



NOTICE OF MEETING

ORDINARY COUNCIL

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

**Tuesday 10 October 2017
at 5.30pm**

MARK R NEWMAN
Chief Executive Officer
4 October 2017

AGENDA:

1. **OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ATTENDANCE AND APOLOGIES**

4. **IMPORTANT NOTE:**

Members of the public are advised that any decisions made at the meeting tonight, can be revoked, pursuant to the *Local Government Act 1995*. Therefore, members of the public should not rely on any decisions until formal notification in writing by Council has been received.

5. **ANSWERS TO QUESTIONS TAKEN ON NOTICE**

Please refer to Attachment 5.1.

6. 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.

7. PUBLIC STATEMENT TIME

Any person or group wishing to make a 2-minute Public Statement to Council regarding a matter concerning local government must first complete an application form. For more information about Public Statement Time, or to obtain an application form, please telephone 9550 3706 or visit the City's website www.mandurah.wa.gov.au.

8 LEAVE OF ABSENCE REQUESTS

8.1 Hon Councillor Riebeling: From 11 October to 17 October 2017 (inclusive) and from 6 November to 17 November 2017 (inclusive).

9. PETITIONS

9.1 Petition Opposing the Removal of the Land Use 'Tavern' from the Mandurah Ocean Marina Outline Development Plan (1,094 signatures): Councillor Peter Rogers.

10. PRESENTATIONS

11. DEPUTATIONS

Any person or group wishing to make a 5-minute Deputation to Council 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 who have made a deputation at the preceding Planning Committee will not be permitted to make a further deputation on the same matter to this 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.

12. CONFIRMATION OF MINUTES:

12.1 Ordinary Council Meeting: Tuesday 26 September 2017 (attached).

13. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

14. DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**15. QUESTIONS FROM ELECTED MEMBERS (WITHOUT DISCUSSION)**

15.1 Questions of which due notice has been given

15.2 Questions of which notice has not been given

16. BUSINESS LEFT OVER FROM PREVIOUS MEETING**17. RECOMMENDATIONS OF COMMITTEES**

17.1 Adoption of Recommendations of Planning Committee Meeting: Tuesday 3 October 2017 (Green pages)

<i>Item</i>	<i>Page No</i>	<i>Interests Declared / Additional Information</i>
P.4/10/17 Amendment 132 to Town Planning Scheme No. 3: Lot 10 Old Pinjarra Road, Greenfields	3	
P.5/10/17 Proposed Subdivision: Lot 90 Leisure Way, Halls Head	4	

18. REPORTS (Yellow Pages):

<i>Item</i>	<i>Page No</i>
1 Port Bouvard Surf Lifesaving Club 2 nd Floor Extension	1 - 18
2 Proposed Trading Permits – Eastern Foreshore	19 - 28
3 Pinjarra Road Design: Mandurah Traffic Bridge to Sholl Street, Mandurah	29 - 36
4 Mandjar Square: Future Works	37 - 41
5 Determinations – Final Adoption	42 - 45
6 Review of the Local Government Act 1995 & Regulations	46 – 71
7 Tender 16-2017: Construction of Sports Pavilion Ocean Road	72 - 77
8 Tender 15-2017: Construction of Mandurah Family Community Centre	78 - 85
9 Falcon Bay Shark Barrier	86 - 94

19. ADOPTION OF RECOMMENDATIONS NOT WITHDRAWN FOR FURTHER DISCUSSION

20. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

21. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

22. LATE AND URGENT BUSINESS ITEMS

23. CONFIDENTIAL ITEMS

23.1 Formation of a Public Art Committee.

23.2 Crab Fest Review.

24. CLOSE OF MEETING

RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE COUNCIL MEETING HELD ON TUESDAY 26 SEPTEMBER 2017

G.21/9/17 MR D KEENE: PROPOSED WASTE TRANSFER STATION AT TIMS THICKET ROAD

- 1 Will you table the complete letter of approval received from the Department of Environmental Regulation (DER) regarding Approval Number W57789/2014/1 covering the proposed waste transfer station at Tims Thicket Road?

Response:

A copy of the letter will be made available to Mr Keene.

- 2 Given the short time frame of approval (12-months), what if any steps were taken by the Works and Services Department or others to ensure that the project was constructed during that period? For example, did the City of Mandurah discuss with Trans Pacific (trading as Cleanaway) which was the joint proponent of the original application to the DER? Were any draft tender documents ever prepared?

Response:

This project is not a simple one that can be delivered in a short timeframe. It needs to be understood that many processes have to be completed to achieve a successful outcome.

The City expended significant cost and officer time to achieve a design that was acceptable to the DER. The scope of the project changed from a simple collection place to a sophisticated complex incorporating State Government waste minimisation strategies. Having a design to achieve this resulted in a major increase in cost (approximately \$1M) and the City had to resolve to contribute to the project financially. It also has to consider the business case for ongoing operational costs which has to be paid for by the whole community.

Additionally, there is a tender process for such construction which takes five months. Cumulatively, there was no time to deliver the project to meet the demands of the DER. The DER declined a request for a time extension.

- 3 When the normal period allowed for such approvals is usually three years, what circumstances prevailed which led the DER to reduce the normal time? Was the application deficient in any material way?

Response:

The application was not deficient in any way. If it was the Works Approval would not have been issued. The Works Approval timeframe was a decision of the DER and the City had no influence on the determination of this timeframe.

RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE COUNCIL MEETING HELD ON TUESDAY 26 SEPTEMBER 2017

- 4 Alternatively, did the City of Mandurah seek an extension of time if it could not meet the time limit? If not, why not?

Response:

As the project was linked to Waste Authority funding and we could not meet the funding timeframe, the City did not seek an extension of time for the Works Approval as the project could not proceed without funding assistance. If the City secured new funding it would apply to the DER for re-issue of the Works Approval.

- 5 Has the City of Mandurah subsequently made a new application to construct the facility? If not, why not?

Response:

The City has not made a new application at this time. The reasons for this include:

- *Grant funding opportunities have not been made available by the State Government*
- *The City of Mandurah has to assess a business case for this project.*

- 6 Did, or has, the City of Mandurah received a grant from the State Government to provide a significant portion of the cost of the facility? Why did the City not proceed with the construction, if it had both works approval and external funding assistance?

Response:

Yes the City did receive a grant for part funding of the Transfer Station. The funding timelines could not be met due to the delays in obtaining Works Approval from the DER and as a result the project did not proceed.

- 7 If the grant has run out, has the City of Mandurah made a new application for State funding? If not, why not?

Response:

The State Government have not released any further grant funding programs that are relevant to the construction of the Tims Thicket Transfer Station. It is the City's intention to apply for appropriate grant funding as and when it becomes available. It should also be noted that the City will need to consider the ongoing operational costs associated with such a facility and be willing to fund this on an ongoing annual basis. Council has yet to consider this matter.

- 8 What overlapping period was there when both the money and the approval coincided?

Response:

8: 6 months.

RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE COUNCIL MEETING HELD ON TUESDAY 26 SEPTEMBER 2017

- 9 Why is there apparently no money allowed in the 2017/18 budget for the project?

Response:

The overall project cost has risen to almost \$1M due to the requirements of the DER. Without significant contribution towards the capital costs by State Government the project will not proceed. Further, the City has to consider ongoing operational costs which the whole community has to contribute to.

- 10 Will the City of Mandurah provide me with a copy of the Minute or record of questions and answers to an earlier City meeting at which I asked questions?

Response:

The answers to these questions are a public record and are incorporated as part of the Council minutes. The City will provide a copy of that minute.

- 11 Will the City of Mandurah table and provide me with a copy of all correspondence both external and internal written communications within the administration records of the City of Mandurah. If not, why not? Alternatively, with this complete record be provided to the Mayor and individual Councillors for their perusal and action if necessary?

Response:

The correspondence regarding the Tims Thicket Transfer Station project is extensive, and is available to the public. The Mayor and Elected Members receive reports from offers as part of the ongoing communication and approval process.

- 12 Are Councillors of the City of Mandurah aware that an additional public weighbridge is presently being constructed at the Gordon Road Waste Management facility? Is the weighbridge being built because the existing weighbridge cannot cope? Generally, are the Councillors aware that the total facility at Gordon Road has more than reached design capacity or actual amount of domestic green waste?

Response:

The additional weighbridge at the Waste Management Centre was a capital budget item and was required due to the impact public weigh transactions were having on the operation of the facility. The weighbridge has now been completed and is operational. The current DEWR licence for the facility allows for the green waste stockpile to be no more than 9,000 m³. The green waste stockpile is mulched approximately every eight weeks and the mulched green waste is transported off site. The green waste stockpile operates well within its design parameters and has not reached its design capacity.

RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE COUNCIL MEETING HELD ON TUESDAY 26 SEPTEMBER 2017

- 13 Does the operation of the Gordon Road site meet the conditions of the current licence? Would they meet the proposed current conditions at Tims Thicket Road? If not, does the City of Mandurah proposed any immediate changes to its method of operation?

Response:

The Gordon Road facility does meet its DER licence conditions. The licence requires an annual report to be submitted to the DER each year and the facility is inspected and audited by officers of the DER each year. The proposed green waste operation at the Tims Thicket Transfer Station was identical to what currently occurs at the Gordon Road facility.

- 14 Will the City of Mandurah place on the agenda at the next Council meeting the topic 'Review of Current Waste Management Services' given the rapidly growing population of the City?

Response:

The City has recently undertaken an extensive procurement process where Council appointed Cleanaway as our waste alliance partner for the next 7 years. The new contract commenced on 1 September 2017. Any future changes to waste management services would be considered by Council as and when required in conjunction with the financial impacts that such changes may have on the community.

- 15 Given the examination by the City of Mandurah Councillors of the responses to the questions asked tonight, will the Councillors consider an Inquiry of the present system within the Works and Services division?

Response:

This is a question for Elected Members and therefore cannot be answered in this forum.

G.29/9/16 COUNCILLOR SCHUMACHER: NOTICE OF MOTION – MANDURAH CITY CENTRE (MINUTE G.23/12/14 REFERS)

Further to his Notice of Motion considered by Council on 16 December 2014, Councillor Schumacher asked officers to provide an update on the work undertaken with key landowners to determine the future of the CBD.

The Director Sustainable Development referred to a report considered by Council in 2016, which had addressed this issue and others in relation to Mandurah's City Centre. One action arising from that report had related to Smart Street. He advised that an email had been circulated today inviting landowners, shop tenants and residents to a community information session being held on 18 October 2017. This was the first step in establishing a small group of interested community members to work with City officers in exploring options for the Smart Street Precinct and surrounding area.

RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE COUNCIL MEETING HELD ON TUESDAY 26 SEPTEMBER 2017

Councillor Schumacher indicated that the focus of his Notice of Motion had been on major building owners and determining their plans for the area. He asked what action had been taken in this regard.

The Chief Executive Officer requested to take this question on notice, with response being provided at the next ordinary Council meeting on 10 October 2017.

Response:

In March 2016 the City sent out a letter to 13 key land owners within the City Centre. Two landowners requested that they meet with the City. Cape Bouvard Investments Pty Ltd, who met with us in March, spoke about the modifications which have subsequently been undertaken to accommodate the food trucks and we met with Kallea Holdings Pty Ltd (Colin Lane) in May, from that meeting nothing to date has arisen in terms of development.

**G.41/9/17 MANDURAH FAIRY TERN SANCTUARY: BREAKWATER PARADE
(BB / RC) (REPORT 10)**

Councillor Schumacher asked if the Mandurah and Peel Tourism Organisation (MAPTO) had been engaged in promoting this eco-tourism opportunity.

The Chief Executive Officer requested to take this question on notice, with a response being provided at the next ordinary Council meeting on 10 October 2017.

Response:

MAPTO are interested in developing the eco-tourism opportunities with Mandurah and the Peel Region more broadly. This proposed nesting site is only small and subject to suitable controls, has the potential to be one small part of an eco-tourism trail.



MINUTES OF COUNCIL MEETING
HELD ON
TUESDAY 26 SEPTEMBER 2017
AT 5.30PM
IN COUNCIL CHAMBERS
CIVIC CENTRE
MANDURAH TERRACE MANDURAH

PRESENT:

MAYOR	M VERGONE	
COUNCILLOR	D LEE [DEPUTY MAYOR]	EAST WARD
COUNCILLOR	L RODGERS	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	S LAWSON	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD
COUNCILLOR	J FIELD	TOWN WARD
COUNCILLOR	P ROGERS	TOWN WARD
MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE DEVELOPMENT
MS	L WILKINSON	DIRECTOR PEOPLE & COMMUNITIES
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MS	R CASSELLS	ENVIRONMENTAL MANAGEMENT OFFICER
MRS	L GREENE	COORDINATOR ELECTED MEMBER SUPPORT

OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS [AGENDA ITEM 1]

The Mayor declared the meeting open at 5.36 pm.

