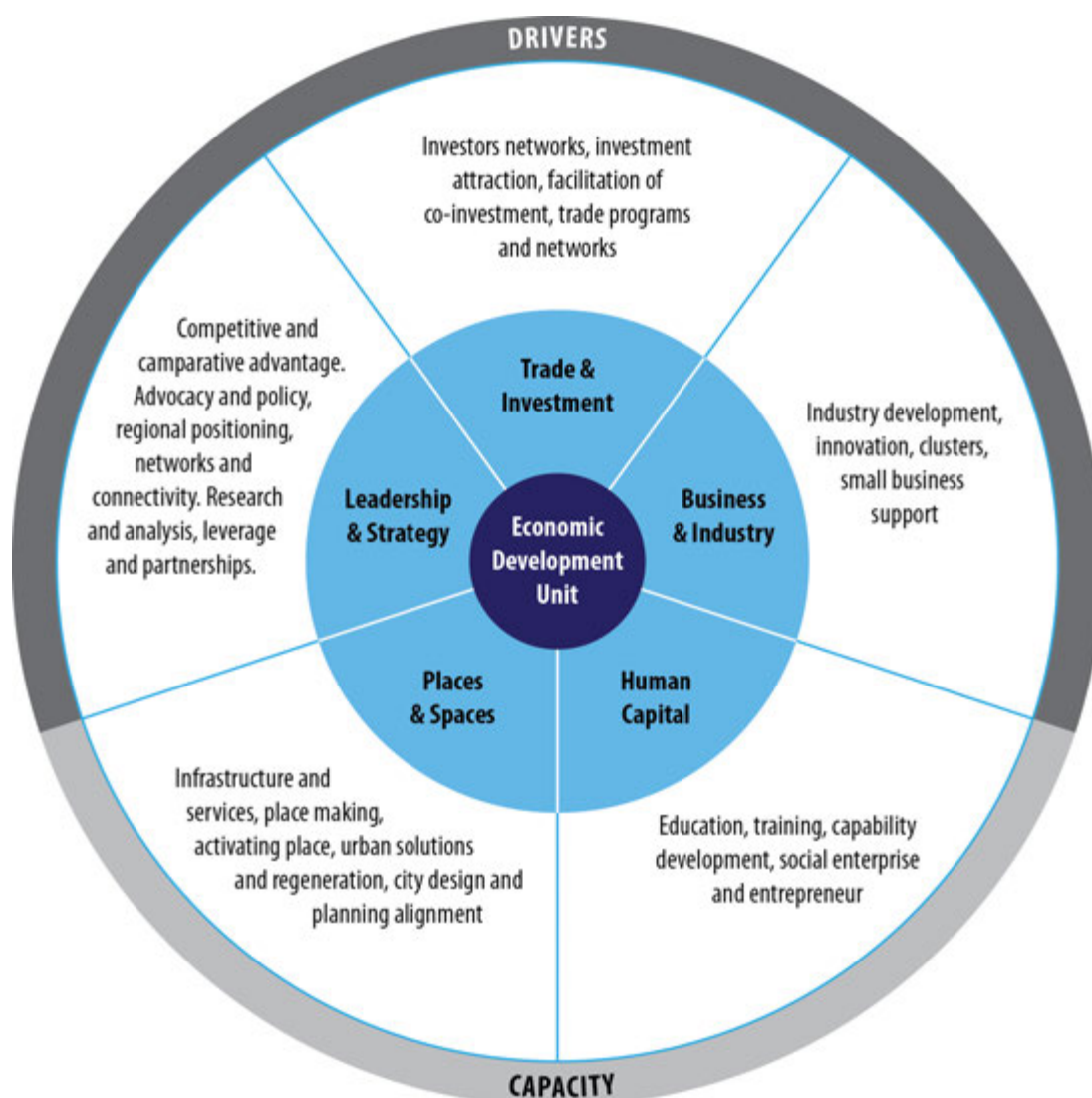
The Mandurah-Murray Economic Development Unit (the Unit) is a collaborative partnership between the City of Mandurah and Shire of Murray and provides the opportunity to provide a coordinated approach to economic development in the region, sharing resources, funding and networks.

The objectives of the Unit can broadly be described as:

- Linking to external economic drivers
- Ensuring local capacity exists to support growth

Within these two categories there are a number of core functions that will contribute to the creation of the conditions for investment, entrepreneurship and local industry growth.

Figure 1. Mandurah-Murray Economic Development Unit Core Functions



Disruption of the 'business as usual' path of development and the facilitation of transformational change in a regional economy requires consideration of both driver and capacity factors. Drivers refer to the trends and behaviours that influence demand for goods and services in the broader economy. Capacity describes the ability of an area to take advantage of these drivers for the benefit of the local economy.

Driver side activities provide the conditions for opportunities and ideas to be converted into viable projects, key to which are clear goals and market signals, links to trade and investment networks and the ability to effectively work with local industry to catalyse projects. Capacity side activities generally support the development of projects by removing barriers such as negotiating regulatory and planning processes, gaining access to land and infrastructure, or developing local entrepreneurial capabilities. A combination of driver side and capacity side factors generally need to be addressed to take a project from the ideation phase to a proven viable concept capable of attracting either government or private investment.

Specific activities should be carried out on an as-needed basis, addressing gaps that currently prevent investment or the growth of local industries.

Figure 2. Examples of Driver Side Activities

Function	Activities
Leadership & Strategy	<ul style="list-style-type: none"> • Maintain a leadership position, facilitating regional governance through pro-active collaboration and resource sharing, active stakeholder engagement and management • Develop strategies, programs and actions to drive economic development • Research, report and understand our competitors and market, and our position within a regional and global context • Advocate and influence policy and reform at the State and National level within a regional development context • Maintain an up-to-date understanding of development trends and the drivers that will shape regional cities of the future • Collaborate, influence and maintain core regional and agency partnerships • Monitor and manage existing plans and actions frameworks relevant to economic development • Develop and maintain long term strategic goals, objectives, targets and indicators • Report and measure activity

Function	Activities
Trade and Investment	<ul style="list-style-type: none"> • Develop and implement investment attraction programs and understand the investor community (including international) • Identify investment and trade opportunities, and develop the market through local enterprise partnerships • Develop and utilise broader investment networks, such as the Australian Trade Commission, AusIndustry and the Dep. of State Development • Actively seek and coordinate investment opportunities and attract private sector interests through market intelligence • Promote, attract and facilitate co-investment in its various forms • Develop and streamline internal processes and support programs targeted at investors
Business & Industry	<ul style="list-style-type: none"> • Develop programs and projects that seek to increase the value of activity and competitiveness of the region's economy • Support an environment of entrepreneurship and develop the ecosystem of players such as businesses, community networks universities and institutional investors to catalyse project development • Industry sector supply chain and value chain analysis and understanding • Support intra-industry links and cluster development activities • Targeted and formal cross-sectoral collaboration and engagement with core stakeholders and the private sector participants

Figure 3. Examples of Capacity Side Activities

Function	Activities
Places & Spaces	<ul style="list-style-type: none"> • Implementing a focus on urban regeneration and growth management • Target and unlock additional resources that improve services and infrastructure, reduce congestion and enhance connectivity • Strengthen civic identity and improve social capital and seek collective impact, solutions and outcomes • Undertake and promote place-based integrated planning and development combining economic, social and environmental agenda • Link economic, social and environmental sustainability and improved transport, education, social infrastructure and livability • Develop place activation strategy and actions
Human Capital	<ul style="list-style-type: none"> • Influence and drive workforce planning, development strategies and program • Design and implement programs and projects that open and establish pathways to employment and workforce participation • Support innovative programs that improve local business and entrepreneurial capabilities

2.2 Unit Capabilities

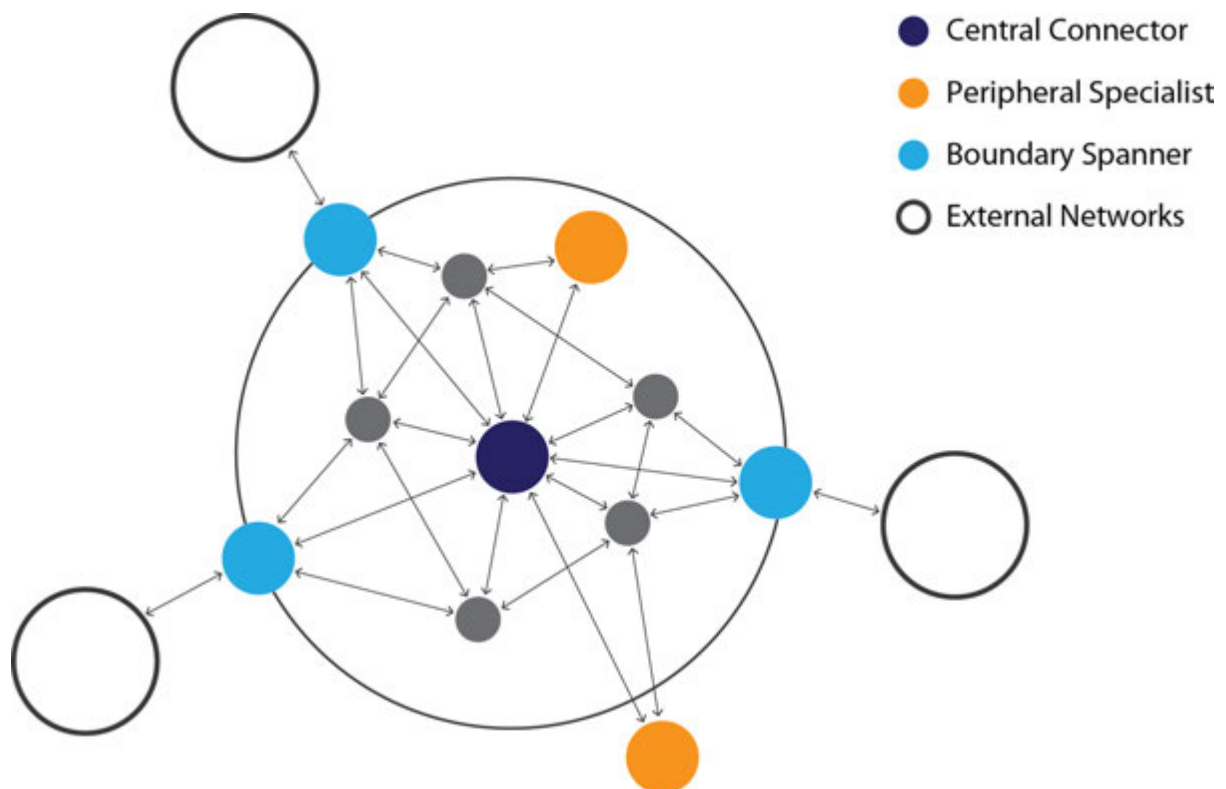
Any organisation can be described as a network of the following three types of actors who are each crucial for the overall performance of the team:¹

Central Connectors: The 'go to' person for information and connections within the organisation

Peripheral (Technical) Specialists: Possess project specific knowledge or technical know-how. May be internal or external to the organisation.

Boundary Spanners: Roving ambassadors who nurture connections with people outside of the organisation. Are critical to connecting required resources to enable project development to occur.

Figure 4. Conceptual Organisational Network



This framework can be applied for understanding the role and function the Economic Development Unit should play within the broader Local Government context.

Both the City of Mandurah and Shire of Murray possess a wide range of skills and capabilities spanning construction, technical services, environmental services, legal and marketing, however these have been built largely on the traditional role of Local Governments in providing regulation,

¹ Harvard Business Review (2002) (<https://hbr.org/2002/06/the-people-who-make-organizations-go-or-stop>)

planning, asset management and essential community services. The role of the Economic Development Unit is therefore to draw upon the available internal resources and supplement capability gaps with external support on an ongoing or project-specific basis.

The range of existing and required capabilities of the Unit are summarised in Figure 5. These capabilities should be reviewed on a regular basis in the ongoing operation of the Unit.

Figure 5. Assessment of City of Mandurah and Shire of Murray Joint Economic Development Capabilities

Capabilities	Adequacy	Comments
Strategy and Policy Development	●●●●	Experienced in Strategy and Policy development
State and Federal Government Links	●●	Require improved State and Federal Government links and advocacy/lobbying
Local Business Networking	●●	Currently facilitate local business networking however can be improved through data collection and communication platforms
Export Market Links	●	Lack formal and ongoing export market knowledge and connections – can be facilitated through improved internal capacity
Private Investment Attraction	●	Lack the ability to connect with private investment channels and institutional investors
Grant Submissions	●●	Experienced in managing and delivering grant submissions, however require some external support for major bids
Project Management	●●	Experienced in management of small to medium projects, will likely require external support for major projects
Commercial Contracts/Agreements	●●●	Manage contracts and commercial agreements however require assistance in improving commerciality, revenue and IP protection
Asset Management	●●●●	Experienced in operating and maintaining physical assets

- Adequate capacity and experience
- / ●●● Moderate capacity, but gaps exist
- Inadequate capacity and experience

The City of Mandurah and Shire of Murray possess sound internal management capabilities, local business connections, and a wide range of formal and informal links to local knowledge providers. However, there are currently gaps in facilitating trade links and in the funding and delivery of major export-oriented projects of the scale required to achieve a high degree of local impact. These gaps presents an opportunity to build the internal capacity of the Unit through additional internal resources. The Unit can supplement specific subject matter or technical skills on an as-needed basis and it would be beneficial for the Unit to cultivate a formal and informal network of experts that can be called upon to support project development activities. Resources can be accessed in many areas through established research, trade or government bodies, or can be contracted if need be. Examples of available resources include:

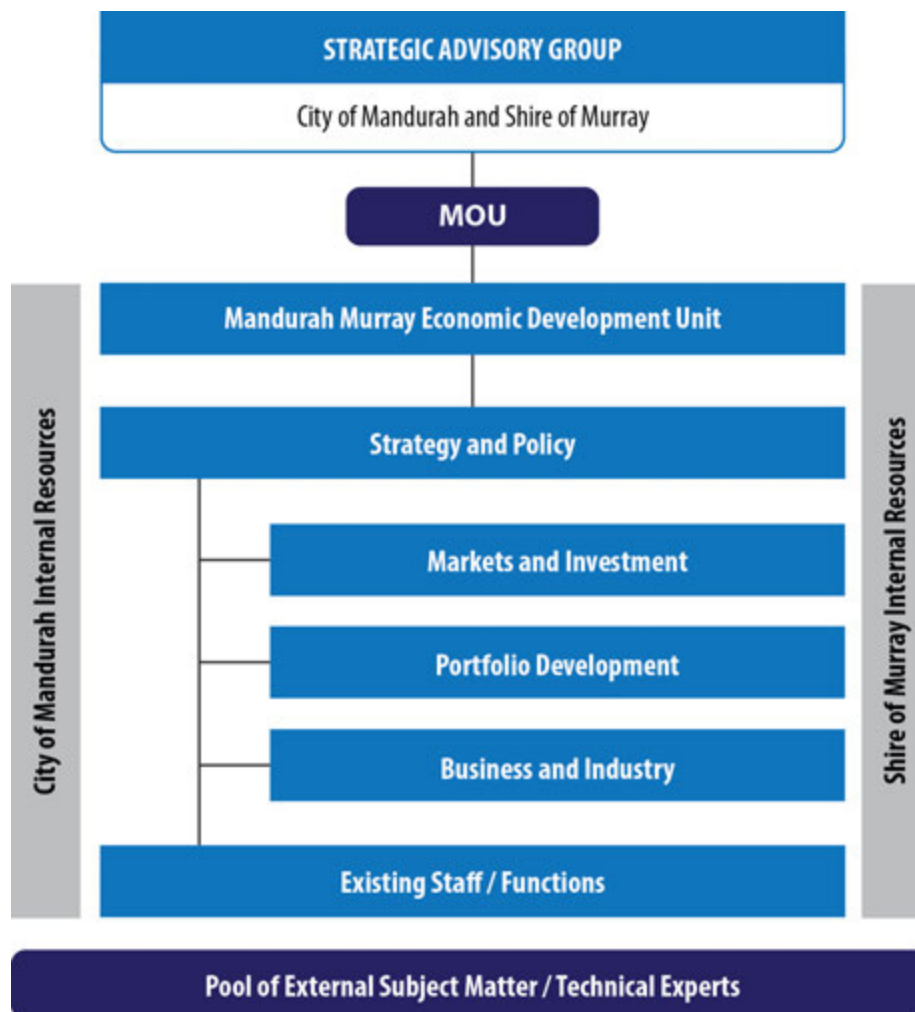
- Australian Trade Commission (Austrade)
- Department Foreign Affairs and Trade
- Australian Private Equity and Venture Capital Association Limited (AVCAL)
- Small Business Development Corporation (WA State Government)
- CCI (WA)

Additional export and trade network links should be investigated and fostered as part of the future operations of the Unit.

2.3 Interim Unit Structure

While the structure of the Mandurah-Murray Economic Development Unit requires additional formalisation, the starting point to the development of the Unit is the strengthening of the existing informal partnership between the two LGAs.

A preliminary structure would formally connect key staff to provide oversight and management of policy, strategy and programs.

Figure 6. Interim Economic Development Unit Structure

Under this structure, roles and responsibilities would be shared between the City of Mandurah and Shire of Murray, providing the necessary channels to access internal and external resources in support of the development of a portfolio of economic development projects.

The interim structure is a readily achievable ‘first step’ in achieving a working collaboration between the City of Mandurah and Shire of Murray, and can be set in motion through the development of a Memorandum of Understanding that outlines, for example:

- The goals of the partnership
- Responsibilities of the parties under the agreement
- Reporting and evaluation
- Funding and financial management
- Duration, amendments or cancelation
- General provisions

2.4 Structure Comparisons

The limitation of this structure is that it does not facilitate arms-length commercial activity and investment. Currently, Western Australia is the only Australasian jurisdiction to limit the ability of Local Governments to form corporate governance structures, placing commercial activities and assets in the control of external boards. Other limitations restrict the ability of Local Governments to conduct transactions in a commercially viable manner. By comparison, the South Australian Local Government Act 1999 explicitly directs councils to develop structures to separate regulatory activity from other commercial activities.

The restrictions of the Local Government Act effectively limit government led commercial development to particular State bodies, such as the Metropolitan Redevelopment Authority and Landcorp, who operate on a relatively constrained land development model. With the appropriate governance and personnel in place, Local Governments are well placed to apply a wholistic approach to the development of long term projects, considering private investment attraction, long term ownership and operation, IP development and related commercialisation opportunities. For Local Government, the goal for long term projects is the generation of associated industry activity and employment opportunities, rather than direct revenue itself. Key project examples include the Peel Water Initiative, currently managed by the Department of Water, and the Peel Food Zone, currently managed by the Department of Primary Industries and Regional Development.

It is not clear, at this early stage, that there will be a need to participate in projects on a commercial basis. The thrust of the partnership between Mandurah and Murray is to provide the assessment of, and impetus to, economic development projects. The actual operation of the enterprises may well be an activity solely for the private sector.

In the short term, this partnership can exist on a relatively informal basis while detailed work is undertaken on the proposed projects. In the medium to long term, however, a more formal structure will be required. The formation of a regional subsidiary is seen as vehicle to achieve this.

² <https://www.dlgsc.wa.gov.au/localgovernment/strengthening/Pages/LG-Act-Review.aspx>

³ WALGA, 'Council Controlled Organisations as a Means of Improving Local Government Efficiency' (2013)

Regional subsidiaries can be formed under the Local Government Act 1995 by two or more local governments which intend to provide a service or carry out an activity. A subsidiary is a body corporate with perpetual succession. It has a governing body which can consist of Council members and employees and persons from such areas as the private sector. Its establishment and powers are defined in its Charter

The advantages of this structure are that:

- Professional managers and directors with specific experience of the objectives of the entity can be employed.
- There is the ability to take an overall view of the commercial strategy and outcomes rather than having each individual transaction within a complex chain of inter-related decisions being subject to the notification and approval requirements of the Councils.
- Clear performance objectives for the entity can be established.

The option exists in the long term to transition from a Regional Subsidiary to a Council Controlled Organisation.

3 DEVELOPING A PROJECT PORTFOLIO

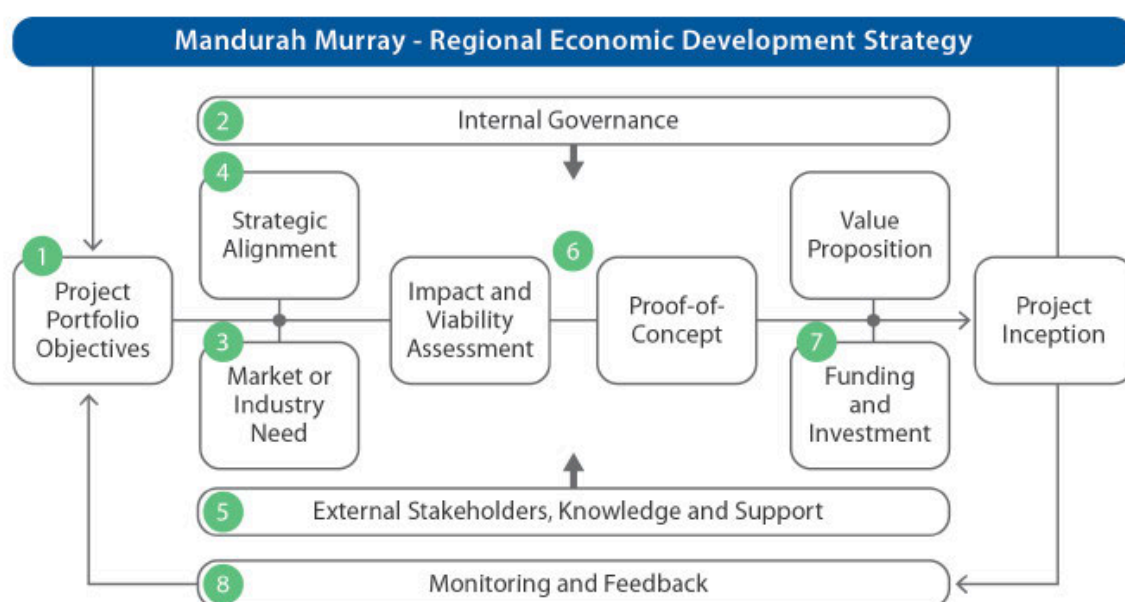
A project portfolio development approach is required to continuously identify, investigate, and deliver projects through an ongoing economic development 'pipeline'. Under the Strategy, Mandurah and Murray will take the lead role in supporting early stage proof-of-concept development required to demonstrate the feasibility and benefits of projects to potential funders, partners, investors or proponents.

3.1 The Portfolio Development Process

Under the portfolio development approached outlined in the Strategy, a system will be implemented to:

- Establish areas of industry or market need
- Align a mix of programs and specific projects to the ultimate objectives of the City of Mandurah and Shire of Murray
- Select projects that are likely to be viable and provide high value, in terms of impact achieved from the resources allocated to the project
- Prepare quality project documentation for:
 - State and Federal grant programs, or other government funding streams
 - Private investment
 - Or both, if applicable
- Measure the impact of projects, providing a 'closed loop' feedback system to apply learning to future projects

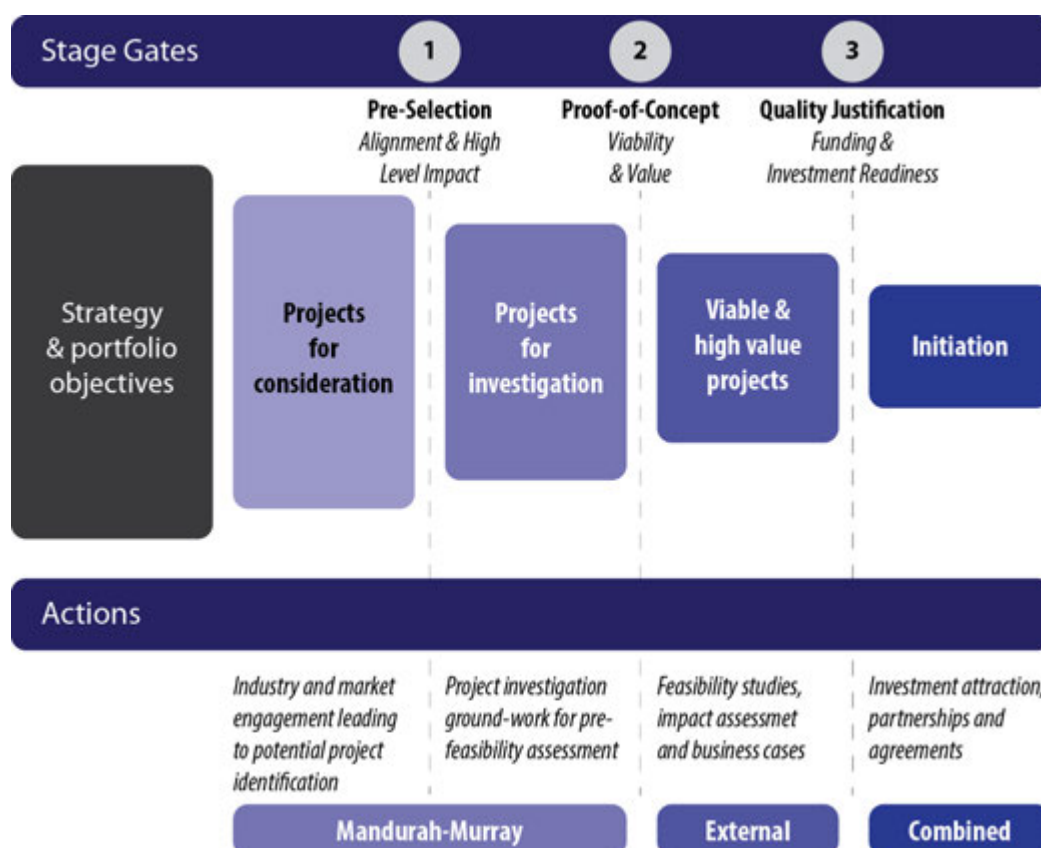
Figure 7. Project portfolio development process



The objectives of private investors or partners will generally be purely financial, however may extend (in some instances) to other areas of value including reputation, visibility, market capture, IP generation or other commercially related outcomes.

The objectives of the State and Federal government should generally align well with the objectives of Mandurah and Murray, including employment generation / unemployment reduction, economic activity, export income, foreign direct investment, funding 'leveraging' and broader social outcomes such as socio-economic status (measured through the SEIFA index), health and community building. A consistent framework of benefits metrics are therefore required to evaluate the impact and value of proposed projects and identify suitable funding streams to be targeted through the project development process. These benefit metrics must directly align to the objectives of the Strategy and Unit. To achieve this a 'stage gated' process has been developed, each adding an increased level of rigor in the assessment of potential projects, as summarised in Figure 8.

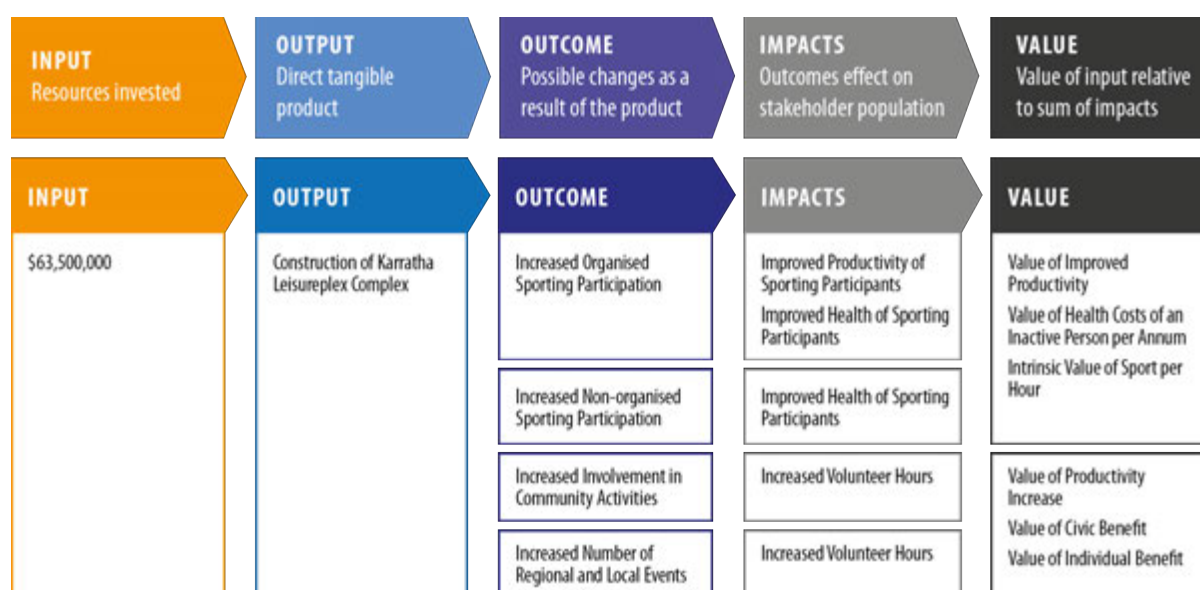
Figure 8. Project assessment stage-gate process



3.2 Defining Portfolio Objectives

While the Strategy ultimately targets employment generation, projects that create the improved conditions for business operation or attraction may often be more valuable than the direct employment created through projects. This effect is often difficult to quantify and is the purpose of conducting detailed project specific impact assessment. A useful way to demonstrate the nexus between project inputs and desired outputs and impacts is the 'theory of change' model, which steps out the process of impact generation.

Figure 9. Theory of Change model for demonstrating impact



Often projects are measured through outputs only. Value is defined as the quantified impact versus the inputs required for a project, the assessment of project value is a core element in the project assessment process and will increase the likelihood of true impact being generated. Targeted project level outcomes should therefore be selected to create the desired program level impacts, and ultimately the objectives of the Portfolio.

Targeted impacts are summarised as:

- **Employment:** Direct project employment, or induced employment from visitor expenditure or supply chain links
- **Knowledge:** Building of a high-knowledge (and creative) activity base that is likely to lead to regional innovations and solutions
- **Export Income:** Activity targeted towards markets outside of the region, providing the ability for expansion beyond the local population-driven demand

- **Investment:** Attraction of public and private investment to support the development of improved infrastructure and facilities
- **Operating Environment:** Systematic improvements that make it easier to do business

Individual projects are unlikely to provide impacts in all areas targeted by Mandurah and Murray. Rather, a collective pool of various projects will be required to achieve a balanced level of impact across all areas. Benefits estimation and ongoing monitoring is therefore an important part of portfolio management. Projects should be evaluated on a consistent basis and reported against the defined portfolio objectives.

Targeted program specific outcomes should be further developed, but will likely include:

Program	Targeted Project Outcomes	Targeted Impacts
The Water Economy: Wetlands & Industry Integration	Increased research and development activity Improved business operation (via access to data) More visitor days (via conferences etc.) Visitor expenditure	Direct employment Induced employment via expenditure Increased export of regional produce / products / services Business attraction (and associated employment)
The Daytrip Capital: Targeted Visitor Attraction	More visitor days Increase dwell time Visitor expenditure Improved visitor perception	Direct employment Induced employment via expenditure Increased export sales of local produce / products / services
Arts, Culture & Sport: Unique Identify	Increased participation More visitor days Increased dwell time Visitor expenditure Increased sponsorship Improved local 'products' Increased public amenity	Direct employment Induced employment via expenditure Increased export of regional produce / products / services Increased construction / development investment Business attraction (and associated employment)
City Centre: Iconic Capital	Increased pedestrian traffic Increased visitor dwell time Visitor expenditure Improved public amenity Improved business facilities Reduced business operating costs	Induced employment via expenditure Increased construction / development investment Business attraction (and associated employment)

Program	Targeted Project Outcomes	Targeted Impacts
Food & Agri-Business: Export Scale & Intensification	Increased agricultural / livestock production Increased product value Increased value-add manufacturing activity Reduced production costs Reduced transportation costs	Increased investment in facilities Increased direct employment Increased induced employment through the supply of goods and services
Resources & Energy: Global Reach	Increased production Increased value-add manufacturing / processing Reduced production costs Reduced transportation costs	Increased investment in facilities Increased direct employment Increased induced employment through the supply of goods and services

3.3 The Stage Gates

The Stage Gate assessment process for selection of high-value projects and likely investment opportunities is further detailed below. Example forms are provided for Stage Gates 1 and 2 in Appendix A. The Stage Gate 3 assessment should be performed by the Portfolio Manager, in combination with external resources as required.

Stage Gate 1: Alignment & High-Level Impact Assessment

The Stage Gate 1 assessment is a qualitative, research-based assessment of project alignment and potential project outcomes. The purpose of the initial assessment is to identify and exclude projects that do not align to the defined strategic objectives, are unlikely to attract private investment and present low value-for-money. As an initial review, the assessment of likely project outcomes is purposely high-level to achieve process efficiency.

Stage Gate 2: Viability & Value

The Stage Gate 2 assessment is a quantified estimate-based review of projects likelihood of success, cost and impact. The purpose of the more detailed assessment is to compare the relative merits of higher-value projects and prioritise projects for advancement to business case preparation. As projects are further investigated the assessment can be adjusted. A minimum level of viability is required to be demonstrated before projects proceed to detailed documentation.

Stage Gate 3: Funding and Investment Readiness

The Stage Gate 3 assessment is a final review of the quality of project documentation. Documentation should be tailored to the targeted funding or investment stream and it will be

particularly important for large scale projects, or projects targeted towards private investment, to be of a high quality to maximise the likelihood of success.

3.4 Portfolio Projects Register

A Portfolio projects register will be required to manage the many leads, projects under investigation, and active development projects under the described system. The register will be used to log the current state of project development (versus the Stage Gates listed above), key inputs, stakeholders and required actions at a minimum. It is recommended the Register be developed in the initial stages of the formation of the Unit.

3.5 Benefits Realisation Monitoring

Benefits monitoring serves two important purposes:

- It provides a 'closed' feedback loop, collecting valuable data and lessons-learnt that will inform the development of future projects
- It provides evidence to potential funders and investors of the success of past projects carried out by Mandurah and Murray

A benefits realisation plan builds on the outcomes and impacts articulated in the project assessment process by defining:

- How the outcome is measured (e.g. number of visitors, average dwell time and their average spend)
- The baseline that future measurements will be compared against (e.g. current visitors, dwell time and spend)
- The targeted outcome or impact (e.g. increase levels of the above)
- Measurement techniques and intervals (e.g. annual survey)
- Any necessary controls to demonstrate 'additionality' (e.g. overall state visitor numbers)
- Any risk factors that may need to be addressed, and how this will be done

Additionality is an important concept that is often overlooked in the measurement of benefits. Controls are therefore often necessary to reliably demonstrate project impact. In the example provided above, increased levels of visitors to Mandurah and Murray may occur as a result of overall increases in state-wide visitation. Comparing local rates against a baseline and a broader state-wide visitation allows for the reliable reporting of project specific impact. This level of rigor is rarely carried out in State or Federal grant programs but will provide a strong evidence base for the attraction of project partners or private investment.

4 NEXT STEPS

The Implementation Plan lays out a pathway for the development of a collaborative approach to economic development between the City of Mandurah and Shire of Murray. At its core this approach is built on two primary elements:

- The formalisation of a collaborative working relationship between the City of Mandurah and Shire of Murray through the formation of the Mandurah Murray Economic Development Unit.
- The initiation of a Portfolio Development Process, which will generate a pipeline of projects suitable for public and/or private investment

A number of short, medium and long term actions are required to continue to the process started through the development of the Mandurah Murray Regional Economic Development Strategy. These are summarised as:

Short Term Actions	<ol style="list-style-type: none"> 1. Establish a Memorandum of Understanding (MOU) outlining the goals, responsibilities, reporting and management arrangements of the involved parties 2. Establish a framework of clear Portfolio and Program level objectives to guide the assessment and selection of existing and new projects as they arise 3. Confirm and establish economic development unit team 4. Identify projects for initial assessment through the stage-gate system over the next 12 months
Medium Term Actions For implementation over the next year	<ol style="list-style-type: none"> 5. Source additional internal resources in areas of key capability gaps; chiefly trade and investment relations and commercial portfolio management 6. Formalise the Stage Gate process and specific requirements for project advancement or exclusion, including a project register and benefits monitoring processes for soon to be initiated projects 7. Continue to build on the existing network of external resources including local businesses, Universities, State Government agencies, trade associations and industry associations
Long Term Actions For implementation over the next 5 years	<ol style="list-style-type: none"> 8. Investigate 'best practice' Council Controlled Organisation models based in South Australia and New Zealand

APPENDIX A: STAGE GATE ASSESSMENT FORM EXAMPLES

Stage Gate 1: Strategic Alignment Screening

Project Title and Description	<i>e.g. Water Science Research Centre</i>
Program Area	<i>e.g. Water Science</i>
Key Stakeholders	<i>e.g. Department of Water, technology providers</i>
Est. Cost	\$

Role of City of Mandurah/Shire of Murray
Please provide a short statement as to the role you envisage for the City of Mandurah/Shire of Murray within the project.
<p><i>Roles can be generally classified under 'control, influence, monitor':</i></p> <ul style="list-style-type: none"> - Control: The City is the primary project lead and has the ability to control project development e.g. through land ownership and/or engagement of a project proponent through an Expression of Interest (EOI) process - Influence: The City may seek partnership with an external body who leads the project and may assist in a targeted manner through facilitation or provision of resources - Monitor: The City is aware of a project but does not have an active role in it, rather it communicates to the broader community and business networks, providing an active information service

Strategic Objectives - Alignment Checklist

Please indicate which strategic goals are likely to be impacted by your project and leave any comments as required. A strong degree of alignment with portfolio objectives is a pre-requisite for further project investigation. The intention is to develop a suite of projects that collectively align to the strategic objectives of Mandurah and Murray.

Strategic objectives are collectively described under the following categories:

- **Employment:** Direct project employment, or induced expenditure from expenditure or supply chains
- **Knowledge:** Building of a high-knowledge (and creative) activity base that is likely to lead to regional innovations and solutions
- **Export Income:** Activity targeted towards markets outside of the region, providing the ability for expansion beyond the local population-driven demand
- **Investment:** Attraction of public and private investment to support the development of projects or business activities
- **Operating environment:** Systematic improvements that make it easier to do business

Outcome Category	Outcomes	Check (y/n)	Comments
Employment	1. Directly provide new permanent employment opportunities		
	2. Indirectly support employment creation by enabling subsequent projects and developments		
	3. Promote the use of local services, supplies and labour		
Knowledge	4. Enhance business and industry capability through skills development and knowledge/technology transfer		
	5. Attract personnel with high levels of technical, scientific, creative or entrepreneurial knowledge		
Export Income	6. Foster the growth of export-oriented industries		
	7. Provide opportunities for external investment		
Investment	8. Provide opportunities for commercial investment		
	9. Link to government grants or other funding sources		
Operating Environment	10. Drive better connections between businesses and other stakeholders		
	11. Provide improved access to educated and/or skilled personnel		
	12. Improve infrastructure that supports business activities		

Stage Gate 2: Viability & Value

Project must be demonstrated to meet minimum a minimum threshold across a range of factors that assess viability and value.

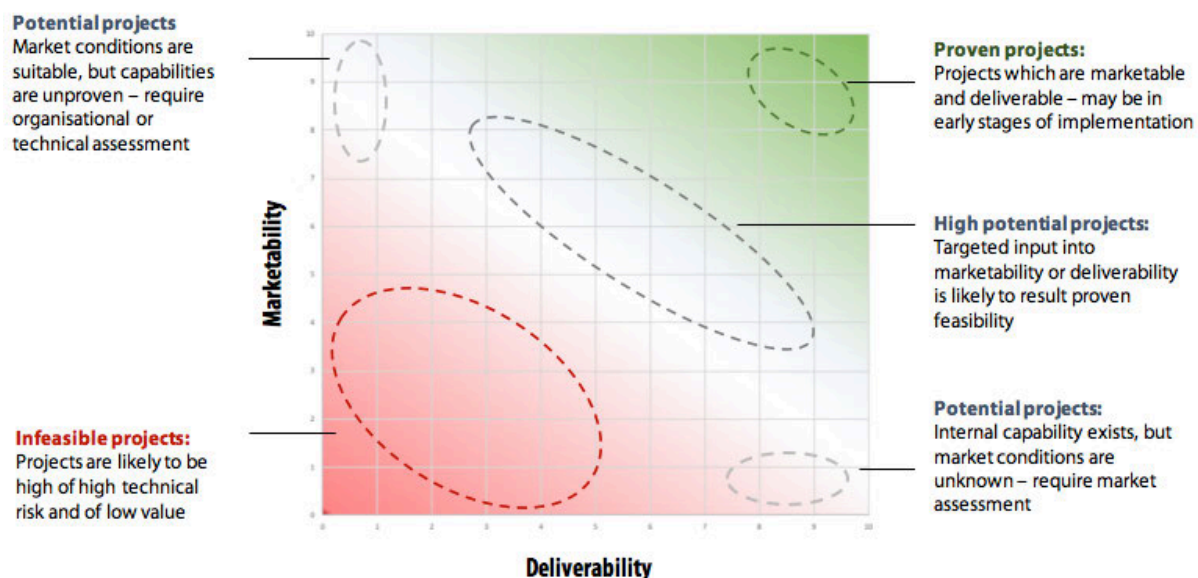
Value assessment involves cost and benefit estimation, with projects required to meet a minimum Benefit to Cost Ratio (BCR) of 1.5.

Viability is tested against two categories:

1. **Marketability:** There is a clear need for the project or ready market for the products or services that will be produced via the project
2. **Deliverability:** The project is technically feasible, can be financed and meets a range of required approvals

Projects with a high probability of success are both marketable and deliverable. Where marketability or deliverability are not known, this provides a clear gap for further investigation. Ratings may therefore improve as projects are investigated or may be abandoned if found to be unviable. Possible outcomes are examined in Figure 10.

Figure 10. Project Viability Evaluation Outcomes



The form below contains a series of questions which seek to evaluate project feasibility in terms of marketability and deliverability. The questions are related to the following feasibility requirements as set out in Figure 2. Where project specific information is not yet available, low scores will apply.

Program Area	e.g. Water Science
Project Name & Description	e.g. Peel-Harvey Catchment Land-Use Reform e.g. Describe: 1. Overall project intent? <i>The project aims to acquire land and develop more sustainable and productive land use systems such as intensive agriculture</i> 2. Role of the City of Mandurah in advancing the project? <i>The City of Mandurah will facilitate the development of a project outline, facilitate stakeholder input, host initial discussions with trade representatives, seek private partnerships and use this information to develop a business case for State and/or Federal funding</i>
Project Cost	\$
Project Benefits	\$
Est. BCR	

Project Viability Assessment Fields	
Marketability	Deliverability
1. Need/Demand 2. Price Competitiveness 3. Market Proximity 4. Community Acceptance	5. Technology 6. Capital Inputs 7. Regulation 8. Organisational Capacity
NOTE. All fields must meet a minimum threshold of 6 for the project to be deemed 'viable'	

Question 1: Need/Demand		
How would you rate the demand for the project? - Is there a clear industry problem that the project will resolve? - Is there clear demand for the product or service, indicated by supply constraints or price?	Self-Assessment (Score 1-10)	Third-Party (Score 1-10)
Notes:		

Question 2: Price Competitiveness		
How well will your project/product be priced relative to competitors? - Are there competitors and who or what are they? - How does the price/cost of the project or project outputs compare to other existing options?	Self-Assessment (Score 1-10)	Third-Party (Score 1-10)
Notes:		

Question 3: Market Proximity**How well can you bring your project to market? How accessible is your project?**

- Are there major hurdles, such as transportation and logistics that may prevent the project outputs being brought to market?
- Or can users of the project readily access the project, e.g. in the case of fixed local infrastructure?

Self-Assessment
(Score 1-10)Third-Party
(Score 1-10)

Notes:

Question 4: Community Acceptance**How likely is your project to be accepted by the public or other stakeholders?**

- Are there significant negative externalities from the project that may cause strong community resistance (e.g. damage to sensitive environments, noise or congestion)?

Self-Assessment
(Score 1-10)Third-Party
(Score 1-10)

Notes:

Question 5: Technology**Are there existing technical solutions for the project?**

- Does the project involve a high degree of technical difficulty?
- Are there other similar case studies that provide demonstration of project technology applications?

Self-Assessment
(Score 1-10)Third-Party
(Score 1-10)

Notes:

Question 6: Capital Inputs**How accessible is investment funding for the project?**

- Does the project provide avenues to generate commercial revenue?
- Is the project likely to meet the merit criteria of government grant programs?
- Does the project provide avenues for other types of investment (e.g. corporate responsibility)?

Self-Assessment
(Score 1-10)Third-Party
(Score 1-10)

Notes:

Question 7: Regulation**How well is the project expected to comply with relevant regulations?**

- Does, or is the project likely to comply with required Local, State and Federal government approvals (e.g. planning and environmental)

Self-Assessment
(Score 1-10)

Third-Party
(Score 1-10)

Notes:

Question 8: Organisational Capacity**How would you rate your organisational structure & skills to deliver the project?**

- Is the project within the core competencies of Mandurah and Murray?
- Is the project scale within that regularly carried out by Mandurah and Murray?

Self-Assessment
(Score 1-10)

Third-Party
(Score 1-10)

Notes:

2	SUBJECT:	Licences – Falcon Reserve - Scout Association of Australia and Silver Wheels Cycling Club Incorporated
	CONTACT OFFICER:	Ben Dreckow
	AUTHOR:	Lesley Petchell/Rachelle Love

Summary

The current licence agreements with The Scout Association of Australia, Western Australian Branch (Scouts) and The Silver Wheels Cycling Club Incorporated (Silver Wheels) are due to expire on the 31 December 2018, with both renewal term options being fully exercised upon this date.

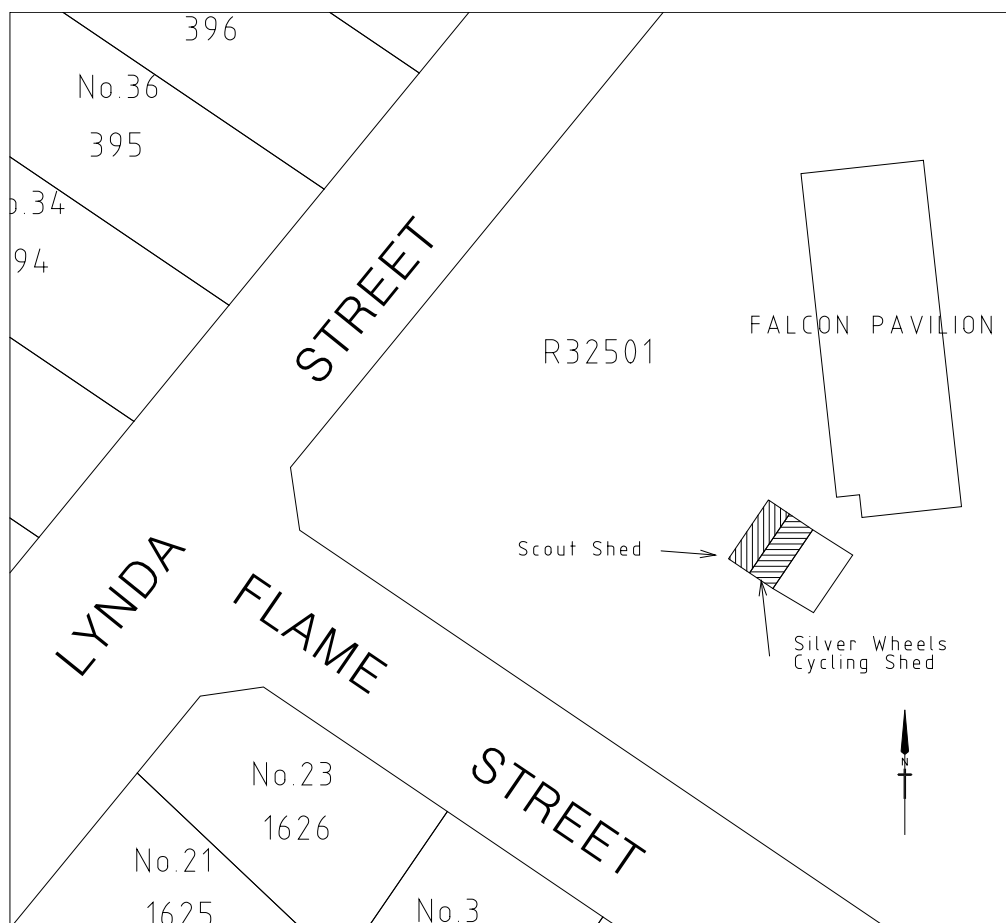
Both groups currently hold tenure over neighbouring storage sheds within Reserve 32501 – Lynda Street, Falcon. The Scouts have held consecutive licenses over this site since 2000, where Silver Wheels commenced tenure of an adjacent area to the Scouts in 2013. They have both formally requested, upon the expiry of their current licenses, to enter into new licence agreements with the City for a term of three years, with a two year renewal term option (3+2 years).

Council is requested to approve these two separate licence agreements over the subject site for a term of three years with a two year renewal term option (3+2 years) commencing on or after the Minister for Lands consent, together with an annual rental fee of \$1, all licence terms and conditions are subject to the approval of the Minister for Lands.

Disclosure of Interest

None

Location



Previous Relevant Documentation

- G.31/8/14 26 August 2014 Council supported licence agreements for the Scouts and the Silver Wheels for a term of three years with a two year renewal option for the use of neighbouring storage sheds over a portion of Reserve 32501;
- G.39/9/11 27 September 2011 Council supported a licence to the Scouts for a term of three years for the use of a storage shed over a portion Reserve 32501;
- G.75/4/00 18 April 2000 Council supported an agreement to the Scouts for the use of approx. 130 square metre portion of Reserve 32501, Falcon for the construction of a shed.

Background

The Scouts and the Silver Wheels are regular hire users of the Falcon Pavilion, and for some considerable time have both held tenure over storage sheds located on site at the Falcon Reserve 32501. In April 2000, Council approved a licence agreement to the Scouts for a term of five years with the option of a further five year renewal term for 130 square metres of land on the reserve. The five year renewal term for this agreement expired on 31 December 2010 to which Council for a further 3 years to 2013.

In 2013, the Scouts contacted Officers advising that their shed was in need of replacement, and in conjunction with the Silver Wheels, who also required tenure for the use of a storage shed over the same Reserve and lodged separate applications with Lotterywest for funding grants to assist with the required replacement and the construction of new sheds.

Both groups received confirmation that their grant applications had been successful to the value of \$13,500 each. Coupled with a contribution from Silver Wheels, Officers sourced two new sheds that were constructed side by side, one in the existing licence area of the Scouts and the second being constructed for the Silver Wheels in the new licence area directly adjacent to the Scouts.

Comment

The current licence agreements with the Scouts and the Silver Wheels are due to expire on the 31 December 2018, both renewal term options will be fully exercised upon this date. The groups have formally requested to enter into new licence agreements with the City upon the expiry of their current terms.

As the City holds a Management Order over Reserve 32501 with “Power to Licence” for up to, but not exceeding five years, Officers consider that the proposed new licence agreements for a term of three years and with a two year renewal term option (3+2 years) is appropriate.

Council is requested to approve two separate licence agreements over portion of Reserve 32501, Falcon; one to The Scout Association of Australia and the second to The Silver Wheels Cycling Club Incorporated for a term of three years with a two year renewal term option (3+2 years) commencing on or after the Minister for Lands consent, together with an annual rental fee of \$1.

Consultation

Property Officer – The Scout Association of Australia, Western Australia Branch

President and Secretary – The Silver Wheels Cycling Club Incorporated

Statutory Environment

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

Exemption of Disposition of Property – Section 30 Local Government (Functions and General) Regulations 1996. A disposition of land is exempt if the land is disposed of to a body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature. As such the Scouts as a community group and Silver wheels as a recreational club, are exempt from the advertising of the disposal of the licence.

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

Policy Implications

None

Risk Implications

None

Economic Implications

To align with the existing licenses for both clubs, and current practices for managing community based groups, who use sheds for storage purposes only, an annual rental fee of \$1 is considered appropriate. It is also considered that the document preparation fee of \$450.00, as per the City's Fees and Charges Schedule 2018/19, be waived due to the valued community benefit of the groups.

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.

Identity:

- Encourage active community participation and engagement

Conclusion

The Scouts of Falcon and Silver Wheels are seeking new licence agreements, upon the expiry of their current terms on 31 December 2018, for the use of neighbouring storage sheds over a portion of Reserve 32501 – Lynda Street, Falcon. Officers consider that the proposed new licence agreements for a term of three years and a two year renewal term option (3+2 years), together with a rental fee of \$1 per annum is appropriate.

Council approval is sought to enter into two separate licence agreements over portion of Reserve 32501, Falcon; one to The Scout Association of Australia and the second to The Silver Wheels Cycling Club Incorporated for a term of three years with a two year renewal term option (3+2 years) commencing on or after the Minister for Lands consent, together with an annual rental fee of \$1, noting all terms and conditions of the Licenses are subject to the approval of the Minister for Lands.

RECOMMENDATION

That Council:

- 1. Approves two separate licence agreements over portion of Reserve 32501 – Lynda Street, Falcon, to The Scout Association of Australia, Western Australian Branch and The Silver Wheels Cycling Club Incorporated with the following conditions:**
 - 1.1 Tenure of three years with two year renewal (3+2 years);**
 - 1.2 Commencement on or thereafter the Minister for Lands consent;**
 - 1.3 Annual rent of \$1 per annum;**
 - 1.4 Subject to the Minister for Lands consent.**
- 2. Approves the waiver of the document preparation fee as detailed in the City's Fees and Charges Schedule 2018/19 of \$450.**
- 3. Accepts the Chief Executive Officer will finalise the conditions of the Licence agreements.**

3	SUBJECT:	Planning for Entertainment Noise in the Northbridge Area – City of Mandurah Submission
	CONTACT OFFICER:	Ben Dreckow
	AUTHOR:	Nicola Leishman

Summary

The Department of Planning, Lands and Heritage, on behalf of the Western Australian Planning Commission, and the Department of Water and Environmental Regulation have prepared a joint discussion paper: *Planning for Entertainment Noise in the Northbridge Area: Public Consultation Paper*.

This paper outlines proposed reforms to address the issue of entertainment noise impacts in the Northbridge mixed use entertainment precinct through changes to the relevant planning and noise regulations.

Whilst the proposed reforms relate only to Northbridge, the discussion paper encourages other Local Government and interested stakeholders to provide submissions to inform future regulatory approaches elsewhere, if need is demonstrated.

As the Mandurah City Centre grows and develops and infill development within central Mandurah increases towards mixed-use, high to medium density urban living, the convergence of mixed land uses may cause conflicts. The proposed reforms represent a 'common sense' approach to enable better management of these potential conflicts in mixed use areas and activity centres.

It is recommended, that Council makes a submission on the discussion paper supporting proposed reforms and for consideration to be given to the expanding key activity centres outside of Northbridge.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G. 21/3/11 22 March 2011 Council considered a report in relation to City Centre Noise and resolved to endorse the process for dealing with compliance related issues relating to noise.

Background

In 2008, the City has undertaken extensive work in determining noise levels occurring within the City Centre Entertainment Precinct. The City undertook regular noise monitoring over various nights of the weeks and engaged acoustic consultants Lloyd George Acoustics to model the cumulative and individual noise impacts of licensed venues within the City Centre at various building heights.

That study highlighted that noise levels within the City Centre were very high and flagged the importance of efforts to manage the likely conflict between existing venues and new residential development.

Since collating this data, City Officers have been in communication with licensed venues within the City Centre explaining the impact of residential development moving into the city centre and the required change to permitted noise levels that will accompany this progression. The entertainment venues were requested to consider the implications of the study and begin planning strategies to minimise the potential impacts, recognising that compliance with the *Environmental Protection (Noise) Regulations 1997* may be difficult.

The City Centre Precinct Plan and the Central Mandurah Activity Centre Plan (recently adopted for advertising) currently provide that new residential development within the city centre must consider the noise environment and construct to achieve compliance with Australian Standard 2107:2000 Acoustics-

Recommended Design Sound Levels and Reverberation times for building interiors. This standard sets recommended maximum decibel levels for sleeping and living areas. The plans also include requirements for amplified music venues to enclose their outdoor licensed areas after 10pm or remove patrons from outdoor areas after 10pm to an enclosed noise attenuated area.

The *Environmental Protection (Noise) Regulations 1997* set out the permitted noise levels and involves a complex calculation of the percentage of residential, commercial and major roads within a 100m and 450m radius. Noise levels are required to be at their quietest after 10:00pm at night which is the busiest period for late night entertainment venues.

The *Environmental Protection (Noise) Regulations 1997* do not recognise who was operating first and the onus is on the noise emitter to comply with the noise levels that are assigned to the area. The legislation also does not recognise the impact of low frequency bass noise and sets no maximum bass level.

The noise level that is required to be achieved after 10:00pm is 46dB(A) (where 50dB is at a noise level of normal conversation) at the boundary of the neighbouring residential property within the city centre. In addition, due to the annoying characteristics, music noise is also subject to a 10 to 15dB penalty that also creates difficulty in achieving compliance for licensed venues.

Comment

Proposed Legislative Reforms for Northbridge

The *Environmental Protection Act 1986* (EP Act) and the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) are the primary instruments for noise regulation in the State and set the assigned (or allowable) noise levels for noise emitted from a premises or public place, when received at another premises. The assigned levels vary according to the type of premises receiving the noise and the time of day the noise is received. Higher levels of protection are afforded to the most noise sensitive premises.

Currently the assigned levels to be tested for compliance with the Noise Regulations are outdoor levels designed to protect amenity within 15 metres of a building, as well as indoors.

Noise emitters (including entertainment venues such, as bars, taverns, nightclubs etc.) can ascertain where future noise-sensitive development is permissible in nearby locations. This allows existing venues to plan for the most noise sensitive use permitted and assess noise attenuation requirements. This method places responsibility for noise attenuation on the noise emitter, which is in accordance with the 'polluter pays' principle of the EP Act.

Amendments to the Noise Regulations were gazetted in 2013 to improve the management of noise from entertainment venues. The amendments allow venues to apply to the CEO for approval to hold a given number of 'notifiable events' per year that exceed the assigned levels. These amendments were intended to provide certainty for approved venues to exceed assigned levels in specific circumstances and in relation to defined events, but does not provide an avenue for pubs, clubs and bars to emit noise in excess of assigned levels in the course of ordinary, day to day operations.

The State Government is now contemplating further amendments to the Noise Regulations to remove *outdoor assigned levels* for noise sensitive premises located in the Northbridge Entertainment Area, and focus only on protection of health and amenity indoors. The proposal to protect only indoor areas aims to make compliance with the Noise Regulations less onerous for entertainment venues, particularly for new residential development.

Focussing on indoor, rather than outdoor, assigned levels will mean it is allowable for affected noise-sensitive premises to receive higher levels of noise in outdoor areas, including balconies, patios or alfresco areas, and higher levels of noise inside the dwelling if the doors and windows are open. Further consultation on specific criteria for protection of indoor health and amenity will be undertaken as part of the implementation of the proposed reforms.

In addition to the proposed Amendments to the Noise Regulations, it is proposed to designate the Northbridge entertainment area as a 'Special Control Area' through an Amendment to the City of Perth Local Planning Scheme. It is intended that the Scheme Amendment would be adopted in parallel with the changes to the Noise Regulations.

Special Control Areas (SCA's) can be introduced into Local Planning Schemes to control particular characteristics of development associated with the precinct. The designation of an SCA defines the proposed boundary of the area where the amended noise regulations apply and where enhanced construction standards and noise attenuation requirements apply.

The proposed SCA will also introduce the 'agent of change' principle. This allocates the primary responsibility for noise attenuation to the party that is changing the environment, and applies to noise sensitive and noise emitting developments, placing the onus on the developer to ensure that the construction achieves *indoor* noise levels that comply with the prescribed standards for the area. Currently, noise emitters are held responsible for the cost of noise attenuation regardless of whether they are an established business that existed before noise sensitive land uses were developed around them.

Development applications for new noise sensitive development are not always required to take into consideration noise from existing nearby entertainment venues. However, through an SCA, provisions would be included requiring all proposals for new noise emitting and noise receiving developments, to demonstrate how siting, design and construction measures will achieve acoustic attenuation to comply with the standards set in the Noise Regulations.

While the 'agent of change' concept cannot address conflicts between existing venues and noise sensitive receivers, it may assist in relieving pressures on established venues in some areas and in more equitably sharing the noise attenuation burden between venues and new development in mixed use areas.

Also, there is currently no formal requirement to notify owners of the potential issue of noise from entertainment venues. Under the new proposals, there will be a requirement for a notice on title for all approved planning proposals affected by entertainment noise within the Northbridge entertainment precinct.

Operational challenges

One limitation of the proposed reforms is the inability to effectively capture operational changes of use where development approval is not required, as the provisions of the SCA would be triggered at development application stage of new or expanded development. Equally, an existing venue that introduces entertainment to its operations, will not necessarily be considered an agent of change, in a planning sense, despite the fact that such changes may result in a material change in noise emissions.

As a result, supplementary measures in other regulatory regimes, such as liquor licensing, may be needed to optimise reform benefits and ensure that all scenarios are captured. This has the potential to have additional 'red tape' consequences to achieve an outcome.

Furthermore, the measurement of indoor noise (particularly low frequency music noise) is complex and subject to significant uncertainties, which may present issues for compliance. Acoustic predictions and measurements, like all scientific predictions, contain a degree of error or uncertainty.

Noise complaints from residents of new-noise sensitive development (built after the introduction of agent of change) would need to be investigated from the perspective of both compliance of the noise emitter with prescribed noise standards and compliance of the new development with construction and development standards. This could make the assessment more time-consuming and resource intensive.

Recognising these challenges, the 'agent of change' principle is to be initially adopted under a more confined precinct-based approach through the release of a Position Statement. This would articulate the WAPC position on noise in the Northbridge entertainment precinct and facilitate a pathway to implement reforms relating to the Noise Regulations.

Relevance to Mandurah

The Perth and Peel at 3.5million strategic land use planning and infrastructure framework estimates that the regions' population will increase by 1.5 million by 2050. To help create vibrant and liveable communities' State planning strives to make better use of existing infrastructure by increasing residential density in centres that are well serviced and have access to employment and amenity.

Whilst the situation in Mandurah is different to Northbridge in terms of the number of entertainment venues and the density of residential properties, the City has had experience with noise conflict between entertainment venues and residential development. As the City Centre grows and develops and infill development within central Mandurah increases towards mixed-use, high to medium density urban living, the convergence of mixed land uses is likely to present further challenges, particularly where noise sensitive development is permitted close to existing noise emitting venues.

Achieving a harmonious balance can be a challenge. While those choosing to live in mixed use centres may be willing to accept higher noise levels on certain days and times, residents have a right to a reasonable level of amenity including environmental noise levels which do not adversely impact on their health.

It is clear, however, that the current legislative arrangement in Western Australia does not adequately recognise a mixed use precinct or provide practical controls that allow the management of that interface.

Residential development can be designed to provide an improved noise environment internally, however the effectiveness of this attenuation is reliant on controlling noise inputs to a reasonable level and, in particular, controlling low frequency bass noise that can penetrate buildings and is far harder to build out. At present, this is not adequately considered within the legislation. It is recommended, therefore, that lobbying of the Minister for the Environment be undertaken to raise this issue and promote the recognition of entertainment precincts that allow a considered local approach that permits higher noise level and controlled low frequency (bass) noise level, but also set requirements on new residential construction based on these maximum noise levels.

The extension of these reforms to other areas outside of Northbridge is critical to enable Local Government to have the ability to introduce clear and consistent regulatory guidance into the Local Planning Scheme, so that entertainment areas within city centre, mixed use locations can be treated differently to suburban residential areas, where the quieter enjoyment of residential property would be expected.

This would provide greater certainty for developers and operators and enable Mandurah to grow into a vibrant, yet liveable community. Within precincts of this type, there must be an acceptance of a shared responsibility for noise management between the owners and operators of entertainment venues and the developers and occupiers of residential premises.

It is considered, therefore, that the proposed reforms represent a 'common sense' approach to enable better management of these potential conflicts in mixed use areas and activity centres. As such, they are worthy of consideration for other areas, outside of Northbridge.

Notwithstanding the above, the chosen method of implementation, through a Special Control Area administered through the Local Planning Scheme, is considered to be a complex and time consuming method of introducing these provisions, and is not considered to be user friendly.

In accordance with *State Planning Policy 4.2: Activity Centres for Perth and Peel*, Local Governments are required to prepare Activity Centre Plans (ACP's) for strategic metropolitan, secondary and district centres. Mandurah is a Strategic Metropolitan Centre and has recently adopted the Central Mandurah Activity Centre Plan for advertising, in order to fulfil this requirement.

Activity Centre Plans are not, however, considered to have the 'force and effect' of the scheme and are to be given 'due regard' in the assessment of a planning application in an activity centre.

In recent years, industry stakeholders and local governments have strongly advocated for the elevation of the status of activity centre and other structure plans to be read as part of the scheme, to bring certainty to zonings, reservations, density codings and statutory built form development controls such as, noise attenuation. This would avoid lengthy separate processes for no real planning gain and would create a 'one-stop shop' approach for all development requirements relating to an activity centre or structure plan area.

Therefore, consistent with the Council's recommendation on the reforms to the WA planning system through the recent Green Paper, it is recommended that the *Planning and Development Act 2005* provides that the implementation section (part one) of approved activity centre and structure plans are to be read as part of the scheme and have the statutory 'force and effect' of the scheme. This would enable the 'special control area' boundary to be identified through the ACP and the application of appropriate noise attenuation and built form provisions to be included, thus meeting the State Government reform principles of improving legibility, transparency and efficiency.

Next Steps

Dependant on the legislative reform and the extent of its application, that may or may not be adopted by the State Government, the City would need to review and update the noise model prepared in 2008 to inform the designation of a 'Special Area Control' for Mandurah and the relevant noise attenuation and building construction provisions to be included.

This would ultimately culminate in a future modification to the Central Mandurah Activity Centre Plan to introduce such provisions, or alternatively, the initiation of a Scheme Amendment, depending on the statutory process required by the legislation. Appropriate community consultation would be undertaken as a part of these processes.

Consultation

The Discussion Paper has been released by the Department of Planning, Lands and Heritage and the Department of Water and Environmental Regulation for public comment. Submissions close on Monday 26 November 2018.

Officers have contacted the major entertainment venue operators within Mandurah to inform them of the existence of the consultation paper and their opportunity to consider it and provide a submission if they wish.

Statutory Environment

The City's Environmental Health Officer are authorised under the *Environmental Protection Act 1986* to carry out enforcement of the Environmental Protection (Noise) Regulations 1997 and relevant sections of the Environmental Protection Act 1986. The Environmental Protection Act 1986 provides enforcement powers including the issuing of infringement notices, Noise Abatement Direction with the CEO of the local government delegated to issue Environmental Protection Notices.

Infringement Notices issued under section 79(1) of the *Environmental Protection Act 1986* provide for fines of \$250 or \$500. Convictions for failure to comply with a Noise Abatement Direction carry a maximum penalty of \$25,000. Convictions for failure to comply with an Environmental Protection Notice carry a maximum penalty of \$125,000 with a daily penalty of \$25,000.

In order to implement the reform initiatives, legislative changes would be required to be made to the *Environmental Protection (Noise) Regulations 1997* and a Scheme Amendment initiated to incorporate a Special Control Area into the Local Planning Scheme.

Policy Implications

Feedback on the discussion paper will be used to formulate the State Government's legislative and policy position on the proposed reforms to land use planning frameworks and environmental regulation.

Risk Implications

Nil

Economic Implications

The introduction of the proposed reforms could result in additional cost to the development industry in terms of the additional requirements relating to noise attenuation. Equally, consideration must be given to the financial impact of compliance for existing entertainment venues, with the current requirements of the Environmental Protection (Noise) Regulations 1997.

Fines for failing to comply with the requirements of a Noise Abatement Direction and Environmental Protection Notice are significant, as detailed above.

Strategic Implications

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

Identity:

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

Organisational Excellence:

- Demonstrate regional leadership and advocacy.
- Deliver excellent governance and financial management.

Conclusion

The WA Government is seeking input about proposed reforms designed to preserve Northbridge's vibrancy.

As Perth's inner-city residential population increases, venue operators are experiencing growing pressures to curb noise, following an influx of complaints from nearby residents. This has been the case even if they have been operating in that location far longer than the surrounding development.

Amendments to the *Environmental Protection (Noise) Regulations 1997* and the establishment of a Special Control Area under the City of Perth's City Planning Scheme No 2 are proposed to provide greater protection for venues, and clear and consistent development guidelines for new developments in the precinct.

Part of the proposed reforms include removing existing 'outdoor amenity protections' which would allow higher levels of noise in residential outdoor areas such as balconies or patios. Further, the paper includes 'agent of change' principles where the responsibility of noise mitigation will fall to a new development and not existing venues and residents.

New developments, both noise-emitting and noise-receiving, will also be required to undertake a noise assessment and demonstrate how construction and design will mitigate entertainment noise. All developments impacted by entertainment noise will also require a notice placed on their title to inform potential buyers of the potential for higher noise levels in outdoor areas.

It is considered that the proposed reforms represent a 'common sense' approach to enable better management of these potential conflicts in mixed use areas and activity centres. It is recommended therefore, that Council supports the proposed reforms and the expansion of the proposed changes to other areas, outside of Northbridge.

The legislative requirements for noise are onerous, particularly relating to music noise, and a balance is required in achieving an overall improvement in the noise level within the City Centre by providing a legally enforceable process for its resolution within a specified time frame.

The recommendations of the report attempt to achieve this balance while also moving toward legislative changes that are more suitable to a growing City.

NOTE:

- Refer ***Attachment 1 Planning for Entertainment Noise in the Northbridge area – Public Consultation Paper (Executive Summary)***
- Full document please see: <https://www.planning.wa.gov.au/publications/entertainment-noise.aspx>

RECOMMENDATION

That Council:

1. Supports the proposed reform measures as outlined in the consultation paper *Planning for Entertainment Noise in the Northbridge Area: Public Consultation Paper*
2. Endorses submitting this report as Council's submission;
3. Supports changes to the planning system that allows for areas outside of Northbridge to be recognised as 'entertainment areas' through local planning schemes and activity centre plans;
4. Supports changes to the *Environmental Protection Noise Regulations 1997* that recognises a:
 - 4.1 higher permitted noise level within Entertainment Precincts;
 - 4.2 supports an enforceable limit on low frequency noise;
 - 4.3 supports the measurement of noise from inside residential premises within 'entertainment areas';
 - 4.4 that recognises improved standards of construction; and
 - 4.5 the expansion of the proposed changes to areas outside of Northbridge.
5. Requests the Mayor write to the Minister for the Environment requesting alteration to the *Environmental Protection Noise Regulations 1997* as per the above with a focus on addressing these changes with a focus on the Mandurah City Centre as a mixed-use activity centre.



Department of **Planning, Lands and Heritage**
Department of **Water and Environmental Regulation**



Planning for entertainment noise in the Northbridge area

Public consultation paper

September 2018



Photo courtesy Marnie Richardson



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The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

Disclaimer

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Photo courtesy
Jack Rabbit Slims



Photo courtesy Kamil Szczucki, KS Digital Media



Executive Summary

Northbridge is a vibrant entertainment district which offers a diverse mix of music venues, contributing significantly to Perth’s cultural diversity and economic prosperity. Northbridge is also experiencing significant urban development, with an increasing trend towards mixed-use, high-density city living.

This mix of land uses is likely to result in increased noise complaints, and a balance needs to be found between protecting residents’ health and amenity while ensuring the viability of entertainment venues.

The City of Perth has advocated for reforms to help maintain the unique character of Northbridge as the State’s premier entertainment precinct. The State Government is committed to exploring reforms that aim to support existing music venues and Western Australia’s cultural industries that create employment opportunities, particularly for young Western Australians.

This discussion paper is seeking comment on proposed reforms to State and local government land use planning frameworks and environmental regulations.

The reforms aim to:

- balance the ongoing viability of the Northbridge entertainment industry with the protection of the amenity of residents and other businesses;
- provide clear and consistent development guidance for new developments in the Northbridge entertainment precinct;
- shift the responsibility for noise attenuation in new developments to the ‘agent of change’; and
- provide an increased level of assurance to music venue operators.

The proposed amendments to the Environmental Protection (Noise) Regulations 1997 (Noise Regulations) endeavour to make compliance less onerous for entertainment venues by removing the existing outdoor amenity protections for noise-sensitive premises within the Northbridge entertainment precinct. This means affected noise-sensitive premises would potentially receive higher levels of noise in outdoor areas, including balconies, patios or alfresco areas, and higher levels of noise inside the dwelling if the doors and windows are open.

While outdoor protections are removed, those applied to indoor areas must be consistent with the protection of public health and amenity and international evidence on health impacts.

Supplementary planning measures would introduce the ‘agent of change’ principle, which would require development proposals to demonstrate appropriate siting, design and construction measures to achieve the

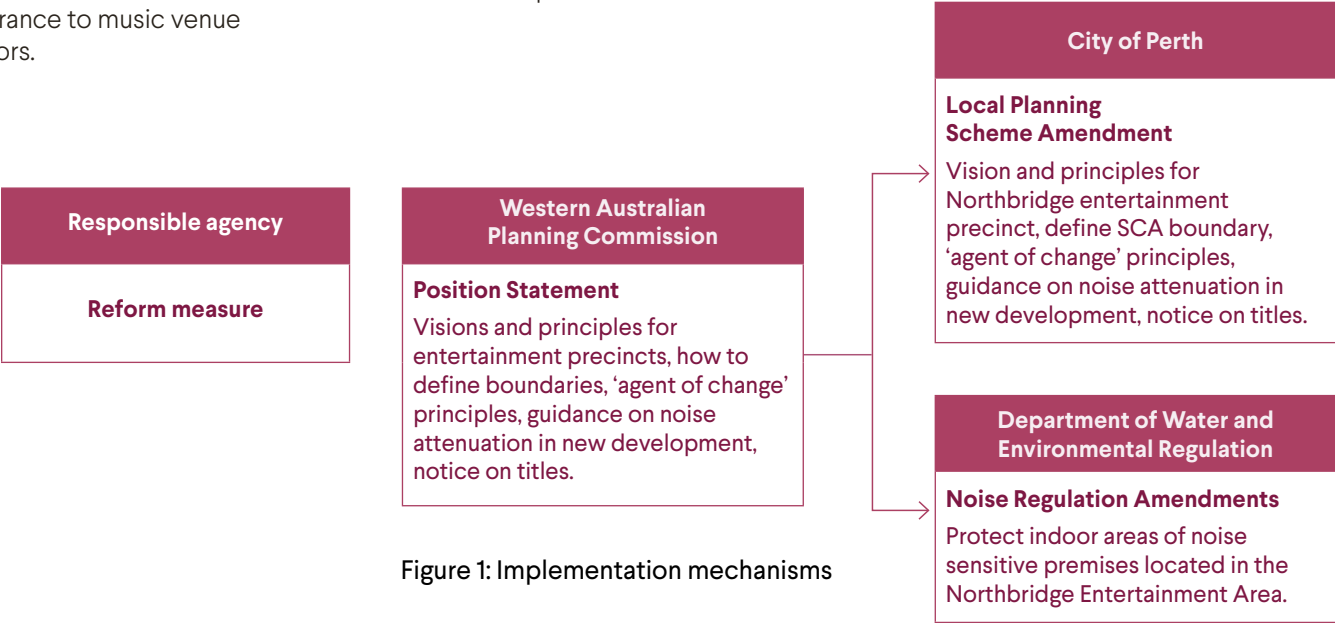


Figure 1: Implementation mechanisms





required noise attenuation to support the intended use of the development and to minimise impact on existing land uses.

The proposed measures would be implemented in a sequenced and integrated manner with each undergoing its own implementation process. Figure 1 shows how reforms would be implemented.

Implementation of reforms would require the designation of a Special Control Area (SCA) for the entertainment precinct in the City of Perth's City Planning Scheme No 2. Within the SCA, special development controls would apply, including:

- the 'agent of change' principle that ensures primary responsibility for noise attenuation in buildings rests with the party that is making changes to the environment, such as new development and redevelopment, and would apply to both noise-sensitive and noise-emitting developments;

- requirements for development proposals to determine the level of noise to be attenuated through design and construction measures, to comply with the Northbridge Entertainment Area standards specified in the Noise Regulations;
- requirements for development proposals to demonstrate, to the local government's satisfaction, how the design and construction of the development will achieve noise attenuation to meet the (indoor) assigned levels for the Northbridge Entertainment Area in the Noise Regulations; and
- requirements for notices on titles to inform buyers and commercial operators of the existence of entertainment noise in the area.

Amended Noise Regulations would apply to all premises within the designated SCA:

- requirements for outdoor levels for noise-sensitive premises in the Northbridge Entertainment Area would be removed, with a focus on protecting health and amenity indoors (in habitable areas with doors and windows closed).





Table 1 demonstrates the main changes in regulatory requirements resulting from the proposed reforms.

These proposed reforms relate only to noise emissions from the regular operations of Northbridge entertainment precinct venues. The Noise Regulations already provide suitable approval mechanisms for higher noise emissions from occasional concert events.

This discussion paper will help inform future planning and environmental reforms and interested stakeholders are encouraged to provide comment. While the proposed reforms will apply to the Northbridge area only, consideration may be given to adopting elements of the reforms elsewhere if need is demonstrated.

Throughout the discussion paper a number of questions are posed for stakeholder consideration. These are to prompt consideration of issues but do not determine the extent of comment to be provided. Submitters are encouraged to provide comment via the [online consultation hub](#) where these questions

will be duplicated, but where there are also opportunities to provide free text commentary and/or upload written submissions.

Reform measure	Current situation	Proposed changes within SCA
Agent of change	There is no current protection for existing entertainment venues. Noise emitters are held responsible for the cost of noise attenuation regardless of whether they are an established business that existed before noise sensitive land uses were developed.	New development (both noise sensitive and noise emitting) responsible for noise attenuation. <i>NOTE: This does not apply retrospectively and does not remove the requirements for noise emitters to comply with the Noise Regulations.</i>
Designation of Special Control Area (SCA)	There are no special planning controls for entertainment precincts within the City of Perth.	Designation of a SCA will apply special planning controls to protect the health and amenity of residents and the viability of entertainment venues; and maintain the special character of the entertainment precinct.
Noise impact assessments as part of development application process	Proposals for new noise sensitive development are not always required to take into consideration noise from existing nearby entertainment venues.	All planning proposals for new noise emitting and noise receiving developments are required to undertake a noise assessment to determine the level of noise to be attenuated through design and construction measures.
Construction standards	Proposals for new noise sensitive developments are not always required to attenuate for entertainment noise.	All planning proposals for new noise emitting and noise receiving developments are required to demonstrate how construction and design will achieve acoustic attenuation to comply with the standards set in Noise Regulations.
Notice on title	There is no formal requirement to notify owners of the potential issue of noise from entertainment venues.	Requirement for notice on title for all approved planning proposals affected by entertainment noise.
Amendments to Noise Regulations	Assigned levels are outdoor levels and protect amenity within 15 metres of a building as well as indoors.	Indoor areas protected only (with doors and windows closed).

Table 1: Regulatory changes





1. Introduction

Perth's metropolitan area is home to a number of vibrant entertainment districts, which offer a diverse mix of live music venues, nightclubs, bars, cafes and restaurants and make a significant contribution to the City's cultural life and economic prosperity. Entertainment venues and event spaces contribute to the development of the arts and creative industries, and broader tourism and hospitality industries, and provide opportunities for a variety of complementary business activities.

The contemporary music industry in WA has a total economic impact of nearly \$1 billion per annum, and is an important contributor to new employment, with nine new jobs created for every \$1 million increase in output in the industry¹. According to a 2015 report by the then Department of Culture and the Arts², 19 of metropolitan Perth's 111 music venues were located in Northbridge. Northbridge has a relatively high density of entertainment venues so noise that affects residential premises may be cumulative rather than from a single entertainment venue.

¹ WAM media release 16/11/16

² 'Live Music Venues Review' Department of Culture and the Arts 2015

Northbridge is experiencing significant urban development, with an increasing trend towards mixed-use, high-density city living. The convergence of mixed land uses can cause conflict, particularly when noise-sensitive development is permitted close to existing noise emitters, such as entertainment venues. As Northbridge's residential population increases, noise-related conflict may intensify.

Achieving a harmonious balance can be a challenge. While those choosing to live in mixed use centres may be willing to accept higher noise levels on certain days and at certain times, residents have a right to a reasonable level of amenity including environmental noise levels which do not adversely impact on their health. Careful consideration of the needs of both music venue operators and residents is required.

This paper seeks comment on measures to address entertainment noise in Northbridge. Managing and planning for entertainment in the Northbridge precinct is a complex challenge that requires the review of both planning and environmental policy and legislation.





2. Creative WA



Photo courtesy Kamil Szczucki, KS Digital Media

Photo courtesy Jack Rabbit Slims

The reforms proposed in this paper are driven by the State Government's commitment to support the arts sector as articulated in *Creative WA: Supporting the arts and creative industries* (2017). It includes commitments to explore reforms to support existing live music venues, supporting cultural industries and creating employment opportunities, particularly for young Western Australians.

The music industry contributes significantly to a growing Western Australian Night Time Economy (NTE). NTE establishments (such as hotels, taverns and nightclubs) represent 16 per cent of all businesses in Western Australia and in 2015 generated more than \$1 billion in sales in the City of Perth³.

The proposed reforms aim to protect existing entertainment venues in Northbridge from the pressures of future encroachment of noise-sensitive uses, while maintaining appropriate protection for the health and amenity of residents living nearby. While the specific reforms will apply only to Northbridge, this paper also seeks stakeholder input on possible expansion of the reforms to other areas of the State if it proves to be beneficial and if need is demonstrated.

For the purposes of this paper, entertainment venues are defined as nightclubs, taverns, hotels and bars that, as part of their normal operations, host music events. This definition does not generally include cafes and restaurants unless these establishments host music events. It also does not include festivals, micro-festivals or one-off public events, for which suitable case-by-case approvals processes already exist.

³ 'The Australian Night Time Economy 2015' Prepared for National Local Government Drug and Alcohol Committee (Ortus Economic Research, June 2017).



3. Issues associated with the Northbridge entertainment precinct

Economic analysis of the Northbridge Entertainment Precinct conducted by Lucid Economics (2018) demonstrates that the value of tourism generated within the precinct equates to \$174 million in Gross State Product and almost 1,600 jobs (both directly and indirectly). Late night activity (10pm–4am) is responsible for 40 per cent of total activity in the precinct, generating \$70 million in Gross State Product and supporting 639 jobs (both directly and indirectly).

These figures underscore the significance of Northbridge as a key destination for visitors to Perth, in particular, its significance in providing night time activities and entertainment options. It is estimated that in 2017 the precinct attracted approximately 916,000 visitors⁴.

Recognising the importance of the creative industries and tourism to the economy, the City of Perth has advocated for reforms to help maintain the unique character of Northbridge as the State's premier entertainment precinct. Northbridge plays a significant economic and cultural role and is home to approximately 100 licensed premises of which about half currently

host, or have the capacity to host, music events. Tourism WA research in 2016 found Northbridge was ranked in the top three entertainment precincts in the metropolitan area. A predominantly night-time precinct, it is the most popular precinct for nightclubs and more popular with younger age groups. It is also seen as the most vibrant and lively of all precincts⁵. The completion of the Perth City Link (including better connectivity to the Perth Arena), opening of the new museum and DoubleTree by Hilton along with the development of over 3000 beds in the City for international students are likely to drive increased night time activity in the precinct.

The population in Northbridge grew by 21 per cent between 2011 and 2016 and it is expected to experience significant development and increased densification. The State Government's medium-term population forecasts *WA Tomorrow* (2015) for the City of Perth under the median (Band C) forecast is around 27,000 people in 2026. The City of Perth anticipates a future resident population of around 41,000 by 2036, of which around 14,000 will be within the central city areas of Perth and Northbridge⁶.

As entertainment venues in Northbridge are clustered in a relatively limited area, the high density of noise emitters may result in cumulative emissions from a number of venues impacting on nearby noise-sensitive premises. While other localities host entertainment venues, the density of venues contributing to noise emissions is more pronounced in Northbridge.

City of Perth data on complaints about Northbridge entertainment noise suggest that complaints fluctuate from year to year. Between 2012 and 2017, the annual level of complaints about music noise varied from 10 and 45 (of which between 7 and 20 relate to established music venues). Complaints in relation to established entertainment venues in Northbridge represent a portion of total noise complaints, with other noise sources being a mix of private events and music noise from other types of venues, such as food outlets.

Consultation with live music venue operators by the Department of Local Government, Sport and Cultural Industries in 2018 suggests that compliance with environmental and Liquor Licensing regulation coupled

with the upsurge of residential infill is placing a burden on venue operators. Established entertainment venues are aware of regulatory requirements and the constraints these could impose on their ongoing operation, regardless of whether they are actively receiving complaints from nearby residents. It is recognised that venues contribute significant resources to noise management to avoid complaints and ensure compliance on an ongoing basis, and these costs can stifle industry growth.

In addition, live music venues with a liquor license may be subject to conditions on their licence, which in some cases require the provision of entertainment in order to serve alcohol, or in other cases prohibit provision of entertainment if a written complaint under section 117 of the *Liquor Control Act 1988* is upheld.

⁴ Northbridge Economic Assessment Final Report, Prepared for Tourism Western Australia by Lucid Economics 2018

⁵ Population and household forecasts, 2016 to 2036, prepared by the .id population experts, September 2017.

⁶ Population and household forecasts, 2016 to 2036, prepared by the .id population experts, September 2017.



4. Existing legislative framework

The City of Perth City Planning Scheme 2 and the Metropolitan Redevelopment Authority Central Perth Redevelopment Scheme designate where entertainment and residential uses are currently permitted and contemplated in Northbridge. Proactive measures will help mitigate future land use conflicts and in doing so, should encourage growth in the entertainment industry and protect the character of Northbridge as a strategic entertainment hub. The legislative framework for land use planning and noise management in Northbridge is detailed in Figure 2.