ACKNOWLEDGEMENT OF COUNTRY [AGENDA ITEM 2]

Mayor Vergone acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid her respects to their Elders past and present.

APOLOGIES [AGENDA ITEM 3]

Councillor Shane Jones.

Councillor Tahlia Jones entered the Chamber at 5.36 pm.

DISCLAIMER [AGENDA ITEM 4]

The Mayor advised that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Consolidated Local Laws (Section 4.86) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

ANSWERS TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 5]

Officers provided responses to questions taken on notice at the Council meeting of Tuesday 12 September 2017.

G.19/9/17 MR W FAULKNER: CHARLES AND DOROTHY COOTE RESERVE, MADORA BAY (MINUTE G.1/9/17 REFERS)

Mr Faulkner asked if further to the general clean up and repairs carried out at the Charles and Dorothy Coote Reserve, Madora Bay, is a water fountain part of the update of the Reserve?

Response:

The installation of a water fountain at Coote Reserve in Madora Bay is not currently listed in the City's 2017/18 Capital Works budget.

Following the question being raised at Council, the City will now carry out an investigation into the logistics and costs associated with a water fountain being installed at the reserve.

A copy of this response and to the other questions asked by Mr Faulkner on the evening have also been provided to Mr Faulkner.

PUBLIC QUESTION TIME [AGENDA ITEM 6]**G.20/9/17 MR D KEENE: PROPOSED WASTE TRANSFER STATION AT TIMS THICKET ROAD**

Mr Keene submitted with notice the following questions, which were read to the meeting by the Chief Executive Officer, and responded to by the Director Works and Services:

- 1 Has approval been obtained by the City of Mandurah from the Department of Environment Regulation and all other bodies having authority, for the construction of the waste transfer station?

Response: Yes Works Approval W5779/2014/1 was obtained from the Department of Environment Regulation for the construction of a transfer station at the Tims Thicket site to be located between the existing Class 1 inert landfill and the septage facility.

- 2 What was the date of such approval?

Response: 11 December 2015. The approval was valid for 12 months. It has now expired.

- 3 How much is the total for the project?

Response: The estimated cost of construction of the proposed facility is \$764,000.

- 4 Which financial year or years did a line item appear in the City of Mandurah annual budget?

Response:

2012/13	\$20,000
2013/14	\$474,900
2014/15	\$769,966
2015/16	\$764,707
2016/17	Not rebudgeted.

- 5 Will the City of Mandurah table the relevant line items tonight?

Response: Answered above (please refer to response provided to question 4).

- 6 Has the City of Mandurah applied for financial assistance from the State Government?

Response: Yes, the City applied for funding under the Waste Authority's Regional Funding Program via the Rivers Regional Council.

- 7 What was the date of the application?

Response: June 2013.

- 8 Was the application successful?

Response: Yes.

- 9 If so, how much was the grant?

Response: \$300,000.

- 10 Did the sum of such a grant and the City of Mandurah budget cover the anticipated cost of the facility?

Response: Yes.

- 11 What was the time table on the relevant works programme for the project to be completed?

Response: The project was to be completed by 30 June 2015.

- 12 Were there any conditions by which the grant had to be spent, or at least the project commenced?

Response: As the funding was Regional Funding it was linked to the City's membership with the Rivers Regional Council. As such the Funding Agreement was between the Waste Authority and Rivers Regional Council and the funding agreement included clauses regarding milestone achievements and timelines for completion of the project.

- 13 If so, why did the work not proceed within the time frame set by the relevant State Government Department?

Response: The City experienced significant time delays in obtaining the relevant environment approvals (Works Approval and Clearing permit) from the Department of Environment Regulation (DER) and Environmental Protection Authority and no project works could proceed until the Works Approval was obtained. Through this process the project scope was expanded to incorporate DER requirements which resulted in the project and its cost growing from \$300,000 to \$764,000. The additional expenditure would need to be borne by the City.

- 14 What has happened to the finance approved in the 2016/17 City of Mandurah budget that has not been spent on the project?

Response: The City's 2016/17 capital budget did not include any funds for the Tims Thicket Transfer Station. The funding in 2016/17 capital budget related to the upgrade of the Tims Thicket Septage facility and these funds have been carried over into 2017/18 budget. The portion of the grant funds (\$60,000) that the City had received under the Regional Funding Program have been returned to the Waste Authority (in accordance with the Funding Agreement) and of the unspent City funds, \$74,000 was spent, \$200,000 was put back into the Sanitation reserve fund, \$150,000 is in unspent loans and the additional \$40,000 was taken up in the year end allocations.

- 15 Has it been spent or proposed to be spent on other projects?

Response: The unspent funds within the 2016/17 capital budget for the Tims Thicket Septage facility have been carried forward – pending environmental approval.

- 16 Does the City have a capital Reserve fund to be used to fund Waste Management initiatives such as the Tims Thicket project?

Response: Yes.

- 17 If so, will the City of Mandurah table the components of any such fund tonight?

Response: The current balance of the Waste Management reserve is \$1.1 million.

- 18 Will the unspent capital finance on the 2016/17 on the Tims Thicket Project be transferred to such a capital reserve fund?

Response: The unspent funds in the 2016/17 capital budget relate to the upgrade of the septage facility; not the transfer station. These funds have been carried over to 2017/18 capital budget.

- 19 Would it be appropriate to spend such approved specific capital funds on other capital works or even to recurrent expenditure?

Response: Capital funds are allocated to specific projects and require Council approval to allocate funds to other project works.

- 20 Has this or will this occur in the current financial year?

Response: No.

- 21 Is there a specific line in the 2017/18 City of Mandurah budget which would be being prepared at present for Tims Thicket?

Response: No. The funding in the 2017/18 capital budget relates to the Tims Thicket Septage facility.

- 22 Has the City of Mandurah reapplied for a grant from the State Government? If not will it apply?

Response: The State Government have not released any further grant funding programs that are relevant to the construction of the Tims Thicket Transfer Station. It is the City's intention to apply for appropriate grant funding as and when it becomes available. It should also be noted that the City will need to carefully consider the ongoing operational costs associated with such a facility and be willing to fund this on an ongoing annual basis.

- 23 Will there be a line item in the City of Mandurah 2017/18 budget at present being prepared?

Response: Council approved the 2017/18 Capital budget in July 2017 and it does not include a line item for the Tims Thicket Transfer Station.

- 24 If so, will portion of the reserve fund which should contain the unused capital Finance from 2016/2017 be added to the 2017/2018 budget to at least allow construction of a modified green waste transfer station should the new state Government not provide any funds?

Response: The unspent capital funds that were allocated to the Tims Thicket Transfer Station in 2015/16 were \$390,000. The project cannot proceed without supporting funding from the State Government and the release of these waste management grants is at the discretion of the Minister for Environment. A reduced transfer station design would not be approved by the DoE.

- 25 To enable all Councillors to understand and appreciate the long term situation whereby I have to undertake a 55 km round trip to the Gordon Road facility, will the City of Mandurah table all correspondence tonight between the City of Mandurah and myself on the subject tonight?

Response: Summary of correspondence from Mr Keene to the City on this matter is as follows:

- *Email from Mr Keene dated 5 August 2014 seeking information on the Tims Thicket Waste facility.*
- *Email response to Mr Keene dated 6 August 2014.*
- *Email from Mr Keene dated 30 August 2014.*
- *City response to Mr Keene dated 1 September 2014.*

- *Email from Mr Keene dated 1 September advising of his intention to ask questions at the G & I Committee meeting on 16 September 2014.*
 - *Mr Keene submitted his proposed questions on 15 September 2014.*
 - *G & I Committee 16 September 2014 – officers provided responses to questions raised by Mr Keene.*
 - *Mr Keene forwarded a copy of the letter he sent to the Department of Environment Regulation, dated 18 January 2015.*
 - *Email to Mr Keene dated 15 June 2015 providing an update on the status of the Tims Thicket Transfer station.*
 - *Email response from Mr Keene dated 16 June 2015.*
 - *Letter from Mr Keene dated 20 September 2017 advising of questions he proposes to raise at Council meeting.*
- 26 Are Councillors of the City of Mandurah aware of the present large build-up of green waste at the Gordon Road Facility; the sample trailer in place showing the very small quantity of waste that are covered by one tip pass which actually encourages people to dump their rubbish on city reserves and other open spaces?

Response: The Gordon Road waste facility receives and processes about 6,900 tonnes of green waste per annum. The current DEWR licence for the facility allows for the green waste stockpile to be no more than 9,000 m³. The green waste stockpile is mulched approximately every 8 weeks and the mulched green waste is transported off site. The City issues each ratepayer with 2 green waste and 2 general waste vouchers per year to assist in disposing of their waste. Each voucher entitles free disposal for up to 1 m³ of the relevant waste type. A demonstration trailer is located at the gatehouse of the waste facility to assist users of the facility and gate attendants in estimating waste volumes. The City also provides residents with access to 2 green waste and 1 general waste verge collections throughout the year.

- 27 For several years, the City of Mandurah has banned issuing permits to burn firstly to reduce the huge build up fuel accumulation generally throughout the City, and secondly to allow responsible ratepayers to burn on their property, pruning's in cooler weather?

Response: Noted.

G.21/9/17 MR D KEENE: PROPOSED WASTE TRANSFER STATION AT TIMS THICKET ROAD

In addition to the questions set out above, Mr Keene had also submitted with notice a further 15 questions relating to the proposed waste transfer station at Tims Thicket Road.

The Chief Executive Officer extended to Mr Keene an offer to meet with him prior to the next Council meeting in order to discuss this matter. Mr Keene thanked the Chief Executive Officer for the offer, and the responses that had been provided to his first set of questions (Minute G.20/9/17 above refers).

Mr Keene advised of a public meeting he had recently attended in Bouvard, at which he had queried the veracity of responses provided to him by Mayor Vergone, offering her a public apology as the information she had supplied at that meeting had in fact been correct.

At the request of Mr Keene, the Chief Executive Officer read to the meeting details of the additional 15 questions put forward. The Chief Executive Officer advised that these questions would be taken on notice, with responses being provided at the next ordinary Council meeting on 10 October.

- 1 Will you table the complete letter of approval received from the Department of Environmental Regulation (DER) regarding Approval Number W57789/2014/1 covering the proposed waste transfer station at Tims Thicket Road?
- 2 Given the short time frame of approval (12-months), what if any steps were taken by the Works and Services Department or others to ensure that the project was constructed during that period? For example, did the City of Mandurah discuss with Trans Pacific (trading as Cleanaway) which was the joint proponent of the original application to the DER? Were any draft tender documents ever prepared?
- 3 When the normal period allowed for such approvals is usually three years, what circumstances prevailed which led the DER to reduce the normal time? Was the application deficient in any material way?
- 4 Alternatively, did the City of Mandurah seek an extension of time if it could not meet the time limit? If not, why not?
- 5 Has the City of Mandurah subsequently made a new application to construct the facility? If not, why not?
- 6 Did, or has, the City of Mandurah received a grant from the State Government to provide a significant portion of the cost of the facility? Why did the City not proceed with the construction, if it had both works approval and external funding assistance?
- 7 If the grant has run out, has the City of Mandurah made a new application for State funding? If not, why not?
- 8 What overlapping period was there when both the money and the approval coincided?
- 9 Why is there apparently no money allowed in the 2017/18 budget for the project?
- 10 Will the City of Mandurah provide mw with a copy of the Minute or record of questions and answers to an earlier City meeting at which I asked questions?
- 11 Will the City of Mandurah table and provide me with a copy of all correspondence both external and internal written communications within the administration records of the City of Mandurah. If not, why not? Alternatively, with this complete record be provided to the Mayor and individual Councillors for their perusal and action if necessary?
- 12 Are Councillors of the City of Mandurah aware that an additional public weighbridge is presently being constructed at the Gordon Road Waste Management facility? Is the weighbridge being built because the existing weighbridge cannot cope? Generally, are the Councillors aware that the total facility at Gordon Road has more than reached design capacity or actual amount of domestic green waste?
- 13 Does the operation of the Gordon Road site meet the conditions of the current licence? Would they meet the proposed current conditions at Tims Thicket Road? If not, does the City of Mandurah proposed any immediate changes to its method of operation?
- 14 Will the City of Mandurah place on the agenda at the next Council meeting the topic 'Review of Current Waste Management Services' given the rapidly growing population of the City?

- 15 Given the examination by the City of Mandurah Councillors of the responses to the questions asked tonight, will the Councillors consider an Inquiry of the present system within the Works and Services division?

PUBLIC STATEMENT TIME [AGENDA ITEM 7]

Nil.

LEAVE OF ABSENCE REQUESTS [AGENDA ITEM 8]

G.22/9/16 HON COUNCILLOR RIEBELING: LEAVE OF ABSENCE REQUESTS

In view of the apology submitted for this meeting by Councillor Shane Jones who was unwell, Hon Councillor Riebeling asked if Council could grant Councillor Shane Jones a leave of absence for the ordinary Council meeting being held on 10 October 2017.

The Chief Executive Officer advised that requests for leave of absence had to be submitted by the Councillor concerned.

PETITIONS [AGENDA ITEM 9]

Nil.

PRESENTATIONS [AGENDA ITEM 10]

Nil.

DEPUTATIONS [AGENDA ITEM 11]

G.23/9/17 MR A DRUMMOND, CHAIRMAN OF THE QUAYS STRATA COUNCIL AND MR J HOFLAND, ROWE GROUP: REQUESTED CLOSURE OF PUBLIC ACCESS EASEMENT AT LOT 190 (NO 19) SAN MARCO QUAY, HALLS HEAD

Mr Drummond referred to correspondence and photographs that he had emailed to Elected Members that set out the current situation on site, and the reasons for seeking the closure of the Public Access Easement located at Lot 190 (No 19) San Marco Quay, Halls Head.

With regard to the three possible options set out in the report, he advised:

- It would be very disappointing if Council maintained the current status quo;
- Modifying the current easement by removing that portion adjoining Reserve 46014 (southern portion only) and retain the public access areas to the foreshore/groyne and the entire northern portion adjoining Reserve 46013 did not benefit residents at all, as thefts and break-ins came from the Public Access Easement;

- Shortening the Public Access Easement to the missing/unbuilt jetty would deny general public access to a small area of public beach and crown land.

Mr Drummond asked that Council support the recommendation set out in the report that a public consultation process be undertaken, with a view to issues being identified and addressed.

CONFIRMATION OF MINUTES [AGENDA ITEM 12]

G.24/9/17 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 12 SEPTEMBER 2017

MOTION: D Schumacher / D Lee

That the Minutes of the ordinary Council Meeting held on Tuesday 12 September 2017 be confirmed.

CARRIED UNANIMOUSLY: 12/0

G.25/9/17 CONFIRMATION OF SPECIAL COUNCIL MINUTES: TUESDAY 5 SEPTEMBER 2017

MOTION: C Knight / R Wortley

That the Minutes of the Special Council Meeting held on Tuesday 5 September 2017 be confirmed.

CARRIED UNANIMOUSLY: 12/0

ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]

G.26/9/17 GWN7 TOP TOURISM AWARD: MAYOR VERGONE

Mayor Vergone reported that the City of Mandurah had been announced winner of the GWN7 Top Tourism Town Award. In winning this Award, the City had received a \$25,000 airtime package from GWN7 to promote Mandurah on regional television. In addition, the City had also been named winner of the Judges Visit Award.

On behalf of Council, Mayor Vergone congratulated all involved in attaining this achievement, and presented the framed certificates received in this regard to the Chief Executive Officer.

DECLARATION OF INTERESTS [AGENDA ITEM 14]

Nil.

QUESTIONS FROM ELECTED MEMBERS [AGENDA ITEM 15]

Questions of which due notice has been given

Nil.

Questions of which notice has not been given**G.27/9/16 COUNCILLOR TAHLIA JONES: ERECTION OF SIGNAGE**

With reference to the provisions contained in the Local Government Property and Public Places Local Law 2016, Councillor Tahlia Jones asked if signage could be erected alongside main roadways.

The Director Sustainable Development responded that dependent upon a permit being obtained from the City to do so, it was permissible for signs to be erected on public land and on road reserves, so long as they were not situated on roundabouts or in near proximity of road intersections.

G.28/9/16 HON COUNCILLOR RIEBELING: SIGNAGE PERMITS

Further to Minute G.27/9/17 above, Hon Councillor Riebeling asked if the City had granted permits for signage to be erected.

The Director Sustainable Development advised that he was aware of at least two permits that had been issued.

G.29/9/16 COUNCILLOR SCHUMACHER: NOTICE OF MOTION – MANDURAH CITY CENTRE (MINUTE G.23/12/14 REFERS)

Further to his Notice of Motion considered by Council on 16 December 2014, Councillor Schumacher asked officers to provide an update on the work undertaken with key landowners to determine the future of the CBD.

The Director Sustainable Development referred to a report considered by Council in 2016, which had addressed this issue and others in relation to Mandurah's City Centre. One action arising from that report had related to Smart Street. He advised that an email had been circulated today inviting landowners, shop tenants and residents to a community information session being held on 18 October 2017. This was the first step in establishing a small group of interested community members to work with City officers in exploring options for the Smart Street Precinct and surrounding area.

Councillor Schumacher indicated that the focus of his Notice of Motion had been on major building owners and determining their plans for the area. He asked what action had been taken in this regard.

The Chief Executive Officer requested to take this question on notice, with response being provided at the next ordinary Council meeting on 10 October 2017.

BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 16]

Nil.

RECOMMENDATIONS OF COMMITTEES [AGENDA ITEM 17]

NOTE: *Council adopted en bloc (moved by Councillor Knight and seconded by Councillor Jackson), the recommendation of the Audit and Risk Committee meeting of Tuesday 11 September 2017.*

G.30/9/17 PRESENTATION: OSH 6-MONTHLY UPDATE (RK) (PRESENTATION 1) (AR.3/9/17)

The Manager Human Resources and Organisational Development gave a presentation updating the Audit and Risk Committee on the OSH progress over the past 6-months.

MOTION: C Knight / P Jackson

That Council notes the information presented.

CARRIED UNANIMOUSLY: 12/0
(*This item was adopted en bloc*)

REPORTS [AGENDA ITEM 18]**G.31/9/17 FINANCIAL REPORT: AUGUST 2017 (JK / PB) (REPORT 1)**

MOTION: F Riebeling / R Wortley

That Council:

- 1 Receives the Financial Report for August 2017.**
- 2 Approves unbudgeted expenditure of \$330,000 for Replacement of Heavy Machinery (funded as carryover Capital Project \$330,000)*.**
- 3 Approves unbudgeted expenditure of 50,000 for Discretionary Traffic Management (funded from Mandurah Terrace New footpath project \$50,000)*.**
- 4 Receives the Schedule of Accounts for August 2017 for the following amounts:**

Total Municipal Fund	\$ 12,694,389.51
Total Trust Fund	\$ 14,278.60
	<u>\$ 12,708,668.11</u>

CARRIED WITH ABSOLUTE MAJORITY: 12/0

At this juncture of the meeting, and with the consensus of Elected Members, it was suggested that in view of the interested parties present in the public gallery, the order of the agenda be changed and Report 11 relating to the requested closure of the public access easement at Lot 190 (No 19) San Marco Quay, Halls Head be considered next.

G.32/9/17 REQUESTED CLOSURE OF PUBLIC ACCESS EASEMENT: LOT 190 (NO 19) SAN MARCO QUAY HALLS HEAD (BD / LP) (REPORT 11)

Officers have received a request from the landowners of Lot 190 (No 19) San Marco Quay, Halls Head, for the permanent closure of the public access easement that provides access around the perimeter boundary of their property.

Currently the easement access is gated and closed to the general public between 10pm and 6am. The strata company advise that the request stems for frequent anti-social behaviour, and minimal use of the access way by the general public.

Officers have received advice from the Department of Planning, Lands and Heritage (DPLaH) and the Department of Transport (DoT) confirming a modification of the easement may be considered however in the case of the Lands and Planning, they confirm their position remains in that the foreshore access to the beach and the groyne should be maintained, as the easement is the only access available to the general public other than from the estuary. They do however support the southern portion of the easement being extinguished as it will not impact on the foreshore land.

All State Agencies confirm that the north-west portion of the easement must be maintained by the strata company providing unrestricted and continuous access to persons entitled to seabed access for jetty or moorings into the adjoining Reserve.

Council has several options available with respect to the existing easement:

- 1 Not support the request for closure – ensuring the current restricted hours public access is maintained;
- 2 Modify the current easement, by removing that portion adjoining Reserve 46014 (southern portion only) and retain the public access areas to the foreshore / groyne and the entire northern portion adjoining Reserve 46013;
- 3 Modify the easement to the point that allows access only to external parties requiring access to the seabed/jetty area contained within Reserve 46013 (northern portion). Thus closing the foreshore and groyne access to the public.

Officers recommend undertaking a public consultation process, outlining the three options, so any modification may be considered at a future meeting.

Councillor Schumacher moved the recommendation set out in the report, which was seconded by Hon Councillor Riebeling. During the debate that ensued, Councillor Schumacher encouraged Elected Members to visit the site in order to obtain a good understanding of the area that had been mapped out.

MOTION: D Schumacher / F Riebeling

That Council:

- 1 Approves the public consultation regarding the easement contained within Lot 190 (No 19) San Marco Quay Halls Head with the following options:**
 - 1.1 Do not support any change to the current easement.**
 - 1.2 Support the modification to the easement and remove the southern portion only and retain access to the foreshore and unallocated land.**
 - 1.3 Support modification to the easement allowing access only to any external parties requiring unrestricted access to Reserve 46013;**
- 2 Acknowledges a further report will be presented to Council upon completion of the public consultation period.**

CARRIED UNANIMOUSLY: 12/0

G.33/9/17 PEEL REGIONAL LEADERS FORUM: BUDGET AND FUTURE DIRECTION (MRN) (REPORT 2)

The Peel Regional Leaders Forum (PRLF), the Peel Region's peak leadership body, conducted a workshop in July to determine its future direction. Key outcomes of the workshop included:

- PRLF membership remains as is, consisting of the peak groups (including PDC), with secondment of others as needed;
- Peel Regional Investment Blueprint should be used as a guiding source for regional planning and priorities, with the caveat that there is input to the Blueprint's upcoming review;
- An empowered executive officer function is required, operating as an Executive Director, who is strategic, experienced and a voice for the PRLF.

The PRLF is needing to budget for a 3-year contract of employment for the PRLF Executive Director position. Subject to all five Peel Councils' approval, the new position will be advertised by October, and is expected to be filled by December 2017. Approval for this Budget expenditure is being sought from all five Councils of the Peel Region, each of which are members of the PRLF.

Council approval is sought for the following City of Mandurah financial contribution to the PRLF from 2017/18 to 2019/20, which includes employment of an Executive Director on a three-year contract:

- 2017/18 – \$72,808;
- 2018/19 – \$83,771;
- 2019/20 – \$88,873.

Recommendation set out in the report:

That Council:

- 1 Approves the contribution of \$72,808 as the City of Mandurah's contribution to the Peel Regional Leaders Forum for 2017/18.
- 2 Agrees to a three-year funding commitment to the PRLF, acknowledging the City of Mandurah's funding for 2018/19 and 2019/20 to be in the vicinity of \$83,771 and \$88,873 respectively.

Councillor Knight moved the following Motion, which was seconded by Hon Councillor Riebeling.

MOTION: C Knight / F Riebeling

That Council:

- 1 Defers consideration of funding of the Peel Regional Leaders Forum (Inc) until after the 2017 local government election.
- 2 Advises the Peel Regional Leaders Forum (Inc) that it believes the function and funding of the PRLF should be put to a workshop of its members following the election.

CARRIED UNANIMOUSLY: 12/0

G.34/9/17 MANDURAH RETAIL TRADING HOURS CHRISTMAS 2017 (AD / TB) (REPORT 3)

Retail trading hours for Mandurah are currently in accordance with the *Retail Trading Hours (City of Mandurah) Variation Order (No.2) 2013*. Council is requested to consider extending trading hours for the 2017 Christmas period.

A consultation process has been undertaken with the assistance of Peel Chamber of Commerce and Industry (PCCI), local shopping centres' management, and the major retail outlets to ascertain their respective views on proposed extended Christmas retail trading hours for Mandurah.

In previous years, the Department of Mines, Industry Regulation and Safety has extended an opportunity to adopt a standard package of trading hours for the Christmas trading period by offering current metropolitan trading hours to regional areas. However, to date this offer has not yet been received for the Christmas 2017 period.