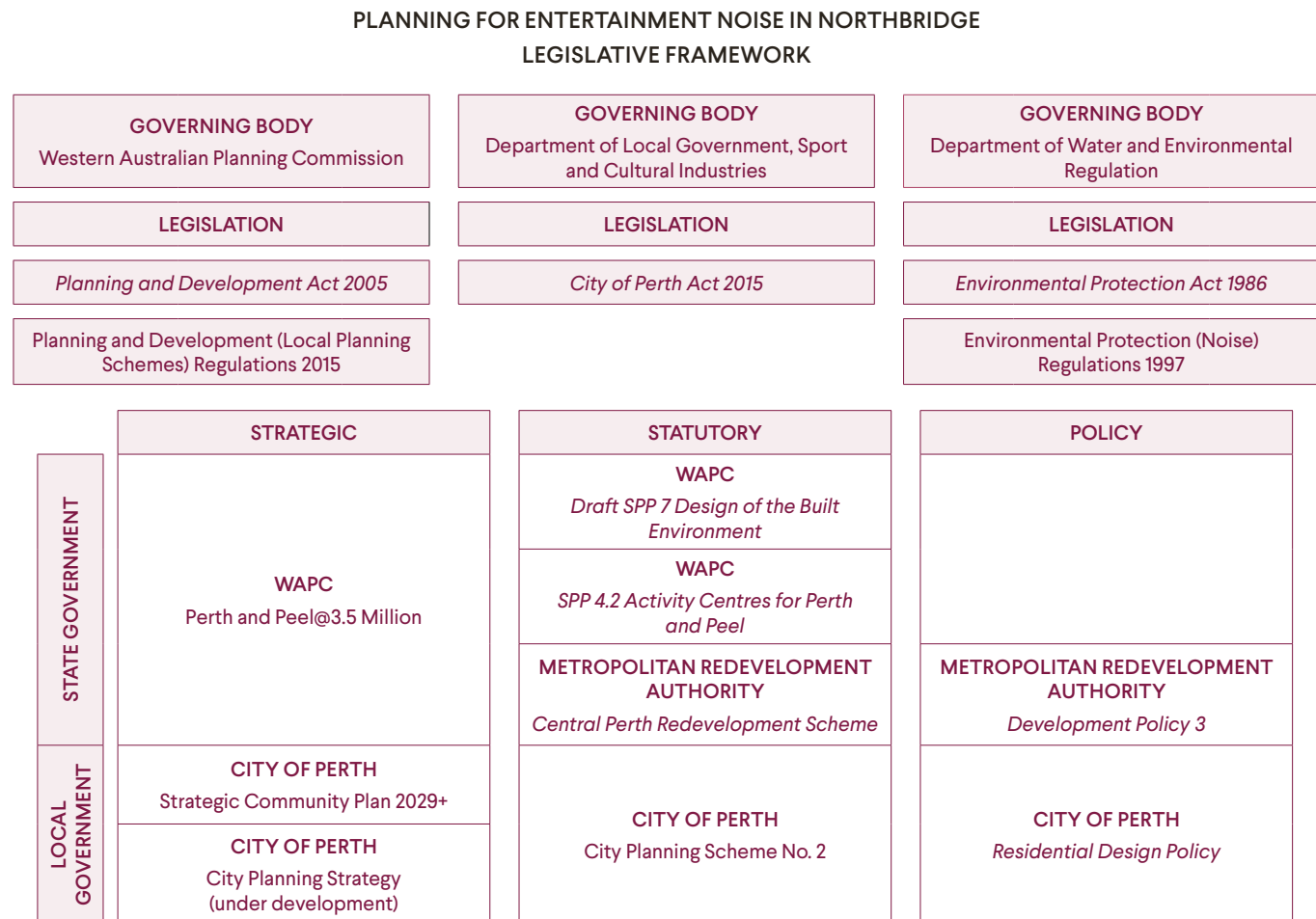


Figure 2: Legislative framework





4.1 State planning framework

The *Perth and Peel@3.5million* strategic land use planning and infrastructure frameworks estimate that the regions' population will increase by 1.5 million by 2050 and recognise that continued urban sprawl is placing unsustainable pressure on the environment, resources, infrastructure and amenity. To help create vibrant and liveable communities, State planning strives to make better use of existing infrastructure by increasing residential density in centres that are well serviced and have access to employment and amenity.

Rebalancing the share of greenfield development to infill and reaching the housing targets set in the frameworks require increased infill levels in existing areas and greater dwelling density in greenfield developments. New mechanisms that assist in managing conflict between entertainment venues and noise-sensitive land uses will underpin vibrant, liveable and successful communities.

The distribution, function, broad land use and urban design criteria of activity centres is described in *State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP 4.2), which specifies broad planning requirements for the development of new activity centres and the redevelopment and renewal of existing centres.

Draft State Planning Policy 7.3 Apartment Design (SPP 7.3) provides apartment design guidance to minimise the impacts of noise using apartment siting and layout, and construction techniques for noise attenuation, to deliver broad economic, environmental, social and cultural benefits.

4.2 Planning and development controls in Northbridge

Northbridge is governed by the *City of Perth Act 2016* (the Act) which articulates the role of the City as an 'innovative, sustainable and a vibrant global city' with 'cultural and entertainment precincts'.

The City of Perth's role is to ensure appropriate planning controls exist for land use and development by preparing and administering local planning schemes and strategies. Local planning schemes contain planning controls such as designation of appropriate land-uses, residential densities and development standards. Local government can also designate Special Control Areas (SCAs) in local planning schemes to control particular types or characteristics of development associated with the precinct which does not generally coincide with a zone or reserve.

Development in Northbridge is controlled by the City of Perth through its City Planning Scheme No 2 and the Metropolitan Redevelopment Authority (MRA) through its Central Perth Redevelopment Scheme. Development proposals are required to align with the vision and principles set out in the

planning scheme and are assessed against the scheme and any relevant State and local planning policies.

Northbridge is divided within these schemes into a number of planning precincts with varied land use preferences and development controls. Common to all precincts in Northbridge is the preference for mixed use activity and acknowledgment of the unique cultural and economic significance of the area.

The City of Perth's *Residential Design Policy* and the Metropolitan Redevelopment Authority's *Development Policy 3 – Sound and Vibration Attenuation* provide design guidance on noise attenuation. These include requirements for developers to demonstrate an understanding of the noise context of the site and provide appropriate construction measures to achieve sound attenuation, such as glazing options and wall and roof treatments, to meet the requirements of the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) and comply with the Building Code of Australia.



4.3 Regulation of environmental noise in Western Australia

Environmental noise can be described as unwanted sound or noise pollution that originates from sources such as transport, commercial and industrial activities, construction sites, residential activities, entertainment and so on.

Environmental noise can impact on public health and amenity. According to the World Health Organisation (WHO), ‘excessive noise seriously harms human health and interferes with people’s daily activities at school, at work, at home and during leisure time. It can disturb sleep, cause cardiovascular and psychophysiological effects, reduce performance and provoke annoyance responses and changes in social behaviour’. (WHO 2016)

The impacts of environmental noise in Western Australia are managed through a suite of measures, including planning policy and environmental legislation. The primary instruments for noise regulation in the State are the *Environmental Protection Act 1986* (EP Act) and the Noise Regulations.

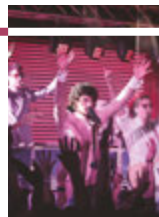
The EP Act provides for regulation of noise emissions, with ‘noise’ defined by the EP Act as including ‘vibration of any frequency, whether transmitted through air or any other physical medium’. Section 3(3) of the EP Act defines what is considered to be ‘unreasonable’ noise, which includes noise which exceeds a prescribed standard.

The Noise Regulations set legally enforceable (prescribed), assigned (or allowable) noise levels for noise emitted from a premises or public place when received at another premises. The assigned levels (which are defined as outdoor levels) vary according to the type of premises receiving the noise and the time of day the noise is received. Higher levels of protection are afforded to the most sensitive premises, classed as ‘noise-sensitive’. Premises classified as noise-sensitive are listed in Schedule 1 Part C of the Noise Regulations and include residential accommodation, small hospitals, schools, aged care facilities and short-term accommodation.

The highest levels of protection apply within the ‘highly sensitive area’ of noise-sensitive premises, which covers the building used for the noise-sensitive purpose and any other part of the premises within 15 metres of the building. For typical residential lots, including high-density residential development, the most stringent noise requirements would apply to all outdoor areas such as patios, balconies and alfresco areas (within 15 metres of the building).

Noise emitters (including entertainment venues) can ascertain where future noise-sensitive development is permissible in nearby locations. This allows existing venues to plan for the most noise-sensitive use permitted and assess noise attenuation requirements. This method places responsibility for noise attenuation on the noise emitter which is in accordance with the “polluter pays principle” of the EP Act.

The assigned levels for highly sensitive areas of noise-sensitive premises rely directly on the planning decisions made for the area within which they are located. Assigned levels for noise-sensitive premises include an influencing factor which is calculated by reference to the amount of particular land uses (such as roads and commercial or industrial land) within a 450 metre radius of the noise sensitive premises. The influencing factor therefore varies according to land use zoning and transport infrastructure around the noise-sensitive receiver, and attempts to reflect the background noise levels associated with surrounding land uses and the expectations of residents.



4.3.1 Administration of the Noise Regulations

Local governments administer the Noise Regulations throughout Western Australia unless a premises is licensed under Part V Division 3 of the EP Act, where it is the responsibility of the Department of Water and Environmental Regulation (DWER).

Local government Chief Executive Officers have delegated powers to address noise issues from premises within their jurisdiction. Environmental Health Officers can also be appointed as Authorised Persons and Inspectors under Sections 87 and 88 of the EP Act for the purpose of investigating unreasonable noise emissions.

Noise emitted in contravention of a prescribed standard is defined as 'unreasonable noise' and requires an objective assessment to determine the noise emissions and compare those noise emissions with the prescribed standard. The Noise Regulations require that noise from a premises or public place when received at another premises must not 'cause or significantly contribute to' noise in excess of the

assigned levels. A noise emission is taken to significantly contribute to a level of noise if it exceeds a value which is 5 dB below the assigned level at the point of reception.

If the level of noise received at noise-sensitive premises is determined to exceed the assigned levels, the officer may take regulatory action through a range of enforcement options, including infringement notices, noise abatement directions, environmental protection notices, and prosecution, if appropriate.

4.3.2 Noise Regulation amendments in 2013

Amendments to the Noise Regulations were gazetted in 2013 to improve the management of noise from entertainment venues. The amendments allow venues to apply to the CEO under Regulation 19B for approval to hold a given number of "notifiable events" per year that exceed the assigned levels.

Under regulation 19B, a venue occupier can apply for a venue approval, which (if granted) will set out the numbers and types of events, latest finishing times, maximum durations and noise levels, together with how the community is to be consulted.

Regulation 19B provisions were intended to provide certainty for approved venues to exceed assigned levels in specific circumstances and in relation to defined events and are based on the operations of large event venues such as the Claremont Showground. Regulation 19B does not, therefore, provide an avenue for pubs, clubs and bars to emit noise in excess of assigned levels in the course of ordinary, day-to-day operations.

The amendments also included a clarification of the calculation of influencing factors when zoning indicates that mixed uses are permitted. In the context of Northbridge, all mixed use land is assumed to be commercial which means that the highest influencing factor is calculated for the highly sensitive areas of noise-sensitive premises regardless of the actual use of the land.



5. Reform objectives

Balance protection of the entertainment industry with the protection of the health and amenity of residents and other businesses

There is currently limited protection for entertainment venues and/or precincts to ensure that operations are not impacted by the encroachment of noise-sensitive uses. The significant economic and cultural benefits the entertainment industry provides could be at risk if noise-sensitive developments are allowed close to venues without any noise attenuation treatment. Noise-sensitive uses such as residential developments are currently protected by the Noise Regulations, with the onus on noise emitters to control emissions to meet assigned noise levels.

Provide clear and consistent development guidance for new developments in the Northbridge entertainment precinct

While existing local planning policies for noise attenuation provide some guidance for new developments in the Northbridge area, a stronger statutory planning mechanism needs to be applied specifically for a designated entertainment precinct. This would provide for greater surety in the planning approval process.

Agent of change

The term 'agent of change' refers to a planning principle that allocates the primary responsibility for noise attenuation to the party that is changing the environment, and applies to both noise sensitive and noise emitting developments. For example, if a new residential development is proposed near an existing live music venue, it would be the responsibility of the developer to ensure that the construction achieves indoor noise levels that comply with the prescribed standards for the area.

Provide increased level of assurance to music venue operators

Venue operators are required to moderate noise emissions in relation to the impact on nearby noise-sensitive receivers. While the requirements of the Noise Regulations are well defined, the impact on a receiver (such as a residence) may only be brought to light when a noise complaint is made and a noise assessment is undertaken. Future development in the Northbridge entertainment precinct creates uncertainty for venue operators through the introduction of new noise-sensitive receivers which may be impacted by noise from existing operations. Incorporating the 'agent of change' principle into the planning process would provide a greater level of assurance for venue operators that they will not need to modify operations and/or premises as a consequence of encroaching noise-sensitive development.



6. Proposed reforms

6.1 State Planning Position Statement

The planning measures proposed in this discussion paper are relevant only to new development within the Northbridge entertainment precinct and would not be applied retrospectively.

Under the proposed reforms, new noise-sensitive development in the Northbridge Entertainment Area will be required to incorporate noise attenuation measures to comply with the Noise Regulations. Similarly, new noise-emitting development will be required to incorporate appropriate higher building and construction standards to attenuate entertainment noise to meet the relevant prescribed standards in the Noise Regulations.

Additional noise attenuation measures in new developments may add to construction costs and these would typically be assessed at the detailed project planning stage. Further consultation on the application of 'agent of change' will occur as part of the public advertising of the local scheme amendment.

The introduction of the 'agent of change' principle into the planning framework for Northbridge does not remove the responsibilities of noise emitters as regulated through the Noise Regulations. It will, however, relieve some of the burden on entertainment venues to manage the impact of their emissions on future noise-sensitive development and provide a level of assurance that the impact of encroaching noise-sensitive uses will be reduced.

While these reforms relate exclusively to the Northbridge area, consideration may be given to the broader adoption of agent of change planning mechanisms subject to careful evaluation of the risks and the benefits. While the 'agent of change' concept cannot address conflicts between existing venues and noise-sensitive receivers, it may assist in relieving pressures on established venues in some areas and in more equitably sharing the noise attenuation burden between venues and new development in high-density, mixed use areas.

VICTORIA VC120 CLAUSE 52.43

In 2014, the Victorian State Government introduced the 'agent of change' principle into planning schemes, requiring live music entertainment venues to be:

Designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue. Similarly, noise sensitive development that is proposed within 50 metres of an existing live music venue must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

- indoor live music entertainment venue to below the noise limits specified in *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N2).
- outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).



Adoption of 'agent of change' in Victoria in 2014 highlighted some operational challenges associated with the planning approach. Some of these include:

- The mechanism alone is limited in its ability to effectively address operational changes in use, as it is triggered at the application stage of new or expanded development. An existing venue that introduces entertainment to its operations, for example, will not necessarily be considered an agent of change in a planning sense, despite the fact that such changes may result in a material change in noise emissions. Supplementary measures in other regulatory regimes, such as liquor licensing, may be needed to optimise reform benefits.
- 'Agent of change' planning principles are not consistent with Western Australia's existing Noise Regulations, which set outdoor levels. Similarly, the Victorian State Government is yet to resolve inconsistencies between the broader objectives of the reforms and the existing framework for noise regulation⁷.

- Noise complaints from residents of new-noise sensitive development (built after introduction of agent of change) need to be investigated from the perspective of both compliance of the noise emitter with prescribed noise standards and compliance of the new development with construction and development standards.
- Under 'agent of change', noise levels for new noise-sensitive development are assumed to be indoor levels. The measurement of noise indoors (particularly low frequency music noise) is complex and subject to significant uncertainties, which may present issues for compliance.

Recognising these challenges, the 'agent of change' principle would initially be adopted under a more confined, precinct-based approach through the release of a Position Statement. This would articulate the Western Australian Planning Commission position on planning for noise in the Northbridge entertainment precinct and facilitate a pathway to implement reforms relating to the Noise Regulations.

A Position Statement on entertainment noise would include the following:

- planning principles to encourage the night-time economy, tourism, entertainment and cultural value, sustainable infill development and urban regeneration;
- how to define an entertainment precinct boundary as a Special Control Area in a local planning scheme;
- 'agent of change' principles, to ensure that responsibility for the cost of noise attenuation rests with new development, whether it be a new residential building or a new entertainment venue;
- noise attenuation building design and construction standards;
- process for noise impact assessment, referral and scheme amendments; and
- requirements for notices on titles to inform buyers and commercial operators of the existence of entertainment noise in the area.

⁷ State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2



Development proposals would need to demonstrate appropriate siting, design and construction measures to achieve the required sound attenuation to support the intended use of the development and to minimise impact on existing land uses. Acoustic reports may be required to demonstrate how attenuation measures will achieve noise levels at receivers as prescribed in the Noise Regulations.

QUESTIONS:

1. Do you support the introduction of the 'agent of change' principle in the Northbridge Entertainment Area? What are the advantages and disadvantages?
2. Do you support the requirement for Notifications on Titles within the Northbridge Entertainment Area, as a mechanism to communicate to prospective buyers/developers that the area is and will continue to be noisy?
3. Do you think 'agent of change' planning principles should be investigated for broader adoption? What are some of the benefits and challenges of the broader adoption of agent of change?
4. How do you see the proposed reforms will impact on the building and construction industry, particularly with regard to compliance issues?
5. How do you see the proposed reforms will impact on the live music and entertainment industries, particularly with regard to compliance issues?

6.2 Designation of a Northbridge Entertainment Precinct in City of Perth City Planning Scheme No 2

It is proposed to designate the Northbridge Entertainment Area as a Special Control Area (SCA) through an amendment to the City of Perth City Planning Scheme No. 2 (CPS 2). This will ensure that future development will be designed and constructed to achieve the Noise Regulation assigned levels. This discussion paper provides a indicative Northbridge Entertainment Area boundary. Further consultation on the boundary will occur as part of the public advertising undertaken by the City of Perth as part of a local scheme amendment

The broad objectives of the SCA would:

- Ensure that the Northbridge Entertainment Area continues to operate as a vibrant entertainment area, while enabling appropriately located and designed Residential and Special Residential Development, and other noise sensitive premises, to be constructed.

- Ensure that new development (including expansion) of existing noise emitting and noise sensitive premises include appropriate noise attenuation.
- Ensure that the responsibility for the cost of noise attenuation rests with new development, whether it be a new residential building or a new entertainment venue

The specific provisions would be articulated in the application for a planning scheme amendment and advertised according to the statutory requirements of the *Planning and Development Act 2005*.

Amendments to the scheme would be guided by the WAPC Position Statement as outlined in Section 6.1. Provisions to achieve the objectives of the SCA would include:

- introduction of the 'agent of change' principle;



FORTITUDE VALLEY BRISBANE

In 2005, Brisbane City Council undertook a number of regulatory reforms involving amendments to five pieces of legislation, including 'the *Local Government Act 1993* to allow local authorities to declare a 'special entertainment precinct' and use local laws to manage noise emissions and planning schemes to ensure attenuation of noise emissions in new developments within those precincts'.

In the Brisbane City Plan, Fortitude Valley is a designated Special Entertainment Area (SEA) created to protect music venues from encroaching development. Key elements of this example include allowance of noise levels that are set at the venue and prescriptive design and construction standards for all new residential development within the SEA. While these elements are worth consideration in the Northbridge instance, the Fortitude Valley precinct differs from Northbridge in that entertainment uses have been prioritised while in Northbridge a more balanced outcome is sought to facilitate a more diverse mix of uses. It is important to adopt a managed approach to protecting the viability of the entertainment industry and help to create vibrant urban communities which balance the needs of businesses and residents.

- requirements for development proposals to determine the level of noise to be attenuated through design and construction measures in order to comply with the standards for the Northbridge Entertainment Area specified in the Noise Regulations;
- requirements for development proposals to demonstrate, to the local government's satisfaction, how the design and construction of the development will achieve sound attenuation to meet the prescribed standards for the Northbridge Entertainment Area in the Noise Regulations; and
- requirements for notices on titles for new development to inform buyers and commercial operators of the existence of entertainment noise in the area.

Based on previous noise studies and recent planning in the area, a proposed boundary for the SCA has been identified and will define the area where amended Noise Regulations (as proposed in section 6.3) and enhanced construction standards will apply (See Figure 2 page 18). It is intended that the scheme amendment will be adopted in parallel with the changes to the Noise Regulations.

Some portions of land within the SCA boundary are currently under the control of the Metropolitan Redevelopment Authority (MRA). While amendments to the City of Perth CPS 2 will not apply to MRA-controlled land, their objectives align with existing MRA Development Policy 3. Eventually, the City of Perth will resume planning and development control over this land.





Figure 3:
Indicative draft Northbridge
Entertainment Precinct
Boundary

Note: The final boundary will be identified by the City of Perth as part of a proposed future amendment to the City of Perth City Planning Scheme No. 2.

Further consultation on the draft Northbridge Entertainment Precinct Boundary will occur as part of the public advertising of the local scheme amendment.



6.3 Proposed amendments to the Noise Regulations

Noise monitoring in Northbridge in 2011 by the City of Perth, the City of Vincent and the former Department of Environment and Conservation revealed that entertainment noise is most prominent on Friday and Saturday nights.

While parameters from the 2011 study are not directly comparable with the Noise Regulations, measured levels suggest that venues may have difficulty complying with standards prescribed in the Noise Regulations, as these are outdoor levels. Measured outdoor noise levels when received at noise-sensitive premises are generally in excess of assigned night-time levels, and compliance with existing standards would require changes to the ongoing operation of some Northbridge venues and may adversely impact on the future character of the area. The pressure on existing venues is reflected in feedback provided by the industry to the Department of Local Government, Sport and Cultural Industries in 2018.

The State Government is contemplating amendments to the Noise Regulations to remove outdoor assigned levels for noise sensitive premises located in the Northbridge Entertainment Area, and focus only on protection of health and amenity indoors.

The proposal to protect only indoor areas aims to make compliance with the Noise Regulations less onerous for entertainment venues, particularly for new residential development. The proposed amendments would remove the existing outdoor amenity protections for noise-sensitive premises located in the Northbridge entertainment precinct.

Focussing on indoor, rather than outdoor, assigned levels will mean it is allowable for affected noise-sensitive premises to receive higher levels of noise in outdoor areas, including balconies, patios or alfresco areas, and higher levels of noise inside the dwelling if the doors and windows are open.

This proposal would affect both new and existing noise sensitive development within the Northbridge Entertainment Area.



QUESTIONS:

6. Do you see any advantages or disadvantages in only applying protections for noise-sensitive premises to indoor areas?
7. Do you think the overall approach to amending the Noise Regulations is reasonable to balance the needs of residents and the entertainment industry in Northbridge?
8. Are there other approaches to regulating noise in the Northbridge entertainment precinct which should be considered?



6.3.1 Setting appropriate standards for indoor noise in Northbridge

When determining a suitable indoor level for Northbridge premises, it is necessary to consider the evidence on impacts of environmental noise on health and amenity. The WHO provides guidance on the impact of noise on human health. Direct comparison of WHO guidance levels is difficult as WHO uses L_{eq} (or 'equivalent continuous sound level') whereas Western Australia's Noise Regulations define three assigned level parameters, including two statistical levels and a maximum level (L_{A10} , L_{A1} and L_{Amax}). L_{A10} assigned level is the level which is not to be exceeded for more than 10 per cent of the representative assessment period, while L_{A1} is not to be exceeded for more than one per cent of the assessment period and L_{Amax} is not to be exceeded at any time. The concept underpinning the three assigned levels is to allow for brief louder noises, while ensuring that noise which is more continuous in nature is managed appropriately.

In the *Guidelines for Community Noise* (1999), the WHO sets an internal criterion of $LA_{eq} = 30$ dB, although this does not address the presence of dominant or intrusive characteristics associated with

music noise. In Western Australia this is addressed by a 10 dB 'penalty' (that is, adjustment) for music noise to reflect the additional annoyance associated with music.

The WHO *Night Noise Guidelines for Europe* (2009) provide additional scientific advice on the health effects of night-time noise exposure and guideline values to prevent harmful effects. The WHO LA_{eq} outdoor criterion in the European guidelines is 40 dB^{8,9}. A building attenuation of 21 dB is assumed in the 2009 WHO study, hence this level roughly equates to an indoor criterion of LA_{eq} 19 dB.

WHO guidance suggests that Western Australia's current assigned levels, and equivalent indoor levels, are consistent with protection of health and amenity and international evidence on health impacts.

Further consultation on specific criteria for protection of indoor health and amenity will be undertaken as part of the implementation of proposed reforms.



Photo courtesy Kamil Szczucki, KS Digital Media

QUESTIONS:

9. Do you support the application of the new indoor levels on all nights of the week? Is there a case for setting different levels on different days of the week or times of the day in Northbridge?

⁸ The 1999 criteria also included a L_{Amax} value and the 2009 criteria are an average over all nights of the year with the building attenuation being an average attenuation over the year (including periods of windows being open and closed). This criterion does also not address the presence of dominant or intrusive characteristics associated with music noise.

⁹ As discussed above, the WHO and Western Australian criteria are not directly comparable. As the 2009 WHO $LA_{eq} = 40$ dB criterion is an outdoor level, when measured over an eight-hour period it can be compared to the summation of the energy that the baseline night time Noise Regulations allow when summed over a similar eight-hour period (for example 10pm to 6am). Western Australia's baseline assigned level set of $L_{A10}/L_{A1}/L_{Amax}$ of 35/45/55 dB is equivalent to an L_{Aeq} of 39.5 dB. Thus the L_{A10} parameter alone under represents the allowable acoustic energy by 4.5 dB compared to a L_{Aeq} parameter.



6.3.2 Compliance with proposed standards

As new noise-sensitive development in Northbridge will be designed and built to manage noise intrusion, it is likely to be less impacted by entertainment noise. Assuming that the noise attenuation required for new development can be robustly evaluated through acoustic studies, adequate protection of noise-sensitive indoor areas can be reasonably assured.

Achieving this outcome can be challenging. Acoustic predictions and measurements, like all scientific predictions, contain a degree of error or uncertainty. The uncertainty associated with acoustic predictions in the lower frequency bands (including amplified music noise) is much greater than that for higher frequency bands.

A further element of complexity relates to the measurement of, and compliance with, indoor levels. Typically, prescribed noise standards are outdoor levels because:

- it is simpler and more accurate to predict external noise levels;
- compliance monitoring is easier outside noise-sensitive premises;
- external assessment points may provide a clearer benchmark for businesses as noise criteria are not dependent on the acoustic properties of buildings where noise is received; and
- soundproofing of noise-sensitive premises is ineffective if residents open their windows.

Measurement of noise indoors, particularly entertainment noise which has significant low-frequency components, is inherently challenging. Low-frequency noise is more able to penetrate the building façade than general environmental noise, and the tonal, modulating characteristics mean that it is also less likely to be masked by general environmental noise.

Low-frequency noise can also vary significantly throughout a room, so measured levels fluctuate depending on where in the room the measurement is taken. Some jurisdictions attempt to address this by considering average noise levels, however the measurement methods are complex, the uncertainties are significant and there is no consensus among low-frequency noise experts about which method is best.

QUESTIONS:

10. How can uncertainties associated with indoor noise measurement and acoustic assessment be addressed?
11. Are there alternatives to measurement of noise indoors which could provide an equivalent level of protection for indoor areas?



Photo courtesy Kamil Szczucki, KS Digital Media



Existing noise-sensitive development in the Northbridge entertainment precinct, which may have been designed and built to lower construction standards, may not achieve the same level of noise attenuation. As all occupants must be afforded acceptable levels of health and amenity, in some cases this may require an entertainment venue to attenuate its noise emissions to ensure noise received inside dwellings complies with the proposed indoor levels.

To minimise non-compliance, consideration should be given to options for noise amelioration. Responsibility for such remediation will generally rest with the noise-emitting premises, and options may include upgrading existing adjacent noise-sensitive premises, in particular those internal spaces most sensitive to noise intrusion.

Measures which should be considered, and are already being undertaken by some venue operators, to ameliorate noise at source and manage annoyance include:

- location of noise-generating plant and equipment to minimise noise emission and/or facilitate the construction of noise barriers;

- limitations on where amplified music may be provided, with particular reference to outdoor spaces;
- sound attenuation to reduce noise transmission and emission from the source premises, for example upgraded windows, doors, sealing air gaps;
- notification to potentially affected owners and/or occupiers of noise-sensitive premises, of the potential for noise nuisance;
- control of noise at source through limitations on noise output and/or operational restrictions;

- limitations on the times of day and/or days of the week when amplified music may be provided; and
- managing complaints through mediation, conciliation and negotiation.

Under the proposed reforms, local government Authorised Officers will continue to play a vital role in the day-to-day administration of the Noise Regulations through dealing with complaints, advising on noise emissions from proposed developments, managing event approvals and advising on approvals being considered under the Noise Regulations including entertainment venues.



QUESTIONS:

12. Are there any additional measures available to venues to ameliorate/attenuate environmental noise received at noise-sensitive premises?
13. What are the impacts on live music and entertainment venues, businesses and home owners associated with the outlined noise management options?
14. What are the limitations for venues or noise-sensitive premises in relation to attenuating music noise?
15. Can you foresee any issues with the management of noise complaints or enforcement of assigned levels as a result of the proposed reforms?





7. Other matters for consideration

While the proposed reforms will provide a measure of assurance for venues, particularly regarding new noise-sensitive development, it may be worthwhile exploring additional mechanisms to assist venues to better manage their noise emissions and comply with prescribed Noise Regulations standards.

This is particularly relevant for areas with a high density of entertainment venues where ambient noise levels can result from cumulative noise emissions, and where existing development was not constructed with noise attenuation in mind. Compliance may continue to be a concern for a small number of venues.

Stakeholder input is sought on the merits and mechanisms of setting outdoor levels external to entertainment venues (such as in Fortitude Valley). This may be particularly useful for certain types of venues, including those with limited ability to attenuate or incorporating outdoor entertainment spaces, such as beer gardens and rooftop bars. Noise emissions from these venues have the potential to impact significantly on surrounding noise sensitive premises. Venues with minimal street frontage or those purpose-designed and built to contain noise are less likely to require such assistance.

Previous research on entertainment noise in Northbridge has identified the potential value of entertainment noise contour mapping by local authorities to identify noise 'hotspots'. Research also suggests that Northbridge venues could be broadly classified as having a high, medium or low noise impact to simplify noise modelling to provide guidance to venue operators and to identify areas where future noise-sensitive development will need to meet higher attenuation standards.

There may also be mechanisms, beyond the initial proposed reforms which create greater certainty for existing and new entertainment venues, through local laws and noise contour mapping. These mechanisms would not replace, but complement proposed planning mechanisms and amendments to the Noise Regulations. Noise contour mapping/modelling could provide critical information for local planning authorities on minimum building and development standards.

The reforms proposed in this discussion paper set the foundation for a better managed Northbridge, to support industry and community in the future. A broader dialogue regarding noise management in Northbridge may be required, to consider the potential for further measures in planning and environmental reform and other legislative reforms being undertaken separately to support Creative WA objectives.

Circumstances in other local government areas, including broader mechanisms to recognise first occupancy, may be considered. While the measures outlined in this paper are specifically focussed on Northbridge, other local governments are encouraged to provide submissions to inform the future regulatory approaches to measures that support live music.

QUESTIONS:

16. What other mechanisms are available to help enhance certainty for entertainment venues in relation to noise levels?
17. Are there approaches adopted in other jurisdictions which could be contemplated here? If so, what?





8. Have your say

The WAPC and the Department of Water and Environmental Regulation are seeking feedback on the possible introduction of reform measures as outlined in this Consultation Paper. The reforms are intended to provide clearer guidance to minimise the noise impacts of new development in entertainment precincts on existing uses.

This consultation paper will be open for comment from 20 September to 26 November 2018.

Comments can be provided through Citizen Space

<https://consultation.dplh.wa.gov.au>

or by mail to:

Planning for entertainment noise
Department of Planning, Lands
and Heritage

Locked Bag 2506
Perth WA 6001



Photo courtesy Marnie Richardson

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4	SUBJECT:	Application for Development Approval for Extractive Industry (Quarry): No 2711 (Lot 5) Old Coast Road, Herron
	CONTACT OFFICER:	Ben Dreckow
	AUTHOR:	Kyl Betteridge
	FILE NO:	DA 9091

Summary

Council is requested to consider an application for development approval to renew the existing limestone quarry (Extractive Industry) at No 2711 (Lot 5) Old Coast Road, Herron.

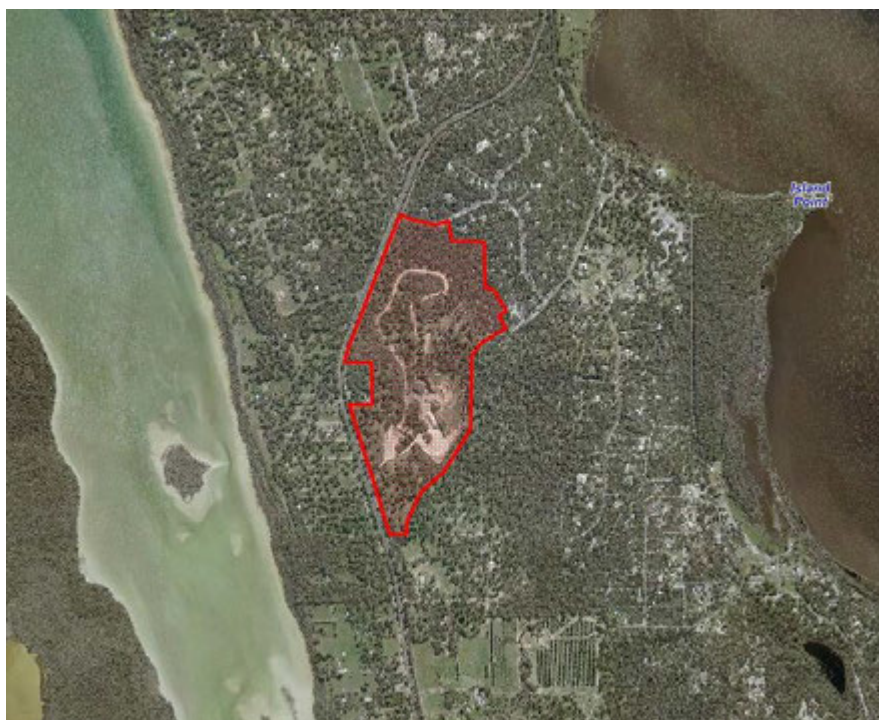
A previous application was received in 2006 and following public advertised was refused by Council in July 2006. This refusal was subject to review by the State Administrative Tribunal (SAT), which included mediation following receipt of additional information from the applicant. A revised application was also refused by Council in April 2008 and then following review by SAT, was granted approval in June 2010 subject to conditions for two terms of four years which expired in June 2018. The City's officers have conducted bi-annual reviews of the Quarry during the most recent 8 year operation, and identified some non-compliance primarily with regard to weed management.

The subject site has been intermittently operating as a quarry since the 1981, under previous planning approvals and the current proposal seeks approval for the next 20 years. The renewal does not propose any alteration to previously approved operation, other than some additional clearing which is covered by a Clearing of Native Vegetation Permit issued by the Department of Water and Environmental Regulation (DWER) which expires in 2021.

The proposed renewal was advertised to surrounding landowners and relevant state agencies culminating in two submissions being received objecting to the proposal.

It is recommended that Council grant approval for the continuation of the quarry, subject to approval being for a 20 year period in total in the form of 4 consecutive 5 year periods on the basis that a full review of compliance of conditions is required every 5 years, and if found to be satisfactory, the following consecutive term allowed to proceed

Location



Property Details:

Applicant:	PMR Quarries Pty Ltd (trading as WA Limestone)
Owner:	PMR Quarries Pty Ltd (trading as WA Limestone)
Scheme No 3 Zoning:	Rural & Rural Residential
Peel Region Scheme Zoning:	Rural
Lot Size:	90ha
Topography:	Varying between sloping and flat
Land Use:	Majority of site covered by remnant vegetation / Quarry Use.

Previous Relevant Documentation

- G.18/4/08 15 April 2008 Council resolved to refuse as the proposal is contrary to the scheme and due to potential impacts on neighbouring lots.
- G.25/7/07 17 July 2007 Council deferred on applicants request pending additional information.
- G.28/7/06 18 July 2006 Council resolved to refuse based on incompatibility with objectives of the zone and potential impacts on neighbouring lots.

Background

The subject site has a dual zoning of 'Rural' and 'Rural Residential' in accordance with Town Planning Scheme No. 3 (the Scheme), and is located on the eastern side of Old Coast Road, Herron, with a total site area of 90.7659ha.

The site began operating as a quarry in 1981, and continued to operate intermittently until June 2004 under Town Planning Scheme No. 1. Historical documents suggests no planning approval was granted during this period of operation.

In 2006 the City received formal application for Proposed Quarry (extractive industry) at the subject site. The proposal was to extract 60,000m³ of limestone annually and process the material onsite, seeking approval for a 20 year period. The proposal received 74 submissions opposing the quarry and was refused by Council in June 2006 due to the inconsistency with the intent and objectives of the Rural and Rural Residential zones, potential environmental impacts, and the potential adverse impacts to surrounding residents through noise, dust and vibrations.

Subsequently, the proponent appealed the refusal and through mediation the State Administrative Tribunal (SAT) requested that Council review the application on the basis of additional information being provided by the applicant. Additional information was provided in 2007 and presented to Council in July 2007. Council resolved that the information was insufficient and did not address all the original reasons for refusal. The application was deferred by request of the applicant, pending more information.

Council reconsidered the revised application in April 2008. The revision was requested for a period of approval of 20 years and included additional information that addressed councils concerns and reasons for refusal previously. Council resolved to refuse the application on the grounds that the proposal was contrary to the Scheme stating no extraction or quarrying of any raw material will be permitted on land zoned Rural Residential, the proposal is inconsistent with future development of the area, the potential detrimental effect on the amenity and locality of the area and the inability to achieve minimum required separation distances or demonstrate no impact will occur on adjoining sensitive land.

Following this refusal, the applicants sought a review of the decision to the State Administrative Tribunal (SAT).

The SAT granted conditional approval ([2010] WASAT 87) in June 2010 to the proposed development, issuing approval for an eight year period in the form of two consecutive four year terms, with the City of Mandurah conducting a review of the operation after the first four years and if found to be satisfactory, the following consecutive term allowed to commence. This approval expired in June 2018.

During the approval period, Stages 1 and 2 commenced excavation and perimeter bunds have been constructed. As demonstrated below, the progress of the quarry has been incremental and minor since the 2010 approval. The submitted management plan suggests excavation occurs on a needs basis, and therefore rapid progression and ongoing excavation is unlikely to be an issue.



The City has monitored the Quarry's compliance, and has completed bi-annual inspections since approval in 2010. During the period of operation, the City has received written complaints regarding the quarry's ongoing non-compliance with weed management and revegetation/rehabilitation conditions. The City's bi-annual inspections have demonstrated that the quarry has had poor weed management and bund/site revegetation since the commencement of operations, and were only successful in weed management during 2014. Primary concerns relate to the control and spread of cotton bush and apple of Sodom weeds across the site, and the success of revegetation of bunds and whole site planting to control dust and noise from quarrying activities.

The current application is seeking no change to previous approvals, with a request for a 20 year approval period to operate between 7am and 5pm Monday to Saturday, excluding public holidays. The new application provides the opportunity for Council to review the previously applied conditions to allow specificity and ensure enforcement and ongoing compliance can be closely monitored.

Comment

Over the last 4 decades, development between Lake Clifton and the Peel-Harvey Estuary, has resulted in a considerable amount of 'rural-residential' development in the sensitive and significant surrounding natural environment. There are numerous government policies that relate to the preservation of the area, and provide the basis for land use, development, environmental considerations, subdivision and separation distances. The subject site is abutting 'rural-residential' and 'rural zoned development around the perimeter of the site and Old Coast Road runs along the western property boundary. From an aerial perspective, the proposed quarry and 4 stages of clearing are approximately 1.5km to the east of Lake Clifton, and 2-2.5km to the west of Harvey Estuary.

Proposal

The proposed Extractive industry does not seek any changes from previous approval. The subject site is approximately 90.73 hectares, and has approval for a total excavation area of approximately 33 hectares. Over the 8 year approval, only approximately 8 hectares have been excavated, and the proposal does not propose any additional excavation areas outside of the previously approved 33 hectare area. It is important to note that of the approved 33 hectare area, only 23 hectares is the area of resource extraction, the remaining area accommodates the necessary perimeter bunds to mitigate noise and dust issues. Less than 1 hectare is typically required to be cleared per year, and the applicant holds existing clearing permit from Department of Water and Environment Regulation (DWER), expiring March 2021. No additional clearing is proposed, and once the existing clearing permit expires, the applicant is required to reapply to DWER, with the City becoming a referral agency.

The quarry proposes to excavate and process (including crushing) between 20,000 to 100,000 tonnes per year, depending on demand and contracts PMR Quarry receives, and excavation is to occur at a maximum depth of 10-14 metres AHD. Quarry operations include 10 – 40 laden truck movements per day, with the potential to increase to up to 100 should larger contracts need to be filled. A condition of previous approval was the inclusion of slip roads for access and egress of the site, which has been completed. Old Coast Road has seen a reduction in traffic since the opening of Forest Highway and is designed to carry up to 72,000 vehicles per day (vpd), it is therefore unlikely that such truck movements will cause a traffic issue within the immediate surrounds of the subject site, and no further road modification is necessary.

The quarry proposes to operate with 2 – 4 employees onsite, Monday – Saturday 7am until 5pm, with no operation to occur on Sundays or Public Holidays.

The applicants have included a detailed management plan with their application. The 'Excavation and Rehabilitation Management Plan' has been prepared addressing the factors outlined in the *EPA Guidance Statement 33, Environmental Guidance for Planning and Development 2005* and *Department of Planning Guidelines for Extractive Industries*. **Attachment 1** is a summary of the Management Plan. The plan has been updated from previous versions in 2010, and expands on the operations of the quarry. The management plan outlines:

- Construction, Excavation and Processing;
- Dust and Noise Management;
- Water Quality
- Visual Amenity; and
- Biodiversity, including fauna, flora and weed management.

After review of previous conditions, and compliance audits from the previous 8 year period, it is recommended that modifications be made to the Management Plan addressing:

- Weed Management
- Revegetation/Rehabilitation
- Fauna
- Noise and Dust Management

The applicant has requested approval for a 20 year period, however it is considered that based on previous approvals of quarrying activities, in addition to concerns relating to non-compliance, periodic reviews should be undertaken within that period. Based on this understanding, it is considered appropriate to grant approval for the 20 year period in total, in the form of 4 consecutive 5 year periods. At the conclusion of each five year period, a full review of the applicant's compliance with the conditions is required, and if found to be satisfactory, the following consecutive term allowed to commence. At such time, should any management plans details required updating and amended, taking into account any changes in policy the City may make that request.

Town Planning Scheme No. 3 (Scheme 3)

The subject site is dual zoned 'Rural Residential' and 'Rural' under the Scheme. The purpose and objectives of these zones are to provide residential living in a semi-rural atmosphere with minimal clearing and the encouragement of revegetation, or provide suitable land for agriculture and general rural activity.

Under the definitions of the Scheme, the proposal is defined 'Industry – Extractive'. Use of the site as a 'quarry/industry – extractive' is a use not listed in the Scheme. Previously the Council refused the application on this basis, however as a result of the previous SAT case PMR Quarry ([2010] WASAT 87) the permissibility of the use was considered with judgement stating:

'In our view [SAT], although the matter is not completely free from doubt, the better view is that an extractive industry may be approved in a 'Rural' zone under TPS 3. This would seem to follow, in part at least, from the express prohibition on quarrying land zoned 'Rural Residential' [Clause 4.7.4.1 ad)].

Given the quarrying activity proposed within the lot is maintained on those parts zoned 'Rural', it is considered that in line with SAT's determination, the use can be considered and approved.

Draft Local Planning Scheme 12

The Draft Local Planning Scheme 12 (Scheme 12) identifies the subject lot as 'Rural, with small pockets zoned 'Rural Residential'. The provisions of the draft Scheme and State Planning Policy restrict further subdivision of the lot in the Rural zone, and allowance for 10ha subdivision in the Rural Residential zoned areas of the lot.

This suggests the land is unlikely to be intensified and therefore increased land use after the quarry has ceased operation will be minimal. The Management Plan submitted after closure of the quarry, with clumps and clusters being revegetated across the excavation area. The City has recommended revegetation to a rate of 200 trees and shrubs per clump/cluster, with a minimum total of 5600 plants and a total survival rate of 80% and a species diversity of 80% from the species listed from those listed in the Management Plan, including the additional species as requested by the City required to be maintained for the life of the pit and 3 years post closure.

Peel Region Scheme

The Department of Planning, Lands and Heritage (DPLH), consider applications under the provisions of the Peel Region Scheme (PRS). Under the PRS the land is zoned Rural with the intent being that it is to "provide for the sustainable use of land for agriculture, assist in conservation and wise use on natural resources including fauna, flora, and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments."

Clause 21 of the PRS requires approval for development proposed on land abutting primary regional road reservation and where a local government accepts comment and advice from Main Roads, the local government remains the decision maker for applications under the PRS. The City received Main Roads Western Australia comment and has accepted the advice provided.

State Planning Policy 2.4 Raw Basic Materials

State Planning Policy 2.4 (SPP2.4) states planning considerations which must be taken into account by local governments when assessing 'Industry- Extractive' (for the extraction of basic raw materials) proposals, amongst other forms of development such as subdivision, zoning changes and development proposals within the vicinity of basic raw materials resource areas. SPP2.4 defines basic raw materials as meaning limestone (including metallurgical limestone) and gravel and other construction and road building materials of which are produced relatively cheaply, with the major cost being the transport to the construction site. SP 2.4 suggests that the ready supply of basic raw materials close to established and developing parts of the metropolitan region is essential in keeping down costs of development and contributing to affordable housing.

SPP 2.4 identifies the following policy areas;

- *Priority Resource Locations: Locations of regionally significant resources which should be recognised for future basic raw materials extraction and not be constrained by incompatible uses or development*
- *Key Extraction Areas: Areas of recognised regional resources providing for the long term supply of basic raw materials. These areas should be protected in relevant town planning schemes*
- *Extraction Areas: Existing extractive industries operating under the Mining Act 1978, the Local Government Act 1996, a regional or town planning scheme. They should be protected in the short term but will eventually be replaced by other uses or reserves.*

The subject site is identified as an 'Extraction Area in SPP2.4.

SPP 2.4 further identifies that local government should consider the effect of the proposed extractive industry on the environment such as flora, fauna, water and so forth. Such proposals in an area identified as environmentally significant, may need to be referred to the Environmental Protection Authority (EPA).

The application was referred to the EPA in 2008, and it was advised that whilst the proposal raises a number of environmental issues, the overall impact is not considered severe enough to require formal assessment by the EPA and the subsequent setting of formal conditions by the Minister for Environment. The EPA advised the application could be managed under a Works Approval and/or license under part V of the *Environmental Protection Act 1986* (EP Act).

SPP2.4 considers the affect the proposal may have on surrounding agricultural land. It is considered that there is no parcels of land within the vicinity of the proposed quarry being used for significant agricultural purposes. Similarly, a condition of approval will be the submission of an updated environmental management plan addressing the rehabilitation and ongoing protection of the flora, fauna and environmental elements of the site with specific regard to ensuring the ability to rehabilitate the land to a form or for a use which is compatible with the long-term planning for the site and surrounding area, as required by SPP2.4.

The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area having regard to existing and future uses and ensuring the availability and suitability of road access, is considered under SPP2.4. The City has referred the application to MRWA and received advice that they hav no objection to the proposed extractive industry based on the existing constructed access directly off Old Coast Road.

WA Limestone expects to maintain the same rates of extraction and therefore traffic rates are expected to continue to average 20 truck cycles per day when the site is actively working. It is considered there will be some days when no material will be transported, and others that rates may exceed the 20 truck average. Since the opening of the Forrest Highway in 2009, rates of vehicles per day down Old Coast Road has decreased. Old Coast Road is designed to carry 72,000 Vehicles per day (vpd), and it is therefore considered unlikely the proposal will cause traffic to exceed these levels.

The quarry operations are proposed to be staged into 4 sequences so as to avoid conflicts with adjacent land uses. The City considers this compliant with the requirements of SPP2.4.

EPA Guidance Statement No 3 – Separation Distances between Industrial and Sensitive Land Uses

The EPA Guidance Statement No 3 provides minimum buffer distances between industrial land uses and sensitive land uses. Appendix 1 identifies that 'Industry – Extractive; sand and limestone extraction' industries should provide a buffer distance of 300-500 metres depending on size between sensitive (e.g. residential) land uses.

It is acknowledged there are 22 residential dwellings surrounding the proposed quarry. Some of the dwellings are within 225m from the limits of the pit extension, which does not meet the minimum prescribed separation distances. The policy requires uses which do not comply with these buffers to provide acoustic reports or detailed modelling of noise. There was a submitted and assessed acoustic report and noise modelling which determined adequate measures to minimise noise impact. SAT determined the levels to be acceptable, and unlikely to have adverse impact on neighbouring properties. Given that no changes to operation are proposed, it is considered acceptable.

Existing Approval Compliance

The City conducts compliance audits twice a year, one in summer months, and the second in winter months ensuring ongoing compliance with the relevant conditions are maintained. As part of the renewal application, officers have developed a checklist for compliance audits, to be included in the Management Plan to maintain accountability and assist both the operators and the City in conducting and adhering to the necessary conditions.

Officers recommend a 20 year approval period in the form of 4 consecutive 5 year terms. 5 year terms are considered to be adequate timeframes to monitor compliance, and ensure the management plan is regularly updated to reflect any legislative changes and/or to address any compliance concerns that may occur through the auditing process. Prior to the commencement of the land use the operator will be required to bring the subject site into compliance as per the requirements of the City of Mandurah.

MEAG/MCCAG Comment

This item was considered by the Mandurah Environmental Advisory Group at its meeting on Friday 21 September 2018 and the following recommendations were made:

- *MEAG does not support further development where it will have a negative impact on the adjacent environmentally significant environment. The Yalgorup Lakes are immediately adjacent to the proposal. The Lakes are internationally recognised as part of the Peel-Yalgorup Ramsar Site and they are groundwater dependant.*
- *MEAG was concerned the proposal may have a significant impact on surface and groundwater balance.*
- *MEAG was also concerned that vegetation clearing may impact on fauna habitat, and the water quality of the adjacent lake.*
- *MEAG does not support any further vegetation clearing in this environmentally significant area.*

- *MEAG supports the important role of City officers in ensuring appropriate management, compliance and rehabilitation if the development is to proceed.*

Officer Comment:

Consultation was under taken with Department of Water and Environmental Regulation (DWER) as part of the application process.

DWER advised that the applicants have an existing groundwater license for 12500kL/annum, should the applicants wish to increase their allowance application must be made. DWER advised that based on existing annual reporting of metered use, the site utilises around 3000kL/annum and it was unlikely DWER would support an increase to this.

It was noted in DWER's response that information had not been provided as to demonstrate measurements of groundwater levels. DWER recommended as a minimum, one monitoring bore is installed on the western side of the excavation area and measured at least four times a year with two monthly measurements corresponding to maximum and 2 monthly measurements corresponding to minimum water levels i.e. maximum in October and November, and minimum March and April. A condition will be added to this effect.

DWER also advised that the applicants have an existing clearing permit which remains valid until 28 March 2021. The applicants would be required to re-apply should clearing not be complete before the license lapses or if any further clearing is proposed. DWER would likely refer any applications to the City for comment.

Consultation

Owner / Address	Submission (Summarised comments)	Comment
1. Tracey & Michael Timmins 81 Caledonia Close Herron WA 6211	<p>a. We have lived on our property for 10 years and owned it for approximately 15 years.</p> <p>b. I would not like to see the quarry be approved for 20 years as there is a good chance that they will not comply with the regulations as has happened in the past.</p> <p>c. We would not like it to continue at all as it reduces our property prices.</p> <p>d. We are at present 400 metres from Stage 4 of the Quarry and these will cause dust and noise issues as it comes closer.</p>	<p>a. Noted</p> <p>b. The City has the ability to monitor non-compliance during the bi-annual audits. Should the City receive a complaint or become aware of breaches to operating conditions, then the City has an obligation to investigate.</p> <p>c. In the event that the operator is found to be in breach of a planning condition, the City can take the appropriate action under the provisions of the Planning and Development Act 2005</p> <p>d. Property values are not considered to be a material planning consideration.</p> <p>The applicant has submitted adequate management plans providing mitigation measures which comply with relevant policies to minimise this risk and impact of these occurrences.</p>

<p>2. Lake Clifton-Herron Residents Association PO Box 5372 FALCON WA 6210</p>	<p>a. SAT determination issued approval for a period of 8 years (two consecutive terms of 4 years)</p> <p>b. The only avenue for extending the life of this quarry is to apply to SAT for a review of its ruling on the terms and conditions of approval</p> <p>c. Invalid naming of the application. The approval has expired, therefore the application is not a renewal but should be a NEW application.</p> <p>d. Proposed Timeframe should be 15 years, as originally argued for by PMR in SAT 2010.</p> <p>e. Illegal Operation of quarry. The quarry has continued to operate after the license expired in June 2018.</p> <p>f. Non-compliance with conditions during the course of operation.</p>	<p>a. Noted. The determination applied an 8 year approval timeframe, but did not indicate a maximum time frame and does not preclude the applicants for submitting a new development application proposing to continue operations.</p> <p>b. The SAT reviews decisions made by government agencies if applied for by the applicant, and is not a decision making authority on its own. The City is delegated to issue decisions for this application</p> <p>c. Noted. The applicants have submitted and paid relevant fees for a 'new' Development application, and it is assessed as such.</p> <p>d. Noted.</p> <p>e. Breaches have been investigated by the City's compliance team and resolutions made by the submission of development applications.</p> <p>f. SAT determination did not apply required minimum survival rates for revegetation, or additional measures for weed management should spraying fail, it is considered the planting for revegetation likely occurred but the tube stock did not survive at the expected rate. Weed management treatments were conducted most years as per the City's compliance audits but likely unsuccessful. Survival rates and minimum standards for weed management will be conditioned should the current application be approval.</p>
<p>3. Main Roads WA</p>	<p>a. No objection</p>	<p>a. Noted</p>
<p>4. Department of Water and Environmental Regulation</p>	<p>a. No Objection</p> <p>b. Best Practice Management should continue as per previous approval and the <i>Excavation and Rehabilitation Management Plan</i></p> <p>c. It is recommended that, as a minimum, one monitoring bore is installed on the western side of the</p>	<p>a. Noted</p> <p>b. Noted</p> <p>c. Noted – Will be added as a condition</p>

	<p>excavation area and measured at least four times a year with two monthly measurements corresponding to maximum and 2 monthly measurements corresponding to minimum water levels i.e. maximum in October and November, and minimum March and April.</p> <p>d. Any groundwater abstraction in the South West Coastal groundwater area (Island Point subarea) for purposes, other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department.</p> <p>e. The property has a groundwater licence for 12,500 kL/annum but the document states repeatedly that the project may require up to 25,000 kL/annum. However based on their annual reporting of metered use, their annual water use to date is around 3,000 kL/annum. Therefore it is unlikely that DWER will increase the current allocation to 25,000 kL/annum.</p> <p>f. The development footprint remains the same as previously approved and the clearing permit CPS 3956/2 is valid until 28 March 2021</p>	<p>d. Noted – advice note.</p> <p>e. Noted</p> <p>f. Noted</p>
5. Department of Mines, Industry Regulation & Safety	<p>a. Supports the proposal to continue the supply of low-cost basic raw materials as an important part of maintaining the lifestyle and infrastructure that Western Australians enjoy.</p>	<p>a. Noted</p>

Statutory Environment

- Planning and Development Act 2005;
- Peel Region Scheme; and
- Town Planning Scheme No 3
- State Planning Policies

Policy Implications

As discussed through the body of the report the proposed quarrying activity has relevance in a number of State Policies and Strategies.

Risk Implications

Should Council resolve not to approve the proposed continuation of use of the quarry, it is likely that the matter will proceed to a full hearing. The applicant may also request a review of Conditions of any approval, to the SAT.

Economic Implications

The quarry provides for employment opportunities as well as providing the raw material for construction and building products within the local government Area upon which a significant proportion of the community rely.

Strategic Implications

The following objectives 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.
- Encourage and enable our community to take ownership of our natural assets, and to adopt behaviours that assist in achieving our environmental targets.
- Factor climate change predictions into land-use planning, building design and future council decisions.

Economic:

- Increase the level of regional employment.
- Increase local education and training opportunities.

Infrastructure:

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

Organisational Excellence:

- Listen to and engage with our community.
- Ensure the City has the capacity and capability to deliver appropriate services and facilities.
- Build and retain a skilled, motivated and healthy workforce

Conclusion

It is considered that the continuation of the use will maintain the supply of construction materials in the future. Licences and Permits from State agencies will be required to be re-issued where they have expired, and as the delegated decision agency the City will need to determine to grant development approval.

It is considered that the proposal is a continuation of a previously approved use, and environmental concerns have been adequately addressed previously, and should be maintained and updated as necessary. The external agencies that the proposal was referred to are supportive of the application, and have not expressed concerns, as such it is considered the City has insufficient grounds to recommend refusal for environmental purposes. Should the Council determine to grant approval, conditions will be carefully crafted to ensure specific measurements can be applied to ensure ongoing compliance with the necessary management plans.

The State Administrative Tribunal resolved to approve the quarry in 2010. Given that the operation proposes no changes, and related agencies are supportive it is recommended council grant approval for the quarry to continue to operate for a 20 year period in total in the form of 4 consecutive 5 year periods from the date of issue of the approval. The City is to fully review the applicant's compliance with the conditions of the approval every 5 years, and if found to be satisfactory, the following consecutive term allowed to commence.

NOTE:

- Refer ***Attachment 1 Excavation Plan – Staging Revegetation (including Summary of Management Plan)***

RECOMMENDATION

That Council grant development approval for a limestone quarry at Lot 5, No 2711 Old Coast Road, Herron is granted subject to the following conditions:

1. The development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved *Excavation and Rehabilitation Management Plan* ('*Management Plan*') (dated April 2018) subject to the Schedule of Modifications provided in Table 1.
2. The development approval shall be for a total period of 20 years, consisting of 4 consecutive 5 year periods from the date of issue. The City of Mandurah will maintain yearly audits of the site, and monitor compliance with the conditions of approval. After each 5 year period the applicant is to review and update where necessary, the Management Plan and submit an updated Management plan to the City of Mandurah for review, and if the Management Plan and yearly audits are found to be satisfactory, the following 5 year period shall thereupon be approved.
3. Operations will be restricted to 7.00am to 7.00pm Monday to Saturday inclusive, excluding public holidays. Including the following provisions:
 - 3.1. The site may be opened no earlier than 7:00am.
 - 3.2. No haulage truck may enter or exit the site prior to 7:00am
 - 3.3. No excavation or loading of material may take place before 7:00am
 - 3.4. No crushing operations on the site shall be carried out on Saturdays.
 - 3.5. All activity on site must cease by 7:00pm
 - 3.6. The development may not operate on Sundays or Public Holidays
4. The excavation area shall be progressively rehabilitated to the satisfaction of the City of Mandurah in accordance with the Management Plan when final contour levels and grades for each stage are achieved and within 12 months of the closure of each stage.
5. Excavation shall be limited to the area and depth referred to in Section 5.2 and 5.3 of the Management Plan and shall be consistent with the plan titled 'Amended Pit Design' dated July 2009.
6. The excavation depth shall be consistent with the staging plan shown in the attached plan titled 'Extension of Limestone Excavation and Staging' dated December 2009.
7. Bunds shall be constructed and maintained in accordance with the Management Plan including details listed on the plan 'Limestone Excavation and Staging' dated January 2010.
8. The operator must at all times carry out the quarry operations in accordance with, and must implement the dust management, suppression and mitigation measures in accordance with Section 6.5 of the Management Plan to ensure that no visible dust leaves the site boundaries or excessive dust is being generated onsite.
9. The operator must at all times implement the management practices contained in Sections 11.4 and 11.5 of the Management Plan to control the spread of Declared Weeds, environmental weeds, dieback and other diseases harmful to vegetation; and shall notify the City of Mandurah at least 24 hours prior the commencement of weed treatments.
10. The operator must give the City of Mandurah reasonable notice, but in any event not less than seven days' notice of:
 - 10.1. The day(s) or date(s) on which or when crushing operations are to be carried out on the site; and
 - 10.2. The expected duration of the crushing operations

- 11. The operator of the site must:**
 - 11.1. Maintain a telephone number or numbers upon which complaints concerning the development may be made during operation hours and after hours, and advise neighbouring properties of the number or numbers:**
 - 11.2. Cause to be kept a complaints log in which the following is to be recorded:**
 - (i) The date and time where relevant, of each complaint made and received;**
 - (ii) The means (telephone, email or mail) by which the complaint was made;**
 - (iii) Any personal details of the complainant that were provided or, if no details were provided, a note to that effect;**
 - (iv) The nature of the complaint;**
 - (v) The steps or actions taken in, and the timing, and the timing of, the response to each complaint, including any follow up contact with the complainant; and**
 - (vi) If no actions or steps were taken in relation to the complaint/enquiry, the reason(s) why no actions or steps were taken;**
 - 11.3. Respond as soon as possible, and in any event within three working days, to any complaint received;**
 - 11.4. Provide the complaints' log to the City of Mandurah upon request; and**
 - 11.5. Cause to be provided to the City of Mandurah, concurrently with any reports being provided to the Department Water and Environmental Regulation (DWER), all reports prepared and submitted to DWER as required by and forming part of the operator's licence(s) issued by DWER in accordance with the Environmental Protection Act 1986 (WA).**
- 12. Prior the 31 January each year, the operator must submit to the City of Mandurah an annual report that outlines:**
 - 12.1. The progress of the excavation activities;**
 - 12.2. The progress of rehabilitation undertaken and completed;**
 - 12.3. Weed management completed (Including quantities, products used, pictures and dates conducted);**
 - 12.4. The measures taken to suppress and minimise dust;**
 - 12.5. The measures taken to suppress and minimise noise; and**
 - 12.6. The report prepared by the contracted independent fauna expert, or licensed wildlife relocater, if any clearing has been undertaken.**
 - 12.7. The number and type of community complaints and responses.**
- 13. The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City of Mandurah, in response to any comments and recommendations agreed between the operator and the City of Mandurah, and the operation of the site or use shall thereafter be carried out in accordance with any such direction.**

FOOTNOTES:

- 1. The City of Mandurah may provide to the operator its comments and any recommendations as to how the operation of the site or the use should be changed in order to address any matter identified in the Management Plan.**
- 2. Vegetation clearing is to be undertaken in accordance with the conditions of Department of Water and Regulation (DWER) clearing permit (CPS 3956/2). Upon the expiry of the DWER clearing permit on 28 March 2021, no clearing is to take place without a renewed vegetation clearing permit being received and approved by DWER in accordance with *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA)*.**

3. As recommended by the Department of Water and Environmental Regulation, a minimum of one monitoring bore shall be installed on the western side of the excavation area, and measured at least four times a year with two monthly measurements corresponding to maximum, and two monthly measurements corresponding to minimum water levels (maximum in October and November, and minimum in March and April).

Table 1 – Management Plan Schedule of Modifications

Section	Modification
5.2 Excavation	<p><i>No excavation will is to occur within 2 metres of groundwater.</i></p> <p><i>The revegetation of the site will be completed to the completion criteria outlined in Table 8 and will comprise a return to local native vegetation and parkland pasture suitable for the zoned end use of the land.</i></p> <p><i>Replacing;</i> <i>‘Useful timber will be taken for firewood if feasible, and subject to liabilities and site safety’</i></p> <p><i>With;</i> <i>‘Any stockpiling of vegetation resulting from clearing of land and the construction of the bunds shall be classified as trade waste. The cutting, grinding, chipping or mulching of trade waste vegetation to be utilised for soil stabilisation and/or dust suppression on site must occur behind the bunds during their construction and thereafter in an area within the bunds. Trade waste vegetation not utilised on site must be disposed of at an approved landfill site or to a licensed timber operator only.’</i></p> <p><i>Replacing;</i> <i>‘Smaller indigenous shrub material will be used in the rehabilitation process when available and suitable; for example on batter slopes of completed areas’</i></p> <p><i>and</i></p> <p><i>‘Smaller indigenous shrub material will be used in the rehabilitation process when available and suitable, for example on the batter slopes of excavated areas provided it is not weed affected. It will be laid on re-formed slopes to reduce wind and water erosion as well as provide a source of seeds for revegetation.’</i></p> <p><i>With;</i></p> <p><i>‘Local and indigenous fast growing species as identified in Section 11, Table 8 will be used in the rehabilitation process, as determined by the City of Mandurah; for example on batter slopes of completed areas’</i></p> <p><i>and</i></p> <p><i>‘Local and indigenous fast growing species as identified in Section 11, Table 8 will be used in the rehabilitation process, as determined by the City of Mandurah; for example on batter slopes of excavated areas provided it is not weed affected. It will be laid on re-formed</i></p>

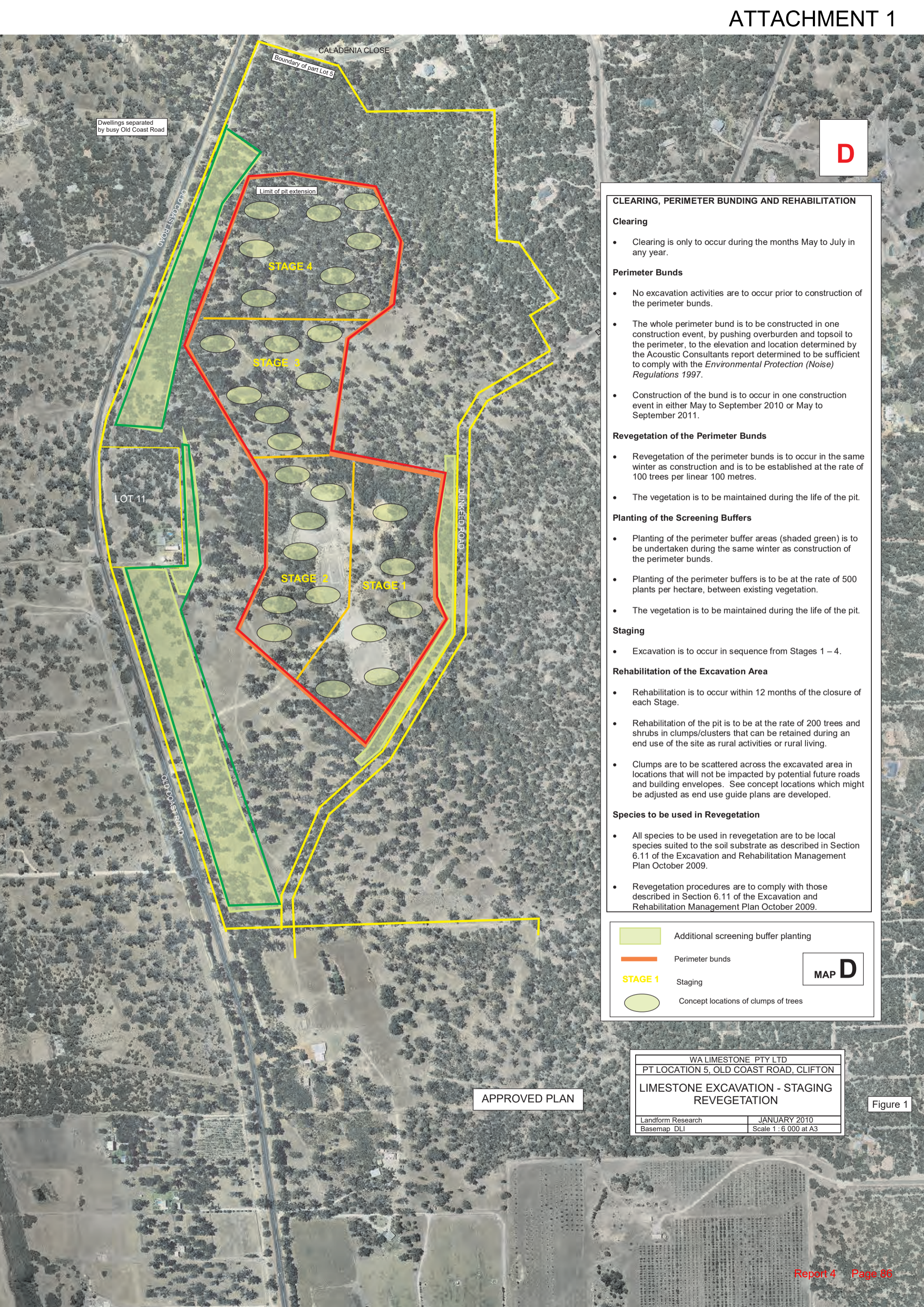
Section	Modification
	<p><i>slopes to reduce wind and water erosion as well as provide a source of seeds for revegetation”</i></p> <p><i>Include;</i> <i>No excavation activities are to occur prior to construction of the perimeter bunds.</i></p> <p><i>Construction of the bunds are to occur in one construction event during the months (May to September) for the active life of the development.</i></p> <p><i>Remnant vegetation outside the excavation area is to be protected from the quarry operations and transport movements at all times</i></p>
<p>6.5 Actions and Management</p> <p>Table 5 Loading and Stockpile creation</p> <p>Table 5 Road Condition</p> <p>Table 5 Health and Amenity</p>	<p><i>Replace</i> <i>‘Stockpiles are located on the floor of the pit. Once they have been exposed to the rain the limestone stays moist and can be loaded without dust.’</i></p> <p><i>with</i></p> <p><i>‘Stockpiles are located on the floor of the pit. Stockpiles will be watered down or treated and maintained to prevent and minimise the generation of airborne dust and allow them to be loaded without generation of additional dust.’</i></p> <p><i>Include;</i> <i>‘The access roads and all trafficable areas on the site shall be watered down or treated and maintained to prevent and minimise the generation of airborne dust’</i></p> <p><i>Include</i> <i>‘The operator shall ensure sufficient water is accessible onsite to undertake dust management suppression, if necessary by means of water transported by tanker onto the site.</i></p>
<p>7.3 Environmental Noise Management</p> <p>Table 6 Comply with the Environmental Protection (Noise) Regulations 1997.</p>	<p><i>Include in Box 1, Commitments:</i> <i>Operations,, including crusher, shall be carriers out, in accordance with, and shall implement the noise management, suppression and mitigation measures contained in the Management Plan to ensure that the requirements of the Environmental Protection (Noise) Regulations 1997 (WA) in respect to noise are complied with.</i></p> <p><i>And</i></p> <p><i>All recommendations from the noise management plan written by Herring Storer Acoustics, dated 11 December 2007, and then peer reviewed by Lloyd George Acoustics in March 2008 shall be implemented and complied with.</i></p>

Section	Modification
<p>Table 6 <i>Locate exposed features behind natural barriers and landform.</i></p>	<p>Include Box 3, Commitments <i>'Crushing shall only to occur in the area within the bunds on site'</i></p>
<p>Table 6 <i>Implement a site code outlining requirements for operators and drivers for noise management.</i></p>	<p>Include Box 6, Commitments <i>The dozer shall not operate at the same time as the front end loader.</i></p>
<p>Table 6 <i>Fit warning lights, rather than audible sirens or beepers, on mobile equipment wherever possible.</i></p>	<p>Box 8, Commitments</p> <p>Replace <i>Lights or low frequency frog beepers are to be used rather than high pitched beepers to restrict noise intrusion.</i></p> <p>With <i>Vehicles, equipment and machinery used on the site (other than trucks collecting limestone or sand from site) shall not use reversing beepers, unless those beepers are required for the safe conduct of operations on the site (as per Occupational Safety and Health legislation) or it is demonstrated that no acceptable alternative exists. Any reversing alarm on any vehicle, piece of equipment or machinery shall be broad-band reversing alarms, for example, 'croakers'.</i></p>
<p>10.2 Fauna</p>	<p>Include:</p> <p>Management Practice; <i>Prior to any clearing associated with the development and the DWER clearing permit (CPS 3956/2) being undertaken, an independent fauna expert, or licensed wildlife relocater will be contracted to inspect mature trees within the area to be cleared for the reasonable presence of fauna and based on the assessment, with the assistance of that expert or relocater actions taken to relocate and re-establish any hollows (from any mature trees to be felled) within the remnant vegetation outside the excavation area.</i></p> <p><i>A report will be prepared by the contracted independent fauna expert, or licensed wildlife relocater and submitted with the annual Quarry report, detailing fauna identified and actions taken.</i></p>
<p>11.2 Closure Implementation</p> <p>Table 8 Section 4.1</p>	<p><i>Native vegetation in buffers and clumps of vegetation on the floor</i></p> <p>Buffer to Old Coast Road:</p> <p>Replace;</p>

Section	Modification
	<p><i>Tube plants of local native species per hectare, will be planted at rates of 200 per hectare in Winter in clumps to allow for deaths, in the areas of native vegetation, depending on the quality of the topsoil and its potential weed load</i></p> <p><i>with;</i> <i>A minimum of 5600 Tube plants of local native species listed in Table 8, Section 11, will be planted in Winter in strategically placed clumps to allow for deaths, in the areas of native vegetation, depending on the quality of the topsoil and its potential weed load</i></p> <p>Screening Bunds</p> <p><i>Include;</i> <i>Revegetation of the bunds to be undertaken during the same winter months (May to September when necessary..</i></p> <p><i>'Revegetation of the bunds to be conducted using local indigenous and fast growing species as per the species list in Table 8, Section 11, at a rate of not less than 100 trees and shrubs per 100 linear metres.</i></p> <p>Species List</p> <p><i>Replace;</i></p> <p><i>Acacia cyclops</i> <i>Acacia saligna</i> <i>Calothamnus quadrifidus</i> <i>Dodonea aptera</i></p> <p><i>With;</i></p> <p><i>Spyridium globulosum</i> <i>Acacia pulchella</i> <i>Hakea trifurcate</i> <i>Banksia sessilis</i></p>
11.4 Weed Management Plan	<p><i>Replace;</i> <i>'Weed inspections and treatment will be conducted at least annually, normally in Autumn and, as required, an additional inspection and treatment will be conducted in spring. Treating in winter and summer is sometimes less successful because of slower plant activity.'</i></p> <p><i>With</i> <i>'Weed treatments will be conducted at least twice per year in Spring and Autumn and as required following best practice guidelines. Declared and Environmental weeds are to be controlled as per the management plan or best practice.</i></p> <p><i>The City of Mandurah is to be notified at least 24 hours prior the commencement of weed treatments.</i></p> <p><i>All treatments to be conducted, at a minimum, will result in no area having a total of 80% reduction in weed cover.'</i></p>

Section	Modification
Plan 'Limestone Excavation – Staging' dated January 2010 and marked 'D'	<p>Replace; <i>All species to be used in revegetation are to be local species suited to the soil substrate as described in Section 6.11 of the Excavation and Rehabilitation Management Plan October 2009.</i></p> <p><i>Revegetation procedures are to comply with those described in Section 6.11 of the Excavation and Rehabilitation Management Plan October 2009.</i></p> <p>With; <i>All species to be used in revegetation are to be local species suited to the soil substrate as described in Section 11, Table 8 of the management plan.</i></p> <p><i>Revegetation procedures are to comply with those described in Section 11.2, section 4.1 of the Excavation and Rehabilitation Management Plan</i></p>
11.3 Monitoring Table 9 4.0 Biodiversity	<p>Add the Completion Criteria at the commencement of Section 4.1</p> <p>Completion Criteria</p> <p>Buffers coloured Green on Plan D</p> <p><i>500 trees and shrubs per hectare from the native plant species list in Section 11, Table 8 in the areas coloured green on Plan D, to be planted and maintained for the life of the pit and for three years thereafter.</i></p> <p><i>Yearly assessments of revegetated buffer areas will be undertaken by the City of Mandurah to determine any further revegetation work to be conducted</i></p> <p>Remnant vegetation outside the excavation area</p> <p><i>Remnant vegetation outside the excavation area and approved bunds will be maintained for the life of the operations.</i></p> <p>Bunds</p> <p><i>The constructed bunds will be revegetated within the first winter following construction, with no less than 100 trees and shrubs from the native plant species list in Section 11, Table 8 per linear metre and maintained for the life of the bunds.</i></p> <p>Excavation Area and Batter Slopes</p> <p><i>The Perimeter bunds will be pushed down at the end of excavation to provide the batter slopes.</i></p> <p><i>The batter slopes and pit floor will be planted with tube plants of local native species per hectare, will be planted at rates of 200 plants per</i></p>

Section	Modification
	<p><i>hectare from the species listed in section 11, table 8 in clumps in the first winter following completion of each section of the pit, to a minimum total of 5600 plants.</i></p> <p><i>The revegetation will be maintained for the duration of the pit and for three years following the end of all quarrying on site with a total survival rate of at least 80% and a species diversity of 80% from the species listed in section 11, table 8.</i></p> <p>Dieback and Plant Disease</p> <p><i>Plant hygiene principles will be undertaken to minimise the spread of diseases.</i></p> <p><i>The Dieback Management Plan Section 11.5 will be complied with.</i></p> <p>Weeds</p> <p><i>Weeds will be managed to ensure that there are no significant environmental or Declared weeds that will adversely impact on remnant vegetation, rehabilitation or adjoining land.</i></p> <p><i>The Weed Management Plan Section 11.4 will be complied with.</i></p> <p><i>Yearly assessments of Dieback and Weed Management will be undertaken by the City of Mandurah to determine any further treatments that may be required to be conducted.</i></p>



CLEARING, PERIMETER BUNDING AND REHABILITATION

Clearing

- Clearing is only to occur during the months May to July in any year.

Perimeter Bunds

- No excavation activities are to occur prior to construction of the perimeter bunds.
- The whole perimeter bund is to be constructed in one construction event, by pushing overburden and topsoil to the perimeter, to the elevation and location determined by the Acoustic Consultants report determined to be sufficient to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Construction of the bund is to occur in one construction event in either May to September 2010 or May to September 2011.

Revegetation of the Perimeter Bunds

- Revegetation of the perimeter bunds is to occur in the same winter as construction and is to be established at the rate of 100 trees per linear 100 metres.
- The vegetation is to be maintained during the life of the pit.

Planting of the Screening Buffers

- Planting of the perimeter buffer areas (shaded green) is to be undertaken during the same winter as construction of the perimeter bunds.
- Planting of the perimeter buffers is to be at the rate of 500 plants per hectare, between existing vegetation.
- The vegetation is to be maintained during the life of the pit.

Staging

- Excavation is to occur in sequence from Stages 1 – 4.

Rehabilitation of the Excavation Area

- Rehabilitation is to occur within 12 months of the closure of each Stage.
- Rehabilitation of the pit is to be at the rate of 200 trees and shrubs in clumps/clusters that can be retained during an end use of the site as rural activities or rural living.
- Clumps are to be scattered across the excavated area in locations that will not be impacted by potential future roads and building envelopes. See concept locations which might be adjusted as end use guide plans are developed.

Species to be used in Revegetation

- All species to be used in revegetation are to be local species suited to the soil substrate as described in Section 6.11 of the Excavation and Rehabilitation Management Plan October 2009.
- Revegetation procedures are to comply with those described in Section 6.11 of the Excavation and Rehabilitation Management Plan October 2009.

Additional screening buffer planting

Perimeter bunds

STAGE 1

Staging

Concept locations of clumps of trees

MAP D

APPROVED PLAN

WA LIMESTONE PTY LTD	
PT LOCATION 5, OLD COAST ROAD, CLIFTON	
LIMESTONE EXCAVATION - STAGING REVEGETATION	
Landform Research	JANUARY 2010
Basemap DLI	Scale 1 : 6 000 at A3

Figure 1

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

Summary

Council is requested to consider the closure of a pedestrian access easement (“the easement”) located within Lot 1289 Village Mews, Wannanup. The easement is within the Common Property on Strata Plan 41658 and provides access along the waterfront of the existing development between the “Piazza” and Village Mews, which provides linkage to Westview Parade (refer Location Map below showing extent of easement).

The Watersedge Strata Company (“the Applicant”) has made this request as a result of anti-social issues which have occurred in the past (i.e. vandalism, trespass and theft). The applicant seeks to close the easement to the public and seeks the installation of lockable gates to allow residents of the strata complex unrestricted access.

Advertising of the proposal was undertaken with a total of 46 submissions being received, of which 26 objected to the closure of the easement.

In view of the number of objections received and purpose of the easement in contributing to the pedestrian connectivity of the locality, it is recommended that Council do not support the closure of the easement.

Disclosure of Interest

Nil

Location



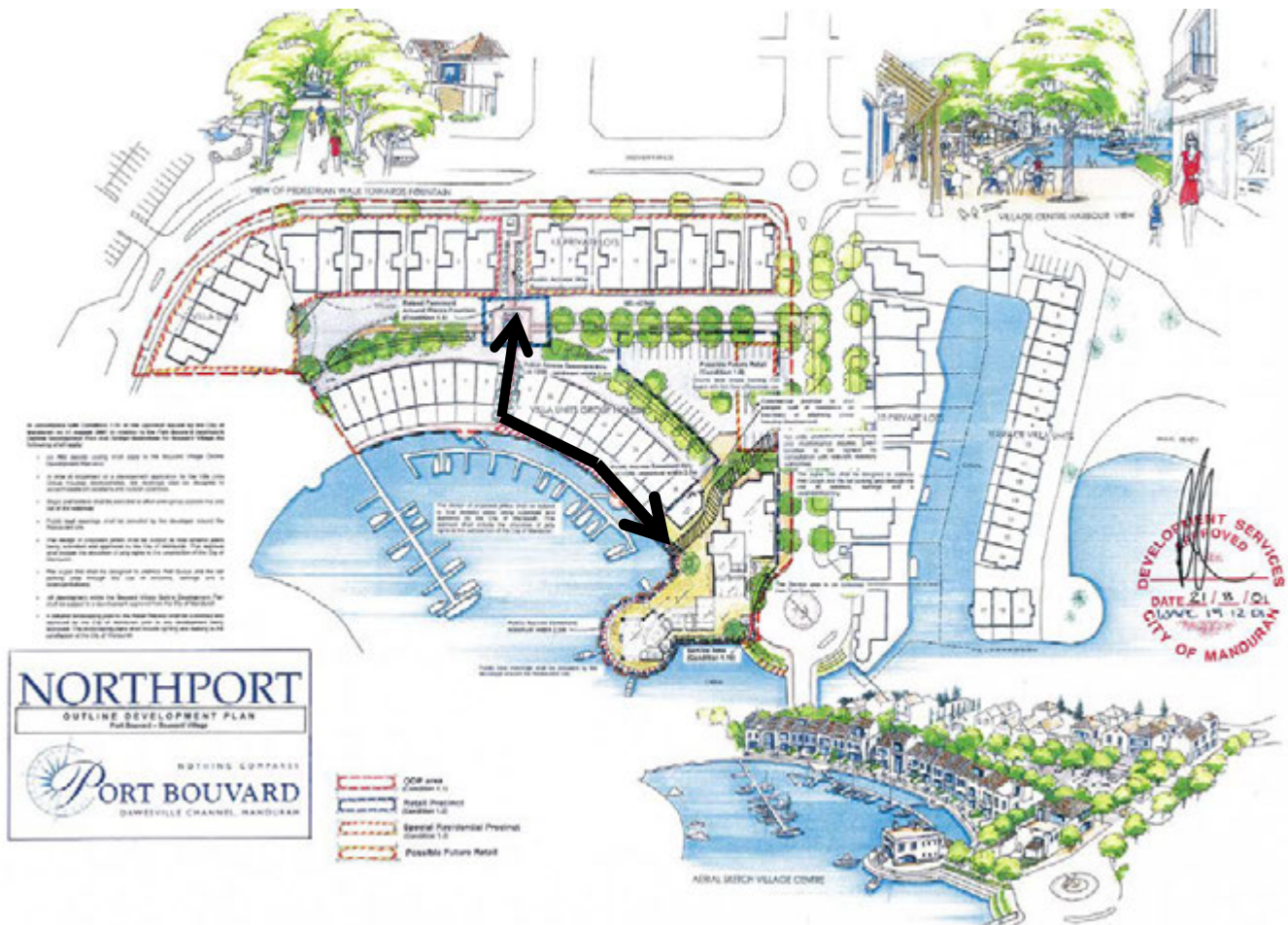
Previous Relevant Documentation

- CC.12/2/18 27 February 2018

Council resolved to support the surrender of the easement subject to public consultation, and acknowledged that if no objections were received procedures required to close the easement would be progressed.

Background

The easement was identified on the Northport Village Outline Development Plan to provide a connection between the retail node ("the Piazza") through to Westview Parade and the broader locality (i.e. beach).



The easement was created via the original subdivision of the land in 2002 over Lot 1289 under Section 195 and 196 of the *Land Administration Act 1997*, and then reflected on the strata plan following completion of the development of the lot, resulting in the preparation and execution of a legal agreement between the then landowner and the City allowing the public at large to cross over the land.

In August 2016, Council approved a tavern at Lot 1301 Port Quays which is located adjacent to the easement. The request to close the easement notes that the operation of the tavern will exacerbate anti-social behaviour already affecting strata properties. In a broader sense, the closure of the easement is considered to be essential by the Applicant in order to preserve the security and amenity of the area.

Comment

Proposal

A public access easement is defined under the *Land Administration Act 1997* as "a right of way for the use and benefit of the public at large", which may be limited in any way (including limitations on use by vehicles

and limitations by time). The easement is limited to pedestrian access only and access is not restricted to particular times of the day.

A pedestrian access easement in favour of the State of Western Australia may be varied or surrendered on behalf of the State by a deed made by the Minister of Planning. The proposal seeks Councils support to progress a request to essentially close the easement to the public at large.

The Watersedge Strata Company have requested that the pedestrian access easement be closed to the public at large, and gated to allow their residents access.

Local Connectivity and Design

The easement contributes to the overall pedestrian network of the locality by providing an additional pedestrian link within the Piazza. The Piazza is a mixed use development containing retail uses at ground floor with residential accommodation above and surrounding. Businesses currently operating from the Piazza are understood to be a liquor store and corner store, hairdresser, and design studio, as well as a vacant café/restaurant tenancy. A cake maker/café also operates from No. 2 Village Mews.

The residential development adjacent to canal waterway 'fronts' the pathways and the adjoining canal waterbody. These properties have pedestrian access via staircases, and have finished floor levels raised approximately 0.5m to 1m above the finished level of the easement. These design elements are considered to represent good design in terms of surveillance whilst providing an appropriate level difference and interface (i.e. visually permeable fencing) so as to provide separation between public and private space.



view along the waterfront looking east towards the Piazza

However, when the path turns back towards Village Mews and Westview Parade, a number of steps are part of the path network and there is a narrow space between two storey dwellings. The view from Village Mews looking south is to the back of the residential development with open fencing, rear garages and the 'private / public' space separation is not clear.



view from Village Mews, looking south to narrow path and rear of residential properties

It could be argued that the closure of the easement promotes exclusiveness of the canal waterway, and limits pedestrians travelling south from Westview Parade to one route south-east along Village Mews. Village Mews is essentially a rear laneway, with the footpath adjacent to private car parking and opposite private garages.



view from Village Mews, looking west with footpath, on street parking and rear garages of dwellings on northern side (which front Westview Parade). Dwellings on south side have open parking and garage access.

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

Similar easements exist in the south harbour of the Mandurah Ocean Marina, as well as at Lot 190 San Marco Quays. In the case of the Mandurah Ocean Marina, development in the form of outdoor living areas and major openings address the easements over two to four levels, whilst each property also offers pedestrian access via stair cases. However, two design differences exist in that outdoor living areas are not necessarily provided at the ground floor and the finished floor level of development is approximately 1.5m to 2m above the easements reducing interaction at the ground level in some cases.

Anti-social Behaviour

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

Rather than progress to close the easement, Officers initially suggested a review of the physical attributes of the walkway to identify any improvements that could be made to aid improving the safety and amenity in this location. However, it is noted that the easement is already lit and benefits from passive surveillance not only adjacent to the easement but from the surrounding properties and waterway.

The existing private jetties are currently gated restricting access to the public, however examples of illegal access have been supplied to officers. The gating of the jetties acts as a deterrent rather than prohibiting access entirely, the same argument could be applied to the proposed gating of the easement.

Intent of the easement

As previously indicated, the easement was required as a condition of the development and was identified on the 2001 approved Northport Village ODP. The ODP identifies that public access throughout the village should be encouraged, whilst at the same time protecting the privacy and amenity of residents.

The easement has been in place for some time and adjacent dwellings have been developed with the easement in mind (i.e. provision of surveillance and separation). With this in mind, there may be a community expectation that the walkway will remain open for public use.

Consultation

Advertising of the proposed closure was undertaken between 22 March 2018 and 16 April 2018, with a total of 46 submissions being received. The purpose of advertising was to determine any issues arising from the modification of the easement, as well as to determine current usage of the easement. A total of 16 submissions supported the closure of the easement, 1 submission remained neutral, and 29 submissions requested that the easement remain open.