Subject to the following modification being made, Councillor Peter Rogers moved the recommendation set out in the agenda, which was seconded by Councillor Schumacher:

- *The date be corrected in the first bullet point of clause 1, from 'Friday 21 December' to 'Friday 22 December'.*

During the debate that ensued, Hon Councillor Riebeling indicated that he would be voting against the Motion, as 36.7% of respondents to the Peel Chamber of Commerce and Industry's survey had responded against the proposed extended trading hours, and the negative impacts this would have on small business operators.

MOTION: Peter Rogers / D Schumacher

That Council:

1 Authorises officers to apply to the Department of Commerce for a short-term adjustment for extended Christmas trading hours for:

- **Monday 18 December, Tuesday 19 December, Wednesday 20 December, Friday 22 December 2017 (8.00am – 9.00pm);**
- **Sunday 17 and Sunday 24 December 2017 (8.00am – 6.00pm) 2017;**
- **Sunday 31 December 2017 (8am – 5pm);**
- **Monday 1 January 2018 (8am – 5pm).**

2 Authorises officers to undertake further community and business consultation, in conjunction with the Peel Chamber of Commerce, on extended retail trading hours in Mandurah.

CARRIED: 11/1

FOR: Mayor Vergone and Councillors Lee, Lynn Rodgers, Schumacher, Field, Peter Rogers, Tahlia Jones, Lawson, Wortley, Knight and Jackson

AGAINST: Hon Councillor Riebeling.

G.35/9/17 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS – 6 - 8 NOVEMBER 2017 (MRN) (REPORT 4)

Council was requested to consider the attendance of an Elected Member at the National Local Roads and Transport Congress 2017 to be held in Albany 6-8 November 2017.

The Congress provided an opportunity to hear from leading thinkers and practitioners who are driving the national road and transport agenda.

Recommendation set out in the report:

That Council approves the attendance of Elected Member(s) _____ at the National Local Roads and Transport Congress 2017 to be held the Albany Entertainment Centre 6 to 8 November 2017.

Mayor Vergone sought nominations from Councillors wishing to attend the above Congress. No nominations were received.

**G.36/9/17 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF)
FORWARD PLANNING APPLICATIONS (2018/19 – 2020/21) (CJ / JD)
(REPORT 5)**

The Community Sport and Recreation Facilities Fund (CSRFF) is a Department of Local Government, Sport and Cultural Industries - Sport and Recreation program that provides financial assistance to community groups and Local Government Authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation, with an emphasis on physical activity through rational development of sustainable, good quality, well designed and well utilised facilities.

Through a process of research, analysis and consultation, the City endeavours to match the sport and recreation needs of the community with demand for the development of new facilities and the expansion of existing facilities. With consistent population growth, opportunities for increased participation in sport and recreation is fundamental to the health (physical and social) and wellbeing of the community.

Input is sought by the State Government's Department of Local Government, Sport and Cultural Industries - Sport and Recreation from Local Governments to ensure proposed projects under the CSRFF program are well planned, prioritised and of positive benefit to the community.

The City of Mandurah has not received any applications from local community sports clubs. The City is proposing to submit a forward planning grant application for the Lakelands District Open Space – Active Reserve Development project for delivery in 2018/19 – 2019/20.

The Lakelands District Open Space is an important project that will provide Mandurah's northern suburbs with access to essential community sport and recreation facilities. The total estimated cost for the project is \$7.9 million and comprises of 3 key components; Active Reserve Development (\$4.8 million), Carparking and Access Roads (\$420,000) and a Sports Clubroom Facility (\$2.68 million).

Council is requested to consider and support an application from the City of Mandurah for the 2018/19 - 2020/21 funding round for the Lakelands District Open Space – Active Reserve Development.

MOTION: F Riebeling / R Wortley

That Council:

- 1 Supports the rankings and ratings for the Community Sport & Recreation Facility Fund Forward Planning applications:**

- **City of Mandurah**
Project - Lakelands District Open Space - Active Reserve Development
Ranking – One
Rating – High.

- 2 **Notes that the City is currently progressing with the detailed design work for the Active Reserve Development with intent to commence construction works in early 2018, subject to project funding.**

CARRIED UNANIMOUSLY: 12/0

G.37/9/17 EVENT FOR HIGH ACHIEVING MANDURAH ATAR STUDENTS (LW)
(REPORT 6)

Council was advised that this item had been withdrawn from the agenda.

G.38/9/17 PROPOSAL TO FORM A STRATEGY COMMITTEE (MRN / GD) (REPORT 8)

Committees of Council played an important role in being able to focus on a narrower range of issues than was normally considered by a Council meeting. In doing so, they were able to review the detail of issues and provide informed advice and recommendations to Council.

The City currently operates two Committees; the Planning Committee and the Audit and Risk Committee (which were both statutory committees). These provided oversight and guidance on a range of issues concerned primarily with current performance, risk, and planning issues, including future planning policy.

An important area of the City's activity, long term community and financial planning did not receive the same level of scrutiny. As the City sought to provide services to the community and understand how they should be provided and the levels at which they should be undertaken, there was a strong argument for the addition of a committee both to oversee this and provide input and guidance to officers in the setting out the direction of the City's development.

Council was requested to approve the formation of a Strategy Committee to commence following the local government election in October 2017.

MOTION: Peter Rogers / Tahlia Jones

That Council:

- 1 **Approves the formation of a Strategy Committee to commence from 31 October 2017.***

- 2 **Notes the draft Terms of Reference.**

- 1 ***Objectives of the Strategy Committee:***

- 1.1 **Recommend future financial policy for rates and other revenue to ensure funds are available for community investment and services.**
- 1.2 **Align service and infrastructure provision to the needs of the community.**
- 1.3 **Determine the future services and investment to be provided, how they are provided, and the service level standards associated with them.**

- 1.4 **Oversee the financial planning associated with future service provision and investment.**

2 *Powers of the Strategy Committee:*

- 2.1 **The Committee is a formally appointed committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.**
- 2.2 **The Committee is to report to Council and provide appropriate advice and recommendations on matters relative to its Terms of Reference. This is in order to facilitate informed decision-making by Council in relation to the future planning for Mandurah.**

3 *Membership:*

- 3.1 **The Committee will consist of up to thirteen Elected Members.**
- 3.2 **The Chief Executive Officer and/or his/her nominee(s) are to attend all meetings to provide advice and guidance to the Committee.**

4 *Meetings:*

- 4.1 **The Committee shall meet up to four times each year.**

5 *Reporting:*

- 5.1 **Reports and recommendations of each Committee meeting shall be presented to the next ordinary meeting of Council.**

6 *Duties and responsibilities:*

The duties and responsibilities of the Committee will be:

- 6.1 **Advise Council on the development and implementation of the Strategic Community Plan and corporate Business Plan.**
- 6.2 **Advise Council on the development and implementation of the Long term Financial Plan and associated financial strategies such as a rating policy.**
- 6.3 **Assess for Council the current and future levels of service required to be delivered by Council.**
- 6.4 **Monitoring, development and implementation of Council's strategic asset management plans in accordance with Council's asset management policy.**
- 6.5 **Strategic review of services to decide both the most appropriate delivery models for the future and/or the relevance of the service to Council's and community needs (noting that service reviews will go to the Audit and Risk Committee).**
- 6.6 **Investigate and recommend to Council opportunities for cost sharing or shared services arrangements with other organisations.**
- 6.7 **Setting strategic advocacy direction for other levels of government.**
- 6.8 **Provide advice to Council on other strategic issues.**

CARRIED WITH ABSOLUTE MAJORITY: 12/0

**G.39/9/17 CITY OF MANDURAH CORPORATE BUSINESS PLAN 2018-2021 (DP / GD)
(REPORT 7)**

In April 2013 Council adopted the City of Mandurah Strategic Community Plan 2013-2033.

Keeping in line with the requirements of the Western Australian Government's Integrated Planning and Reporting Framework (IPRF) the City undertook a major review of the Plan during the period April 2016 to February 2017, four years from adoption.

After Council endorsement on 27 June 2017, the draft Plan was made available to the community for comment, for a period of four weeks ending 28 July 2017. The Strategic Community Plan 2017-2037 was updated considering all feedback and has been presented to Council for adoption and public release. During this period, officers also finalised the next stage of the IPRF process, which incorporates the 4 Year Corporate Business Plan. The Corporate Business Plan lists the City's priority projects, initiatives and actions that will be undertaken over the next four years in response to identified community priorities.

Council is requested to approve the City of Mandurah 4 Year Corporate Business Plan 2018-2021 for adoption and public release.

Subject to the inclusion of the following additional clause, Hon Councillor Riebeling moved the recommendation set out in the report, which was seconded by Councillor Schumacher:

- 2 *Refers the City of Mandurah Corporate Business Plan 2018-2021 to the Strategy Committee for its monitoring and review.*

MOTION: F Riebeling / D Schumacher

That Council:

- 1 **Approves the City of Mandurah Corporate Business Plan 2018-2021 for adoption and public release.**
- 2 **Refers the City of Mandurah Corporate Business Plan 2018-2021 to the Strategy Committee for its monitoring and review.**

CARRIED UNANIMOUSLY: 12/0

**G.40/9/17 TENDER 11-2017: CORPORATE STATIONERY, MARKETING AND SIGNAGE
PRINT (DP / JPB) (REPORT 9)**

The City of Mandurah invited tenders for the Corporate Stationery, Marketing and Signage Print on 29 April 2017.

During the evaluation the City identified that it was unable to fairly assess tenderers on an equal basis and that it was unable to substantiate the intended achievement of value for money for the whole of the life of the procurement.

Council approval is therefore sought to decline to accept all tenders and note that the City will go back out tender in the near future.

MOTION: C Knight / F Riebeling

That Council

- 1 Declines to accept all tenders.**
- 2 Notes that tender parameters will be re-assessed and provided to Council for approval prior to the next tender being advertised.**

CARRIED UNANIMOUSLY: 12/0

**G.41/9/17 MANDURAH FAIRY TERN SANCTUARY: BREAKWATER PARADE
(BB / RC) (REPORT 10)**

Council is requested to endorse a proposed conservation project that will provide suitable nesting habitat in Mandurah for Fairy Terns, a species listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC).

The City of Mandurah in partnership with the Conservation Council of WA (CCWA) have been successful in applying for grant funding for a *Mandurah Fairy Tern Sanctuary*. The Fairy Tern (*Sternula nereis*) is a coastal bird species that has been in significant decline due to a loss of suitable breeding habitat, primarily as a result of coastal development.

Due to the conservation status of Fairy Terns, colonies that appear in development sites to breed can hold up building projects with resulting financial implications. Most recently, a small colony returned to Mandurah last breeding season (November - February), nesting in a vacant lot on Breakwater Parade, Mandurah Ocean Marina which required postponement of building activity on the site.

Colonies of Fairy Terns establish breeding sites in the same general locations in consecutive years and will re-use these sites intermittently. The City has been advised by ecologist, Dr Nic Dunlop that Fairy Terns will return to the area around October to commence 'scouting' for nesting sites.

Support for the project has been received from both internal and external stakeholders including Conservation Council WA, Peel-Harvey Catchment Council, Department of Biodiversity, Parks and Attractions - Parks and Wildlife and Birdlife WA. Aboriginal consultation and public consultation with Marina residents has also been conducted.

Council is requested to formalise the Breakwater Parade Sanctuary site in an attempt to provide a more suitable nesting location and prevent further potential land use conflicts.

Subject to the inclusion of the following additional clause, Councillor Knight moved the recommendation set out in the report, which was seconded by Councillor Schumacher:

- 4 That Council installs signage as part of the project.*

During the debate that ensued, and at the request of Councillor Schumacher, the Environmental Management Officer provided clarification regarding possible tourist initiatives, and work to be carried out on educating members of the public and visitors of the site's designation as a Fairy Tern sanctuary.

Councillor Schumacher asked if the Mandurah and Peel Tourism Organisation (MAPTO) had been engaged in promoting this eco-tourism opportunity.

The Chief Executive Officer requested to take this question on notice, with a response being provided at the next ordinary Council meeting on 10 October 2017.

MOTION: C Knight / Schumacher

That Council:

- 1 Approves the use of a portion of Reserve 47584, Breakwater Parade, Mandurah, as a Fairy Tern Sanctuary.**
- 2 Approves the design of the Mandurah Fairy Tern Sanctuary, including the requirement to enclose the sanctuary with boundary fencing.**
- 3 Acknowledges that the purpose of the existing access track is not for public use; and an alternative beach access will be established to the east of the site (approximately 35m).**
- 4 Installs signage as part of the project.**

CARRIED UNANIMOUSLY: 12/0

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN [AGENDA ITEM 20]

Nil.

NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING [AGENDA ITEM 21]

Nil.

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 22]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 23]

MOTION: Peter Rogers / Tahlia Jones

That the meeting proceeds with closed doors at 6.30 pm in accordance with Section 5.23(2)(a) of the Local Government Act 1995, to allow for the confidential discussion of an item affecting an employee or employees.

CARRIED UNANIMOUSLY: 12/0

Members of the media, senior and non-senior employees and persons in the gallery left the meeting at this point. At the invitation of Council, the Chief Executive Officer, Executive Manager Strategy and Business Performance and Coordinator Elected Member Services remained in the Chamber.

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.30 PM

G.42/9/17 CONFIDENTIAL ITEM: CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW: 2017 ANNUAL APPRAISAL REPORT ELECTED MEMBER ASSESSMENT AND FEEDBACK (MINUTE EX.5/9/17 REFERS)

Confidential discussion ensued regarding this issue.

MOTION: F Riebeling / D Lee

That:

- 1 Council adopts the course of action agreed.**
- 2 The report and resolution remain confidential.**

CARRIED: 11/1
FOR: Mayor Vergone, Hon Councillor Riebeling and Councillors Lee, Lynn Rodgers, Field, Peter Rogers, Tahlia Jones, Lawson, Wortley, Knight and Jackson
AGAINST: Councillor Schumacher.

G.43/9/17 CONFIDENTIAL ITEM: CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW - 2017 REMUNERATION REPORT (MINUTE EX.6/9/17 REFERS)

Confidential discussion ensued regarding this issue.

MOTION: F Riebeling / D Lee

That:

- 1 Council adopts the course of action agreed.**
- 2 The report and resolution remain confidential.**

CARRIED: 11/1
FOR: Mayor Vergone, Hon Councillor Riebeling and Councillors Lee, Lynn Rodgers, Field, Peter Rogers, Tahlia Jones, Lawson, Wortley, Knight and Jackson
AGAINST: Councillor Schumacher.

G.44/9/17 CONFIDENTIAL ITEM: SALARY BANDS FOR MANAGERS AND DIRECTORS (MINUTE EX.7/9/17 REFERS)

Confidential discussion ensued regarding this issue.

MOTION: F Riebeling / D Lee

That:

- 1 Council adopts the course of action agreed.**
- 2 The report and resolution remain confidential.**

CARRIED: 11/1
FOR: Mayor Vergone, Hon Councillor Riebeling and Councillors Lee, Lynn Rodgers, Field, Peter Rogers, Tahlia Jones, Lawson, Wortley, Knight and Jackson
AGAINST: Councillor Schumacher.

RESOLVED: C Knight / Tahlia Jones

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 12/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.39 PM

RESOLVED: Peter Rogers / J Field

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 12/0

CLOSE OF MEETING [AGENDA ITEM 24]

There being no further business, the Mayor declared the meeting closed at 6.40 pm.

CONFIRMED (MAYOR)



MINUTES OF

PLANNING COMMITTEE

HELD ON

TUESDAY 3 OCTOBER 2017

AT 5.30 PM

IN COUNCIL CHAMBERS - 83 MANDURAH TERRACE MANDURAH

PRESENT:

COUNCILLOR	TAHLIA JONES [IN THE CHAIR]	COASTAL WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	LYNN RODGERS	EAST WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	J FIELD [DEPUTISING]	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD

ELECTED MEMBERS OBSERVING:

Nil.

OFFICERS IN ATTENDANCE:

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	T FREE	DIRECTOR SUSTAINABLE DEVELOPMENT
MS	L WILKINSON	DIRECTOR PEOPLE & COMMUNITIES
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	B DRECKOW	MANAGER PLANNING & LAND SERVICES
MRS	L GREENE	COORDINATOR ELECTED MEMBER SERVICES

OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS [AGENDA ITEM 1]

In the absence of Councillor Peter Rogers (Chairman), the Chief Executive Officer declared the meeting open at 5.33 pm, calling for nominations from Committee Members to chair the meeting.

P.1/10/17 NOMINATION OF CHAIRMAN

RESOLVED: F Riebeling / P Jackson

That in the absence of the Chairman (Councillor Peter Rogers), Councillor Tahlia Jones be appointed Chairman for this meeting.

CARRIED UNANIMOUSLY: 6/0

COUNCILLOR TAHLIA JONES TOOK THE CHAIR AT 5.34 PM

APOLOGIES [AGENDA ITEM 2]

Councillors Peter Rogers and Knight (Committee Members) and Mayor Vergone (non-Committee Member).

DISCLAIMER [AGENDA ITEM 3]

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the City of Mandurah unless specific delegation of authority has been granted by Council.

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Committee meeting.

ANSWERS TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 4]

Nil.

PUBLIC QUESTION TIME [AGENDA ITEM 5]**P.2/10/17 MR R GENT: ROADWORKS IN MERRIVALE STREET, WANNANUP**

Mr Gent sought clarification as to whether he was able to raise questions about the road level outside his property in Merrivale Street at this meeting.

The Chief Executive Officer advised that as this meeting considered planning matters, it would be more appropriate for questions to be raised regarding the roadworks carried out in Merrivale Street at the upcoming Council meeting on 10 October.

Mr Gent highlighted on going issues with the road level in Merrivale Street, stating that he wanted the road level returning to its previous status, as had been the agreement with the Chief Executive Officer. He asked if he could organise to meet with the Chief Executive Officer.

Whilst indicating that this may be problematic, given time pressures on his calendar, the Chief Executive Officer suggested that Mr Gent contact his office in the morning to discuss making arrangements for a meeting to take place next week.

PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]

Nil.

DEPUTATIONS [AGENDA ITEM 7]

Nil.

CONFIRMATION OF MINUTES [AGENDA ITEM 8]

P.3/10/17 CONFIRMATION OF MINUTES: TUESDAY 5 SEPTEMBER 2017

RESOLVED: J Field / Lynn Rodgers

That the Minutes of the Planning Committee held on Tuesday 5 September 2017 be confirmed.

CARRIED UNANIMOUSLY: 6/0

DECLARATION OF INTERESTS [AGENDA ITEM 9]

Nil.

QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION [AGENDA ITEM 10]

Questions of which due notice has been given

Nil.

Questions of which notice has not been given

Nil.

BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 11]

Nil.

REPORTS [AGENDA ITEM 12]

P.4/10/17 AMENDMENT 132 TO TOWN PLANNING SCHEME NO 3 LOT 10 OLD PINJARRA ROAD, GREENFIELDS – RESOLUTION TO NOT PROGRESS (BD / DB) (REF SA 132) (REPORT 1)

In 2015, Council adopted Amendment 132 to Town Planning Scheme No 3 to rezone the subject site from Tourist and Rural to Rural Residential. The amendment sought to apply a more appropriate zoning to the site given the extensive environmental constraints. In accordance with the Planning and Development Act 2005, Amendment 132 was referred to the Environmental Protection Authority (EPA) for assessment. Whilst acknowledging that Amendment 132 seeks to substantially reduce the development potential of the site, the EPA determined that the proposed amendment is “environmentally unacceptable” due to the site being listed as a Conservation Category Wetland. Additionally, the site is partially zoned Urban under the Peel

Region Scheme and therefore, the proposed Rural Residential zoning under the Scheme 3 would be inconsistent with a regional scheme.

Pursuant to the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to formally notify the Western Australian Planning Commission (WAPC) of a resolution to not to progress a Scheme Amendment. It is recommended that Council resolve to not proceed with Amendment 132 to Scheme 3. In addition, it is recommended that Council request the WAPC to consider rezoning the subject site from Urban to Rural under the Peel Region Scheme.

RESOLVED TO RECOMMEND: F Riebeling / Lynn Rodgers

That Council:

- 1 Resolves not to progress Scheme Amendment 132 to Town Planning Scheme No 3, which proposed to rezone Lot 10 Old Pinjarra Road, Greenfields from Tourist and Rural to Rural Residential, as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2 Requests the Western Australian Planning Commission consider zoning the subject site under the Peel Region Scheme to Rural, or suitable designation as required, given the comments received from the Environmental Protection Authority on Amendment 132 to Town Planning Scheme No 3.**

CARRIED UNANIMOUSLY: 6/0

**P.5/10/17 PROPOSED SUBDIVISION: LOT 90 LEISURE WAY, HALLS HEAD (DB / DB)
(REF SUB155502) (REPORT 2)**

Council is requested to consider a referral from the Western Australian Planning Commission (WAPC) for a proposed 58 lot subdivision at Lot 90 Leisure Way, Halls Head.

Current delegations to officers exclude subdivision applications proposing more than 20 lots not covered or generally in accordance with an approved Structure Plan. As there is not an approved Structure Plan for the subject site, Council is required to provide comments to the WAPC in relation to the application. The subdivision proposes 57 lots at a density of R30 and the remaining lot being a future grouped / multiple dwelling site. The proposed single dwelling lots range from 309m² to 574m² in area, equating to R20 to R30 lot sizes. The remaining grouped/multiple dwelling site is 3867m². Access is proposed from Old Coast Road and Leisure Way.

There are a number of elements of the proposed subdivision that officers recommend require further consideration and may result in amendments to the subdivision plan. The concerns are primarily regarding public open space, noise attenuation, road access and environmental management. These issues have been addressed in the recommended amendments to the subdivision plan and conditions to the WAPC.

It is recommended that Council resolve to advise the Western Australian Planning Commission of its support of the subdivision, subject to a range of amendments and conditions.

Hon Councillor Riebeling moved the recommendation set out in the report, which was seconded by Councillor Wortley. At the request of Councillors, the Manager Planning and Land Services provided clarification regarding the planning approval process, the protection of vegetation and tree retention within road reserves and areas of passive public open space.

RESOLVED TO RECOMMEND: F Riebeling / R Wortley

That the Western Australian Planning Commission be advised that the City of Mandurah supports the proposed subdivision of Lot 90 Leisure Way, Halls Head (WAPC Ref: 155502) subject to the following requirements, amendments and conditions:

Approval:

- 1 The subject lot contains 4.01 ha of a 'possible' breeding area and 'confirmed' roosting area for Carnaby's cockatoo (*Calyptorhynchus latorostris*). As Carnaby's cockatoo is listed as 'fauna that is rare or likely to become extinct' (generally referred to as threatened fauna) under the *Western Australian Wildlife Conservation Act 1950, Wildlife Conservation (Specifically Protected Fauna) Notice 2011*. Carnaby's cockatoo is also ranked as 'endangered' under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*.

The Western Australian Planning Commission should not approve the proposed subdivision until such time as the applicant has fulfilled their requirements and obligations under the provisions of the *Environmental Protection and Biodiversity Conservation Act 1999*.

Amendments:

- 1 A majority of the proposed public open space is to be used as a landscape buffer and is not useable recreation space. Clause 4.9.4(b) of Town Planning Scheme No 3 states that the landscaping buffer area is not to be calculated towards the minimum public open space contribution. With the 10 metre wide landscaping buffer removed, the subdivision proposes approximately 3.5% of the remaining site area to be POS.

The City requires that the subdivision plan be amended to incorporate an additional area of POS, in the form of a small local park, to provide a total of 10% of the remaining site area (excluding the landscape buffer). Based on the proposed plan, it is estimated that this equates to an additional 2,500m².

- 2 The City has identified a number of proposed road reserves that do not meet the minimum widths specified within Liveable Neighbourhoods (as shown marked). As such, the City requests that all road reserves within the subdivision are upgraded to be in accordance with the requirements of Liveable Neighbourhoods.
- 3 The proposed intersection to Leisure Way does not appear to meet the intersection spacing requirements specified in Liveable Neighbourhoods (as shown marked). This intersection will require further consideration during detailed engineering design stage.
- 4 The purpose of the landscape buffer under Town Planning Scheme No. 3 is to screen development from view from Mandurah Road, including acoustic walls. The proposed location of the acoustic wall will be highly visible from Mandurah Road and will undermine the purpose of the landscape buffer. The applicant is required to consider other methods of noise attenuation, to prevent the need for a noise wall.

If alternative methods cannot be implemented and an acoustic wall is necessary, the wall should be located on the northern side of the landscape buffer to ensure that the wall is screened from view from Mandurah Road, in accordance with the Scheme (as shown marked).

- 5 The contents and recommendations of the Bushfire Management Plan being modified to ensure that all landscaping and planning to the landscape buffer to Mandurah Road provides for its purpose and that recommendations for 'low-threat' be determined on the submission of a detailed landscaping plan, which shall maximise the retention of

existing vegetation together with additional plantings to screen the proposed development from Mandurah Road.