Some of the key comments made include:

- *Alternative routes available*

It is acknowledged that other routes do exist facilitating access to the Piazza, however the easement provides greater visual amenity given the outlook of the canal. A number of submissions have highlighted the use of the easement on the basis of its visual amenity.

- *Improves safety and security for adjacent owners*

The placement of lockable gates at each end of the easement would restrict the free flow of the public through this area, and provide a sense of increased security for residents of the Watersedge strata complex. However, it may not completely restrict illegal access, as is the case with the private jetties which have been accessed illegally on occasion (photos of people climbing around the lockable gates have been provided to the City).

- *Promotes canal exclusivity and reduces community amenity*

The majority of canal frontage in this location is owned privately and unable to be accessed by the public at large. The adjacent Piazza has an easement extending around the property providing canal front access. A number of submissions identified use of the walkway and the enjoyment of the waterfront location.

- *Intent of the original development*

Dwellings adjacent to the easement have been built with the easement in mind (i.e. raised floor levels and visually permeable fencing) to provide for surveillance of the walkway and canal, as well as providing separation between the two spaces. Submissions highlight the intent of the area as a walkable development which is identified within the ODP, however the protection of private amenity is also highlighted.

Officers also sought comment from the Department of Planning, Lands and Heritage who recommended that the easement remain, and offered the following advice:

- *On review of the history of the village centre, significant emphasis was placed on ensuring suitable public access would be made available between the beach and village centre, alongside the canal, during the planning phase. Accordingly, public access arrangements are reflected in the ODP and subdivision approval for the site, ensuring permeability through the village.*
- *It is noted that alternative access is available along Village Mews, however both routes pass through either the strata lot car park or cross the main driveway access, therefore neither arrangement presents a better outcome in this regard.*
- *Closing the access would not necessarily correlate with a reduction in anti-social behaviour.*
- *In view of the significant number of objections received against closure and the efforts that went into providing the access in the first instance, it is recommended that the access be maintained.*

Statutory Environment

Section 196(9) of the Land Administration Act 1997 deals with public access easement in favour of the public. They may be varied or surrendered on behalf of the State Minister responsible for the administration of the Planning and Development Act 2005. Under delegation, the City understands that this function rests with the Western Australian Planning Commission.

Should Council *not support* the closure of the easement, it is understood that the process does not allow for any appeal rights by any party, given that the easement exists over private land and cancellation of the easement is not specifically related to a statutory process. Under these terms, City officers recommended that the Applicant seeks further clarification from Landgate and/or independent legal advice to determine any avenues for an appeal of Council's determination.

Should Council *support* the closure of the easement, the process would be via the surrender of the current easement and placement of a new easement on the same conditions as the existing easement with the following differences to the existing arrangements:

- Public access being suspended to the easement area;
- The City of Mandurah having rights to revoke the public access suspension, and reinstate public access after first giving 90 days written notice;
- Any lock installed on gates must be a City of Mandurah's lock, with the key to gates being provided to any party having a right of access through the easement (if applicable).

The costs of the surrender and replacement easement would need to be borne by the Owners of Lot 1289 Village Mews to surrender and execute a new easement.

However, as the original easement was created through a subdivision approval issued by the Western Australian Planning Commission, their approval is also required. Based on the comments received by the DPLH where the closure is not supported, it is considered unlikely that this approval would be granted.

Policy Implications

Nil

Economic Implications

Nil

Strategic Implications

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

Social:

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

Infrastructure:

- Advocate for and facilitate the provision of an integrated movement network.

Identity:

- Encourage active community participation and engagement.

Conclusion

In February 2018, Council considered a report to modify the easement to remove public access for the foreseeable future, subject to public consultation. Officers recognised that the easement contributes to the overall pedestrian network of the locality, as well as the issues raised by the Applicant (i.e. anti-social behaviour).

Based on the number of submissions received requesting that the easement remain open, Officers recommend that Council do not support the closure of the easement. A number of submissions identify that the easement has been in place for some time and that it is in keeping with the original intent for the Piazza (as identified in the ODP and the initial planning design phase). Submissions were received suggesting that the walkway is well utilised because of its visual amenity, and identifying its closure promotes exclusivity of the canal which affects community amenity.

In view of the number of objections received and purpose of the easement in contributing to the pedestrian connectivity of the locality, it is recommended that Elected Members do not support the closure of the easement.

NOTE:

Refer ***Attachment Schedule of Submissions***

RECOMMENDATION

That Council does not support the surrender of the current pedestrian access easement over Lot 1289 Village Mews, Wannanup.

ATTACHMENT 1

Owner / Address	Submission (Summarised comments)	Comment
1. S Johnston (received via email)	a. Does not support closure. b. Uses walkway most days to access shop and enjoy canal amenity.	a. Noted. b. Noted.
2. H King (received via email)	a. Does not support closure. b. Provides access to the water and facilities. c. Units are raised above walkway, therefore not substantially affected.	a. Noted. b. Noted. c. Noted, the raised floor level promotes surveillance of the walkway and promotes separation between the private/public space (and is a common design principle).
3. A Palmer (received via email)	a. No major concerns with closing the access way, provided that access remains for those with jetties.	a. Noted.
4. L Grabovac (received via email)	a. Does not support closure. b. Uses walkway to access beach, lives within piazza. c. Access needs to be available for the public to enjoy waterfront. d. Piazza shops benefit from the access.	a. Noted. b. Noted. c. Noted. d. Noted.
5. M Maisey (received via email)	a. Does not support closure. b. Plans to remove public access is a disgrace, and a lazy planning response to isolated incidents. c. Reduces amenity for all the community. d. Seek other solutions and/or trial options.	a. Noted b. Noted, the City has been requested to consider closure. c. Noted. d. Noted.
6. G Maisey (received via email)	a. Does not support closure. b. Plans to remove public access is a disgrace, and a lazy planning response to isolated incidents. c. Reduces amenity for all the community. d. Seek other solutions and/or trial options.	a. Noted. b. Noted, the City has been requested to consider closure. c. Noted. d. Noted.
7. E Settineri (received via email)	a. Supports closure as it protects our security and privacy.	a. Noted.
8. R Phillbrick (received via email)	a. Supports closure due to experiences of anti-social behaviour. b. Concerns about (mostly young) people jumping onto the jetty.	a. Noted. b. Noted.
9. A & M McKenzie (received via email)	a. Does not support closure. b. Have enjoyed using the access to visit the piazza village.	a. Noted. b. Noted.

Owner / Address	Submission (Summarised comments)	Comment
	<p>c. Use of the access has been positive, and never witnessed untoward behaviour.</p> <p>d. Homes are privately fenced and secured.</p> <p>e. Access encourages an open community feel, and allows others to enjoy the area.</p>	<p>c. Noted.</p> <p>d. Noted.</p> <p>e. Noted.</p>
10. M Botton (received via email)	<p>a. Does not support closure given the intent of the piazza (i.e. a hub).</p> <p>b. People objected to having any kind of restaurant or café, even though that was the original intention.</p>	<p>a. Noted.</p> <p>b. Noted.</p>
11. G Miller (received via email)	<p>a. Supports closure on the grounds of safety, security and intrusion upon amenity of owners.</p> <p>b. Easement is on private land, owner amenity should be protected (as described in the ODP).</p> <p>c. Intent of the easement is not compatible with what is happening in practice. The Director of Liquor Licencing highlighted this in his written decision to refuse a tavern licence at the piazza.</p> <p>d. No individual will be inconvenienced given alternative routes exist.</p>	<p>a. Noted.</p> <p>b. The ODP intent identifies public access throughout the village should be encouraged, whilst at the same time protecting the amenity of residents. Units have raised floor levels and a fence providing separation (which is a common design principle).</p> <p>c. Noted.</p> <p>d. Noted.</p>
12. Kurtis (received via email)	<p>a. Does not support closure given walkway has been enjoyed by all for years.</p> <p>b. Size and width is suited to public use, and brings no harm to residents.</p>	<p>a. Noted.</p> <p>b. Noted, the walkway was designed for public access.</p>
13. C Napier (received via email)	<p>a. Does not support closure.</p> <p>b. Uses walkway regularly, as do others.</p> <p>c. Pedestrian access enhances the liveability of the area.</p> <p>d. Owners adjacent to the easement were aware of its existence.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p> <p>d. Noted.</p>
14. M & S Rowley (received via email)	<p>a. Does not support closure.</p> <p>b. We live close to the site, anti-social behaviour seems to be a rare event.</p> <p>c. Lot 1289 Village Mews appears to be mostly part time residents.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p>

Owner / Address	Submission (Summarised comments)	Comment
	<p>d. We know the easement is on private land, but it was part of the original plan to create vibrancy and a visually appealing development.</p> <p>e. Owners were aware of the easement when purchasing.</p> <p>f. People comment on the visual amenity of the walkway, accessing the piazza via the rear car park would not be the same.</p>	<p>d. Noted.</p> <p>e. Noted.</p> <p>f. Noted.</p>
15. V Toutountzis (received via email)	<p>a. Supports closure as we have experienced anti-social behaviour over the last 10 years.</p> <p>b. Concerned with children's privacy and safety when unknowns use walkways.</p> <p>c. Examples of people drinking alcohol and smoking along the walkway, and people illegally accessing private jetties.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p>
16. L Hodgson (received via email)	<p>a. Supports closure provided that no ratepayer funding is used for the upkeep of the area, and provided that it does not set a precedent for other applications.</p>	<p>a. Noted.</p>
17. G Baldock (received via email)	<p>a. Does not support closure.</p> <p>b. Easement has been in place for at least 20 years, owners have always been aware of the easement.</p> <p>c. The soon to open restaurant will benefit from the access ways existence. This use will increase activity within the piazza area.</p> <p>d. The easement has been in place for more than 20 years without any objection from the servient owner (i.e. the strata body), and has therefore legally forfeited its right to close the easement to the public, as a result of the long period of unrestricted public use.</p> <p>e. Suggest Council obtains legal advice in the event that it intends to close the easement, in order to avoid acting unlawfully.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. The ODP intent identifies this principle.</p> <p>d. Noted.</p> <p>e. Noted.</p>
18. J Beitz (received via email)	<p>a. Supports closure.</p> <p>b. Closure of the walkway will not result in financial loss to the public or City.</p> <p>c. Northern units of the Waters Edge Complex have their section of the</p>	<p>a. Noted.</p> <p>b. Noted.</p>

Report from Director **Sustainable Communities**
to the **Committee of Council Meeting of 13 November 2018**

Owner / Address	Submission (Summarised comments)	Comment
	<p>walkway closed by lockable gate. The proposed closure will provide quality between otherwise identical units.</p> <p>d. Convenient and safer access to the piazza remains open for the public.</p> <p>e. As residents of the Waters Edge Complex for over 10 years, we have witnessed illegal access to jetties.</p>	<p>c. The approved ODP identifies the easement in its current location.</p> <p>d. Noted.</p> <p>e. Noted.</p>
19. P Candy (received via email)	<p>a. Does not support closure.</p> <p>b. Designed as and should remain as a public amenity, not just for an exclusive few.</p> <p>c. Introduction of gates will affect aesthetics of the waterfront.</p> <p>d. Crime has not been a problem in my experience. The tavern is no longer a factor given it is not going ahead.</p> <p>e. Access for emergency services may not be timely enough.</p> <p>f. Another example of a few within the area showing a lack of community spirit.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p> <p>d. Noted.</p> <p>e. Noted.</p> <p>f. Noted.</p>
20. T & S Sutherland (received via email)	<p>a. Does not support closure.</p> <p>b. Locked gates will ruin the atmosphere of the community.</p>	<p>a. Noted.</p> <p>b. Noted.</p>
21. M & J Jurewicz (received via email)	<p>a. Does not support closure.</p> <p>b. Original development was built as a vibrant village, walkways were create to encourage residents to visit the piazza. Owners would have been aware of this intention. Closing the access creates a private area, contrary to the original intent.</p> <p>c. We use the walkway to access the piazza, as it provides a scenic route.</p> <p>d. From our experience, the walkway is used respectfully and is never crowded, loud or posing a health or safety risk.</p> <p>e. The proposal is not in keeping with the ethos and community spirit of Port Bouvard.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p> <p>d. Noted.</p> <p>e. Noted.</p>
22. K & F Purnell (received via email)	<p>a. Supports closure as it is on private land and does not connect any transport routes, and therefore serves no purpose.</p> <p>b. Alternative routes exist.</p>	<p>a. The route connects the piazza to Westview Parade, via a public access way and Village Mews.</p> <p>b. Noted.</p>

Owner / Address	Submission (Summarised comments)	Comment
	<p>c. The easement has had a negative impact on amenity, and anti-social behaviour.</p> <p>d. We do not use the easement, and would not consider doing so.</p>	<p>c. The development has been designed to provide surveillance of the walkway given raised floor levels, and provision of fencing to separate the spaces.</p> <p>d. Noted.</p>
23. L & J Millar (received via email)	<p>a. Does not support closure.</p> <p>b. Access along the water is pleasant, and we use frequently to access the piazza.</p> <p>c. The opening of a café in the future will increase pedestrian activity.</p> <p>d. We have never witnessed anti-social behaviour.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p> <p>d. Noted.</p>
24. K & G Stephenson (received via email)	<p>a. Does not support closure.</p> <p>b. We regularly use the walkway.</p>	<p>a. Noted.</p> <p>b. Noted.</p>
25. P Klifunis (received via email)	<p>a. Does not support closure.</p> <p>b. The easement was carefully placed in original designs using urban design principles. Improves community amenity and connectivity.</p> <p>c. We and many use the walkway as it is a safe and pleasant walk, away from cars.</p> <p>d. Use of the walkway enhances a sense of local community.</p> <p>e. Justification to close easement no longer relevant, given tavern is not opening.</p> <p>f. Increased social activity can assist anti-social behaviour.</p> <p>g. Increased connectivity (combined with density, mixed use planning and good urban design) results in increased walkability, and better health.</p> <p>h. Closure goes against all current planning and design principles.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p> <p>d. Noted.</p> <p>e. Noted.</p> <p>f. Noted, this is considered to be a common crime prevention principle.</p> <p>g. Noted.</p> <p>h. Noted.</p>
26. S & E Krapeshlis (received via email)	<p>a. Supports closure.</p> <p>b. Concerned with young family's privacy and security.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted, however the walkway offers a route with alternative visual amenity.</p>

Owner / Address	Submission (Summarised comments)	Comment
	<ul style="list-style-type: none"> c. People use the walkway to access the piazza, which can be better accessed from the front. d. Concerned with increased activity due to café opening soon. e. Examples of people accessing jetties illegally, and concerned with potential accidents. 	<ul style="list-style-type: none"> d. Noted, the adjoining piazza is identified as a mixed use / commercial node. e. Noted.
27. B Small (received via email)	<ul style="list-style-type: none"> a. Supports closures. b. Closure will have no detrimental impact on the walkability and connectivity of neighbouring properties. c. Enhances security in the immediate area. 	<ul style="list-style-type: none"> a. Noted. b. The removal of the accessway will reduce local connectivity by removing one option. c. Noted.
28. J Qualter (received via email)	<ul style="list-style-type: none"> a. Does not support closure. b. We live nearby and endorse the comments of submission 25. 	<ul style="list-style-type: none"> a. Noted. b. Noted.
29. C Williams (received via email)	<ul style="list-style-type: none"> a. Does not support closure. b. Private gating/fencing will ruin aesthetics of the area, and potentially harm property prices. c. Owners were aware of the easement when purchasing. 	<ul style="list-style-type: none"> a. Noted. b. Noted. c. Noted.
30. H Williams (received via email)	<ul style="list-style-type: none"> a. Does not support closure. b. Private gating/fencing will ruin aesthetics of the area, and potentially harm property prices. c. Owners were aware of the easement when purchasing. 	<ul style="list-style-type: none"> a. Noted. b. Noted. c. Noted.
31. M & J Jurewicz (received via email) <i>2nd submission</i>	<ul style="list-style-type: none"> a. Does not support closure. b. Original development was built as a vibrant village, walkways were create to encourage residents to visit the piazza. Owners would have been aware of this intention. Closing the access creates a private area, contrary to the original intent. c. We use the walkway to access the piazza, as it provides a scenic route. d. From our experience, the walkway is used respectfully and is never crowded, loud or posing a health or safety risk. 	<ul style="list-style-type: none"> a. Noted. b. Noted, the 2011 ODP identifies the access and encourages public access throughout the village. c. Noted. d. Noted.

Owner / Address	Submission (Summarised comments)	Comment
	e. The proposal is not in keeping with the ethos and community spirit of Port Bouvard.	e. Noted.
32. M Beitz (received via email) <i>2nd submission</i>	a. Supports closure. b. The land is private, if closed there will be no financial loss to the public or City. c. Northern units of the Waters Edge Complex have their section of the walkway closed by lockable gate. The proposed closure will provide equality between otherwise identical units. d. Alternative route exists, which is more user friendly. e. Illegal access to private jetties occurs. f. Owners are denied privacy when accessing their outdoor living areas.	a. Noted. b. Noted. c. Noted, the 2001 ODP identifies the existence of the easement. d. Noted, however the waterfront route has been designed with pedestrian access in mind (i.e. lighting, surveillance). e. Private jetties are currently gated and allegedly accessed illegally. Gating acts as a deterrent, therefore the gating of the easement may not completely eliminate all illegal access. f. Canal lots are considered to have their primary setback fronting the waterway, as a result passive surveillance between properties and from public spaces (e.g. the easement and/or waterway) is increased. Similarly, a 'front garden' on a standard lot can be viewed from the public street.
33. V Skett (received via email)	a. Does not support closure. b. Enjoy walking out along the walkway.	a. Noted. b. Noted.
34. G & V Miller (received via email)	a. Supports closure. b. Easement is on residential private land, and is not a public access way. c. The ODP refers to the "protection of the privacy and amenity of residents". The intrusion of the public (at any hour) affects enjoyment of property. d. The Water's Edge Strata Council ('WESC') Management Statement requires children under 10 to be accompanied by an adult on common property. This cannot be monitored given public access. e. The WESC has registered a by-law prohibiting smoking along the canal front. This cannot effectively be applied to a member of the public.	a. Noted. b. Noted, however the easement is identified on the ODP as early as 2001. c. The ODP encourages public access throughout the village, whilst protecting privacy and amenity. The design of the units (i.e. raised floor levels and fencing separating) ensures surveillance of the walkway and separation. d. Noted. e. Noted.

Owner / Address	Submission (Summarised comments)	Comment
	<p>f. No disadvantage to people given alternative routes (Village Mews & Westview Parade).</p> <p>g. Does not link essential services, rationale for existence – that it provides access from the piazza to the beach – is weak, as other routes exist. Access along 60m of canal front, for the benefit of a view, is hardly a reason for its retention.</p> <p>h. Other residential developments in the area are gated communities with canal exclusivity, which instils greater sense of security.</p> <p>i. An economic argument exists – the WESC maintains the easement and not the City of Mandurah.</p> <p>j. Due to anti-social behaviour, an additional impost is borne by the WESC, namely the cost of repairs.</p> <p>k. Incidents of anti-social behaviour compromise the ODP statement of intent.</p>	<p>f. Removing this route does reduce overall connectivity surrounding the piazza.</p> <p>g. The ODP encourages public access throughout the area, and provides a route adjacent to the water with high visual amenity.</p> <p>h. Noted, the 2001 ODP identifies the easement in place.</p> <p>i. Noted.</p> <p>j. Noted.</p> <p>k. Noted.</p>
35. L Cox (received via email)	<p>a. Supports closure due to infrequent use.</p> <p>b. Leaves residents open to anti-social behaviour (i.e. abuse, theft & spying).</p>	<p>a. Noted.</p> <p>b. Noted.</p>
36. M McCarthy (received via email)	<p>a. If there has been security / disturbance issues then I support the closure.</p> <p>b. If there has not been such issues then the access should remain open.</p>	<p>a. Noted.</p> <p>b. Noted.</p>
37. T & B Ferretti (received via email)	<p>a. Supports closure.</p> <p>b. Increase of business in the area increases visitors to the area, resulting in anti-social behaviour.</p>	<p>a. Noted.</p> <p>b. Noted.</p>
38. C Forrest (received via email)	<p>a. Does not support closure.</p> <p>b. Current traffic using the walkway in minimal. Majority of abutting units are part time, therefore its use does not interfere with privacy.</p> <p>c. Many people enjoy the access way.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p>
39. C & L Hoar (received via email)	<p>a. Supports closure.</p> <p>b. Increased traffic (particularly youths) accessing the walkway results in uncomfortable situations for residents.</p>	<p>a. Noted.</p> <p>b. Noted.</p>

Owner / Address	Submission (Summarised comments)	Comment
	c. Attempts to illegally access jetties may result in accident.	c. Noted.
40. F Thomson (received via email)	<p>a. Does not support closure.</p> <p>b. We regularly use the walkway, and see it as a highlight of the area.</p> <p>c. We witness people enjoying the walkway on a daily basis.</p> <p>d. We haven't observed any anti-social behaviour in the area, believe that exaggerated claims have been made to support their plan for exclusivity.</p> <p>e. Impossible to imagine the City and strata restoring the current benefit to the public in the future.</p> <p>f. Explain under what future conditions the City would accept the easement being reinstated (if closed). Provide details of easements that have been closed then reinstated.</p> <p>g. The San Marco Quay Easement closure was driven by a majority of residents overruling a small public interest. The opposite is applicable here.</p> <p>h. Reducing public access is not a complimentary move, given the original intent of the area and soon to open restaurant.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p> <p>d. Noted.</p> <p>e. Noted.</p> <p>f. A potential argument for reinstatement could be increased community usage of the easement. It is unknown whether easements have been reinstated within the City of Mandurah in similar circumstances.</p> <p>g. Noted.</p> <p>h. Noted.</p>
41. M Thomson (received via email)	<p>a. Does not support closure.</p> <p>b. Public access ways and easements within the area provide public connectivity.</p> <p>c. The easement makes the area unique and is critical in providing vibrancy.</p> <p>d. The Watersedge Strata owners were aware of the easement.</p> <p>e. Closing the easement due to anti-social behaviour is unreasonable. The crime statistics for Wannanup suggests there are low occurrences of crime.</p> <p>f. By closing the easement, it indirectly implies that all the public are undesirables.</p> <p>g. The Watersedge strata appears to be mostly part time occupants, which</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p> <p>d. Noted, the easement put in place via the original subdivision and noted on the ODP.</p> <p>e. Noted.</p> <p>f. Noted.</p>

Owner / Address	Submission (Summarised comments)	Comment
	<p>contributes to an environment for anti-social behaviour to occur.</p> <p>h. Closure will result in the canal becoming exclusive.</p> <p>i. A gate will be an eyesore, and will not stop someone wishing to commit a crime.</p> <p>j. Closure will result in a reduction in local connectivity.</p> <p>k. This easement provides an essential linkage that brings vitality to the area, creates identity, contributes to open space, provides a safer neighbourhood.</p> <p>l. Recommend Council maintain the current easement, and assist the Strata owners in implementing community based solutions to issues of anti-social behaviour (i.e. additional lighting, patrols, cctv).</p>	<p>g. Noted.</p> <p>h. Noted.</p> <p>i. Noted, the existing jetties are gated and do not appear to totally restrict those wishing to access illegally.</p> <p>j. Noted.</p> <p>k. Noted.</p> <p>l. Noted.</p>
42. G Kernick (received via email)	<p>a. Does not support closure.</p> <p>b. Access has been enjoyed by the community for many years, and was a feature of the original development as an appealing pedestrian link.</p> <p>c. Closing the access does nothing to help build our community, and will not reduce anti-social issues. Increased pedestrian traffic is required to discourage anti-social issues.</p> <p>d. CCTV should be installed.</p> <p>e. Adjoining owners would have been aware of the easement on purchase. It would be unfair for people to take the longer alternative route that doesn't compare for visual enjoyment.</p> <p>f. The access way is an enjoyable route, whereas the alternative is a laneway.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted, the increase of pedestrian traffic to discourage anti-social issues is a common crime prevention principle.</p> <p>d. Noted.</p> <p>e. Noted.</p> <p>f. Noted.</p>
43. E Kernick (received via email)	<p>a. Does not support closure.</p> <p>b. Access has been enjoyed by the community for many years, and was a feature of the original development as an appealing pedestrian link.</p> <p>c. Closing the access does nothing to help build our community, and will not reduce anti-social issues. Increased pedestrian</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted, the increase of pedestrian traffic to discourage anti-social issues</p>

Owner / Address	Submission (Summarised comments)	Comment
	<p>traffic is required to discourage anti-social issues.</p> <p>d. CCTV should be installed.</p> <p>e. Adjoining owners would have been aware of the easement on purchase. It would be unfair for people to take the longer alternative route that doesn't compare for visual enjoyment.</p>	<p>is a common crime prevention principle.</p> <p>d. Noted.</p> <p>e. Noted.</p>
44. P Lilleyman (received via email)	<p>a. Does not support closure.</p> <p>b. Closure only benefits (especially financially) a few owners while disadvantaging the amenity of all other local owners, now and in the future.</p> <p>c. Adjoining owners would have been aware of the easement before purchase.</p> <p>d. Adjoining owners would have been aware of the adjoining piazza's commercial zoning/potential.</p> <p>e. The closure request appears based solely on un-evidenced fears.</p> <p>f. The café about to open does not even appear to be a licenced premises.</p> <p>g. Presumably the easement was imposed as a condition of development approval. Closing the easement would rescind a prescribed condition and/or contradict planning principles.</p> <p>h. Owners cause anti-social behaviour themselves.</p> <p>i. Fears of possible anti-social behaviour are held by most people, but they do not get Council's unique protection.</p> <p>j. Closure of the access will benefit villas that are more often than not unoccupied.</p> <p>k. Due to design of villas (i.e. raised floor level and fencing) they are already well protected.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted.</p> <p>d. Noted.</p> <p>e. The background to the request is discussed within the report.</p> <p>f. Noted.</p> <p>g. Closure of the easement can be considered under the relevant legislation. The report considers this further.</p> <p>h. Noted.</p> <p>i. Noted.</p> <p>j. Noted.</p> <p>k. Noted.</p>
45. C & A Johnston (received via email)	<p>a. Supports closure.</p> <p>b. Local residents effectively use the access as a cut through.</p> <p>c. Anti-social issues present.</p>	<p>a. Noted.</p> <p>b. The walkway is currently open to the public at large.</p> <p>c. Noted.</p> <p>d. Noted.</p>

Report from Director **Sustainable Communities**
to the **Committee of Council Meeting** of 13 November 2018

Owner / Address	Submission (Summarised comments)	Comment
	d. We do not need or desire to use the walkway, as there are alternative routes.	
46. J Jones (received via email)	a. Does not support closure.	a. Noted.

6	SUBJECT:	Seniors and Community Centre Parking Parking Delegation DA-TFT 01
	CONTACT OFFICER:	Brendan Ingle
	AUTHOR:	Brendan Ingle

Summary

This report seeks Council approval for the installation of time parking restrictions to assist in the management of parking at the Seniors and Community Centre. A range of other initiatives have been proposed to improve access to those attending the venue, following feedback from members and visitors.

The City's current Parking Administration Delegated Authority DA-TFT 01 does not provide delegation to officers to implement permanent time parking restrictions within the City. There are examples of opportunities to add or alter time parking restrictions, which are very minor in nature and that may be more suitable to be managed under delegation.

A proposed modification of the delegation is provided for consideration by Council. The change provides delegation to officers for time parking restrictions to be implemented on 10 parking bays or less. This will allow more minor matters to be resolved efficiently.

Disclosure of Interest

Nil

Previous Relevant Documentation

Nil

Background

For some time the City has received regular feedback that members of the Seniors and Community Centre have been frustrated at being unable to find parking in reasonable proximity of the facility. Although some members do meet the criteria to qualify for an ACROD permit, many members have reduced mobility. The car park to the west of the centre contains angle parking and is commonly used by members when available. Through consultation, it is advised that the Seniors and Community Centre members would be able to regularly fill this car parking allocation during the week ensuring that a change to restrict non-member parking would not result in an underutilisation of the parking area.

A number of actions have been proposed to improve parking arrangements. A proposed permit system is recommended to be implemented allowing members vehicles to display a permit. Cars without this permit will not be permitted to park within the car park from 8:00am to 4:00pm Monday to Friday.

In order to enforce the permit system the City is required to install signage that advises "Authorised Vehicles Seniors Centre Members Only 8:00am – 4:00pm Monday to Friday." This arrangement allows the use of the parking during weekend periods that is important for the precinct with this parking area having become more usable during the night period with recent lighting upgrades.

Through the review of parking arrangements a bay providing a 15 minute limit '08:00am to 04:00pm Monday – Friday' is also recommended by the management of the Seniors and Community Centre. This bay will allow 15 minute loading of people goods and/ or equipment Monday to Friday 8:00am to 4:00pm. This will allow members who are picked up or dropped off to have an additional option. An additional ACROD Bay is also noted to be installed at the front southern portion of the car park. The locations of these bays are noted in **Attachment 1**.

Whilst the permit system to be introduced will not be able to meet all members' parking needs it is a step to reduce spaces being taken by people who are able to park in other locations. During the week alternative parking is accessible on Vivaldi Drive, Hackett Street, the Lido and Stingray Wharf among other areas and

the staff of the Seniors and Community Centre will highlight the use of these locations. This parking is often underutilised and is a short walk to the Performing Arts Centre and other venues in the area.

The positive effect of the restrictions will be improved if those more able, are able to utilise parking that is further from the facility.

A number of examples have arisen where a small number of parking bays are identified as benefiting from the introduction of time parking restrictions. Due to their nature these changes are likely to be of low impact. The City current holds Bi-Monthly Parking meetings that include representatives from a range of departments and chaired by the Manager of Statutory Services. Recommended parking changes are passed through this meeting.

Approval is requested to allow the introduction or change to time parking restrictions of less than 10 bays be able to be completed under delegation in accordance with modifications to DA-TFT 01 Parking Administration as noted in **Attachment 2**.

Decision under this delegation are passed through the Bi Monthly Parking committee recorded in a register and weekly updates of changes provided to Elected Members.

Comment

The parking permit system would be administered by the Seniors and Community Centre with members provided with a permit for their vehicle with their licence plate information recorded. There permits would need to be displayed to allow Parking Officers to apply the restriction.

The use of parking permits in this way has not been the practice of the City but given the clients of the facility and their need for parking within reasonable distance it is considered this will have a positive effect and not see an under-utilisation of the bays at the expense of other operators.

The use of the car park will be permitted during weekends and through the night period which is important for the Mandjar Bay and South Harbour of the Mandurah Ocean Marina. Lighting improvements within the car park have improved the usability of the parking during the night period.

Consultation

Nil

Statutory Environment

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

3.1 *Determination of parking bay and parking stations:*

- (1) *Council may constitute, determine and vary—***
 - (a) *parking bays;***
 - (b) *parking stations;***
 - (c) *parking areas;***
 - (d) *permitted time and conditions of parking in parking bays, parking stations and parking areas which may vary with the locality;***
 - (e) *permitted classes of vehicles which may park in parking bays and parking stations and parking areas;***
 - (f) *permitted classes of persons who may park in specified parking bays, parking stations and parking areas; and***
 - (g) *the manner of parking in parking bays, parking stations and parking areas.***

- (2) *Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.*

Policy Implications

Nil

Risk Implications

Nil

Economic Implications

The cost of approval and monitoring will be undertaken within existing resources.

Strategic Implications

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

Identity:

- Encourage active community participation and engagement.

Organisational Excellence:

- Listen to and engage with our community.
- Deliver excellent governance and financial management.

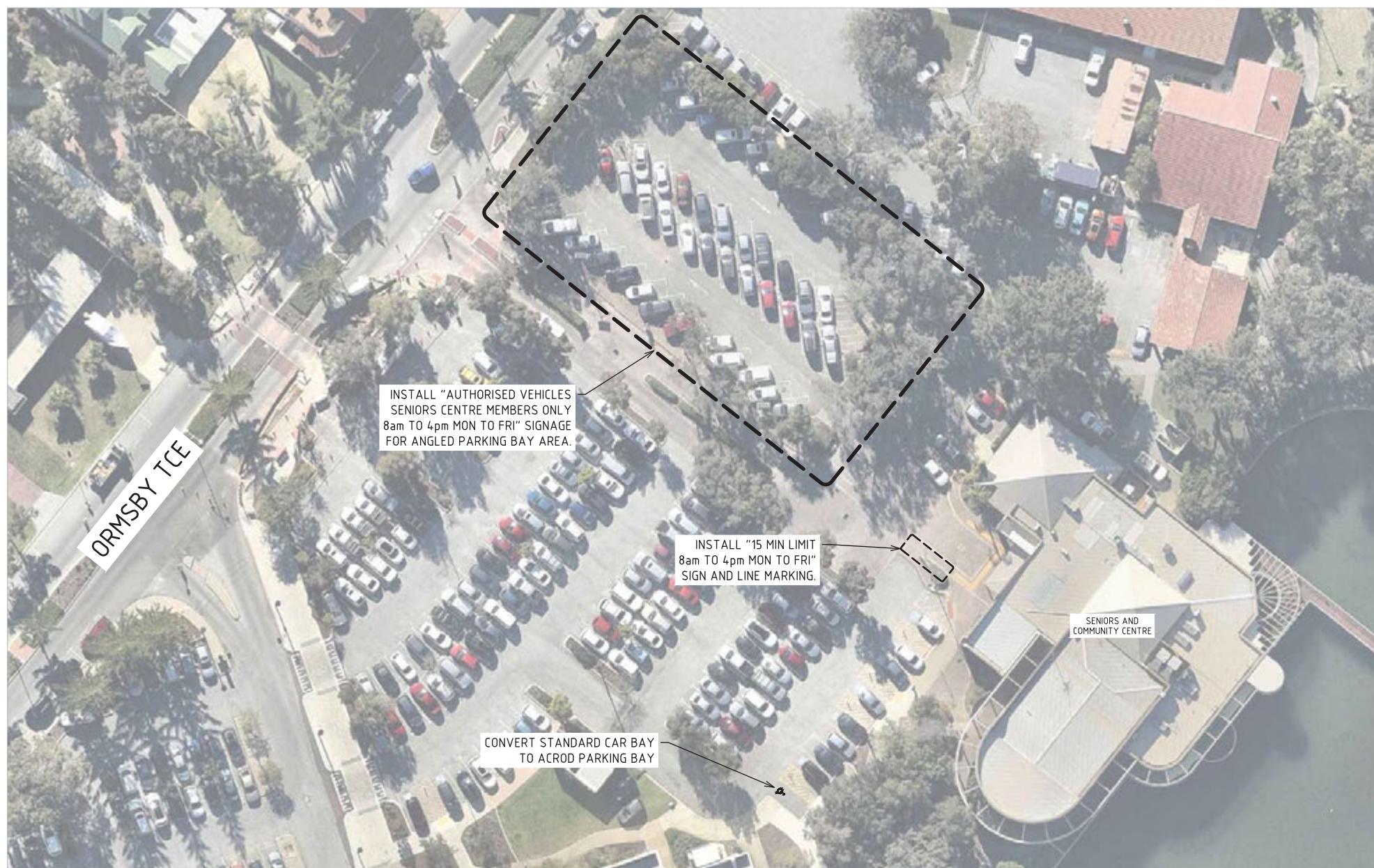
Conclusion

The changes proposed to the parking arrangements within the vicinity of the Seniors and Community Centre will assist in providing better service to members and visitors. Changes proposed to Parking Administration Delegation DA-TFT 01 will assist in managing minor parking matters more efficiently.

RECOMMENDATION


That Council:

1. **Approve the installation of 1 x 15min bay Monday to Friday 8:00am to 4:00pm as noted in Attachment 1.**
2. **Approve the introduction of a permit system for Seniors and Community Centre Members which allow parking for Seniors Centre Members Only Monday to Friday 8:00am to 4:00pm as noted in Attachment 1.**
3. **Approve amendments to delegated authority DA-TFT 01 Parking Administration as noted within Attachment 2.**



PLAN
SCALE: 1:500

ATTACHMENT 2

	<p style="text-align: right;">DA-TFT 01</p> <h3 style="text-align: center;">DELEGATION OF AUTHORITY PARKING ADMINISTRATION</h3>
<p>Function to be performed:</p>	<ol style="list-style-type: none"> 1) To constitute, determine or vary parking bays, parking stations and parking areas, including the introduction of parking restrictions, including but not limited to: <ul style="list-style-type: none"> ○ No Parking ○ No Stopping ○ Loading Zones ○ Disabled parking ○ Authorised only parking ○ Permanent time parking restrictions 2) To authorise temporary variations to parking to facilitate events.
<p>Delegator:</p>	<p>Council of the City of Mandurah</p>
<p>Delegate:</p>	<p>Chief Executive Officer</p>
<p>Sub-delegation to:</p>	<p>Director Sustainable Development Manager Statutory Services Manager Technical Services Coordinator Ranger Services (limited delegation)</p>
<p>Legislative Powers:</p>	<p>Sections 5.42 and 5.44 of the <i>Local Government Act 1995</i> Clauses 3.1 and 4.3 of the City of Mandurah Parking and Parking Facilities Local Law 2015</p>
<p>Conditions and Exceptions:</p>	<ul style="list-style-type: none"> • This delegation does not include: <ul style="list-style-type: none"> ○ the introduction or varying of metered zones; and ○ the introduction of permanent timed parking restrictions in excess of 10 bays. • Delegation to the Coordinator Ranger Services is limited to part 2) above only.

	<ul style="list-style-type: none"> Any parking restrictions imposed will be communicated to Elected Members via the weekly update. Appropriate maintenance of a register recording all parking restrictions implemented and standard delegated authority reporting.
Duration of delegation:	Until next annual review
Origin of Delegation:	Minute G.39/2/04, 17 February 2004
Delegation last reviewed:	Minute G.18/5/18, 22 May 2018
Sub-delegation last amended:	4 July 2014

7	SUBJECT:	Arts Review
	CONTACT OFFICER/S:	Alan Ferris/ Tony Free
	AUTHOR:	Alan Ferris/ Emily Arnold

Summary

The review of the City of Mandurah arts program was designed to obtain an external view on the effectiveness of the program.

The key findings of the review identified that:

- Mandurah has important cultural assets in the Mandurah Performing Arts Centre (MPAC) and Contemporary Art Spaces Mandurah (CASM) that provide excellent spaces for community engagement.
- Wearable Art Mandurah, and its showcase, is a unique local initiative.
- The current direct service delivery model is effective.
- The local arts, heritage and culture 'ecosystem' is vibrant.
- The budget requires realignment to more accurately reflect current/ future resourcing requirements.

The key recommendations are that:

- Council makes a commitment to promoting Mandurah as a cultural city.
- Wearable Art Mandurah is embedded in community to increase accessibility and engagement in a staged process through 2019 and 2020.
- The Stretch Arts Festival Mandurah becomes a longer calendar of initiatives with a focus on October/ November under the 'Stretch Arts Season' banner.

Disclosure of Interest

Nil

Previous Relevant Documentation

Nil

Background

The review of the arts team commenced in May 2018 with Alan Ferris, former General Manager of the Perth Theatre Trust, conducting the review.

The intent of the review was to gain an external view on the effectiveness of the current program and to identify other service delivery options that could be considered by Council.

The review has included:

- Analysis of the financial information and relevant Council reports
- Multiple meetings with the arts, heritage and culture staff
- Meetings with key Council staff
- Meetings with the MPAC General Manager
- Meetings and feedback from Department of Local Government, Sports and Cultural Industries and Tourism WA.
- Meetings with other stakeholders
- Identification of options, risks and issues

Presentation were made at the Strategy Committee of 17 July and 16 October 2018.

Comment

The review has been undertaken at an important time with the change in the team's leadership prior to the review and the loss of the manager during the review. Despite these changes the arts team have shown themselves to be highly capable and have continued to engage positively throughout the review.

At the start of the review the arts team consisted of four staff – two full-time and two part-time – reporting to a Manager under the People and Communities directorate. The team delivers a number of key programs for Council including Wearable Art Mandurah (Wearable Art), the Stretch Arts Festival Mandurah (Stretch) and the management of Contemporary Arts Spaces Mandurah (CASM). The team also works on arts projects, arts policy, maintains and builds relationships with key stakeholders and advocates on behalf of the City of Mandurah.

Review Findings

The review has highlighted a number of key points which are summarised below:

- The arts team is working effectively in delivering against the strategic objectives outlined in the Strategic Community Plan 2017- 2037 and the Arts, Heritage and Cultural Strategy 2014-2020.
- The City is considered an exemplar local government in the delivery of arts, heritage and culture
- The communication of achievements against objectives needs to be improved.
- The staff employed by the City have excellent skills and are engaging with and developing a strong arts, heritage and culture sector with the local community.
- The staff are passionate and value working for the City.
- The City has important cultural assets in MPAC and CASM that provide excellent spaces and opportunities for the community to engage with and participate in.
- The Wearable Art program and showcase is a unique local initiative that the City could leverage more effectively.
- The focus, purpose and structure of the Stretch Festival needs to be reviewed.
- CASM has not been resourced adequately to deliver the community education program that is part of the gallery's core business.
- The current direct service delivery model is effective.
- The local arts, heritage and culture 'ecosystem' is vibrant and reflects the work that the City has done over a number of years to engage, nurture and develop the sector.
- The overall operating budget for the arts, heritage and cultural program needs to be refined to reflect key strategic priorities.

Key Findings

Areas for Improvement

This review has provided a focus on all aspects of the City's arts initiatives which is a positive and healthy business practice. As is the way with any service there are always things that could be refined, refocussed or delivered differently and the review has identified these, below:

- The Stretch Arts Festival moves from a two day festival in May to a longer program of initiatives in with a city centre focus.
- The realignment of Wearable Art Mandurah to better link with Mandurah's natural and built environment, and become more accessible to the local community through engagement with schools and other community groups.
- The realignment of the arts budget to more accurately reflect resourcing requirements and greater transparency around budget allocation. This includes allocating funds to CASM to reinstate the Creative Bites community education program and a staffing structure that reducing the administrative tasks undertaken by the Arts Strategy Officer.

Staff Capacity

One of the key messages from the review is that the City has a very effective team that is delivering excellent arts initiatives for and with the community, and achieving against the City's objectives. The Arts team has shown themselves to be highly skilled and capable and are strongly engaged with the local arts, heritage and culture sector. CASM is well managed and delivering significant community development, engagement and benefit on a lean budget. Likewise the key programs of Wearable Art and Stretch have strong engagement and support within the local community.

The gallery development officer and Arts Strategy Officer are working at capacity with the growth of CASM and the in-house project management of the Mandurah Bridge public artwork procurement and development. As a result, there is little to no capacity to deliver some projects (CASM education program, public art maintenance, Bilya Heritage Trail and the arts grants) without additional support. Strategic planning, inter-agency partnerships and external stakeholder engagement are currently undertaken on an ad hoc basis, due to the Arts Strategy Officer's workload.

Cultural Ecosystem

The review has also shown that the local arts, heritage and culture 'ecosystem' is vibrant and reflects the work that the City has done over a number of years to engage, nurture and develop the sector. A diagram describing the local 'ecosystem' is at Attachment 1. With Council support, many of these organisations have built capacity, become more sustainable and are contributing to a strong local community arts and culture sector.

Arts Future Focus

The Arts team has welcomed the opportunity to review and reinvigorate the arts, heritage and culture portfolio through the review process. This will ensure arts continues to align with Council's strategic direction for Mandurah, and it will lay the foundation of Mandurah as a cultural city.

The proposed arts and cultural program will play an integral role in enabling community to:

- Express and explore identity
- Connect with each other
- Connect with place and heritage

Work has commenced on refining the City's arts initiatives to better align with the above intent, and to ensure projects are delivered effectively. The Arts team's focus has been on reviewing Wearable Art Mandurah and Stretch Arts Festival. Going forward, the team would welcome the opportunity to work with Council to identify strategic priorities, such as an A class gallery/ heritage centre, which was previously identified as a priority in the *Arts, Heritage and Culture Strategy*.

Wearable Art Mandurah

Wearable Art is a fantastic local initiative which has grown over its seven year history. Community capacity building is central to Wearable Art through workshops, exhibitions and community inclusion in the showcase events.

In 2018, Wearable Art reached 140 designers, 1,500 exhibition visitors and an audience of 1,500 at two showcase events at the Mandurah Performing Arts Centre. Thousands more were reached through supplementary activities at Perth Fashion Festival, the Art Ball, and the display at Parmelia House.

The team has identified options to:

- Increase community accessibility through involvement with schools and community organisations, within the current budget.
- More closely align the initiative with Mandurah's natural assets (taking elements of the initiative outdoors) and the community's environmental focus.

The existing program structure will largely be maintained in 2019 as the program is already underway. The following recommended changes will be rolled out in 2020:

- Incorporation into the Stretch Arts Season in November
- Integration with Mandurah's natural and built environment through outdoor activations and its marketing focus.
- Become more accessible to the community through free initiatives focused in the city centre
- Contribute to cultural tourism as a key initiative in Mandurah's annual arts calendar

Stretch Arts Festival

Stretch has been running for 17 years, with a strong focus on workshops and skills development in the months leading up to the festival, which is currently a two day event on the first weekend in May.

In 2017/18, 2,500 community members - many from organisations outside of the arts - participated in activities and workshops in the months prior to the festival.

Festival audiences have been positioned at between 15,000 and 20,000 over the weekend for the last three years. Attendance figures are heavily weather dependent; inclement weather also negatively impacts market stallholder attendance.

This year, feedback from some stakeholders indicated that they did not receive the level of City support for their Stretch projects that they required as City resources were overextended due to the short festival format.

Alternate Stretch Models

Four – six week festival	
<i>Opportunities</i>	<i>Considerations</i>
Longer activation	Previous month long Stretch festivals have resulted in event coordinators working 40-80 hr/w for approx. 4 months prior, during and after the festival, resulting in burnout and high staff turnover
Engages a range of target audiences	Increased costs due to staffing requirements
Community groups may be directed to other City events to access larger, more diverse audiences.	No marquee style event for community groups to access broader audience.
	More costly to market a longer season (current two day festival marketing budget c.\$35,000).

Two day festival	
<i>Opportunities</i>	<i>Considerations</i>
Audience concentration 15,000-20,000	Infrastructure/ extra staffing costs c.\$72,000
Signature event	Weather dependent
Community groups access larger and broader audience than traditional target markets.	Support for community stakeholders limited due to volume and concentration of event.

Annual calendar of arts initiatives	
<i>Opportunities</i>	<i>Considerations</i>
Longer activation	Dispersion of audience across the year

Similar audience figures over a longer time	No marquee style event for community groups to access audience.
Engages a range of target audiences	Dilution of Stretch brand
MAPTO indicates this is optimum to promote message, “there’s always something happening in Mandurah”.	
The State Government’s draft Cultural Infrastructure Strategy indicates global trends in cultural planning are towards cultural and creative activities happening with increased frequency, on a smaller scale.	
Reduced costs (c.\$55,000) due to reduced infrastructure and staffing requirements.	
Cost savings can support under-resourced programs at CASM.	
Arts officer has capacity to support more community groups and individuals to develop own capacity, can undertake other initiatives such as Bilya Heritage Trail, public art maintenance and grants program.	
Community groups may be directed to other City events to access larger, more diverse audiences.	

It is recommended that:

- Stretch Arts, along with other arts initiatives such as the Take-1 Youth Film Festival, the Bilya Heritage Trail and small public art projects, are supported throughout the year with a focus on the warmer months (see Attachment 2 for proposed Stretch Arts Season 2019 program).
- Staff work with community groups to ensure inclusion in other City events, broadening reach to non-traditional audiences.
- The proposed Stretch Arts program is aligned with the City Centre Activation Strategy. Discussions with the City Centre Activation team show the proposed program is closely supports the team’s identified direction and stakeholder feedback.

Alternative Service Delivery Model

The use of other models to deliver the City’s arts, heritage and culture program has been explored in the review. The City currently has a direct service delivery model where it employs the staff. Other service delivery models could include using external organisations to deliver all or part of the City’s program. For example the Mandurah Performing Arts Centre (MPAC) or another community entity could deliver all or part of the City arts, heritage and culture program.

MPAC

The use of MPAC to deliver some of the City’s programs was discussed as part of the review. MPAC was asked to consider how it would deliver the City’s programs either Wearable Art, Wearable Art and Stretch or Wearable Art and Stretch and CASM. The feedback from MPAC was that they are interested but it would be better to consider this when the City had a clearer position on its future arts delivery model.

The review did highlight concerns around the alignment between the commercial goals associated with managing and operating a venue and the community engagement and development role associated with the City’s programs. There are also a number of considerations associated with transferring the existing City of Mandurah staff.

Given these factors the use of MPAC to deliver the City’s programs at this stage in not considered to be in the best interest of the City.

In the short term, next 12 to 18 months, it is recommended that the City continue with the current service delivery model and embed the changes that are already underway.

Community Based, Independent Arts Organisation

In the medium term other service delivery options could be considered. To position Mandurah as a cultural city, other options could include the creation of a community based arts, heritage and culture organisation to deliver the Council's programs. A community organisation could build on the work that Council has done by working with the community arts sector to deliver some or all of the City arts initiatives moving forward.

A community organisation would operate with a CEO and Board and provide a coordination and advocacy role as well be responsible for delivering arts, heritage and culture programs. A new community organisation will take time to create. The organisation will need to develop a constitution, recruit a suitable CEO and identify appropriately skilled and connected board members to oversee the organisation.

To create scale for the new organisation and given the difficulties in attracting suitably skilled Board members, consideration should be given to strategic objectives that would appeal to high profile, active Board members, such as a focus on the proposed future gallery/ heritage centre.

An alternative would be to establish this model if/ when support for the future gallery/ heritage centre has been secured, to run the gallery independently. That entity could oversee all of the City's cultural infrastructure – the museum, Mandurah Performing Arts Centre and the gallery – ensuring the vision and programming are aligned across facilities.

Statutory Environment

Nil

Policy Implications

Nil

Risk Implications

Nil

Economic Implications

The review indicated that devolving Stretch to an annual calendar of initiatives would result in savings of approximately \$72,000 (from infrastructure, security and additional staffing).

These funds could be used to reinstate the CASM Creative Bites education program and support an additional 2.5 hours' per week strategic planning time for the Gallery Development Officer.

The Arts Officer administering the proposed devolved Stretch program would then have capacity to administer the public art maintenance, Bilya Heritage Trail and arts grants currently in the Arts Strategy Officer's portfolio. This would allow that officer to work more strategically, develop high level stakeholder relationships and project manage the Mandurah Bridge public artwork.

If the Stretch program was concentrated in a two day or four to six week season, greater resourcing would be required to support:

- a) CASM's Creative Bites education program and strategic planning time (approximately \$42,000)
- b) Programs in the Arts Strategy Officer's portfolio that she does not have the capacity to deliver (\$30,000)

Economic implications of Stretch Festival					
4-6 weeks		2 days		Across year	
\$345,000	Festival costs	\$285,000	Festival costs	\$213,000	Program costs
\$72,000	CASM/ general arts resourcing	\$72,000	CASM/ general arts resourcing	\$72,000	CASM/ general arts resourcing
\$417,000		\$357,000		\$285,000	

Strategic Implications

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

Identity:

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

Organisational Excellence:

- Deliver excellent governance and financial management

Conclusion

The external arts review has identified a number of areas that are working well, and some areas for improvement. The recommendations, below, summarise the actions identified through the review and subsequent workshop with Council that support identified improvements.

NOTE:

- Refer ***Attachment 1 Mandurah Arts Ecosystem***
Attachment 2 Proposed Creative Mandurah Program 2019

Subject to Committee's consent, officers will make a presentation on this item at the meeting.

RECOMMENDATIONS

That Council:

1. Supports the aspiration for Mandurah to become known as a cultural city.
2. Note Wearable Art Mandurah 2019 will retain a similar format to 2018 with increased community involvement.
3. That Wearable Art Mandurah in 2020 will:
 - 3.1 Be part of the Stretch Arts Mandurah calendar in November;
 - 3.2 Become better integrated with Mandurah's natural and built environment, through outdoor activations and its marketing focus;
 - 3.3 Become more accessible to the community through free initiatives focused in the City Centre;
 - 3.4 Contribute to cultural tourism as a key initiative in Mandurah's annual arts calendar.
4. Supports the repositioning of the Stretch Arts Festival from a two day event in May to a longer season with a city centre focus in the warmer months under the banner, 'Stretch Arts Season'.

City of Mandurah Arts Groups’ Partners / Community Arts Groups

Intent: Arts and culture plays an integral role in enabling our community to express their identity, connect with each other, their country and their heritage.

Ability Arts - CASM exhib/visits, Stretch, Arts 30+ppl	Art4u - 20 people	Arts Culture Peel - CASM w'shop, 15+ppl	Art from the Heart - Libraries, Arts - 40+ppl	As We See It (artists with disability)	Bindjareb Middar dancers Stretch, Events, 12+ dancers	Bibbulmun Koorda Tribe Stretch, Events, 6 dancers	Bleeding Ear Music Stretch, Events (manages local 50 + musicians)	Beat the Feet seniors dance group 100+ participants	Dances with Parkinson's Seniors Centre, 20+ participants
Dawesville Bush Poets - community x 12	DTX Dance Wearable Art, 100+ students	Edenvale Arts (multiple groups) 100+ participants	Estuary Artists (pottery quilting, knitting) 15+ppl	Friends of the Museum - Museum x 60+ppl	Here and Now- Disability Arts Lawrence Wilson Art Gallery UWA	Impressit printmakers 15+ artists	Knattering Knitters 20+ members	Lakelands Community Choir - Lakelands Library/ Arts x 45+ppl	Koolbardie Women's Talking Group- 20 - 30 members, Arts, Comm Dev
Mandjoogoordap Dreaming Cultural tours and consultancy, CoM	Mandurah Anime group 20+ young people, CASM	Mandurah Art and Craft Society - CASM w'shop/ exhibs x 50+ppl	Mandurah Camera Club 50 + members	Mandurah City Choral Society 50+ members	Mandurah Concert Band - Stretch, 60+ppl	Mandurah Historical Society - x 70+ppl	Mandurah Floral Group - Arts, Wearable Art, 30+ppl	Mandurah Music Club 50+ members	Mandurah Portrait & Landscape Prize 350 entrants - 50 exhibited at Stretch
Maxima Circus Company Stretch, 15+ peformers	Men's Shed Stretch, Events, 30+ members	Mixed Palette (artists with disability)	Murray Music and Drama Club 30+ members	Musicians x300	Music Force - shop and music lessons	Nidjalla Waangan Mia Art classes 15+ppl	Peel Environmental and Heritage Group Museum	Peel Home School group -	Peel Mental Health - CASM workshop
Peel Multicultural Association Stretch 50+ members	Peel Open Studios (c.50 artists) Stretch, CASM	Peel Photography Group 200+ members	Peel Pottery 40+ppl, Arts	Peel Young Creatives - Arts, 6 regulars, 200+ppl FB	Plein Air Painters - CASM, Stretch, all events x 50+ppl	PSI Audio visual support, CASM, Stretch	Pulse Youth Circus - Stretch, Arts 40+ppl	Prima Donna Productions Events, 40+ kids with a long waiting list	Random Palette 40+ members
Reflecting with Art (dementia) reaches 100+ people with dementia	RSL arts group	RTKids 20-30 kids	Riptide Youth Theatre Company Stretch, Events 30+ young ppl	Sacred Earth Sanctuary Life Drawing	Samoan Cultural Group Stretch	Scribblers writing group - Stretch 30+ppl	Shape Mandurah Arts , City Centre 10 committee and 20 volunteers	SLAPGOM Portrait & Still Life Group 12+ ppl	South Metro TAFE - Wearable Art, x 100+ students
Stray Cats Theatre MPAC, 30+ ppl	Studio Kraze (video, Lee Kennedy) - CASM exhib	Stretch at Fairbridge Festival - artists, musicians, performers x 50+ppl	TAFE Cultural Centre	Te Urupu Maori/ Indigenous fusion Stretch, 50+ ppl	The Ginger Cat Studio	Tiny Shops on Wheels CASM, Stretch, Events, 15+ artists	Tiny Treasures - CASM commercial development x 40+ppl	Ukelele group 20+ players	4 Seasons Choir 20+ ppl
Vivid Art Gallery -Arts/ Ec Dev, x 4 members + visiting/ wshop partics	Voices in Harmony Choir	Wairua Tipuna Indigenous Maori Cultural Group 40+ members	Wardong dancers Dudley Park PS Stretch, Events, 20+ kids	Woodturners Association - Stretch, events x 20+ppl	Winjan Aboriginal Centre Arts, Comm Dev	450+ artists			

We also engage with non-arts organisations (such as Peel Harvey Catchment Council, sports groups, marine community in many Stretch events.

	Visual arts (including photography, video/ film)
	Music
	Performance (dance, theatre)
	Cultural/ heritage
	Mixed
	Written word

ATTACHMENT 2

Initiative	Delivery mode	Location
Opening event	City led	City centre/ Waterfront
The Bridge Draw	City with arts consultant	Wall of Mandurah Bridge shared use path
Drift Repurposed Sculpture Competition	Community partnership	Estuary, presented on repurposed Christmas tree pontoons
Musical Fruit	Community led (Bleeding Ear Music)	Waterfront, Mandurah Tce
Youth Film Festival	Community partnership	Various in city centre – Museum, Make Place, laneways for screenings and awards night
Tiny Treasures	City led	CASM
Wearable Art Mandurah (from 2020)	City led	Various, MPAC 2019

Proposed Stretch Arts Season (4-6 weeks in October/ November)

8 **SUBJECT:** Commercial Sponsorship Rushton Park Sports Facility
 CONTACT OFFICER/S: Craig Johnson
 AUTHOR: Dale Christy

Summary

The City of Mandurah's "Promotions and Advertising Policy" (POL-CMR 04) is designed to manage the use of the City's sport and recreation facilities for advertising purposes with all applications for external corporate signage and venue naming rights to be referred to Council for consideration.

The Peel Thunder Football Club has held the lease at Rushton Park Sports Facility since its completion in 2012. The Club initially had a long standing venue naming rights sponsorship with Bendigo Bank Halls Head until September 2018. The Bendigo Bank will continue their sponsorship of Peel Thunder however through a reduced capacity that no longer includes the venue naming rights.

The Peel Thunder Football Club has now reached agreement with a new naming rights sponsor in 'David Grays Aglink' on an initial 3 year arrangement valued at \$49,500 per annum until 31st October 2021.

The Peel Thunder Football Club has followed the correct procedure and has been transparent with the City throughout this process.

Council is requested to provide approval to the Peel Thunder Football Club to enter into a corporate sponsorship arrangement with 'David Grays Aglink' for the Rushton Park Sports Facility; approve the Club to advertise the Rushton Park Sports Facility as "David Grays Arena" for promotional purposes and note that additional conditions will be associated with this approval.

Disclosure of Interest

N/A

Location



Rushton Park Sports facility (Dower Street, Mandurah)

Previous Relevant Documentation

- G.12/4/18 12 April 2018 Commercial Sponsorship: Merlin Street Pavilion
- G. 22/3/17 22 March 2017 Commercial Sponsorship : Peelwood Pavilion

- G.4/5/16 4 May 2016 Commercial Sponsorship : Merlin Street Pavilion / Reserve
- G.13/4/16 13 April 2016 Commercial Sponsorship: Peelwood Pavilion
- G.19/10/14 19 October 2014 Commercial Sponsorship: Merlin Street Pavilion / Reserve

Background

The Peel Thunder Football Club has the lease over the Ruston Park Sports Facility. In August 2018, the Club was advised by its long term naming rights sponsor Bendigo Bank, Halls Head that they would not be taking up a further option on the naming rights sponsorship with Peel Thunder.

In September 2018, the Club advised the City that it had negotiated an alternate naming rights sponsor to replace Bendigo Bank, Halls Head with 'David Grays Aglink' on a 3 year sponsorship agreement valued at \$49,500 per annum. David Grays Aglink are a Western Australian based company founded in 2005, with a head office in O'Connor that specialises in wholesale distribution servicing independent rural agents in broadacre and horticulture markets. The option of a secure a 3 year agreement for Peel Thunder Football Club for a naming rights sponsor is a positive move for the club.

The City was supportive in principle of the Club's proposal and outlined the formal application process that was required under its "Promotions and Advertising Policy" (POL-CMR 04). The Club notified the City of the proposed partnership with 'David Grays Aglink' for the Rushton Park Sports Facility to be known as 'David Grays Arena'.

Previously, the City has approved commercial arrangements for 'Naming Rights' sponsorships at the following facilities;

Sporting Club	Facility	Sponsor	Year
Mandurah City Football Club	Peelwood Sports Facility	Hyundai	2007- 2015
Peel Thunder Football Club	Rushton Park Sports Facility	Bendigo Bank	2011- 2018
Halls Head Football Club	Merlin Street Pavilion	Harcourts Mandurah	2014 -2015
Mandurah City Football Club	Peelwood Sports Facility	Kelly's Hot Water	2016
Halls Head Football Club	Merlin Street Pavilion	Elite Air-Conditioning	2016-2017
Mandurah City Football Club	Peelwood Sports Facility	Securitas Protect	2017 - Onwards
Halls Head Football Club	Merlin Street pavilion	Hot Klobba	2018

Comment

The Peel Thunder Football Club has worked extremely hard in a tough financial environment in the last couple of years to not only sustain their sponsorship portfolio but continue to increase their market share. To secure a 3 year naming rights agreement to the value of \$49,500 per annum and still keep Bendigo Bank, Halls Head on board in some capacity is a reflection of the club's positive public image and sponsorship management strategy. The sponsorship amount to be paid by David Grays Aglink is consistent with the value of the previous naming rights sponsor Bendigo Bank.

The securing of financial income through the above process assists the club as it continues to show means of financial sustainability.

The City recommends that a number of additional conditions be included in any corporate sponsorship approval:

1. The Peel Thunder Football Club will be permitted to advertise the reserve and pavilion as 'David Grays Arena' for Club promotional purposes only. The City will continue to refer to the facility as the Rushton Park Sports Facility.
2. The Peel Thunder Football Club is to inform the City of Mandurah by September 2021 of any changes to the Sponsorship agreement, including changes to sponsor details and signage.

Consultation

Nil.

Statutory Environment

N/A

Policy Implications

- Promotion and Advertising Policy (POL – CMR 04)

To manage commercial operators, community groups and sporting associations utilization of the City of Mandurah's sport and recreation facilities for advertising purposes.

Economic Implications

The Peel Thunder Football Club will receive the financial benefits of the proposed sponsorship arrangement.

Risk Implications

N/A

Strategic Implications

The following objectives 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.

Identity:

- Encourage active community participation and engagement.

Conclusion

The Peel Thunder Football Club has held the lease at Rushton Park Sports Facility since its completion in 2012. The Club had a long standing venue naming rights sponsorship with Bendigo Bank, Halls Head that expired in September 2018.

In September 2018, the Peel Thunder Football Club negotiated a new 3 year sponsorship agreement with David Grays Aglink for the naming rights to Rushton Park Sports Facility for advertising purposes. The Club has been transparent and professional in their approach with the City. The 3 year agreement provides a degree of financial security for the Club with the sponsorship value being \$49,500 per annum.

The City is supportive of the Club's proposal and is seeking approval for the Peel Thunder Football Club to enter into a corporate sponsorship arrangement for 3 years with David Grays Aglink.

RECOMMENDATION

That Council

- 1. Approve for the Peel Thunder Football Club to enter into a corporate sponsorship arrangement with David Grays Aglink for the Rushton Park Sports Facility.**
- 2. Approve Peel Thunder Football Club to advertise the Rushton Park Sports Facility as “David Grays Arena” for promotional purposes.**
- 3. Note the additional conditions that will be associated with this approval:**
 - 3.1 The Peel Thunder Football Club will be permitted to advertise the Rushton Park Sports Facility as “David Grays Arena” for Club promotional purposes only. The City will continue to refer to the facility as the Rushton Park Sports Facility.**
 - 3.2 The Peel Thunder Football Club is to inform the City of Mandurah by September 2021 of any changes to the Sponsorship agreement, including changes to sponsor details and signage.**

9	SUBJECT:	Procurement of Enterprise System
	CONTACT OFFICER/S:	David Prattent/Graeme Davies
	AUTHOR:	Sean Hutton

Summary

Following a review of the City's Business Systems, and Council endorsement of the Working Smarter Business Case, a project team was formed to undertake work to plan and replace the City's best-of-breed systems with a leading single Enterprise System (ERP).

In consultation with the Governance and Tender team, the Project team assessed the most effective way to procure a new system. The objective was to ensure an approach that allowed the City flexibility in selecting the right technology whilst maintaining value for money.

Based on this assessment, the team recommended that the WALGA preferred business systems panel was ideally structured to maximise the complexity of evaluating an enterprise system.

The project team then carried out a high level capability assessment on supplier products offered on the WALGA business systems panel. The purpose was to identify suitable candidates to invite to respond to the City's business requirements. The result of this assessment clearly identified that only one supplier "TechnologyOne" had a system that was technically capable to replace all of the City's best-of-breed systems.

These findings are further supported by recent system replacement activities in Western Australia. Multiple Councils (including Canning, South Perth, Swan and Serpentine) have come to the same conclusion and have purchased the TechnologyOne product as sole provider.

Based on the outcomes of this assessment, Council is requested to endorse the procurement of a new Enterprise System through the WALGA preferred supplier panel and progressing with TechnologyOne as sole provider.

Disclosure of Interest

Nil

Previous Relevant Documentation

- S.4/16/18 19 June 2018 Working Smarter Business Case

Background

In June 2018, Council endorsed the Working Smarter business case and noted the inclusion of funds in the 2018/19 budget to commence the procurement and implementation of a new Enterprise System (ERP).

More recently, the City's Working Smarter Project Team and Governance and Tender Team have engaged in an analysis into the most effective procurement strategy in obtaining a new ERP. The objective of this analysis was to ensure flexibility in choosing a fit-for-purpose system, whilst ensuring the City received maximum value for money.

Comment

The original approach proposed was to procure the system through an EOI process to provide flexibility in selecting a system that was fit-for-purpose. Subsequently, staff attended a presentation from WALGA about a new Business Systems Preferred Suppliers panel which included those suppliers capable of delivering an enterprise wide system. The listed suppliers were prequalified as quality suppliers providing value for money. The advantages of using the panel include:

- Providing members with the safeguard of a quality-assured process

- Quality procurement providing legal compliance, probity and risk mitigation
- Best price guarantee
- Quality contract management
- Reducing time, costs and risks associated with the tendering process
- Flexibility in ensuring a fit-for-purpose system.

City staff also met with the City of Armadale who were in the process of procuring a new ERP, and they advocated the use of the WALGA Business Systems Panel.

A meeting between WALGA and the City's Procurement and Governance team was held, and it was decided that the City would investigate the use of the WALGA panel for procurement of the new ERP.

Product Assessment

There are a total of 48 suppliers on the WALGA Business Systems Panel. Of those suppliers, only five (5) were identified with capability that covered all, or most, of the areas required of an Enterprise System (from an assessment provided by WALGA). This is not surprising, given that an integrated Enterprise System is a specialist product with limited suppliers in the market.

On further research, it was identified that two of the five suppliers were IT software development and services companies, and did not provide their own Enterprise System. The other three qualified as having an Enterprise System product portfolio of their own. These suppliers were identified as Infor Global Solutions, TechnologyOne and Open Office. It is noted that Civica did not apply to be included as a software provider on the panel.

To gain further insight on the capability of the solutions provided by the identified suppliers, a set of clarification questions were developed in consultation with the Project Sponsor, Working Smarter Project Team and Procurement and Governance Team.

The clarification questions were primarily developed from;

- The Working Smarter Business Case recommendations; and
- Key business objectives captured as part of the business requirement gathering workshops across the organisation.

The clarification questions were seeking responses in relation to the following technical capabilities and criteria;

- Availability of online Citizen services
- Available module functionality
- Availability of an Integrated Electronic Document and Records Management System (EDRMS)
- Ability to mobilise the workforce
- Cross functional workflow
- Consistent user experience
- Technical framework; and
- Business Intelligence.

The objective of the clarification process was to identify the vendors most suited for our RFQ process. A desktop evaluation of the criteria is provided in the table below:

Clarification Questions	Infor Global Solutions	Open Office	Technology One
Available module functionality	N	N	Y
Availability of an Integrated Electronic Document and Records Management System (EDRMS)	N	N	Y
Online Citizen Services	Y	Y	Y
Enterprise wide workflow management	Y	N	Y
Consistent User Experience	N	N	Y
Mobility	Y	Y	Y
Business Intelligence	Y	N	Y
Cloud Hosted	Y*	Y*	Y
Open Architecture- Integration Layer	Y	Y	Y

** Although the vendors offer cloud hosted solutions, it would be very unlikely the City could move to a cloud solution if an EDRMS was not provided as part of the solution.*

The responses provided by the three suppliers are summarised as follows;

Infor Global Solutions	<p>Infor Global Solutions provided most of the required capability but the solution did not provide an integrated EDRMS. Instead, Infor offered to provide the tools to allow the City to integrate with other best-of-breed EDRMS, with a preference for TRIM or Objective (the City owns neither of these systems). This leaves the City to pursue integrations at its own expense including the design, maintenance and support of any developed integrations (a key failure in all its past major system implementations).</p> <p>The solution is also proposed as a bundle of different technologies integrated through an integration layer called middleware. Although this model has its benefits, it lacks a consistent user experience for users, and carries all the disadvantages of the best of breed systems strategy highlighted in the Working Smarter Business Case.</p> <p>There are further risks in that the Infor product does not have one installation of its entire solution in a Council in Australia.</p>
Open Office	<p>Open Office could not provide all of the desired functionality, and were especially weak around organisational workflow and business intelligence. The solution is developed using 3 different technologies resulting in an inconsistent user experience across the whole platform. The solution also posed the same EDRMS challenges faced with the above Infor solution.</p>
TechnologyOne	<p>All questions were answered directly with clearly articulated responses. The technology platform satisfied all digital transformation requirements of the Working Smarter Business Case. There were no visible weaknesses in the product offerings. The solution also has an integrated EDRMS, which is one of the City's major business requirements.</p>

Almost all electronic transactions undertaken across the City contain both structured data that is stored into a formatted repository such as a database (e.g. data that is captured via a form) and unstructured data (documents). Previously, the City has purchased separate systems to manage each of these data

types, and then attempted to integrate the systems to combine the data and documents into a single view (with limited success). Without this Integration, a user has to access and search two separate systems to view the whole story of a transaction, an extremely inefficient process.

For this reason, the Working Smarter Business Case recommended that the solution must include a fully integrated document management system. This has been supported by the organisation through the business requirement gathering workshops. The biggest issue for staff has been the lack of connectivity of documents to their corporate business systems.

Other local governments have procured the TechnologyOne System as “sole provider” on the basis that they are the only supplier that provides a fully integrated document and records management system. In Western Australia, the City of Canning, City of Swan, City of South Perth and Shire of Serpentine have recently purchased TechnologyOne using this strategy. In NSW, many of the amalgamated councils have also used this procurement strategy. The strength of the TechnologyOne product in the market is evident though a recent ASX statement that they are winning 90% of tenders.

Next Steps

The next steps are to submit the City’s full Statement of Requirements as a RFQ to Technology One. The evaluation panel, made up with key stakeholders across the City, would then evaluate the TechnologyOne proposal against the following criteria;

- Partnership with the City and ability to support the delivery of strategic objectives.
- Solution Sustainability. This includes an evaluation of ongoing service delivery, product research and development, project management and existing commitments and risks.
- Key technology objectives derived from the Working Smarter Business Case
- Product fit-for-purpose. An evaluation against the City’s 1400 business requirements. As outlined in the Working Smarter Business Case, a leading enterprise system should meet 80-85% of the City’s requirements.
- Whole-of-life costings with the ability to produce a positive ROI within the contract period.

If the evaluation panel agree that the TechnologyOne solution meets the above City’s requirements, and is a suitable replacement for the Authority system, the following assessment will occur;

- Panel members and staff will visit other local governments operating TechnologyOne software and will be able to evaluate the solution strengths and weaknesses. This will also provide a basis for gathering questions for product demonstrations.
- TechnologyOne will be invited to demonstrate their solution based on use cases provided by the City. This will test functionality against the City’s business requirements. This demonstration will cover all functionality across the business, and staff will be invited to view these demonstrations.

The evaluation panel will evaluate the system against the use cases. Based on the ability of the solution meeting the business requirements and value for money, the Panel will make a recommendation to Council.

Statutory Environment

N/A

Policy Implications

- Local Government (Functions & Generals) Regulations Act 1996 – Part 4 - 11 (2) (b)
Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA

Risk Implications

There are two major risks associated with the procurement and implementation of the replacement ERP. Firstly, this project is a significant one for the City as the core ERP touches both people who work at the City and also the community who will interact using the new system. The change process in implementing such a corporate wide system and the associated change to processes is significant and will be the largest change project the City has conducted. Keeping key staff during this period will be critical to the overall success of the project. A change management plan is being put in place based on the outcomes of the business readiness assessment.

Secondly, TechnologyOne has been chosen as the preferred supplier for a number of recent implementations in WA and may be overstretched as a result. To mitigate the risk, the City is working with those other local governments who have recently purchased the product to share system configurations and to also ensure project timings across all of those local governments don't cause an overload of work for the vendor.

Economic Implications

The business case for the system has previously been provided which will be updated once the outcomes of the business readiness project are known.

Strategic Implications

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

Infrastructure:

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

Organisational Excellence:

- Demonstrate regional leadership and advocacy.
- Listen to and engage with our community.
- Ensure the City has the capacity and capability to deliver appropriate services and facilities.
- Deliver excellent governance and financial management.
- Build and retain a skilled, motivated and healthy workforce

Conclusion

The Working Smarter Business Case outlines the digital capabilities required to enable the City to improve business performance and provide a better service for the community. The absence of one or more of these digital capabilities will result in negative impacts on the customer experience. For e.g. lack of ability to mobilise work practices will result in delayed customer responses.

The Council previously endorsed the forward systems strategy to replace the current "Authority" and best-of-breed business systems with a single integrated, enterprise wide solution. The only viable solution capable of delivering a complete combination of technologies to satisfy the City's digital objectives is the solution offered by TechnologyOne.

RECOMMENDATION

That Council:

1. **Endorse the procurement of the new enterprise system through the WALGA preferred supplier panel.**
2. **Endorse the adoption of TechnologyOne as the only viable supplier capable of delivering a system that meets the City's requirements.**

10	SUBJECT:	Safety Glass Requirements to City Buildings
	CONTACT OFFICER:	Simon Hudson
	AUTHOR:	Simon Hudson

Summary

On 21 August 2018, the City was notified of an incident where a child had put their arm through a window at Madora Bay Hall. Child sustained injuries as a result of the glass window breaking. A petition with thirty seven signatories has subsequently been received requesting the City replace all glass windows at Madora Bay Hall with safety glass.

Buildings are required to be constructed to the prevailing Australian Standards at the time of construction. Where any building undergoes major refurbishment, or has a change of classification, the building is required to meet prevailing Australian Standards at the time of construction or change of classification. Madora Bay Hall is one of the City's older buildings having been constructed in the 1970's and has not undergone major refurbishment or change of classification since its construction.

Australian Standard (AS) 1288 'Glass in Buildings' sets out the requirements for safety glass in buildings. A revision of the Standard in 1989 broadened building requirements to include Grade A safety glass to windows below 1m above floor level in child-care buildings as well as schools. The current standard refers to the need for Grade A safety glass in doorways, or glazed areas possibly mistaken for doorways, buildings designed for vigorous sporting activities and low level glass in schools and child-care buildings.

As a result of the incident, officers inspected and assessed all the buildings within the City's ownership. Older buildings have had their windows covered in a tinted safety film to aid in preventing any windows shattering if broken. This is considered to be an interim measure only.

Council is requested to note City Officers' immediate action in making safe the area following the incident at Madora Bay Hall, and consider unbudgeted funding to install Grade A safety glass to Coodanup Community Centre and Madora Bay Hall with future allocation as a part of the 2019/20 capital budget for Falcon Pavilion and Mandurah Senior Citizens Centre.

Disclosure of Interest

Nil

Location

Various

Previous Relevant Documentation

Nil

Background

On 21 August 2018, the City was notified of an incident where a child had put their arm through a window at Madora Bay Hall. The resultant injury required first aid treatment, ambulance attendance, specialist surgery and subsequent physiotherapy.

Following notification of the incident, City Officers made the site safe, then instructed the replacement of the window with safety glass by a contractor. The permanent replacement of the broken window with Grade A safety glass was completed on 23 August 2018.

Australian Standards govern many aspects of construction, and are periodically updated as new information comes to light. Australian Standard (AS) 1288 'Glass in Buildings' sets out the requirements for safety glass in buildings. The application of the requirements of this standard reduce the risk of injury

from human impact. However the standard does not presuppose that the glass will not be broken under impact conditions rather that it will not be broken under the most likely forms of impact or, when broken the likelihood of cutting and piercing injuries will be minimised.

AS 1288 has continually been updated and revised over time. The 1973 version of AS 1288 gave maximum areas of glass at low levels in school buildings, below 1m above finished floor level. Glass in excess of these areas was required to be thicker, and glass in excess of five square metres was required to be safety glass. In 1979, this was tightened so that low level glass in school buildings would be Grade A safety glass. The revision in 1989 broadened those requirements to include child-care buildings as well as schools.

The current standard refers to the need for Grade A safety glass in doorways, or glazed areas possibly mistaken for doorways, buildings designed for vigorous sporting activities and low level glass in schools and child-care buildings. Schools and child-care centres are described as buildings primarily occupied by children under 16 years old, and requires glass less than 1,000mm above the abutting finished floor level to be Grade A safety glass.

AS 1288 was revised in 2006, with updated requirements for glass installed in buildings from this date onwards. This edition did not change significantly to the requirements above, until Amendment 1 was issued in 2008. This amendment added additional requirements for glass in nursing homes and aged care buildings, within 1,500mm of the abutting floor level to be Grade A safety glass, and risk assessment of all buildings to identify areas subject to a high risk of breakage.

A petition with thirty seven signatories has since been received requesting replacement of the glass at Madora Bay Hall with safety glass.

Comment

Madora Bay Hall is one of the City's older buildings having been constructed in the 1970's and has not undergone major refurbishment or change of classification since its construction. Records show that three windows have been broken since 2009, only the most recent of which has reported to have caused injury. It has been unofficially reported as part of the investigation, that one previous incident in August 2017 was also through human impact. Whilst the City has not been negligent in its management of the building, it is recognised that currently Madora Bay Hall does not represent best practice in this area.

Following the incident, an assessment was undertaken of the facilities available for hire by the public. This assessment identified the following seven buildings which were regularly hired by user groups for child-based activities:

- Coodanup Community Centre,
- Coodanup Playgroup,
- Falcon Pavilion,
- Lakelands Community House,
- Madora Bay Hall,
- Merlin Street Pavilion and
- Ocean Road Sports Facility.

City Officers engaged a glazing contractor to inspect all seven buildings. The following four of the buildings were built, or underwent a major refurbishment, since these requirements were put in place and conform to the most recent Australian Standards in this regard:

- Coodanup Playgroup,
- Lakelands Community House,
- Merlin Street Pavilion and
- Ocean Road Sports Facility.

Three buildings do not have Grade A safety glass installed (Coodanup Community Centre, Falcon Pavilion and Madora Bay Hall). As a temporary improvement to these buildings, officers have had security film installed in all windows 1,500mm above the abutting floor level. AS 1288 does not consider film in

decreasing risk however anecdotally it is recognised to reduce the risk to, and consequences of, glass shattering.

Recognising the best practice for a greater height of safety glass for aged care centres, officers will be putting forward the installation of safety glass to 1,500mm above the abutting floor level in the following buildings for consideration in the 2019/2020 capital budget:

- Falcon Pavilion, and
- Mandurah Senior Citizens Centre.

It is proposed at this time to seek Council approval to retrofit both Madora Bay Hall and Coodanup Community Centre as the Scout Group is active in both centres. The estimated cost to retrofit both buildings is \$18,000 ex GST.

The City makes fifteen community halls and sports pavilions available for public hire, of which Madora Bay Hall is one. The other buildings being;

- Bortolo Pavilion,
- Coodanup Community Hall,
- Falcon Pavilion,
- Lakelands Community House,
- Mandurah Senior Citizens Centre,
- Mandurah Bowling and Community Facility,
- Halls Head Parade Sport and Community Facility,
- Meadow Springs Sports Facility,
- Merlin Street Pavilion,
- Ocean Road Sports Facility,
- Rushton North Pavilion,
- Southern Estuary Hall,
- Sutton Street Hall and
- Thomson Street Netball Pavilion.

While none of the buildings made available for hire are used primarily as schools, child-care centres, nursing homes or aged care, some buildings are frequently used for activities of a similar nature.

Officers from both Infrastructure Management and Statutory Services currently conduct annual inspections of all 15 buildings.

Consultation

Officers have met with the family of the injured child and representatives of the scout group who were the group hiring the hall at the time the incident occurred.

Officers have consulted with Local Government Insurance Service (LGIS), regarding the statutory implications of the incident. The City has facilitated the request of the family of the child and asked LGIS to disseminate the circumstances of the incident to the wider local government community, to ensure a similar incident does not occur in the future.

Statutory Environment

Buildings are required to be constructed to the prevailing Australian Standards at the time of construction. Where any building undergoes major refurbishment, or has a change of classification, the building is required to meet prevailing Australian Standards at the time of construction or change of classification.

Policy Implications

Nil.

Economic Implications

The City has spent \$1,565 (ex GST) in the installation of security film at Madora Bay Hall, \$1,707 (ex GST) at Coodanup Community Centre and \$4,325 (ex GST) at Falcon Pavilion to reduce the risk and consequences of injury.

The estimated cost to retrofit Madora Bay Hall (\$12,000 ex GST) and Coodanup Community Centre (\$6,000 ex GST) is \$18,000 ex GST.

A further allocation of \$57,000 will be put forward for consideration in the 2019/20 capital budget, for installation of safety glass at Falcon Pavilion, and Mandurah Senior Citizens Centre.

Allocation will be sought to address installation of safety glass in further buildings based on risk, in future capital budgets.

Strategic Implications

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

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.

Conclusion

Following an incident, City Officers have found that glass to four buildings regularly engaged for activities involving children and/or seniors does not meet current best practice. Council is requested to note officers' immediate action in making safe the area following the incident, note the installation of security film to three community buildings, and consider an allocation of an appropriate level of funding to install Grade A safety glass to Coodanup Community Centre, Falcon Pavilion, Madora Bay Hall and Mandurah Senior Citizens Centre as a part of the 2019/20 capital budget.

RECOMMENDATION

That Council:

1. **Note City Officers' immediate action in making safe the area following the incident.**
2. **Approves the retrofitting of Grade A safety glass to the Madora Bay Hall and Coodanup Community Centre.**
3. **Approves the unbudgeted expenditure of \$18,000 (ex GST) to retrofit both Madora Bay Hall and the Coodanup Community Centre.**
4. **Consider a budget allocation of \$57,000 in the 2019/20 capital budget to install Grade A safety glass at Falcon Pavilion and Mandurah Senior Citizens Centre.**

ABSOLUTE MAJORITY REQUIRED

11	SUBJECT:	Birchley Reserve: Proposed Landscape Upgrade
	CONTACT OFFICER/S:	Troy Davis/John Harris
	AUTHOR:	Barbara Kletnieks

Summary

A Landscape Masterplan has been prepared for Birchley Reserve, Coodanup. The reserve has had little improvements over the years and the level of development falls short of community expectations. A community engagement process was undertaken and has now concluded. In response to the community feedback and input, a landscape masterplan was developed.

Council is requested to approve the Birchley Reserve Landscape Masterplan.

Disclosure of Interest

Nil

Location

Birchley Reserve (Recreation Reserve R29702) is located on Birchley Road and bounded by Jarrah Street and Radiata Street, Coodanup. The Reserve is Crown Land with an area of 1.3595ha. The City has the management order on the reserve for the purpose of Public Recreation.



Background

A Landscape Masterplan has been prepared for Birchley Reserve based on results of community engagement and detailed site analysis.

The objective of this project is to produce a plan that encompasses themes and amenity suggested and validated by the community, which will guide further improvements and management of the reserve. The plan includes elements such as public amenities, opportunities for informal recreation, shade, paths, picnic sets, seating, interpretive timber carving, nature play and play facilities, exercise equipment, nesting boxes for local fauna, tree protection and additional planting including quality turf and irrigation.

The Masterplan is designed to accommodate the needs of the community and provide a framework for upgrading and managing this asset. It will also address opportunities while respecting local residents and responding to the environmental values of this location. Environmental opportunities include improving

health, density and diversity of the Reserve vegetation and strengthening vegetation and habitat links between the Serpentine River and the nearby remnant bushland.

The reserve has a park like aesthetic with groups of mature trees and an open area with an irregular surface of mown grass species and weeds. Three edges of the reserve have flush kerb with water runoff to a moderate swale around the edge of the reserve. Generally, the reserve has had little improvements over the years except for a modest, now aged playground and small covered picnic set. Tree planting has been non-existent despite slow loss of tree cover over time. The reserve is in need of improvements to provide amenity that meets community expectations and protects the assets of mature trees.

Comment

Following a detailed site analysis and a subsequent two stage community engagement process, two Masterplans were prepared to guide future improvements to Birchley Reserve. A Preliminary Draft Masterplan was prepared for the first stage and a Concept Masterplan (LAN0353-1819-CO-B) (**Attachment 1**) was prepared for Stage 2.

Key objectives of the Birchley Reserve Landscape Masterplan are:

1. Create a more diverse and healthy environment
 - Protect and improve the health of the existing trees and provide additional trees and low level planting
 - Maintain the naturalistic aesthetic of the reserve
 - Provision of tree, ground cover planting and mulch zones to allow for hydrozoning, bird foraging and feeding and the creation of a more diverse and healthy environment. Tree species include edible plants for the local community.
 - Provision of a number of introduced nesting hollows and boxes to support a range of local fauna, including: micro bats, birds, wild ducks and possums.
2. Improve turf quality
 - Provision of quality turf area suitable for informal sporting activities and passive recreation.
3. Creating greater opportunities for social gatherings, from small to large groups
 - Provision of a shade structure, picnic sets and seating to facilitate community gatherings, including seating suitable for the elderly
 - Provision of barbecues, lights and a drinking fountain
 - Ensuring infrastructure and facilities accommodate universal access and a wide range of user groups
 - Provision of a nature playground, exercise stations, and play equipment to fit with existing trees and tree protection zones, create a tree canopy experience, be in harmony with natural amenity of the site and facilitate group, accessible components and individual play.
4. Themes
 - Reflection of the theme of celebrating the local environment with play items that relate to tree top experience, salvage timber, the nearby Serpentine River and local fauna
 - Enhancing an existing landscape that acknowledges the traditional land owners, the Noongar people. Inclusion of environmentally and culturally representative signs, dual naming and the provision of timber carvings for outdoor learning experience.
5. Creating opportunities to play and explore
 - Design for adventurous play, nature play and imaginative play and individual play with all abilities access included in the play zone
 - Creating circuits of universal access pathways that promote site exploration and ease of movement across the site, and provide direct connections to streets and path networks.
 - Create additional sawdust surface 1m wide path links that enable exploration beyond the concrete path

- Provision of path circuits and connections in support of the recreation activities.
6. Safety and maintenance
- Provision of bollards to the perimeter of the reserve
 - Provision of groundcover planting, mulch and salvage timber logs to form a buffer zone between Birchley Reserve and Birchley Road
 - Provide for reinforced sections of concrete path to allow access for maintenance and emergency access.