Upon the satisfactory resolution of the matters listed above, the following conditions should be applied to the proposed subdivision:

Conditions:

- 1 A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases.”

- 2 Uniform visually permeable fencing being constructed along the boundaries of all of the proposed lots abutting public open space.

Drainage and Site Works:

- 3 Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - a) lots can accommodate their intended use; and
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
- 4 Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan.
- 5 Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.
- 6 The land being filled, stabilised, drained and/or graded as required to ensure that:
 - a) lots can accommodate their intended development;
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
- 7 Prior to the commencement of subdivisional works, the landowner/ applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/ applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.

Environment:

- 8 Prior to the commencement of subdivisional works a bushland and wildlife protection management plan is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
- 9 Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works.
- 10 Prior to the commencement of subdivisional works, a fauna relocation management plan is to be prepared and approved to ensure the protection and management of fauna identified on-site with satisfactory arrangements being made for the implementation of the approved plan.

Bushfire:

- 11 Upon completion of a modified Bushfire Management Plan, a notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. This notification is to be included on the deposited plan.

The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.'

- 12 A plan is to be provided to identify areas of the proposed lot(s) that have been assessed as BAL-40 or BAL-Flame Zone.

A restrictive covenant to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893, is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land within areas that have been assessed as BAL-40 or BAL-Flame Zone. Notice of this restriction is to be included on the deposited plan.

The restrictive covenant is to state as follows:

'Development is only to take place outside of areas identified as BAL-40 or BAL-Flame Zone.'

Lot Design:

- 13 A Local Development Plan being prepared and approved for all lots, addressing the following:
 - a) lots identified as bushfire prone;
 - b) lots affected by transport noise;
 - c) lots abutting public open space;
 - d) vehicle access points for corner properties with limited sightlines; and

e) alternative waste collection or bin pads for lots 48-51;

to the satisfaction of the Western Australian Planning Commission.

Reserves:

- 14 The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.
- 15 An area(s) of land at least 2,500 square metres in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.
- 16 Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government.

Transport, Roads and Access:

- 17 Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.
- 18 Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or
 - b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or
 - c) temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or
 - d) embayment parking is provided within the/abutting the proposed public open space.

to the satisfaction of the Western Australian Planning Commission.

Note *In order to satisfy Condition 18, the applicant/landowner shall be required to liaise with the owner of adjoining Lot 89 to ensure that the fourth leg of the roundabout at Old Coast Road / Rutland Drive can be suitably designed, which may require a land contribution from Lot 89 to provide for a satisfactory design).*

- 19 Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area to the satisfaction of the Western Australian Planning Commission.

The approved shared paths are to be constructed by the landowner/ applicant.

20 All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission’s Liveable Neighbourhoods policy.

21 A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the deposited plan. The notification is to state as follows:

“The lots are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”

Advice Notes:

1 The Applicant is encouraged to liaise with local Aboriginal Elders prior to the commencement of subdivision site works.

CARRIED UNANIMOUSLY: 6/0

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 13]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 14]

Nil.

CLOSE OF MEETING [AGENDA ITEM 15]

There being no further business, the Chairman declared the meeting closed at 5.53 pm.

CONFIRMED:[CHAIRMAN]

1. **SUBJECT:** Port Bouvard Surf Life Saving Club - Second Storey Extension
CONTACT OFFICER/S: Craig Johnson / Simon Hudson
AUTHOR: Craig Johnson / Simon Hudson
FILE NO:

Summary

The Port Bouvard Surf Life Saving Club (PBSLSC) facility at Pyramids Beach was initially constructed in 2010. As part of the original facility design, allowance was made for a second storey extension to include additional function and social facilities as part of a future Stage 2 development.

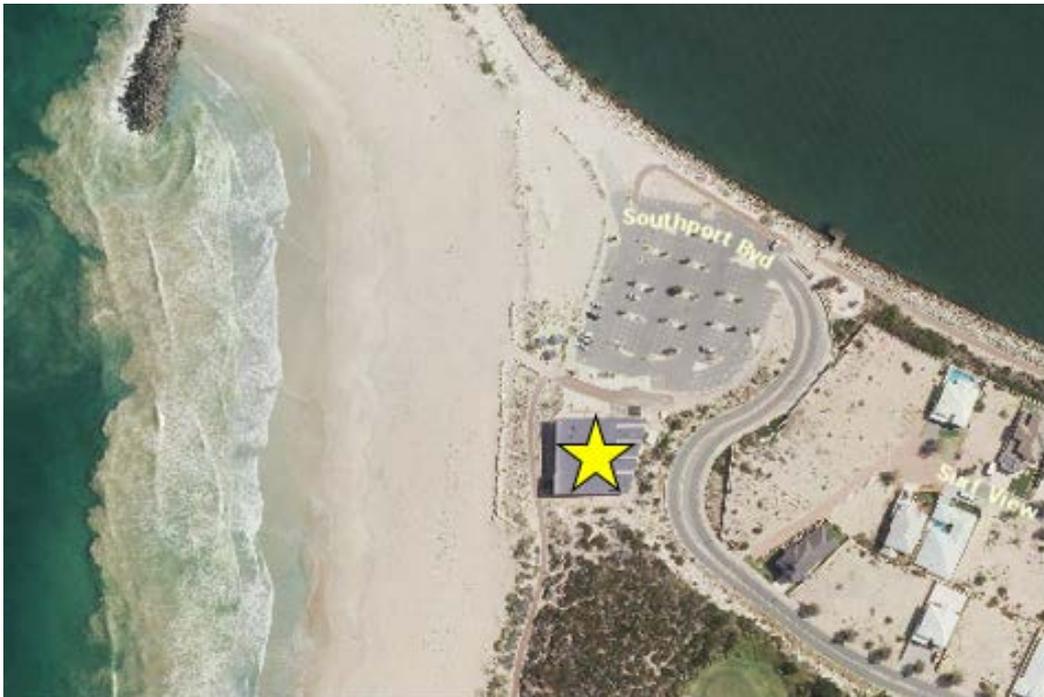
When initially approached about the project, the City informed the Club that the project was not seen as a priority project and that for the development to proceed in the near future, they would need to secure external funding for its delivery.

The Club has since secured \$1,550,000 in funding for the project, including a \$50,000 contribution from the City. The original cost estimate obtained by the Club costed the project at \$1,500,000, however upon review by the project team, it was identified that this did not include a number of essential cost items. After a review of the project scope the cost of the project was estimated at \$1,750,000. To achieve this cost, a number of elements were removed from the project scope including the crow's nest, operable internal wall, commercial kitchen and bar fit-out, window treatments and loose furniture and fittings.

The Club has requested a further \$200,000 to be contributed by the City of Mandurah in order to complete the project. The Club is proposing to source future funding and conduct further fundraising activities to fit out the commercial elements at a later stage.

Council is requested to fund an additional \$200,000 for the project taking the total City's total contribution to \$250,000, and approve the City to enter into a design and construction procurement process for the maximum price value of \$1,500,000 for the second storey extension of the PBSLSC.

Location



Port Bouvard Surf Life Saving Club - Pyramids Beach, Dawesville

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.10/3/16 March 2016 Council committed to provide support and assistance to the Port Bouvard Surf Life Saving Club with its pending applications to the State and Federal Government's for grant funding towards the Stage 2 extension of the Port Bouvard Surf Life Saving Club facility in Dawesville. Council further endorsed an amount of \$50,000 to be listed for consideration in the 2016/17 budget process and approved for City Officers to project manage the second stage works.

- SP.3/12/08 December 2008 Council selected Eclipse Developments (WA) Pty Ltd as the preferred tenderer under Tender 21-2008 for the construction of the Port Bouvard Surf Sports and Life Saving Club for the lump sum tender price of \$2,475,936 (excluding GST).

- G.41/10/08 October 2008 Council authorised the Chief Executive Officer (Director Works and Services) to apply to the WAPC requesting approval of the expenditure of cash-in-lieu funds under Stage 1 to 6 of the Southport development, Dawesville, toward the Port Bouvard Surf Sports and Life Saving Club project.

- G.36/7/08 July 2008 Council authorised the Chief Executive Officer (Director Works and Services) to advertise tenders for the construction of the Port Bouvard Surf Sports and Life Saving Club and the associated Seawall subject to an assessment of affordability following the outcome of the Commonwealth Government funding arrangements under the Regional Partnerships program and the preparation of pre-tender cost estimates.

Background

The PBSLSC facility was initially constructed in 2010 at a total cost of \$3,340,000. As part of the original facility design, allowance was made for a second storey extension to include additional function and social facilities as part of a future Stage 2 development.

Since as early as 2014, the Club started to hold discussions with City Officers regarding their desire to commence planning for the proposed Stage 2 works. Whilst supportive of the future project, the City was very clear that it had a large number of important community infrastructure projects that required significant funding and the Stage 2 extension was not seen as a priority project. The City informed the Club that for the project to proceed in the near future, they would need to secure external funding for its delivery.

In September 2015, as part of the by-election for the Federal Seat of Canning, the Club received an election commitment of \$1,000,000 towards the project.

In February 2016, the Port Bouvard Surf Life Saving Club wrote to the City outlining their funding strategy for the project and seeking support and assistance in the development of their funding applications to the Federal and State Governments and for the City to consider a contribution of \$50,000 to meet the funding shortfall and for the City to provide in-kind project management support.

At the time, the Club estimated the total project cost at \$1,500,000 with the following funding breakdown:

Funding Partner	Amount
Federal Government Grant Scheme	\$1,000,000
WA State Government (Peel Development Commission) Royalties for Regions	\$350,000
Port Bouvard Surf Life Saving Club Capital Contribution	\$100,000
City of Mandurah	\$50,000
Total	\$1,500,000

In March 2016, Council approved funding of \$50,000 to meet the projected funding shortfall of \$50,000 and agreed to allocate City resources to project manage the works subject to the Port Bouvard Surf Life Saving Club being successful in their grant submissions. Council determined that if the Club was able to leverage the funding required for the project from external sources, it would be in line with the direction provided from the City and it would therefore be appropriate for the City to offer a level of support to their initiative.

In providing Project Management expertise, the City would have an active involvement in the extension works on what is a valuable City asset. This would enable the City to control elements of the development to ensure the integrity of the asset is maintained into the future. In addition, project management does come with inherent financial costs. In general terms, project management is valued at between 5% and 10% of the value of the project. With the City project managing the works, this would be an additional cost saving for the Club.

Since Council approved its \$50,000 funding and in-kind project management support for the project, the Club has successfully secured a total of \$1,300,000 in external funding (\$1,000,000 from the Federal Government and \$300,000 from the State Government) and fundraised a further \$200,000 bringing its total project budget to \$1,550,000.

Comment

In early 2017, the City formulated a project team consisting of members from the Club and City Officers from Recreation Services and Infrastructure Management. In commencing the project, the project team initiated a full review of the draft concept design and cost estimates. The original concept design for the 2nd storey extension developed by the Club, included a large open plan function room, training/conference room, kitchen, bar, toilet facilities and an outside balcony area (See Attachment 1).

As part of the review process, the project team engaged a Quantity Surveyor to analyse the Club's original cost estimate based on its concept design and scope of works. It was through this process that a number of issues were identified including;

- The cost for the project was estimated at approximately \$1,700,000 and not \$1,500,000 as originally outlined.
- The original cost estimate listed a number of significant exclusions that would be essential for the project and add further cost to the \$1,700,000 estimate. These exclusions included:
 - Structural improvements
 - Restoration works to the existing ground floor
 - Utility upgrades
 - Consultancy fees; and
 - An allowance for project contingencies.

As a result of this outcome, the project team has worked to reduce the scope of the project through the removal of the crow's nest, operable internal wall, commercial kitchen and bar fit-out, window treatments and loose furniture and fittings from the works. An updated order of magnitude cost estimate (See Attachment 2) was then sought reflecting these revisions and a summary of this is outlined below:

Estimate	Cost
Building Works	\$ 1,435,000
Architects Fees (8% of building works cost)	\$ 115,000
Consultants Fees	\$ 60,000
Contingency (Approx. 10% of building works cost)	\$ 140,000
TOTAL (ex GST)	\$ 1,750,000

Table: Revised Order of Magnitude Costing with allowances for full project costs.

Following this process, the Club has now written to the City requesting additional funding of \$200,000 to meet the funding shortfall based on the cost estimate and to assist in the successful delivery the project (See Attachment 3).