The Draft Masterplan has a number of extra inclusions and expanded facilities compared to the Preliminary Draft Masterplan. A summary of extras are included in the Draft Masterplan over the Preliminary Draft Masterplan:

1. Barriers to road
 - Bollards, low level buffer planting with salvage timber logs along Birchley Road
2. Signage
 - Extra interpretive signs and artwork (dual language)
3. Furniture
 - Additional park furniture with seating with back support at a height suitable for the elderly
 - An additional picnic set away for the play area
4. Recreation
 - Football goals and a soccer goal

Consultation

Phase one of the community engagement process in August 2018 for the Birchley Reserve sought preliminary suggestions and comments for a Landscape Concept Masterplan. Flyers were sent to 343 local residents and property owners and a webpage survey was available and 29 (8.45%) residents responded by post, phone, email and through the website with comments. Two questions were asked: 'What do you value about the Reserve?' and 'What elements and amenity would you like to see as part of the Reserve?'

Responses were collated and are presented in table form (**Attachment 2**).

The initial community feedback was used to inform the preparation of the Preliminary Draft Masterplan. This Preliminary Draft Masterplan was sent out by mail in October 2018 to 343 residents and owners again and the Concept could be viewed and a survey was open for comment on the website.

The public were invited to provide feedback via three channels:

- An August mail out with the opportunity to respond by mail, email, phone or via a web survey
- 'Have Your Say' City of Mandurah website. (20 - 31 August)
- An October mail out with the opportunity to respond by mail, email, phone or via a web survey
- 'Have Your Say' City of Mandurah website. (8 - 22 October)
- Pop-up site consultation at Birchley Reserve 20 October

In addition to online and postal surveys a site consultation was undertaken on Saturday 20 October 2018 from 10am to 12 midday to provide an opportunity for residents to discuss concept ideas on site with officers. Feedback from the community from all engagements informed the Draft Masterplan. A total of 18 (5.2%) responded by post, phone, email, through the website and at the site Pop-up consultation with comments. Two questions were asked: 'Do you support the Landscape Masterplan for Birchley Reserve?' and 'What amendments would you like to be considered in the Landscape Masterplan?' Responses were collated and are presented in table form (**Attachment 3**).

Advice regarding nesting boxes and hollows was sought from Allison Dixon, Fauna Consultant. Meetings with George Walley will be undertaken during the design development phase relating to dual naming and Noongar naming to accompany wood carvings of local fauna.

All respondent's comments and preferences for Stage 1 and Stage 2 of community engagement are presented in table form at (**Attachment 4 and Attachment 5**).

Consultation

In addition to seeking residents' feedback, internal review and site visits were undertaken during the design process with representatives of the Landscape Services Team and the Operations Team. Those engaged participated in site visits, preliminary costs, water assessment and-or draft concept review include:

Statutory Environment

The City has the Management Order for Crown Reserve R29702 for the purposes of Public Recreation.

Policy Implications

Policy - Parks and Reserve POL-PKR 02

Policy Objective:

The City of Mandurah (the 'City') 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

The cost estimate to implement the Draft Landscape Masterplan is as follows:

Stage 1	\$350,000 (2018-2019 Budget)
Future Stages	\$120,000

Funding is currently available for Stage 1 as part of the Capital Works Program for 2018-2019. Additional funding for future staged works will be submitted for funding consideration as part of the annual budget process.

It is expected that increased investment in reserve upgrading with a range of new facilities will require a proportional increase in the annual Cityparks maintenance budget for Birchley Reserve.

Risk Analysis

If the reserve is not upgraded to community expectations then there may be a risk that dissatisfaction within the local community may increase.

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:

- Encourage active community participation and engagement.

Conclusion

The current standard of the Birchley Reserve falls short of the standard expected for the 1.3ha reserve. There currently is minimal facility provision in the Reserve and what is there is very outdated.

The opportunity to improve the reserve has been recognised and Council allocated \$350,000 funding to the 2018-2019 budget to undertake works. Through a two stage community engagement process the local community has indicated a strong preference for all amenity shown on the Draft Masterplan. The majority of the responses to the recent community engagement process supported an upgrade to Birchley Reserve.

The Draft Masterplan is the preferred option and it is recommended that Council approves the Birchley Reserve Concept Masterplan LAN0353 1819-CO-B as the guiding vision for the site to enable detailed design documentation for Stage 1 to proceed and enable construction to commence as soon as possible.

NOTE:

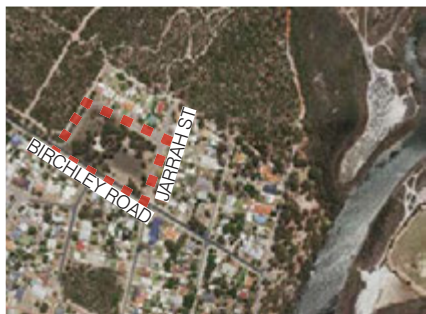
- Refer

<i>Attachment 1</i>	<i>LAN0353 1819-CO-B Birchley Reserve Concept Masterplan</i>
<i>Attachment 2</i>	<i>Survey 1 Responses</i>
<i>Attachment 3</i>	<i>Survey 2 Responses</i>
<i>Attachment 4</i>	<i>Survey 1 Comments</i>
<i>Attachment 5</i>	<i>Survey 2 Comments</i>

RECOMMENDATION

That Council:

1. Approves the Birchley Reserve Concept Masterplan LAN0353 1819-CO-B as the guiding vision for the site to enable detailed design documentation for Stage 1 to proceed.
2. Acknowledges components in the Birchley Reserve Concept Masterplan not undertaken as part of the 2018-2019 Stage 1 works will be undertaken in the future stages when budget funding becomes available.



LOCATION PLAN
Birchley Reserve Coodanup

Note: Proposed play and exercise elements are indicative and specific items will be chosen at design development stage and are dependent on final costing - works to be staged



Proposed upgraded play area with some challenging play opportunities and nature-play elements, including: climbing ropes, accessible swing, sand-play and timber boat for imaginative play
Picnic area to include a long table and seats, a shelter and picnic set and additional seating
BBQ, light and drink fountain to follow in a later stage dependent on City funding



Proposed natural play area with salvaged timber logs and mulch softfall



Proposed exercise zone including: gym equipment and a vertical ladder



LEGEND



ATTACHMENT 1
Existing trees - all to be retained



Proposed native vegetation



Proposed planting with native species for bird foraging and feeding - understory and trees



Proposed quality, irrigated turf



Proposed softfall mulch



Proposed rubber softfall



Proposed 2m wide concrete path circuits for walking and cycling



Proposed 1m wide concrete sawdust path connections for off concrete path exploration



Proposed nesting boxes and hollow trunks (17) for micro bats, possums and birds including wild ducks



Proposed 4.2m long table with bench seats with wheel chair access at each end



Proposed 5 x 4m skillion roof shelter with 2.2m long table in picnic set with wheel chair access and bench seats with back support - Barbecue and light to be part of a future stage of works dependent on City funding



Drinking fountain with tap and dog watering bowl



Proposed seats with back support, to a height suitable for the elderly - set along the path circuit



Proposed limestone seating walls 450mm high 350 mm wide



Australian Rules goals - Auskick/Junior



Soccer goal



Bollards - 3m off kerb



For the full response refer to Attachment 4

Survey 1 – Question 1 - What do you like about the Reserve?			
Key Words	Total times included in a response	Included in the Concept Masterplan	Notes – Design to retain
Open Space	7	✓	Design to retain open space areas
Include dogs	4	✓	Dog access remains unchanged
'Natural' Aesthetic	1	✓	Respect and design with natural elements, include salvage timber play and furniture elements and wood carving to these. Themes to include trees, local environment and fauna.
Sport and recreation facilities	6	✓	Design to replace existing play with - exciting and passive play equipment and areas for individual groups. Include challenging and imaginative play opportunities and nature play zones. Circuit path for cycling.
Large native trees	5	✓	Protect and additional planting for the next generation
A place that our local community can enjoy with their families	4	✓	Improved play equipment, shelter, picnic tables, seating
Fun	2	✓	Design to include opportunities for fun
Exploring	1	✓	Design to include opportunities for exploration
Exercise	1	✓	Design to include exercise equipment, circuit path, quality turf
Quiet Place-Serenity	3	✓	Design to retain potential quiet zones
Birds	2	✓	Design to include nesting boxes- hollows and understory
Footy and soccer	1	✓	Design to provide quality turf area
Survey 1 Question 2 - What elements and amenity would you like to see as part of the landscape upgrade?			
Key Words	Total times included in a response	Included in the Concept Masterplan	Notes – Design to include/exclude
Great new play equipment	16	✓	Design to acknowledge the request for exciting play, play for 8-14 year olds, play for young ones and children with disability, include swings and climbing
BBQ	8	✓	Included on plan
Grassed area for sports	6	✓	Included on plan
Understorey planting	6	✓	Included on plan
Nature play	5	✓	Design includes salvaged timber logs assembled on mulch softfall for nature play
Seating	9	✓	Design included on plan –request included seating for the elderly

More trees	6	✓	Design includes more trees including bush tucker and edible planting
Encourage-support birds through planting and nesting boxes for birds and fauna	6	✓	Design includes nesting boxes and hollows
Connecting paths and path circuits	4	✓	Extensive circuits concrete path are included on the plan and smaller sawdust connecting tracks
Picnic place	4	✓	Design with accessible paths, table for 6 with wheel chair access at either end, under shelter. Bench seat with back support. Table for 12 also with wheel chair access. Accessible BBQ.
Outdoor gym	4	✓	Design includes outdoor exercise equipment
Accessible	4	✓	Design with accessible components
Drinking fountain with water bottle refill and bowl dogs	3	✓	Included on plan
Toilets	5	X	To be discussed in context with nearby amenity. One request option was for toilets at the nearby Boat Ramp.
Undercover Shade	3	✓	Included on plan
Speed inhibitors/ zebra crossing on Birchley Reserve	2	X	Not part of this scope – but concern is noted
Footy goals	1	✓	To be considered
Play for young children	1	✓	Included with small timber boat for imaginative play, timber picnic set and sandplay, including equipment and limestone hollowed for sandplay. Birdsnest swing is suitable for all ages. Rope climbing for over 6yrs and giant swing for over 4yrs old.
Lighting	1	✓	Included on plan
Low level planting as a barrier	3	✓	Included on plan
BMX type skate area	1	X	Provided a circuit path suitable for bikes and walking. BMX and Skate area could be in conflict with tree protection zoned and the support for a naturalistic environment
No BBQs	1	X	More people requested BBQs that requested that they not be included
Open space – some small trees could be removed to create more open space	3	X	No trees are scheduled to be removed
Fencing/buffer along Birchley Road	2	X	Fencing parks is not part of CoM policy
Fence around playground	1	X	Fencing playgrounds is not part of CoM policy
Dog exercise area	1	X	No area allocated for this
Keep it simple	1	✓	A natural aesthetic is retained and existing open space and tree-planting zones are retained
Revitalize the park and feel proud about it	1	✓	Inherent in the design
Welcoming park	1	✓	Improving amenity, access and signage will welcome all to the park

Survey 2 – Draft Masterplan distributed on line and on-site for review			
Question 1- Do you support the Landscape Masterplan for Birchley Reserve?			
	Totals		
Yes	10		
Yes with amendments – refer to table below (Refer for more detail to Attachment 6)	10		
No	1		
Survey 2 – Draft Masterplan distributed on line and on-site for review			
Question 2- What amendments would you like to be considered in the Landscape Masterplan			
Key Words	Total times response	Included in the Concept Masterplan	Notes – Design to include/exclude
Nature play	2	✓	Included in Stage 1 - Nature is included in the Concept. Nature play includes a sand play area
Drinking Fountain + Dog watering bowl	3	✓	Included in Stage 2
No BBQs	2	X	Overall, more people requested BBQs than request that the not be included
Fenced dog area	2	X	Not part of the scope of this Concept. Refer to current CoM consideration of fenced dog exercise areas
Shaded seating	2	✓	Included in Stage 1 and Stage 2 - Additional seats at a height suitable for the elderly and in shade are proposed in the updated concept plan
Parallel bars	1	X	Not included as an option
Parking	1		There is road side parking on three sides of the park and in the nearby streets
Slide	1	X	Not currently included
Traditional swings	1	X	Priority has been given to the two swing styles shown on the Concept Plan: one provides accessible quiet or energetic play and is suitable for all ages, the second is suitable for ages 4 upward and allows individual or exciting group play.
Light	1	✓	Included in Stage 2
Public Toilets	1	X	Respond as to why the site is not currently being considered for a toilet – park 1.3ha, between Neighbourhood and District level. Nearby River Foreshore would be a more likely location ??
No change to the park	1	X	There is anticipated and enthusiastic support for the proposed upgrades the park and new young families in the area
Stop trail bikes access	1	✓	Included in Stage 1 - Propose bollards, buffer ground cover planting and salvage timber logs along the play zone adjacent to Birchley Road
Fence along Birchley Road	1	X	See note above
No sandplay	1	X	The maintenance team will regularly sift the sandplay area. The request to supply rakes to be considered. Sand softfall is one of three softfall types used in the play area. (Softfall types include rubber and playground quality mulch) Specific sandplay is an important component of nature play and provides an additional play experience.

Additional shelter and picnic area away from playground	1	-	Included in Stage 2 - An additional picnic set will be located near the exercise equipment in the natural shade from trees
BBQs	1	✓	Included in Stage 2 - BBQs are include on the plan
Football and soccer goals	1	✓	Included in Stage 2
Wall to hit a tennis ball	1	X	Priority given to football and soccer goals to provide a sport-play activity.
Half basketball court	1	X	See note above. Size of half Basket Ball court would impacts on grass area or tree protection zones
Edible plants	1	✓	Included in Stage 1 and 2 - Include Quandongs, white Mulberry and White fig and some bush tucker plantings
Tracks of sawdust or crushed limestone to link to concrete paths	1	✓	Included in Stage 2

BIRCHLEY RESERVE COMMUNITY CONSULTATION - AUGUST 2018

Date	No.	What is most important to you about the Reserve?	Name	Method of Engagement
29/08/2018	1	The "natural" aesthetic of the open space, recreational facilities for kids	Tim Young	Survey - Online
29/08/2018	2	I love the large native trees in the park as well as the open space. I think it should be a place that our local community can enjoy with their families and their dogs. I place for fun, exploring and exercise.	Zoe Fulwood	Survey - Online
29/08/2018	3	Birchley Reserve is a quiet place to take my dog for a walk. The trees attract birds which add to the quiet serenity and country feel of the area. My children grew up playing footy and soccer in the park and now we take our grandchildren there. It is part of our community.	Sheryn and Bruce Luxton	Survey - Online
5/09/2018	4	The trees are invaluable as cool shade areas for recreation.	John Draper	Survey - Online
5/09/2018	5	The playground for our grandkids Good grassed area	Glenn Hocking	Flyer Form
7/09/2018	6	Keeping the trees	Kelly Nicholls	Survey - Online
7/09/2018	7	Playground for children and to take dogs for walks.	Mrs B smith	Flyer Form
7/09/2018	8	Open space – trees and grass	Kerry	Flyer Form
7/09/2018	9	The park and open space for ball sports i.e. footy, soccer	Anita Neeson	Flyer Form
7/09/2018	10	Green (Area)?? birds and wild flowers etc	Paul Sithi-Amnuai	Flyer Form
30/09/2018	11	It provides a quiet, green space to walk with my dog and grandchildren. I have lived here for almost 30 years. I played football with my kids the reserve and now I am able to do this with my grandchildren. I see great opportunity to develop the reserve whilst maintaining a place for fun and quiet reflection for people.	Bruce Luxton	Survey - Online
31-09-2018	12	Play equipment	Donna Halford	Survey - Online
31-09-2018	13	The trees are invaluable as cool shade areas for recreation.	John Draper	Survey - Online
31/09/2018	14	A great open area that can be used by all residents and their families for sport and recreation. This is an important part of the urban landscape and should be upgraded to reflect its importance in the quality of life of local residents. I would use this area more if the amenities were available.	Gerald Flynn	Survey - Online
Date	No.	What elements and amenities would you like to see as part of the landscape upgrade to the Reserve?	Name	Method of Engagement
2/09/2018	1	Trees and open space	Anthony	Survey - Online
2/09/2018	2	Play equipment, more trees, nesting boxes	Jordon	Survey - Online
30/09/2018	3	more native garden areas bush tucker sections cultural reference to the serpentine, flora and fauna/birdlife (koolbardiies etc) bbq facilities picnic shelters upgraded playground speed inhibitors (chicanes)	Kelly Nicholls	Survey - Online
30/09/2018	4	As Frasers Landing has destroyed the environment for possums and kangaroos can we include possum nesting boxes in the existing trees.	Deborah	Survey - Online
30/09/2018	5	Keeping the trees	Kelly Nicholls	Survey - Online
30/09/2018	6	Play equipment	Donna Halford	Survey - Online
7/09/2018	7	Toilets, BBQ, shrubs/flowers	Kerry	Flyer Form
7/09/2018	8	A new playground, old one is rusty and broken in places. Shade sails would also be fab. Also possibly some footy goals. Path for bikes.	Anita Neeson	Flyer Form
7/09/2018	9	Maybe if natural landscape for wildlife and us to enjoy the nature?	Paul Sithi-Amnuai	Flyer Form
7/09/2018	10	BBQ Area	Glenn Hocking	Flyer Form

28/09/2018	11	Can I start by saying that I was so happy getting the pamphlet in the mail today about the birchley reserve upgrade! Our family moved in the new development of placid waters in coodanup 2yrs ago now and everytime I drive past the reserve, I think it's such a waste of space and very sad looking. We would love to see some great new play equipment/ nature play in there. Something the kids will enjoy as there are a loads of kids in the area but nothing really for them which is a shame. I know we and many others who would be there all the time if that was on offer in the reserve :) At the moment we don't bother going because the tiny playground there is less then decent and very outdated. A nice place to sit down with friends for a picnic lunch whilst the kids play would be amazing. Even a little bmx type skate area alongside a playground would do wonders. Thanks for letting us have our say :)	Melissa Crinall - Poole	Email
28/09/2018	12	We have some feedback on your request for input regarding the Landscape Master Plan for Birchley Reserve. We would like to see, - water source for drinking and water bottle refill, - toilets, - BBQ area including well lit area for evenings, - seating area for small community events, - grassed area for sports and - most especially an outdoor gym for local residents. If you have any questions please feel free to contact me directly.	Kelly Roberts	Email
29/09/2018	13	Reserve must be accessible to wheelchairs, undercover shade with seating, bbq's, fencing along Birchley Road for safety.	Elaine Johnstontown	Survey - Online
29/09/2018	14	Part of the problem with an upgrade is that Birchley reserve is a small area boarded on all sides by roads. Parking is a problem with people now driving cars onto the reserve to park as there is nowhere else. How will that be solved? An improved playground area would encourage a greater use of the park and the idea of a nature playground would suit the existing environment. Places to sit and watch children play while enjoying the natural environment would encourage people to linger longer. Grassed area to kick a ball and chase the magpies. Keep it simple and don't detract from the country feel that remains in this small enclave that was once Riverview.	Sheryn Luxton	Survey - Online
29/09/2018	15	Would love to see some basic exercise equipment. Upgraded playground for our little boy would be nice too! Play equipment, more trees, nesting boxes	Antony	Survey - Online
29/09/2018	16	More trees, better grass used (and maintained) in an area surrounded by a more natural landscape to the perimeter, more of a nature playground. Keep the feel of the area like an extension of the river side	Tim Young	Survey - Online
29/08/2018	17	I would like to see most of the trees retained and some areas where understory is encouraged to grow. This would encourage bird life from the nearby bush land to visit and people can enjoy them. I feel the local community is currently hemmed into a number of dead end streets and foot paths. The footpaths along the river don't go far until they suddenly end at housing development fence lines and bush land boundary fences not for access. It would be nice to actually have a park that is welcoming, when I can feel safe, one that actually has some connecting footpaths to nearby streets to connect it to its community. I would like to see a new playground that is also suitable for younger children (my son is 18 months old) with nature play elements. It would be so fantastic to be able to walk to a park from my house rather than always be getting into the car. I am not sure of the budget for this upgrade but it would be wonderful to see a fence around the playground, I think Mandurah needs more of these for our younger children and especially mothers who need some fresh air and are juggling more than one young child. I would like to see a separate zone where dogs can be exercised. Most dogs are big (and a little scary) in our neighborhood, so some separation from the playground would be great. I don't know that it needs bbq's as I have never seen the bbqs at the Riverview Boatramp used but then again there are no other facilities their like toilets or playground so it isn't surprising. I would love for the park to revitalize the look of the area as it's currently looking pretty outdated with the current playground and signage. I would like to feel proud of my neighborhood as a drive home down Birchley, but at the moment that really not the case unfortunately. I am so pleased that CoM is planning to upgrade Birchley Reserve. I look forward to seeing your concept plan in the near future.	Zoe Fulwood	Survey - Online
29/08/2018	18	As Frasers Landing has destroyed the environmant for possums and kangaroos can we include possum nesting boxes in the existing trees. Also upgrade the playground.	Deborah	Survey - Online
30/09/2018	19	I would like to see some play new play equipment that could be used by all, even those with special needs. Nature type play as well. Picnic areas with sheltered seating & bbq's & drinking fountains. Pathways for small children to ride around on. Designated parking areas. Ablutions	Bruce Luxton	Survey - Online
29/09/2018	20	Toilets, BBQ facilities, picnic tables, seating	Geoffrey Rogers	Survey - Online

29/09/2018	21	bbq, seats, drink fountain, (or water), undercover shade areas. swings, climbing equipment etc. Something for a disabled child to do would be great as well.	Elaine Johnson	Survey - Online
29/08/2018	22	Part of the problem with an upgrade is that Birchley reserve is a small area boarded on all sides by roads. Parking is a problem with people now driving cars onto the reserve to park as there is nowhere else. How will that be solved? An improved playground area would encourage a greater use of the park and the idea of a nature playground would suit the existing environment. Places to sit and watch children play while enjoying the natural environment would encourage people to linger longer. Grassed area to kick a ball and chase the magpies. Keep simple and don't detract from the country feel that remains in this small enclave that was once Riverview.	Sheryn Luxton	Survey - Online
31/09/2018	23	A great open area that can be used by all residents and their families for sport and recreation. This is an important part of the urban landscape and should be upgraded to reflect its importance in the quality of life of local residents. I would use this area more if the amenities were available.	Gerald Flynn	Survey - Online
31/09/2018	24	I would like to see the children's play equipment upgraded so that it is more interesting for both younger and older children. I would like to see the shelters and seating upgraded too. The installation of BBQ facilities would encourage more people to use the space for extended periods. I would also like the reserve to retain space for kids to kick a footy or play cricket but the addition of areas containing native plants to make spaces more interesting and diverse would be attractive and even educational and perhaps attract native birds.	Donna Halford	Survey - Online
31/09/2018	25	1) Adventure playground for children to make it exciting for them to use. 2) Better quality turf coverage as the present lawn is sparse and rough 3) Adult exercise equipment installed to keep us fit and healthy. 4) Some of the smaller trees should be removed to open up the area but keep the larger trees for shade and provide comfortable seating for people to sit and enjoy the area	Gerald Flynn	Survey - Online
2/09/2018	26	Updated playground, better and more seating areas, bbq facilities	Sunshine Gorry	Survey - Online
2/09/2018	27	Children playground, would use more if facilities were upgraded and better	Sunshine Gorry	Survey - Online
5/09/2018	28	Water fountain for people and pets Limit the access straight onto Birchley Rd on the south side of park as children and pets can currently run straight out onto a VERY busy road. IE Low fencing or landscape beds Zebra Crossings across Birchley Rd into park Link pathways around circumference of park so children can use it as a cycle/ skate board and scooter circuit. TOILETS either in park or at Birchley Rd Boat Ramp An area for ball games to be played IE Paved area with Basket ball Hoop or/ and a solid wall for playing tennis against and cricket. A lot of 8-14 year olds seem to often be not accommodated for in our Area. A small but decently landscaped grass oval, current open area is a trip hazed with large clumps of introduced weed over whole area. Underplant existing tree areas Seating that adequately accommodates the elderly IE not too low and with arm rests	John Draper	Survey - Online
8/09/2018	29	Look pretty as I live across the road. Keeping crackheads out of the park. Some form of fencing to keep cars and motorbike and crackheads	Marc Heim	Survey - Online

Birchley Reserve Community Consultation - October

No.	Date	I support the landscape plan	Name	Method of Engagement
1	15/10/2018	Yes - with suggested amendments	Ken Power	Phone call
2	15/10/2018	Yes - with suggested amendments	Ashlee	Email
3	16/10/2018	Yes	Chrissy Steve	Survey - Online
4	17/10/2018	Yes - with suggested amendments	Deborah Zibah	Email
5	18/10/2018	Yes	Karl	Survey - Online
6	18/10/2018	Yes - with suggested amendments	Colin Roose	Flyer form
7	18/10/2018	Yes	Mrs B Smith	Flyer form
8	18/10/2018	Yes	Davina Mark	Flyer form
9	18/10/2018	Yes	Janice Carolea	Flyer form
10	18/10/2018	Yes - with suggested amendments	Gloria King	Flyer form
11	18/10/2018	Yes	Des Gibbings	Flyer form
12	18/10/2018	Yes - I am so pleased the existing trees aren't going to be removed	Susan McKay	Flyer form
13	20/01/2018	Yes - with suggested amendments	Spiceoflife	Survey - Online
14	20/01/2018	No	Name not recorded	Site consultation
15	20/01/2018	Yes - with suggested amendments	Penelope Price	Site consultation
16	20/01/2018	Yes	Charlie and Colleen Norton	Site consultation
17	20/01/2018	Yes - with suggested amendments	Kerry-Anne Kelly Moraney	Site consultation
18	20/01/2018	Yes - with suggested amendments	Ken Whitfield	Site consultation
19	20/01/2018	Yes - with suggested amendments	Gerald and Karen Flynn	Site consultation
20	21/10/2018	Yes	Sue Simons	Email
21	21/01/2018	Yes	Zoe Fulwood	Survey - Online
No.	Date	What amendments would you like considered in the landscape plan	Name	Method of Engagement
1	15/10/2018	Parallel Bars	Ken Power	Phone Call
2	15/10/2018	Parking Slide Traditional swings. A mixture between nature-play and traditional playgrounds would be good. (we have the river and Bush, providing it all isn't demolished for housing, for nature play)	Ashlee	Email
3	16/10/2018	No additional suggestions to the plan	Chrissy Steve	Survey - Online

4	17/10/2018	Thanks for your letter. I'm so excited about the proposed development at Birchley park. Plans look fabulous! Love everything so far. A light for BBQ's will be essential. Could we have a combined human, dog drinking fountain? Pathways will be great for the kids to scoot around on. The nature playground is perfect for the environment, so too are all the nesting boxes, especially for the possums as their environment has been destroyed by the Frasers landing development. Very well done and THANK YOU!	Deborah Zibah	Email
5	18/10/2018	Public Toilet Plan to clear public land in Riverview Street, at least put fire breaks in please	Colin Roose	Flyer form
6	18/10/2018	Y I would like to see some seating; away from noisy play areas at other end of park under the trees – at least 2 other seats are required. You have the kids, wheel chairs etc catered for. How about the aged mobile elderly – please.	Gloria King	Flyer form
7	18/10/2018	I am so pleased the existing trees ar't goin gto be removed	Susan McKay	Flyer form
8	18/10/2018	No additional suggestions to the plan	Karl	Survey - Online
9	20/01/2018	I would certainly like to see a drinking fountain included. When I walk and jog around, there are none available	Spiceoflife	Survey - Online
10	20/01/2018	Prefer nothing to be done because no one uses it and there are no children in the area		
11	20/01/2018	Just concerned about the trail bikes who go across the park most Saturdays and Sundays to get onto Frasers Landing Reserve. Worried about the children who may feel secure playing on the park.	Penelope Price	Site consultation
12	20/01/2018	No additional suggestions to the plan	Charlie and Colleen	Site consultation
13	20/01/2018	Shaded seating, no sand, or rakes provided. Fenced area, dog safe area. Parks shouldn't be just for children, make them for the elderly also. Shelter seating and picnic area away from children's area for others. Water fountain. If you are going to do a public survey- use signs that clearly say what's going on. Feel today's efforts were wasted. Re-do with signs see what happens or are you counting on no signs means apathy and you can just do what you please?	Kerry-Anne Kelly Moraney	Site consultation
14	20/01/2018	No BBQs	Ken Whitfield	Site consultation
15	20/01/2018	BBQ not a priority but maybe at a later stage. Black cockatoo's nesting boxes would be good. Good overall plan. Much needed.	Gerald and Karen Flynn	Site consultation
16	20/01/2018	General comments in discussion - recorded at Pop-up consult during discussions - Football and Soccer goals are an excellent idea - wall to hit tennis ball or half basket ball court- there are a lot of your children in nearby homes who have recently come into the area-Edible planting- additional sawdust or crushed limestone paths through the trees connecting back to the path-Low fence along Birchley -		Site consultation

17	21/10/2018	I have just had a look at the Birchley Reserve Concept Plan it looks great. I was wondering if you have any plans on putting a dog park, as in a fenced park similar to that in Baldivis. I think Mandurah is very overdue for a fenced dog park.	Sue Simons	Email
18	21/01/2018	No additional suggestions to the plan	Zoe Fulwood	Survey - Online

12	SUBJECT:	Tender Number T13-2018 – Design and Construction of Mandurah Ocean Marina Public Universal Access Jetty
	CONTACT OFFICER/S:	Neil Carroll / Natasha Pulford
	AUTHOR:	Neil Carroll / Vicki Lawrence
	FILE NO:	F0000173624

Summary

The City of Mandurah invited tenders for the Design and Construction of Mandurah Ocean Marina Public Universal Access Jetty. The jetty is to be located within the Mandurah Ocean Marina, directly south of Dolphin Quay and the Marina pedestrian bridge.

The outcome of the evaluation of tendered submissions is that Council is requested to accept Universal Marina Systems as the preferred tenderer.

Disclosure of Interest

Nil.

Location

Mandurah Ocean Marina, directly south of Dolphin Quay and the footbridge, within Reserve 48415



Previous Relevant Documentation

Nil.

Background

A tender for the Design and Construction of Mandurah Ocean Marina Public Universal Access Jetty was advertised in the Saturday 15 August 2018 edition of the 'West Australian' newspaper and displayed on notice board at the Administration Centre and relevant Libraries.

Comment

The tender closed at 2:00pm on Tuesday 18 September 2018. Submissions were received from the following:

1.	GC Property Pty Ltd t/as GC Marine	Molendinar QLD
2.	Shorewater Marine Pty Ltd	Wangara WA
3.	Universal Marina Systems [conforming]	Pinjarra WA
4.	Universal Marina Systems [alternative]	Pinjarra WA
5.	Walcon Marine Australasia Pty Ltd	Mandurah WA

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

Demonstrated Experience and Key Personnel	20%
Methodology	20%
Tendered Price	60%

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 Mandurah Ocean Marina Offices, individually assessed each tender against the weighted qualitative criteria submitted by each tenderer.

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

The conforming tender design from MP Rogers (Consulting Coastal Engineers for the project) allowed for two access gangways that meant cutting through the existing limestone wall in two places. This design showed the gangway protruding out some four metres to five metres onto the grassed area at each end of the jetty.

The alternative tender allows for a piled landing outside the wall with a parallel gangway to the centre of the jetty thereby removing the need for such a large intrusion onto the lawned public open space. It was also cheaper than the conforming tender as it requires significantly less earthworks and abutment construction.

As a result, the alternative tendered submission from Universal Marina Systems 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 mandatory site inspection was held on Thursday 23 August 2018 at Keith Holmes Reserve and was attended by West Coast Jetties, Universal Marina Systems, Walcon Marine, Shorewater Marine, Independent Piling solutions, Pritchard Francis, Bococ Constructions, Quality Assured Engineering Contactors, Advantesting Civil Engineers, Broadway Marine, BG&E, Neo Infrastructure and WML.

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

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

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

Statutory Environment

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

Policy Implications

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

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

Risk Analysis

There is the potential for damage to the rock revetment during construction which may result in damage to the limestone wall, however the preferred tenderer has delivered services without damage for three previous and similar contracts for the City.

Economic Implications

Provision has been made in the current financial budget account number 1639.910073 in the amount of \$232,874.00 (excl. GST) for the project. The Department of Transport have committed to grant funding 75% of the project with an upper limit cap of \$209,000.

Based on the price of the preferred tender (\$170,189.66 excluding GST), the 75% funded by Department of Transport will equate to \$127,642 with the remaining \$42,457 funding by the City.

The price of the preferred tenderer is lower than the original estimate and therefore the City's funding component may realise a funding saving of approximately \$15,700 barring any unforeseen circumstances that may arise from the project construction.

The price basis for the contract is fixed for the design and construction contract.

Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Tenders for the Mandurah Ocean Marina Public Universal Access Jetty were recently invited. Five were received and assessed against both qualitative criteria and price. The result was that the alternative submission from Universal Marina Systems represented overall best value for money for the City and is therefore recommended as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment***.

RECOMMENDATION

That Council accepts Universal Marina Systems alternative tender as the preferred tender for Tender T13-2018 for the Mandurah Ocean Marina Public Universal Access Jetty.

13 **SUBJECT:** Tender T15-2018 – Provision of Air Conditioning Services
CONTACT OFFICER/S: Simon Hudson / Natasha Pulford
AUTHOR: Brad Oborn / Vicki Lawrence
FILE NO: F0000175869

Summary

The City of Mandurah invited tenders for the provision of Air Conditioning Services which is comprised of the supply of all labour, plant and materials for the installation, maintenance and upgrade of air conditioning systems of facilities owned or managed by the City.

The outcome of the evaluation of tendered submissions, Council is requested to accept Collee Investments Pty Ltd AFT for the CD and LA Smith Family Trust t/as Essential Refrigeration Services as the preferred tenderer.

Disclosure of Interest

Nil.

Location

Nil.

Previous Relevant Documentation

G.25/1/15 27 January 2015 That Council awards Essential Refrigeration Services the contract under Tender T20-2014 for the provision of Air Conditioning Maintenance, Replacements and Minor New Works for a period of three years and six months, commencing on 31 January 2015 and expiring on 31 July 2018, at the fixed price schedule of rates offered.

Background

The Provision of Air Conditioning Services tender was advertised in the 25 August 2018 edition of the 'West Australian' newspaper, the 29 August 2018 edition of the Coastal Time and the 30 August 2018 edition of the Mandurah Mail and was displayed on notice boards at the Administration Centre and relevant Libraries.

The tender seeks the provision of the required services for a period of three years, together with an option to extend the contract for a further two years subject to satisfactory performance.

Comment

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

1.	AMS Technology Group Pty Ltd ATF AP Technology Group Unit Trust	Bayswater
2.	Australian HVAC Services	Kewdale
3.	Burkeair Pty Ltd t/as BSA Maintain	Belmont
4.	CMS Engineering	Perth
5.	Collee Investments Pty Ltd AFT for the CD and LA Smith Family Trust t/as Essential Refrigeration Services.	Mandurah
6.	Cool Dudes Pty Ltd t/as Allen Air and Refrigeration.	Port Kennedy
7.	Greenstar Group (WA) Pty Ltd t/as Greenstar Mechanical Services.	Bayswater
8.	Heru Holdings Pty Ltd.	Cockburn
9.	Moonlight (WA) Pty Ltd ATF Katsaros Family Trust Trading as Prime Refrigeration and Air Conditioning.	Mandurah

10.	Moreglen Holdings t/as Searay Electrics.	Mandurah
11.	Precise Air Group.	Malaga
12.	Veolia Energy Technical Services Pty Ltd.	Bibra Lake

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

Relevant Experience and References	10%
Understanding of Specification and Quality Assurance	20%
Supervision and Resources	20%
Price	50%

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

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

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

As a result, the tendered submission from Collee Investments Pty Ltd AFT for the CD and LA Smith Family Trust t/as Essential Refrigeration Services was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer.

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

Consultation

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

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

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

Statutory Environment

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

Policy Implications

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

Policy POL-CPM 01 – *Buy "Local" Procurement*.

Risk Analysis

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

Economic Implications

Based on the three previous annual average fees for the works associated with this tender, it is estimated that approximately \$670,000 will be spent during the initial three year period of the contract. The contract has a schedule of rates which is fixed for the first year, with an entitlement to adjust for CPI at each twelve month contract anniversary date. The hourly rates offered by the preferred tenderer represent a saving on the current service rates of between 5% and 10%. The price basis for the contract is a schedule of rates.

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

Strategic Implications

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

Infrastructure:

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Tenders for the provision of air conditioning services were recently invited with twelve received and assessed against both qualitative criteria and price. The result was that the submission from Collee Investments Pty Ltd for the CD and LA Smith Family Trust t/as Essential Refrigeration Services represented overall best value for money and is therefore recommended as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment***.

RECOMMENDATION

That Council accepts Collee Investments Pty Ltd AFT for the CD and LA Smith Family Trust t/as Essential Refrigeration Services as the preferred tenderer for Tender T15-2018 for the Provision of Air Conditioning Services.

14	SUBJECT:	Tender Number T16-2018 - Supply and Delivery of One Large Suction Type Road Sweeper
	CONTACT OFFICER/S:	Matthew Hall / Natasha Pulford
	AUTHOR:	Jeff Mitting / Erin Johnson
	FILE NO:	F0000176141

Summary

The City of Mandurah has a total area of 173.5 square kilometres and an equivalent number of roads and lanes requiring regular upkeep and sweeping to maintain the City's appearance. The current equipment to maintain that service is at the end of its lifecycle having logged over 11,000 hours compared with the benchmark optimal lifespan of 8-10,000 hours.

The City invited tenders for the Supply and Delivery of One Large Suction Type Road Sweeper and as a result of the evaluation of tendered submissions, Council is requested to accept Rosmech Sales & Service Pty Ltd as the preferred tenderer.

Disclosure of Interest

Nil.

Previous Relevant Documentation

Nil.

Background

A tender for the Supply and Delivery of One Large Suction Type Road Sweeper was advertised in the 29 August 2018 edition of the 'West Australian' newspaper and displayed on notice board at the Administration Centre and the relevant Libraries.

Comment

The tender closed at 2:00pm on Tuesday 9 October 2018. Submissions received by the closing deadline were:

1.	Rosmech Sales & Service Pty Ltd	Adelaide – South Australia
2.	Bucher Municipal	Clayton North - Victoria

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

Fit for Purpose	30%
Mechanical Assessment	10%
Company Profile	5%
Environmental	5%
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 Operations Services, individually assessed each tender against the weighted qualitative criteria submitted by each tenderer.

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

As a result, the tendered submission from Rosmech Sales & Service Pty Ltd was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer.

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

Consultation

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

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

Statutory Environment

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

Policy Implications

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

Risk Implications

Nil.

Economic Implications

Provision has been made in the current financial budget account number 1641.770006.20500.10 in the amount of \$354,337.00 (excl. GST) for the goods and services.

Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Tenders for the Supply and Delivery of One Large Suction Type Road Sweeper were recently invited. Two were received and assessed against both qualitative criteria and price. The result was that the submission from Rosmech Sales & Service Pty Ltd represented overall best value for money and are therefore recommended as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment***.

RECOMMENDATION

That Council accepts Rosmech Sales & Service Pty Ltd as the preferred tenderer for Tender T16-2018 for the Supply and Delivery of One Large Suction Type Road Sweeper, Scarab Minstral mounted on a Hino truck for the sum of \$332,771.00 ex GST.

15	SUBJECT:	Proposed Jetties, Waterways & Marina Amendment Local Law 2018
	CONTACT OFFICERS:	Neil Carroll/Natasha Pulford
	AUTHOR:	Sophie Luxton
	FILE NO:	R0001432264

Summary

Council adopted the proposed Jetties, Waterways & Marina Amendment Local Law at its meeting of 27 March 2018. As required the amendment local law was advertised State-wide and locally where submissions were received from the Department of Local Government, Sports and Cultural Industries (DLGSCI) and Department of Water.

A new subclause which will greatly benefit the City in addressing issues of mooring or anchoring to public foreshores for an extended period of time was proposed and as such, along with other minor amendments, has been incorporated. On the basis the new sub-clause is considered a major amendment, the City is required to once more adopt and give State-wide public notice.

As a legal requirement, all local laws are to have a purpose and effect where the following is proposed for the Jetties, Waterways & 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 & Marina Amendment Local Law 2018 for advertising.

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.29/3/18 27 March 2018 Jetties, Waterways and Marina Amendment Local Law 2018.
- 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.

The City of Mandurah Jetties, Waterways and Marina Local Law, adopted in 2011, was based on a combination of the City of Albany and Town of Cottesloe's local laws and consultation with the Minister for Local Government and Minister for Water, Department of Transport, Mandurah Surf Lifesaving Association, local resident associations, Mandurah Police, Water Police and local cruise companies was undertaken.

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.

Comment

The recent amendments proposed by the Department of Water and the DLGSCI and incorporated into the local law are:

Proposed Amendment	Reasoning
<p>Clause 3.6 Mooring in waterway</p> <p>New subclause added:</p> <p>(2) A person shall not moor or anchor a vessel in a waterway for more than four hours in any seven day period if and while the vessel is moored or anchored to a public foreshore.</p>	<p>A new subclause has been incorporated into the amendment local law at the suggestion of the Department of Water. The new subclause relates to mooring or anchoring to a public foreshore for a period exceeding 4 hours in any 7 day period. The City engaged McLeods Barristers and Solicitors to assist with the drafting of this subclause.</p> <p>As with all of the City's local laws the intent of this local law is for it to be a preventative measure and the City will continue to adopt an education before enforcement approach. There are however times where the City requires additional powers to ensure the safety of its residents, visitors, assets and environment. This local law will assist to provide protection of the City's waterways and related assets.</p>
Minor Administrative Amendments	<p>A number of very minor formatting and drafting amendments were incorporated at the suggestion of DLGSCI. These amendments do not in any way amend the intent of the previously adopted local law.</p>

In the original report to Council of March 2018, a number of amendments were proposed and incorporated, and as a formality, are once again provided for this report.

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>

<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.</p>	
<p>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.</p>	<p>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.</p>

Once advertising of the proposed amendment local law has been conducted and the submission period has concluded Officers will request the approval of the Governor as it is intended that this local law will be applied up to 3 metres from a public jetty which falls outside of the District. Officers will report back to Council for final adoption of the local law.

Consultation

The DLGSCI and Department of Water were consulted in the development of this Amendment local law.

McLeod's Barristers and Solicitors were consulted to assist with drafting of the proposed amendments

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.
- Section 3.13 – Procedures with significant change in proposal.

Policy Implications

If adopted in its final form the proposed amendment local law will result in the City's current policy "POL – EVM 03 LIVE-ON-BOARDS – MANDURAH OCEAN MARINA" being rendered redundant. Officers will propose the revocation of this policy if the amendment local law is adopted in its final form.

Economic Implications

Nil.

Risk Analysis

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.

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

The City's Jetties, Waterways and Marina Local Law 2010 has been reviewed and a number of amendments are proposed to clarify provisions within the local law, bring the local law into line with current drafting practices and improve the effectiveness of the local law.

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 & Marina Amendment Local Law 2018*
Attachment 2 *City of Mandurah Jetties, Waterways & Marina Local Law 2010 – showing proposed amendments*

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

This local law amends the *City of Mandurah Jetties, Waterways and Marina Local Law 2010* as published in Government Gazette No. 53 of 4 April 2011.

4. Clause 1.2 amended

Clause 1.2 is amended as follows:

- (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 **walkway**;
- (c) In the definition of **“marina”** delete “waterways” and insert “waterway”;
- (d) After the definition of **mooring pile** insert:
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) The definition of **vessel** is amended as follows:
 - (i) After “wholly” insert “or”; and
 - (ii) Delete “purposes or walkways or storage” and replace with “purpose of a jetty or for storage”.

5. Clause 2.5 amended

Clause 2.5 is amended as follows:

- (a) Delete the number (1);
- (b) In paragraph (c) add the word “otherwise” before the term “within 20 metres”; and
- (c) In subclause 2.5 (c) delete “except in a fuel storage facility constructed with the approval of an authorised person”
- (d) After subclause 2.5 (c) insert “except in a fuel storage facility constructed with the approval of an authorised person” on a new line so that it applies to (a), (b) and (c).

6. Clause 2.8 amended

Clause 2.8 is amended as follows:

- (a) At the end of subclause (1) after the term “authority of this local law” delete the full stop and insert “and shall have effect as such.”; and
- (b) In subclause (2)(b) insert “related” after the word “next”.

7. Clause 3.3 amended

Clause 3.3 is amended as follows:

- (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

Clause 3.4 is amended as follows:

- (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:

3.5 Connection of moored vessels to electrical power supply

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

Clause 3.6 is amended by:

- (a) Insert the number (1) at the commencement of the text of the existing clause;
- (b) In subclause (1) delete “No person shall moor a vessel in a waterway so as to -” and replace with “A person shall not moor or anchor a vessel in a waterway so as to -”; and
- (c) Insert a new subclause (2) as follows –

(2) A person shall not moor or anchor a vessel in a waterway for more than four hours in any seven day period if and while the vessel is moored or anchored to a public foreshore.

11. Clause 4.1 amended

Clause 4.1 is amended as follows:

- (a) In subclause (2) (b) delete 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”; and
- (b) After subclause 2 (b) insert “unless that person is engaged in the construction or repair of that public jetty in accordance with the written authorisation of an authorised person” on a new line so that it applies to both (a) and (b).

12. Clause 4.2 amended

Clause 4.2 is amended as follows:

- (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

Clause 4.4 is amended as follows:

- (a) In subclause (b) delete the words “except for an emergency vehicle responding to an emergency”; and
- (b) After subclause (b) insert “except for an emergency vehicle responding to an emergency” on a new line so that it applies to both (a) and (b).

14. Clause 4.6 amended

Clause 4.6 is amended as follows:

Delete the clause title **“Nuisance on public jetties or bridges”** and replace with **“Prohibited activities on vessels, public jetties or bridges”**.

15. Clause 4.7 amended

Clause 4.7 is amended as follows:

Delete the words “trees, shrubs, grasses” and replace with “tree, shrub, grass”.

16. Clause 4.8 amended

Clause 4.8 is amended as follows:

- (a) In subclause 3(b) after the word “by” insert the passage “the use of”; and
- (b) In subclause (3) delete subclause (c) and replace with (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

Clause 4.12 is amended as follows:

- (a) In paragraph (a) delete the words “any jetty;” and replace with the words “the jetty or bridge;”; and
- (b) Delete paragraph (e) and renumber the remaining subclauses accordingly.

18. Clause 4.14 inserted

After clause 4.13 insert:

“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.”

19. Clause 5.1 amended

Clause 5.1 is amended by deleting the clause title **“Causing a nuisance from a private jetty”** and replacing with **“Activities prohibited on a private jetty”**.

20. Clause 5.2 amended

Clause 5.2 is amended as follows:

- (a) At the end of paragraph (a) after “,” insert “or”;
- (b) Delete paragraph (b); and

(c) Re-number paragraph (c) accordingly.

21. Clause 5.3 amended

Clause 5.3 is amended as follows:

- (a) In the subclause 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.

22. Clause 5.4 amended

Clause 5.4 is amended as follows:

In subclause (2) delete the passage “No person shall” and replace with “A person must not”.

23. Clause 6.1 amended

Clause 6.1 is amended as follows:

- (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”.

24. Clause 7.1 amended

Clause 7.1 is amended by deleting the words “No person shall” and inserting “A person must not”.

25. Clause 7.2 amended

Clause 7.2 is amended as follows:

- (a) In subclause (4) delete the word “will” and replace with “is to”; and
- (b) In subclause (5) delete the words “for a licence”.

26. Clause 7.3 amended

Clause 7.3 is amended as follows:

- (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 :

(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;.

27. Clause 7.4 amended

Clause 7.4 is amended as follows:

- (a) In subclause (2) delete the second instance of the word “a” in the first line;
- (b) In subclause 2 (a) insert the word “a” before the word “power”;
- (c) In subclause 2 (b) insert the word “a” before the word “water”;
- (d) In subclause (2) after the word “midnight”, insert the passage “of the previous day”; and
- (e) 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.

28. Clause 7.5 amended

Clause 7.5 is amended as follows:

- (a) In subclause (1):
 - (i) Delete “the licence” and insert “a licence”;
 - (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”.

29. Clause 7.6 amended

Clause 7.6 is amended as follows:

- (a) In the second line, delete the “s” from the end of the word “costs”; and

- (b) After the word “licensee” at the end of the subclause, add the passage “and recoverable in a Court of competent jurisdiction”.

30. Clause 7.7 amended

Clause 7.7 is amended as follows:

- (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) Delete subclause (5).

31. Clause 7.8 inserted

After clause 7.7 insert:

“7.8 Breach of licence

In the event of a breach by the licensee of any of the provisions of this local law, the licensee’s vessel may be removed, impounded and disposed of in accordance with Part 3, Division 3, Subdivision 4 of the Act.”

32. Clause 8.2 amended

Clause 8.2 is amended as follows:

- (a) In subclause (2), after the word “notice” at the end of the subclause, insert 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).

33. Clause 8.3 amended

Clause 8.3 is amended as follows:

- (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.”

34. Clause 8.4 amended

Clause 8.4 is amended as follows:

- (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).

35. Clause 8.7 amended

Clause 8.7 is amended as follows:

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”.

36. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) At item number 12 following “mooring” insert “or anchoring”;
- (b) At item number 13 delete the word “on” and replace with the word “at”;
- (c) At item number 25 delete the passage “Causing a nuisance from a public jetty” and replace with “Prohibited activities on a private jetty”;
- (d) At item number 26 delete reference to “5.2(1)” and replace with “5.2(a)”;
- (e) Delete item number 27;
- (f) At item number 28 delete reference to “5.2(3)” and replace with “5.2(b)”;
- (g) 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 ROBERT NEWMAN, Chief Executive Officer.

ATTACHMENT 2

Local Government Act 1995

City of Mandurah

Jetties, Waterways and Marina Local Law 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of Mandurah resolved on 22 March 2011 to adopt the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Mandurah Jetties, Waterways and Marina Local Law 2010*.

1.2 Definitions

In this local law unless the context otherwise requires –

Act means the *Local Government Act 1995*;

animal means any animal other than a dog;

authorised person means a person appointed by the Council under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

AS/NZS 1158 means the standard called “Lighting for roads and public spaces” published by Standards Australia;

AS/NZS 1163 means “Cold-formed structural steel hollow sections” published by Standards Australia;

AS/NZS 2159 means the standard called “Piling – Design and installation” published by Standards Australia;

AS/NZS 3004 means the standard called “Electrical installations – Marinas and Recreational Boats” published by Standards Australia;

AS/NZS 3191 means the standard called “Electric flexible cords” published by Standards Australia;

AS/NZS 3962 means the standard called “Guidelines for design of marinas” published by Standards Australia;

AS/NZS 3678 means “Structural Steel – Hot-rolled plates, floorplates and slabs” published by Standards Australia;

ATTACHMENT 2

AS/NZS 3679.1 means the standard called “Structural steel – Hot-rolled bars and sections” published by Standards Australia;

AS/NZS 3679.2 means “Structural steel – Welded I sections” published by Standards Australia;

authorised person means a person appointed by the Council under section 9.10 of the [Act to perform any of the functions of an authorised person under this local law](#);

bait means food, or some substance, used as a lure in fishing;

boat lifter means any mechanical or electrical device used to lift a boat out of the water;

boat ramp means a place where vehicles equipped with trailers launch and retrieve recreational vessels;

CEO means the Chief Executive Officer of the City of Mandurah;

commercial vessel has the meaning given to it by the *Western Australian Marine Act 1982*;

complying drop net means a drop net that –

- (a) is not more than 1.5 metres at its widest point; and
- (b) is so constructed so that when set –
 - i. its side or sides collapse so that its netting lies flat on the ground; and
 - ii. its netting is not capable of ensnaring or entangling a fish;

cost of the City includes its administrative costs;

district means the district of the City of Mandurah;

fish has the meaning given to it by section 4 of the *Fish Resources Management Act 1994*;

fishing has the meaning given to it by section 4 of the *Fish Resources Management Act 1994*;

fishing net means any fishing net other than a –

- (a) hand scoop or hand dip net;
- (b) prawn hand trawl net; or
- (c) complying drop net;

gangway means a structure including a removable ladder, ramp or footway that provides pedestrian access between a fixed jetty or the shore and a pontoon, floating jetty or a vessel;

jetty means –

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- (a) any jetty, pier, wharf, quay, walkway, grid, slip, landing place, stage, platform (other than a platform that is a vessel for the purposes of the *Western Australian Marine Act 1982*) over any waters, and
- (b) any ramp or supporting structure for the launching, landing or retrieving of a vessel;

jetty or pontoon envelope means the area designated by the local government within a waterway lot within which the construction of a jetty or pontoon and associated gangway is permissible;

local government means the City of Mandurah;

litter has the meaning given to it by the *Litter Act 1979*;

marina means a complex of interconnecting pens, and all jetties and walkways, together with any adjoining waterways, which are under the care, control or management of the local government;

moor means to secure a vessel to a mooring;

mooring means something to which a vessel may be moored and includes an anchor, stake or mooring pile;

mooring envelope means the area of a waterway lot designated for the mooring of vessels;

mooring pile means any pile used or capable of being used to secure a vessel;

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; and
- (c) interference which causes material damage to land or other property on the land affected by the interference;

owner means the person who is the lawful owner or the person entitled to possession of any vessel, vehicle, cargo, property or chattel; in relation to any vessel, vehicle, cargo, property or other chattel, means the person who is the lawful owner or the person entitled to possession of the same if that is not the lawful owner;

pen means a specific area within a marina for the mooring of a vessel and does not include any adjacent jetty and walkway;

pollutant means any noxious, polluting or offensive material whether solid or liquid including but not limited to non-biodegradable chemicals or cleaning agents, rubbish,

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dirt, black water, sewage, oil, oily bilge water, sullage, fuel or the content of brine tanks, fish products including fish carcasses (but excluding bait), shells, offal or litter;

pontoon means a floating platform or similar structure providing landing, docking or mooring facilities;

private jetty means any jetty other than a public jetty;

public jetty means any jetty under the care, control or management of the local government;

reasonable notice ~~means notice of not less than 24 hours in accordance with section 3.32 of the Local Government Act 1995 in regard to intended entry, means notice containing the purpose or purposes for which entry is required and giving notice period of not less than 24 hours in accordance with section 3.32 of the Act;~~

Regulations mean the *Local Government (Functions and General) Regulations 1996*;

sign includes any notice, mark, structure or device on which may be shown words, numbers, expressions, colours or symbols;

State Authority means the relevant Statutory Authority responsible for the designation of mooring envelopes;

vessel means any kind of vessel, whether licensed or unlicensed, used or capable of being used in navigation by water, however propelled or moved, and without limiting the generality of the foregoing includes—

- (a) a barge, lighter, floating restaurant, dinghy, commercial vessel, tender vessel or other floating structure; and
- (b) an air-cushion vehicle, or other similar craft, used wholly or primarily in navigation by water,

but does not include structures used only for the ~~purposes of walkways or storage purpose of a jetty, or for storage;~~

waterway means any area of water under the care, control and management of the local government or a person authorised by the local government to undertake such care, control or management on behalf of the local government;

waterway-edge wall means any revetment wall separating the land filled part of a lot adjoining a waterway from the submerged part of such a lot together with any associated retaining wall; and

waterway lot means any privately owned land or lot adjoining a waterway.

1.3 Repeal

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Division 5 of Part III of the City of Mandurah Consolidated Local Laws published in the *Government Gazette* of 13 February 1998 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Commencement

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

PART 2 – USE OF WATERWAYS

2.1 Swimming in waterway

- (1) No person shall swim in a waterway so as to cause a nuisance.
- (2) Notwithstanding subclause (1) a person -
 - (a) may swim in that portion of a waterway that is within 25 metres of a beach or foreshore provided the beach or foreshore has not been designated or set aside as a locality where swimming or bathing is prohibited;
 - (b) may swim in any area of a waterway that has been designated or set aside by the local government by signs or otherwise as a swimming area; and
 - (c) may swim in any waterway with the written consent of an authorised person.

2.2 Fishing in waterways

A person shall not -

- (a) fish in a waterway from a vessel;
- (b) use a net for the purpose of fishing in a waterway;
- (c) use a gidgee or speargun; or
- (d) fish from a private jetty or private land,

so as to cause a nuisance.

2.3 Users of waterway not to cause a nuisance

No person shall moor their vessel or otherwise use a waterway in such a manner as to cause a nuisance to other users of the waterway.

2.4 Maintenance of vessels

A person shall not clean, repair or maintain a vessel moored in a waterway, pen, jetty or mooring envelope in such a manner as to cause a nuisance to other users of the waterway.

2.5 Storage of fuels

- (1) A person shall not store fuel -

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- (a) on a jetty;
- (b) on any other structure built on or over the water and that is attached to the land;
- or
- (c) [otherwise](#) within 20 metres of the high watermark,

except in a fuel storage facility constructed with the approval of an authorised person.

2.6 Pollution of waterway

A person shall not deposit or release or permit to be deposited or released any pollutant into a waterway whether from a vessel, jetty, bridge, pen or private land.

2.7 Restrictions on vessel anti-fouling paint

Any vessel that is coated with anti-fouling paint containing any substance or additive compound that has been altered or is applied at variance with manufacturers or government specification, which is known to bio-accumulate toxins or contain residual chemicals that risk being harmful to the marine environment, is prohibited from using the waterways or entering a marina.

2.8 Application of signs

- (1) A sign that-
 - (a) was erected by the local government or a person authorised by the local government prior to the coming into operation of this local law; and
 - (b) relates to the use of a waterway, jetty or marina,shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law [and shall have effect as such.](#)
- (2) Where the use of a vessel in a waterway is regulated by a sign, then the sign shall for the purposes of this local law apply to that part of the waterway which -
 - (a) lies beyond the sign; and
 - (b) lies between the sign and the next [related](#) sign beyond that sign.
- (3) No person shall use a vessel in a waterway contrary to a sign.

PART 3 – MOORING OF VESSELS

3.1 Application of part

This Part applies to the mooring of any vessel whether on a waterway, pen, jetty or within a marina.

3.2 Vessels moored within mooring envelope

Where a vessel is moored within a mooring envelope it must be wholly contained within the length and width of that mooring envelope.

3.3 Mooring lines

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(1) The owner of a vessel must -

- (a) provide, use and adequately maintain mooring lines sufficient to ensure the safe mooring of the vessel, and which shall not be less than the sizes listed below -

<u>Length of vessel</u>	<u>Mooring line diameter</u>
Up to 5 m	Not less than 12 mm
5 m to 8 m	Not less than 16 mm
8 m to 12 m	Not less than 20 mm
12 m to 15 m	Not less than 24 mm; and

- (b) periodically inspect the mooring lines and replace any mooring ~~lines which are unfit for their intended purpose~~ line which is unfit for its intended purpose so as to ensure compliance with the requirements set out in this clause.

3.4 Inspection of mooring lines by authorised person

(1) Where an authorised person considers the mooring line of a vessel may be faulty, or not comply-compliant with the requirements of ~~clause 3.3(1)(a)~~ clause 3.3(a), the authorised person may issue a written direction to the owner of the vessel requiring within a specified time frame -

- (a) the replacement of any mooring line; or
(b) the testing and certification of any mooring line as suitable for its purpose by a marine engineer or equivalent and the provision of such certification to the local government.

3.5 Connection of moored vessel to electrical power supply

(1) ~~Where the owner of a moored vessel connects the vessel to the mains power supply of a dwelling the -~~

- ~~(a) power supply of the vessel must comply with AS/NZS 3004;~~
~~(b) the power cords used to connect the power supply of the vessel to the main dwelling must comply with AS/NZS 3191; and~~
~~(c) the owner shall ensure that the power cords or leads used to connect the vessel to the mains power supply do not enter the water and do not otherwise create a hazard for those in the vicinity of the vessel.~~

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 dwelling comply AS/NZS 3191; and

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(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.

3.6 Mooring in waterway

~~(1) No person shall moor a vessel in a waterway so as to -~~ A person shall not moor or anchor a vessel in a waterway so as to -

- (a) obstruct the waterway; or
- (b) cause a nuisance to other users of the waterway.

~~(2) A person shall not moor or anchor a vessel in a waterway for more than four hours in any seven day period if and while the vessel is moored or anchored to a public foreshore~~

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PART 4 – USE OF PUBLIC JETTIES

4.1 Use of a public jetty

(1) A person shall not land at, use or enter a public jetty except in accordance with this local law.

(2) A person shall not land at, use or enter a public jetty which is -

- (a) under construction or repair; or
- (b) closed under section 6 of the *Jetties Act 1926* or any other written law, unless that person is engaged in the construction or repair of that public jetty in accordance with the written authorisation of an authorised person.

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4.2 Mooring of vessels

(1) A person shall not moor or fasten a vessel to a public jetty ~~or allow a vessel to remain alongside so that any part of the vessel is within 3 metres of the public jetty,~~ unless -

- (a) the vessel is in distress such that repairs are required and then only to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
- (b) it is for recreational purposes, and then not for a ~~single continuous~~ period exceeding 4 hours without the prior written consent of an authorised person;
- (c) where the vessel is being used for commercial purposes, the person has first obtained the approval of an authorised person and paid any required fee to the local government for such mooring or making fast; or

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(d) the mooring of the vessel is authorised or permitted by the local government either by way of a sign affixed by the local government to the public jetty or by written consent of an authorised person.

(2) A person shall not -

(a) moor or fasten ~~make fast~~ a vessel to a public jetty or any part of the jetty except to such mooring piles, ring bolts or other fastenings as are provided;

(b) permit a vessel to remain alongside a public jetty unless the vessel is so moored or fastened; or

(c) moor or fasten a vessel to a public jetty ~~or any part of the jetty~~ whilst the vessel is under any means of propulsion.

(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.

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4.3 Authorised person may order removal of vessel

Notwithstanding anything to the contrary in this local law, a person shall immediately remove a vessel moored or fastened to or standing alongside a public jetty, upon being directed to do so by an authorised person.

4.4 Vehicles on public jetties

A person shall not -

(a) drive or allow a vehicle to remain on a public jetty (other than a boat ramp) without the prior written consent of an authorised person; or

(b) ride a bicycle, or allow a bicycle to remain, on a public jetty;

(b) -except for an emergency vehicle responding to an emergency.

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4.5 Fishing from public jetties and bridges

A person shall not -

(a) fish from a public jetty or bridge so as to obstruct or interfere with the free movement of a vessel approaching, passing or leaving the jetty or bridge or so as to cause a nuisance on or near the public jetty or bridge; or

(b) hang or spread a fishing net from, on or over any part of a public jetty or bridge.

4.6 ~~Nuisance on public jetties or bridges~~Prohibited activities on vessels, public jetties or bridges

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A person shall not -

(a) without the prior written consent of an authorised person offer for sale or

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sell goods or services from a vessel, public jetty or bridge;

- (b) use any loud speaking or sound amplifying device on a vessel, public jetty or bridge without the prior written consent of an authorised person;
- (c) interfere with the free movement of others entering or leaving a public jetty or bridge; or
- (d) jump or dive from a public jetty or bridge; or
- (e) use a fire hose on a public jetty or bridge, except in case of an emergency.

4.7 Material not to be removed

A person shall not remove or cause to be removed from a public jetty or from its approaches any gravel, stone, timber, tree, shrub, grasses, shrubs, grasses or other material without the prior written permission of an authorised person.

4.8 Damage to public jetty, boat ramp or bridge

- (1) A person shall not cause damage to a public jetty, boat ramp or bridge.
- (2) Where damage is caused to a public jetty, boat ramp or bridge, the local government may repair the damage and the costs of the repair shall be a debt due to the local government recoverable in a court of competent jurisdiction.
- (3) The debt referred to in clause 4.8(2) is payable—
 - (a) where the damage is caused by the use of a vessel or vehicle, by the person in control of the vessel or vehicle at the time the damage occurs;
 - (b) where the damage is not caused by a vessel or vehicle, by the use of the person or persons who caused the damage; or
 - (c) ~~where the damage is caused by an agent or employee of the owner of the vessel or vehicle, and without prejudice to the liability of other persons, if any, by the owner of the vessel or vehicle~~where the damage is caused by the use of a vessel or vehicle which under the control of an agent or employee of the owner of the vessel or vehicle, but without prejudice to the liability of any other person arising under this or any other clause of the Local Law.

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4.9 Obstruction of public jetty or bridge

- (1) A person shall not, without the written consent of an authorised person, cause any obstruction on a public jetty or bridge or impede the free passage of other persons to, from or on a public jetty or bridge.
- (2) A person shall not obstruct or hinder any authorised person, or worker engaged in the construction or repair of any public jetty or bridge.

4.10 Littering on a public jetty or bridge

A person shall not -

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- (a) discard or deposit anything, including fish or bait, on to a public jetty or bridge so as to litter or cause pollution; or
- (b) deposit any offensive rubbish or offal into any rubbish bin located on a public jetty or bridge.

4.11 Launching of vessels

A person shall not launch or permit the launching of a vessel from or over any public jetty (other than a boat ramp) unless he or she has -

- (a) applied to, and obtained the written consent of, the local government in the form (if any) prescribed by the local government for any purpose; and
- (b) paid to the local government any fee set by the local government from time to time for the purpose.

4.12 Miscellaneous prohibitions

No person shall on any public jetty or bridge -

- (a) light, place or keep a fire upon or so near as to endanger ~~the jetty or bridge;~~ any jetty;
- (b) throw or impel any stone, or other missile onto or there from, except for the express purpose of fishing and then only in accordance with clause 4.5;
- (c) permit an animal to remain thereon, except with the written consent of an authorised person;
- (d) be in a state of intoxication or in possession of any intoxicating substance unless such intoxicating substance is cargo or medical supply carried for lawful purpose;
- ~~(e) — behave in a disorderly manner, or create or take part in any disturbance or use any foul or indecent language or commit any act of indecency;~~
- ~~(f)~~(e) post, stick, paint or write or cause to be posted, stuck, painted or written any placard, bill, advertisement, sign or other matter;
- ~~(g)~~(f) fix or place any receptacle capable of holding water and providing a breeding site for mosquitoes or other insects;
- ~~(h)~~(g) land, place or handle explosives without the prior written consent of an authorised person; or
- ~~(i)~~(h) loiter, lounge, camp or sleep or erect a tent, camp or fly a model aeroplane.

4.13 Application for consent

- (1) Where a person is required to obtain the written consent of the local government under this local law, the person is to apply for that consent in the manner required by the local government.

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- (2) The local government may, in accordance with sections 6.16 to 6.19 of the Act, determine and impose a fee for receipt of an application for consent made under clause 4.13(1).
- (3) If an application for consent is not made in the manner required by the local government or the fee, if any, which is charged to accompany that application is not paid, the local government may refuse to consider the application for consent.
- (4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.

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;
 - ~~(j)~~ repair, maintenance or construction of the jetty;
 - ~~(k)~~ public safety; or
 - ~~(l)~~ other operational reasons.

PART 5 – PRIVATE JETTIES AND WATERWAYS LOTS

5.1 Causing nuisance from a private jetty Activities prohibited on a private jetty

A person shall not on a private jetty without the prior written consent of an authorised person -

- (a) offer for sale or sell goods or services;
- (b) display any sign or advertisement other than those authorised by the local government;
- (c) use any loud speaking or sound amplifying device; or
- (d) interfere with the free movement of others on any waterway adjoining the private jetty.

5.2 Mooring of vessels

A person shall not -

- (a) moor or permit the mooring of a commercial vessel at a private jetty without the prior approval of the local government; or
- ~~(b) — moor or permit the mooring of a vessel outside of the mooring envelope designated by the State Authority and the local government when the vessel is normally moored alongside the private jetty; or~~

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~~(e)(b)~~ moor or permit the mooring of a vessel at a private jetty without the consent of the owner of the jetty.

5.3 Private jetties and pontoons

- (1) A person shall not construct a jetty or pontoon -
 - (a) in such a manner as to damage a waterway-edge wall underlying or adjoining the jetty or pontoon;
 - (b) in such a manner as to impose any additional load upon a waterway edge wall, unless approved by the local government; or
 - (c) other than within the jetty or pontoon envelope designated by the local government.
- (2) The installation of sewage and sullage or fuel storage facilities is prohibited on any private jetty or pontoon.
- (3) An owner may with the permission of the local government and in accordance with AS/NZS1158 install lighting on a private jetty.
- (4) ~~The owner of a private jetty or pontoon shall maintain the jetty or pontoon to the satisfaction of the local government.~~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.
- (5) A person shall not construct a gangway -
 - (a) other than in accordance with AS/NZS 3962;
 - (b) in such a manner as to damage or impose any additional load upon a waterway-edge wall;
 - (c) other than within the jetty or pontoon envelope; or
 - (d) that is permanently attached or fixed to a waterway-edge wall;
 - (e) that is in excess of 2 metres in width to a jetty or pontoon.

5.4 Design of mooring piles

- (1) A person shall not construct a mooring pile other than -
 - (a) in accordance with AS/NZS 2159;
 - (b) where steel piles are installed, in accordance with AS/NZS 3679.1, AS/NZS 3679.2, AS/NZS 1163 and AS/NZS 3678 as applicable.

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- (2) ~~No person shall~~ A person must not construct, position or place a mooring pile, pole or other structure for the purpose of mooring a vessel within a waterway without the written consent of the local government.

PART 6 – MAINTENANCE OF WATERWAY EDGE WALLS

6.1 Maintenance of waterway-edge walls

- (1) ~~An owner of property shall maintain any waterway-edge wall within their property to the satisfaction of the local government.~~ 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.
- (2) ~~No person shall~~ A person must not drill, cut, alter or remove a waterway-edge wall without the written consent of the local government.
- (3) An owner of property containing a waterway-edge wall shall maintain a depression on the dry side of the owner's lot behind the top of the retaining wall edge for drainage purposes.

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PART 7 – USE OF MARINA

7.1 Requirement for licence

~~No person shall~~ A person must not, without first obtaining a licence from the local government, moor or anchor or cause any vessel to be moored or anchored, within a marina.

7.2 Application for licence and application fee

- (1) Where a person is required to obtain a licence under this Part, that person shall apply for the licence in the form in Schedule 2.
- (2) The local government may, in accordance with sections 6.16 to 6.19 of the Act, determine and impose an application fee for a licence under clause 7.1
- (3) The application for a licence must be made by -
- (a) the owner of the vessel; or
 - (b) the owner's agent who has the written authority to sign the application on behalf of the owner of the vessel.
- (4) The licence ~~will~~ is to be issued in the name of the owner of the vessel.

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(5) If an application for a licence is not made in the manner required by the local government or the fee, if any, which is charged in respect of the application is not paid, the local government may refuse to consider the application. for a licence.

7.3 Obligations of licensee

- (1) During the term of the licence, the licensee must-shall-
- (a) keep and maintain the vessel in a state of good and substantial repair and in a clean, tidy, orderly and seaworthy condition;
 - (b) keep and maintain the pen in which the licensee's vessel is moored and any adjacent jetty or walkway in a clean, tidy and orderly condition;
 - (c) ensure that, except during entry into and exit from the pen, no portion of the vessel moored in the pen shall extend beyond the boundaries of the pen;
 - (d) ensure that the vessel shall-does not at anytime-any time interfere with, obstruct or impede the movement of any other vessels within a marina;
 - (e) ensure that the vessel shall-does not at anytime-any time interfere with, obstruct or impede the movement of any materials, goods or equipment along or over any jetty or walkway forming part of a marina;
 - (f) ensure that any vessel under the control of the licensee, his-agent-or the licensee's agent or licensee or employee, when approaching, using or leaving the pen is controlled in a cautious and seamanlike manner and does not cause a nuisance or damage to any other vessel, property or persons;
 - (g) ensure that hose pipes or electricity leads shall not be allowed to obstruct or create a hazard to persons walking within a marina; 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;
 - (h) without the prior written consent of the local government, carry out or permit to be carried out any major structural work to the vessel in a pen or marina;
 - (i) hold a third party insurance policy for the vessel housed in the pen or pen system;
 - (j) use power points and water taps provided within the pen system only with the appropriate connections and for the purpose of minor maintenance, and ensure all power cords are in good order and repair, and not placed in the water;
 - (k) comply with all conditions attaching to the licence.
- (2) During the term of the licence, the licensee must-shall- not -

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- (a) permit any vessel other than the one described in the licence to use or to occupy the pen without the prior written consent of the local government;
- (b) store or keep, or permit to be stored or kept, on or in any vessel in the pen, or the pen system, any inflammable substance except that which is contained in tanks or lines which either form a permanent part of a vessel or which comply with the *Uniform Shipping Laws Code 1981* (Cth) and the relevant regulations created under the *Western Australian Marine Act 1982* (WA);
- (c) 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 cause damage or become a nuisance, annoyance or inconvenience, to other users of a marina;
- (d) cause any entrance gate to a marina to be held open by any manner whatsoever;
- (e) permit any animal to stray in or on any part of a marina;
- (f) without the prior written consent of the local government, make any alteration or addition to the pen or any part thereof;
- (g) without the prior written consent of the local government, affix or exhibit, or cause or permit to be affixed or exhibited, on any part of the pen or vessel any poster, sign or advertisement other than a vessel's registration numbers and name;
- (h) without the prior written consent of the local government, carry out or permit to be carried out any major structural work to the vessel in a pen or marina;
- (i) operate or permit to be operated any noisy, noxious or objectionable engine, radio or other apparatus or machinery within the pen, so as to cause any nuisance or annoyance to another user of a marina;
- (j) provide any person with the key (or any copy, duplicate or replica of the key) giving access to a marina;
- (k) leave the vessel unattended in such a manner as to prevent the movement of another vessel in or out of its pen, or obstruct the movement of vessels in a marina;
- (l) engage a vessel's propulsion system while secured to a pen or pen system except when alighting (leaving/arriving) from the pen or carrying out mechanical repairs or testing;
- (m) live on board a vessel without the prior written authorisation of an authorised person;
- (n) install a vessel lifting device without the prior written authorisation of an authorised person;

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(o) bring, deposit or release or permit to be brought, deposited or released any black water, raw sewerage, oil or fuel, fish products including fish carcasses (but excluding bait), shells and offal, whether solid or liquid, and regardless of whether or not it is dangerous, polluting or noxious in nature, into or within the pen or the waters surrounding the pen;

(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;~~

~~(ii) become a nuisance, annoyance or inconvenience; or~~

~~(iii) to other users of the pen system; or~~

~~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;~~

(q) use a fire hose, where no emergency exists.

(3) A licensee or a person under the charge of the licensee, subject to subclause (2)(o), may -

(a) wash down their vessel, the pen, or the adjacent jetty or walkway, provided no non-biodegradable chemicals or cleaning agents are used;

(b) clean fish on board their vessel or at any designated area for cleaning fish within the pen system; or

(c) bring fuel in approved containers onto or within a pen system for the purposes of refuelling.

7.4 General prohibitions

(1) A person shall not perform underwater repairs or hull cleaning in a marina without having first obtained written consent from the local government and provided the activity is only undertaken within the licensee's pen.

(2) A person shall not without obtaining the prior written consent of the local government use

~~a-~~

(a) ~~a~~ power point for longer than 3 hours; or

(b) ~~a~~ water tap for longer than 30 minutes,

in a 24-hour period commencing at midnight ~~of the previous day~~.

(3) ~~Persons who have obtained the written authorisation of the local government to live on board may connect to power for longer periods on the condition that they shall not~~

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ATTACHMENT 2

~~restrict power to other pen holders for the purpose of minor maintenance.~~ 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.

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7.5 Right of entry and execution of repairs

(1) An authorised person may, at any reasonable time on reasonable notice during the term of ~~the a~~ licence, enter upon and view the condition of the relevant pen, the vessel and any buoys and lines or any part thereof within or attached to the pen.

(2) An authorised person may give to the licensee a notice in writing requiring the licensee to execute any repairs and works within a stipulated time period that, in the reasonable opinion of the authorised person, are necessary for the proper maintenance of any of the things referred to in subclause (1).

(3) The licensee must shall execute all repairs and works required to be done within any reasonable time period stipulated by written notice given by an authorised person.

(4) If the licensee does not, within the time specified in any notice issued under this clause, complete the repairs and works required in the notice, an authorised person may enter the mooring pen and complete the repairs and works required in the notice.

(5) The cost of any repairs and works undertaken by the local government under subclause (4) shall be a debt due to the local government payable by the licensee.

(6) An authorised person may, at any reasonable time on reasonable notice enter a pen for the purpose of making surveys or carrying out any works the local government may deem to be necessary without paying to the licensee any compensation, although any work shall be carried out with the least inconvenience possible to the licensee.

(7) An authorised person may enter a pen or a vessel, at any time when, in the reasonable discretion of the authorised person, an emergency exists.

7.6 Removal of vessel

An authorised person may, in any of the circumstances mentioned in clause 7.5, move or cause to be moved any vessel located within a pen. The ~~costs~~ of moving a vessel under this clause shall be a debt due to the local government, payable by the licensee and recoverable in a Court of competent jurisdiction.

7.7 Termination of licence

ATTACHMENT 2

(1) The local government may, on 30 days written notice to the licensee, terminate a licence granted under clause 7.2 in the event of -

- (a) the annual service fee or any part thereof, payable by a licensee being in arrears for one calendar month after becoming due and payable; or
- (b) any default by a licensee in the due observance and performance of any of the requirements contained in this local law or any condition of the licence.

(2) Termination of a licence pursuant to this clause will not prejudice the local government's rights, powers and remedies in relation to any fee or other monies owed as a debt due to the local government under this local law or in relation to penalties for breach of this local law.

(3) Upon the expiration or earlier termination of a licence granted under clause 7.2, the licensee shall remove the vessel from the pen within 7 days. If the licensee fails to remove the vessel within 7 days the local government may remove and store the vessel and the costs of removing and storing the vessel shall be a debt due to the local government payable by the licensee [and recoverable in a Court of competent jurisdiction](#).

(4) In the event of a licensee discontinuing the use of the pen he or she shall not be entitled to a refund of that part of any fee paid by the licensee in respect of a licence, the service fee or any other fees that may apply from time to time.

~~(5) — In the event of a breach by the licensee of any of the provisions of this local law, the licensee's vessel may be removed, impounded and disposed of in accordance with Part 3, Division 3, Subdivision 4 of the Act.~~

[7.8 Breach of licence](#)

In the event of a breach by the licensee of any of the provisions of this local law, the licensee's vessel may be removed, impounded and disposed of in accordance with Part 3, Division 3, Subdivision 4 of the Act.

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PART 8 - GENERAL PROVISIONS

8.1 Objections and appeals

When the local government makes a decision as to whether it will -

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations shall apply to that decision.

8.2 Notice of breach

ATTACHMENT 2

(1) Where a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such breach.

(2) A notice issued pursuant to subclause (1) shall –

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state the manner in which the recipient is required to remedy the breach

to the satisfaction of the local government within a time period stipulated in the notice which shall be not less than 14 days from the giving of the notice, except as provided in subclause (3).

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(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.

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(34) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

8.3 Offences and penalties

(1) A person who –

- (a) fails to do anything required or directed to be done under this local law;
- (b) fails to comply with the requirements of a notice issued under this local law by the local government or by an authorised person; or
- (c) does anything which under this local law that person is prohibited from doing; commits an offence.

(2) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.

(3) A person who commits an offence under this local law is liable to a maximum penalty of \$5,000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

(4) Any person who fails to comply with a direction issued by an authorised person commits an offence.

(5) Any person who obstructs an authorised person in the course of his-the authorised person's duties under this local law commits an offence.

8.4 Prescribed offences

ATTACHMENT 2

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
 - (a) [In](#) the case of a first offence the modified penalty will be that prescribed in column 4 of Schedule 1; [and](#)
 - (b) [In](#) the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Schedule 1.
- (3) An authorised person, before giving an infringement notice to a person in respect of the commission of a prescribed offence, must be satisfied that –
 - (a) the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

8.5 Forms of infringement notices

For the purposes of this local law -

- (1) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 of the Regulations;
- (2) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (3) the form of the notice given under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.

8.6 Fees and charges

Fees and charges may be imposed by the local government for the purposes of this local law in accordance with the requirements of Part 6, Division 5, Subdivision 2 of the Act.

8.7 Costs of repair

Any person who causes damage to a jetty, bridge or pen under the care, control and management of the local government, whether or not they are committing an offence under this local law, shall pay the costs of repairing any damage caused to the local government [and the local government may recover the cost as a debt due in a Court of competent jurisdiction.](#)

ATTACHMENT 2

SCHEDULE 1 - Prescribed Offences

[cl 8.4(1)&(2)]

City of Mandurah Jetties, Waterways and Marina Local Law 2010

OFFENCES AND MODIFIED PENALTIES

Item no	Clause	Nature of offence	Modified penalty first offence	Modified penalty subsequent offence
1	2.1(1)	Swimming in a waterway so as to cause a nuisance	\$50	\$100
2	2.2(a)	Fishing in a waterway from a vessel so as to cause a nuisance	\$100	\$200
3	2.2(b)	Using a net to fish in a waterway so as to cause a nuisance	\$100	\$200
4	2.2(c)	Using a gidgee or speargun to fish in a waterway so as to cause a nuisance	\$100	\$200
5	2.2(d)	Fishing from a private jetty or private land so as to cause a nuisance	\$100	\$200
6	2.3	Using a waterway so as to cause a nuisance	\$100	\$200
7	2.4	Maintaining a vessel so as to cause a nuisance	\$100	\$200
8	2.6	Depositing or releasing pollutant into waterway	\$250	\$500
9	2.8(3)	Using a vessel in a waterway contrary to a sign	\$100	\$200
10	3.2	Mooring a vessel other than wholly within a mooring envelope	\$100	\$200
11	3.3	Mooring a vessel with faulty or inadequate mooring lines	\$100	\$200
12	3.6	Mooring <u>or anchoring</u> in a waterway to cause obstruction or cause a nuisance	\$150	\$300
13	4.2	Unauthorised mooring of a vessel on <u>at</u> a public jetty	\$100	\$200
14	4.5(a)	Fishing from a public jetty or bridge so as to cause obstruction or nuisance	\$100	\$200
15	4.5(b)	Using a fishing net on a public jetty or bridge	\$100	\$200
16	4.6(a)	Selling goods or services from a vessel, public jetty or bridge	\$100	\$200
17	4.6(b)	Using a loud speaking device on a vessel, public jetty or bridge	\$100	\$200

ATTACHMENT 2

18	4.6(c)	Interfering with the free movement of others entering or leaving a vessel, public jetty or bridge	\$100	\$200
19	4.6(d)	Jumping or diving from a public jetty or bridge	\$100	\$200
20	4.6 (e)	Use of fire hose where no emergency exists	\$500	
21	4.8(1)	Causing damage to a public jetty or bridge	\$200	\$400
22	4.9	Causing an obstruction of a public jetty or bridge	\$100	\$200
23	4.10	Littering on a public jetty or bridge	\$100	\$200
24	4.12	Miscellaneous prohibitions	\$100	\$200
25	5.1	Causing a nuisance from a private jetty Prohibited activities on a private jetty	\$100	\$200
26	5.2(1) 5.2(a)	Mooring of a commercial vessel on a private jetty	\$100	\$200
27	5.2(2)	Mooring of an oversized vessel on a private jetty	\$100	\$200
28	5.2(b3)	Mooring of a vessel on a private jetty without consent of owner	\$100	\$200
29	5.3 (1)	Unsatisfactory construction of jetty or pontoon	\$100	\$200
30	5.3(4)	Failing to maintain private jetty or pontoon	\$100	\$200
31	6.1(1)	Failing to maintain waterway-edge wall	\$100	\$200
32	6.1(2)	Damaging a waterway-edge wall	\$200	\$400
33	7.1	Mooring or anchoring a vessel in a marina without a licence	\$100	\$200
34	7.3(2)(q)	Use of a fire hose where no emergency exists	\$500	
35	8.2(34)	Failure to comply with notice	\$100	\$200
36	8.3(1)	Other offence not specified	\$100	\$200
37	8.3(4)	Failure to comply with a direction by an authorised person	\$100	\$200

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ATTACHMENT 2**SCHEDULE 2 – Form 1**

[cl 7.2]

City of Mandurah Jetties, Waterways and Marina Local Law 2010**FORM: APPLICATION FOR LICENCE TO MOOR VESSEL IN MARINA**

I hereby apply for the allocation of boat pen accommodation at the Mandurah Ocean Marina Recreational Jetty and acknowledge that the lodgment of this application is subject to approval and payment of pen fee before occupying the pen allocated to my vessel.

Marina Selection

Mandurah Ocean Marina Recreational Berth	<input type="radio"/>	Mandurah Ocean Marina Commercial Berth	<input type="radio"/>
Mandurah Ocean Marina Brokers Berth	<input type="radio"/>	South Harbour Mini Marina	<input type="radio"/>
Mary Street Lagoon – Halls Head	<input type="radio"/>	Dolphin Pool Recreational Berth (10 meter)	<input type="radio"/>

Applicants Details

Applicant Name	Home Tel:
<input type="text"/>	<input type="text"/>
Company Name (If invoice is to be addressed to Company Name)	Mobile Tel No:
<input type="text"/>	<input type="text"/>
Address	Fax
<input type="text"/>	<input type="text"/>
Postal Address (if different to above):	Business Tel:
<input type="text"/>	<input type="text"/>
Emergency Contact Name (Not Self)	Email:
<input type="text"/>	<input type="text"/>
	Emergency Tel:
	<input type="text"/>

Vessel Details

Vessel Name:	Vessel Type:	Registration Number:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Insurance Company, Policy Number & Expiry Date:		Length (m) (Including extremes bowsprit & davits):
<input type="text"/>		<input type="text"/>
Current Insurance Certificate of Currency Attached:	<input type="radio"/>	Beam(m):
		<input type="text"/>
Current Boat Registration/Certificate of Survey Paper Attached:	<input type="radio"/>	Draft (m):
(Expiry Date:_____)		<input type="text"/>

Commercial Operator Details

Please only answer the following questions if you are applying for a commercial berth

Commercial Activity (eg Lobster,prawn,charter))	<input type="text"/>
If Fishing, company that you fish for:	<input type="text"/>

I acknowledge by signing this Pen Licence Application that I have received the following documents and will comply with the terms, conditions and policies contained within these documents throughout the initial and any extended term. Should I disagree with any of the clauses within the documents I will respond in writing to the Marina Manager within 7 days from the date on this application whereby I will be entitled to a refund minus the applicable daily charge and application fees.

Marina Pen Agreement Terms & Conditions

Applicants Signature:

☒

Approved by Marina Management:

Date:

Date:

Office Use Only

Licence From:

Licence To:

Keys Issued:

Pen Number Allocated:

16 **SUBJECT:** January 2019/April 2019 Committee and Council Meetings
 CONTACT OFFICER/S: Mark Newman/David Prattent
 AUTHOR: David Prattent
 FILE NO:

Summary

Council is requested to consider changing the meeting schedule during January 2019 and April 2019 to accommodate holidays and public holidays, while ensuring that the business and decision making of Council is unaffected.

Disclosure of Interest

None

Previous Relevant Documentation

- G.20/9/16 13 September 2016 Meeting dates December 2016/January 2017

Comment

To accommodate planned absences in January and the Easter/ANZAC Day holidays in 2019, it is proposed that the following meeting dates be established:

January 2019

Committee of Council	No meeting proposed
Council meeting	Tuesday 29 January 2019

April 2019

Committee of Council	Tuesday 16 April 2019
Council meeting	Tuesday 30 April 2019

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

The proposed changes accommodate holiday issues in January 2019 and April 2019 while ensuring the business and decision-making of Council is unaffected.

RECOMMENDATION

That Council approves the following changes to the schedule of meetings:

January 2019

Committee of Council	No meeting
Council meeting	Tuesday 29 January 2019 commencing 5.30 pm

April 2019

Committee of Council	Tuesday 16 April 2019 commencing 5.30 pm
Council meeting	Tuesday 30 April 2019 commencing 5.30 pm