Given that the Club has been so successful in securing \$1,300,000 in external funding and worked hard to fundraise an additional \$200,000, it would be unfortunate for the development not to proceed from this point due to a lack of project funds. It is important to note that the Club was also very successful in sourcing funding support for the initial building construction. Of the total development cost of the existing facility (\$3,340,000), the external partnership funding of \$2,390,000 was secured with the City contributing \$950,000 to the project.

If Council did decide to support the Club's request for an addition \$200,000 towards the project, the City's total cash contribution for the entire facility construction (stage 1 and stage 2) would be \$1,200,000 or approximately 24% of the total development cost.

It should be noted that the project team consider a maximum price design and construction form of contract to be the most likely to deliver a successful outcome for the project. Under such a contract, the costs of building works and architects fees would be borne by the contractor with all consultancy fees and contingency costs being the responsibility of the Club.

It is recommended that the City increase its contribution to the project from \$50,000 to \$250,000 (an additional \$200,000) to enable the project to be delivered in line with the revised scope of works that has been developed by the project team. Furthermore, it is recommended that the allocation of the additional \$200,000 and the expenditure of this amount against the project be subject to a favourable tender result for the design and construction of the 2nd storey works with the funds to be used for the engagement of consultants to monitor the integrity of the construction process and for any necessary contingency costs required to satisfactorily complete the project.

The Project Team considers that a maximum price design and construction contract to be the most appropriate option for the delivery of the project, noting the current constraints of funding timelines whilst still allowing for contractor innovation and providing improved cost certainty. Contractors will be asked to provide the project works within a stated maximum price, with opportunity for the contractor to price additional options for further works should the project budget allow.

Consultation

The Project Team comprises representatives from the PBSLSC as well as City Officers from the Recreation Services and Infrastructure Management teams.

In addition, Consultants have also been engaged as part of the project planning process.

Statutory Environment

The Stage 2 development of the Port Bouvard Surf Life Saving Club facility will be subject to the City's planning and building approval processes. In addition, the building contract relating to the works will be managed and assessed in line with the City's procurement and contract management approval process.

Under the conditions of the Management Order, the City will need to consult with the Minister for Transport to ensure there is no disruption or damage to the sand bypass operation located within the reserve.

Policy Implications

POL-CNP 07 Community and Recreation Facilities

In aiming to deliver appropriate facility design and development and facility management, the City of Mandurah (the 'City') will lead the design, development and management of facilities, considering:

- Consultation with the wider community, and
- Protection of the City's financial interests and asset portfolio

Economic Implications

The Port Bouvard Surf Life Saving Club has sourced \$1,550,000 for the Stage 2 development. This covers the anticipated capital construction costs, however it does not cover the amounts required for consultancy fees and project contingency.

The City has previously committed \$50,000 to the project and in kind project management support. An additional \$200,000 is required to enable the project to proceed. This is unbudgeted expenditure.

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.

Organisational Excellence:

- Deliver excellent governance and financial management

Conclusion

The PBSLSC facility was constructed in 2010 at a cost of \$2,884,840. As part of the original facility design, allowance was made for a second storey extension to include function and social facilities as part of a future Stage 2 development.

The Club have since sourced \$1,550,000 in funding towards the project, including a \$50,000 contribution from the City and has requested a further \$200,000 to successfully complete the project.

City Officers recommend that an additional \$200,000 be provided for the project which will enable a design and construct tender for the project with a maximum contract price of \$1,500,000 be advertised to the market. Proponents interested in the contract will be asked to tender for the delivery of the core facility elements and submit as part of their proposal, options that could add value to the development.

NOTE:

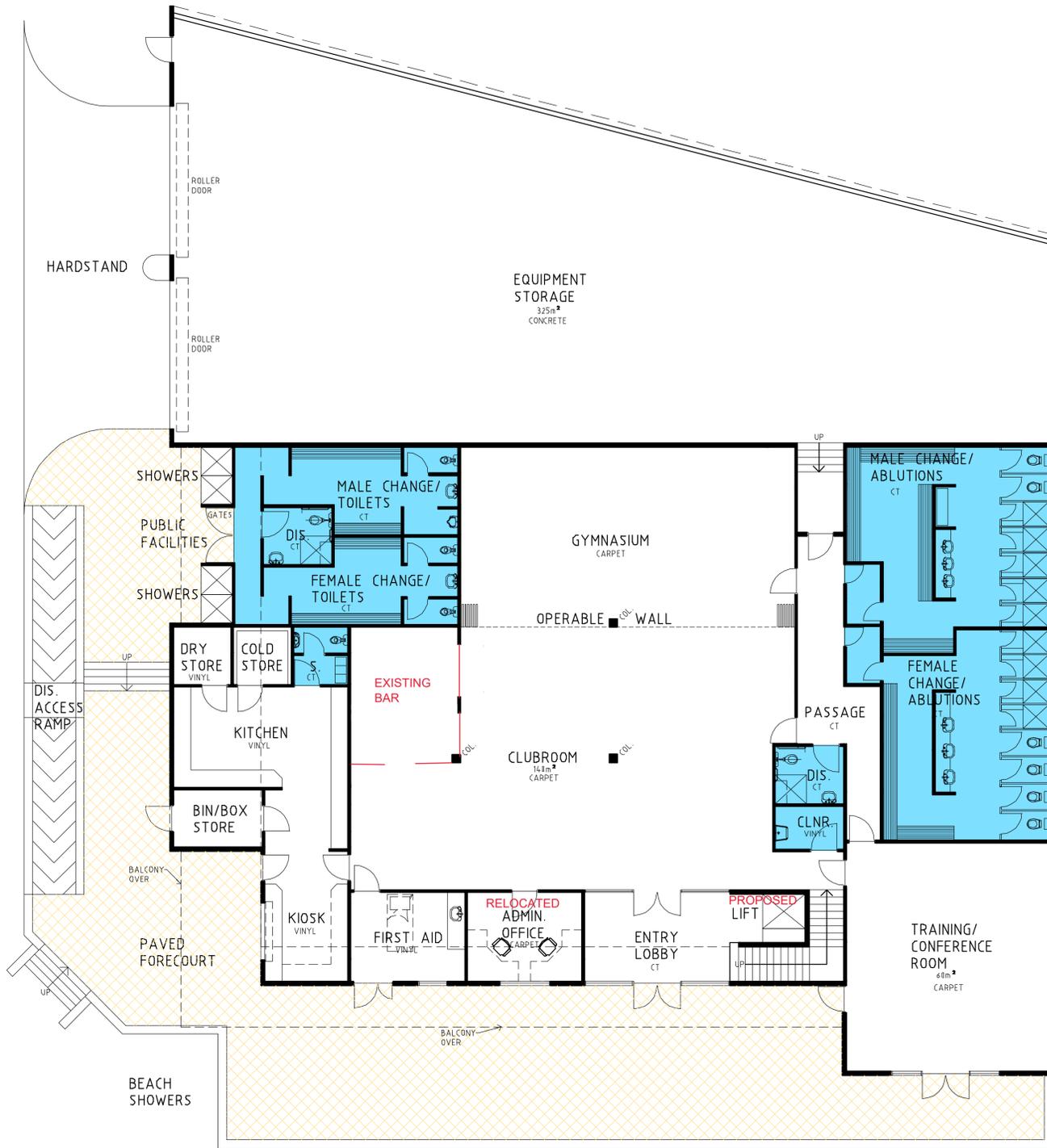
- Refer **Attachment 1** **PBSLSC Second Floor Extension Concept Design**
Attachment 2 **PBSLSC Order of Magnitude Cost Estimate**
Attachment 3 **PBSLSC Letter outlining request for additional funds**

RECOMMENDATION

That Council:

- 1. Approves unbudgeted expenditure of up to a maximum of \$200,000 toward the second storey extension of the PBSLSC increasing the City's total capital contribution to \$250,000; ***
- 2. Note that the City's contribution is to complete the second storey extension within the scope of works provided in the updated Order of Magnitude Estimate (Attachment 2); and**
- 3. Approves the City to enter into a design and construction procurement process for the maximum price value of \$1,500,000 for the second storey extension of the PBSLSC.**

*** ABSOLUTE MAJORITY REQUIRED ***



PYRAMID BEACH

GROUND FLOOR PLAN
SCALE 1:100



FIRST FLOOR PLAN
SCALE 1:100

P.13/26.11.17	UPDATED	LB MC
P.12/16.17.17	CONCEPT RE-DESIGN	AC MC
REV DATE	COMMENTS	BY/CHK

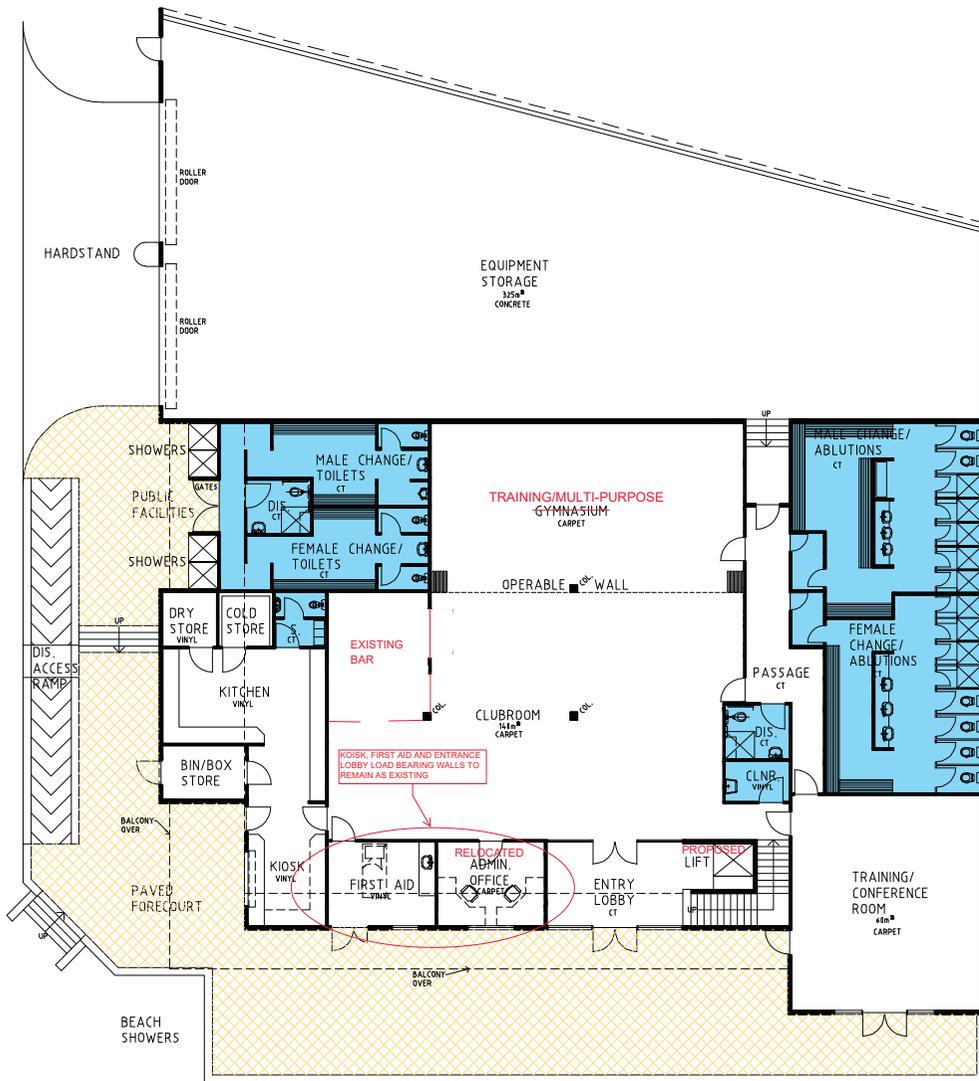
HOLTON CONNOR



THIS IS A CAD DRAWING AND DOES NOT AMEND MANUALLY. IN THE ABSENCE OF A DIRECTOR'S SIGNATURE THIS DRAWING SHALL BE TREATED AS PRELIMINARY.

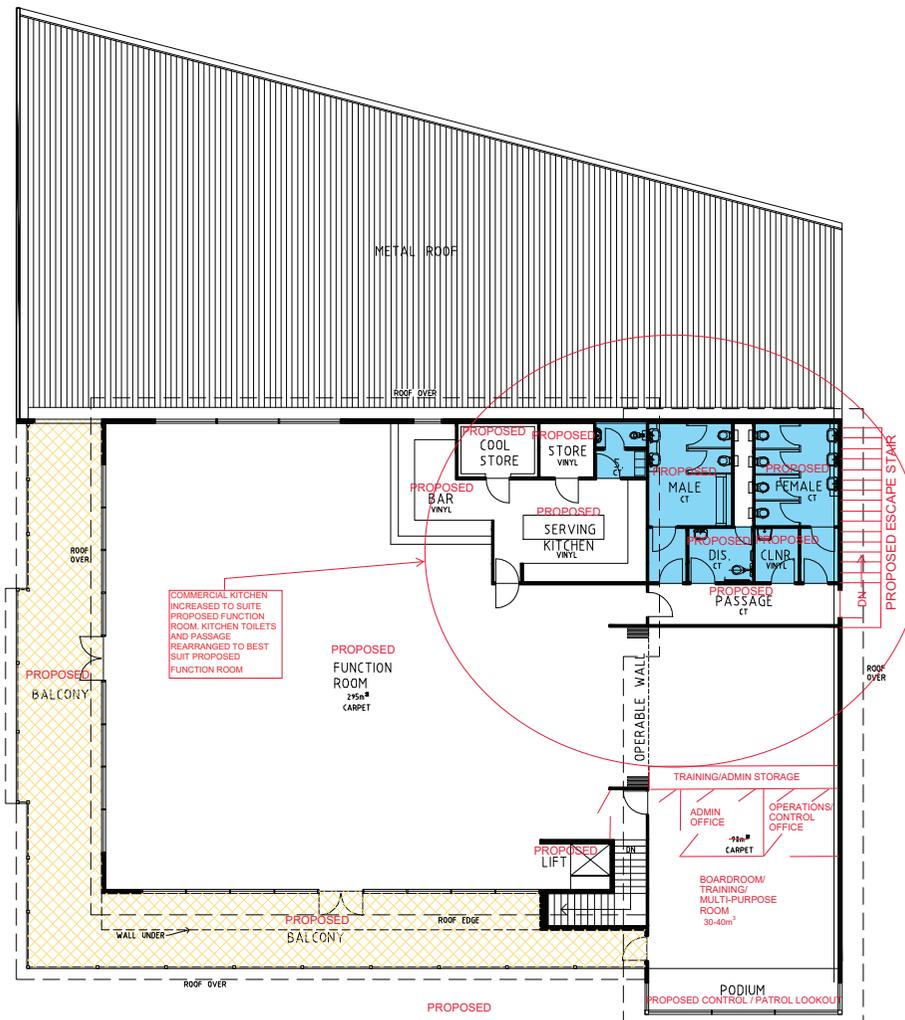
PORT BOUVARD,
 PYRAMIDS BEACH,
 SURF LIFE SAVING CLUB.
 FLOOR PLANS

DESIGNED	MC	CHECKED	MC	PRINCIPAL	
DRAWN	AC	APPROVED		SIGNATURE	
SCALE	1:100	DATE	26.11.17	DRAWING NO.	REV.
JOB No.	1718PBS	FILE NAME	PBSA11PS	A.02	P.03



PYRAMID BEACH

GROUND FLOOR PLAN
SCALE 1:100



FIRST FLOOR PLAN
SCALE 1:100

P.13/26.11.17	UPDATED	LB MC
P.12/16.17.17	CONCEPT RE-DESIGN	AC MC
REV DATE	COMMENTS	BY EKH

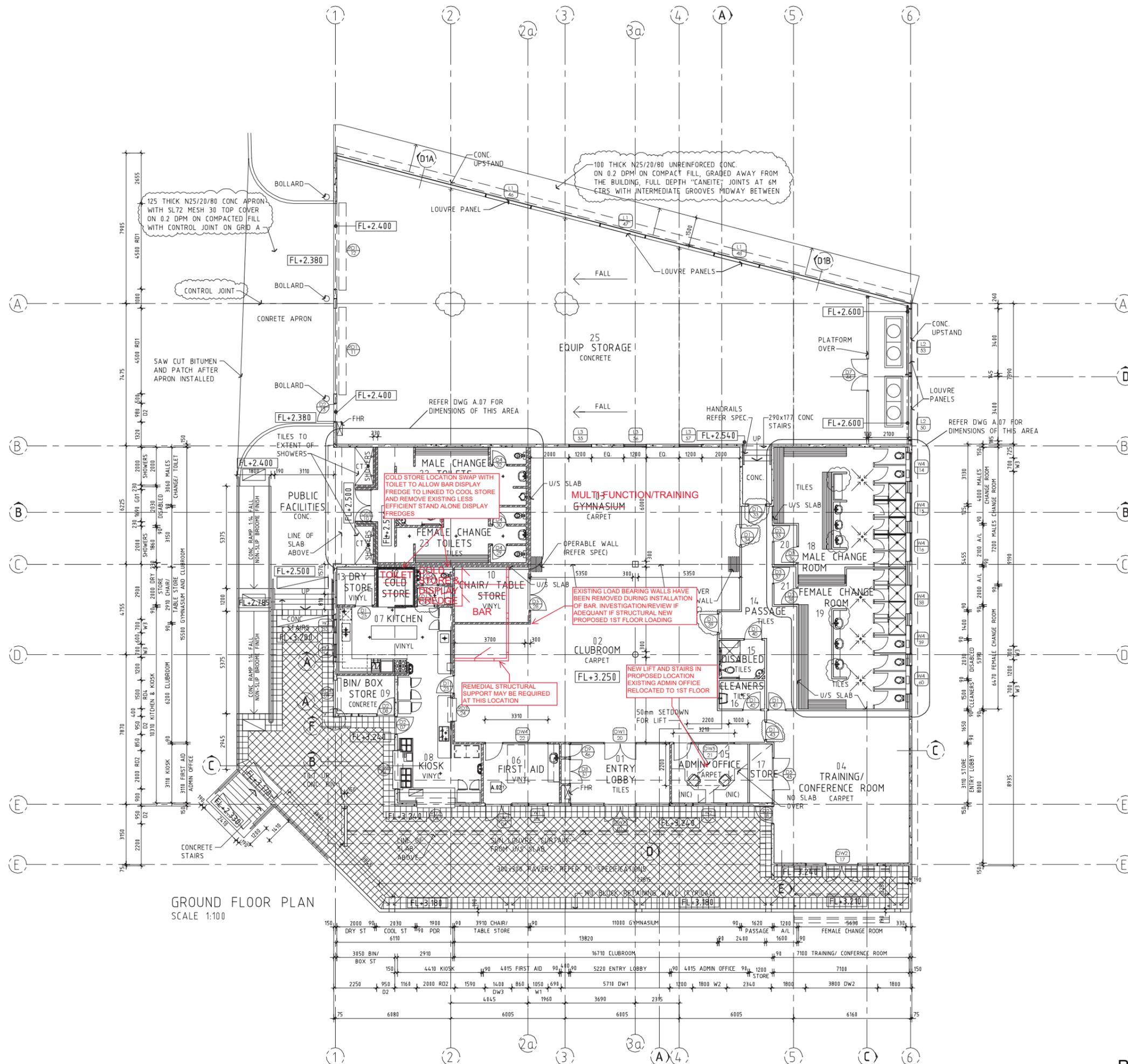
HOLTEN CONNOR



THIS IS A CAD DRAWING ON NET PAPER. THEREFORE, IN ASSUANCE OF A DIRECTOR DRAWING THE DRAWING SHALL BE TREATED AS PRELIMINARY.

PORT BOUVARD,
PYRAMIDS BEACH,
SURF LIFE SAVING CLUB.
FLOOR PLANS

DESIGNED	MC	DRAWN	MC	APPROVED	MC	DATE	24.11.17	FILE NAME	PSYATIPS	REV.	A.02	P.03
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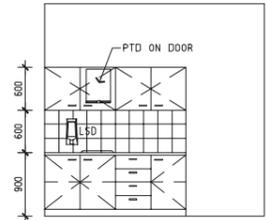
GROUND FLOOR PLAN
SCALE 1:100

NOTE
REFER TO A07 ROOM ELEVATIONS FOR ADDITIONAL DIMENSIONS

CONCRETE TILT PANELS
(REFER TO STRUCTURAL ENGINEERS
DETAILS FOR SIZE & THICKNESS)

BLOCKWORK

NOTE:
-CAVITY WALLS TO SOUTH AND WEST
SIDES PUBLIC TOILETS TO BE SEALED TO U/S SLAB.
-NORTH AND WEST WALLS AROUND CLUB
CHANGE ROOMS TO BE SEALED TO U/S SLAB.



ELEV 1. SCALE 1:50

REV	DATE	COMMENTS	BY	CHK
3	21-07-09	COLUMNS DELETED	AC	MC
2	15-07-09	UPDATED	AC	MC
1	24-02-09	BUILDING LICENCE	AC	MC
0	17-11-08	ISSUED FOR TENDER	AC	MC
P5	16-10-08	PRELIMINARY ISSUE	AC	MC
P4	19-8-08	FOR CONSULTANTS	AC	MC
P3	18-8-08	CHANGES MADE (KITCHEN)	AC	MC
P2	11-8-08	CHANGES MADE (EQUIP STORE)	AC	MC
P1	31-7-08	PLANNING APPROVAL ISSUE	PP	MC
	REV DATE	COMMENTS		BY

HOLTON CONNOR
ARCHITECT PLANNERS

86 BIRCHMOUNT STREET, WEST PERTH
WESTERN AUSTRALIA 6005
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**PORT BOUVARD SURF SPORTS
AND LIFESAVING CLUB,
PYRAMIDS BEACH
FLOOR PLAN**

DESIGNED	CHECKED	PRINCIPAL	
MC	MC		
DRAWN	APPROVED		
MJE/PP			
SCALE	DATE	DRAWING No.	REV.
1:100	07-08		
JOB No.	FILE NAME		
0708PBS	PBSA#1PS		
		A.02	3

Port Bouvard SLSC - Rev1

Ref	Description	Total \$
	Demolitions & Alterations	57,770
	Concrete	0
	Structural Steelwork	105,475
	Metalwork	107,820
	Carpentry, Joinery & Cabinetwork	11,000
	Roofing and Roof Plumbing	116,478
	Hydraulics Services	115,000
	Mechanical Services	150,000
	Electrical, Security, Communications & Fire Services	146,800
	Lift Services	95,000
	Ceilings, Partitions & Linings	253,535
	Non Resilient Finishes	50,885
	Resilient Finishes	27,140
	Preliminaries & Margin 16%	198,097
	TOTAL EXCL. GST	1,435,000
	Exclusions	
	Crows nest	
	Operable wall (provision for future allowed)	
	Kitchen/Bar fitout	
	Structural Improvements to Existing Building (other than to bar area)	
	Works to Existing Ground Floor and Stairs	
	External works and Services Upgrade	
	Architects & Consultants Fees	
	Site Investigations & Surveys	
	Offsite Services	
	Tenant Specific Requirement	
	Loose Furniture & Fittings	
	Window Treatments	
	Kitchen Appliances	

Port Bouvard SLSC - Rev1

Ref	Description	Total \$
	Headworks	
	Staged Construction	
	Temporary Accomodation or Services	
	Contingencies	
	Escalation	
	GST	

Port Bouvard SLSC - Rev1

Ref	Description	Unit	Quantity	Rate \$	Sub-Total \$
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Demolitions & Alterations

Demolition

1	Remove existing roof structure and level one walls including disconnection of existing services	m2	658	65.00	42,770
2	Floor strenthening over existing bar where load bearing walls removed	Item	1	15,000.00	15,000
Sub-Total - Demolitions & Alterations					57,770

Concrete

3	Suspended slab to crows nest - excluded	note			Excluded
Sub-Total - Concrete					0

Structural Steelwork

Structural Steel

4	New structural steel framing to walls and roof - allow 25kg/m2	t	16.45	5,500.00	90,475
5	Columns and beams to crows nest - excluded	note			Excluded
6	Escape stair (3.5m rise)	Item	1	15,000.00	15,000
7	Staircase to crows nest - Excluded	note			Excluded
Sub-Total - Structural Steelwork					105,475

Metalwork

Windows & Doors

8	Commercial anodised aluminium frame	m2	104	450.00	46,800
9	E.O for tinted glass	m2	104	50.00	5,200
<u>Glazed Aluminium Doors</u>					
10	E.O for Single dr	no	1	1,800.00	1,800
11	E.O for Double dr	no	2	2,900.00	5,800

Port Bouvard SLSC - Rev1

Ref	Description	Unit	Quantity	Rate \$	Sub-Total \$
Operable Walls					
12	Operable wall - excluded	note	1		Excluded
13	Support beam - allowed for future use	item	1	900.00	900
Internal Door					
14	Internal doors, frame, hardware and painted finish	no	16	1,200.00	19,200
External Door					
15	Fire escape door, hardware and paint finish	no	1	3,000.00	3,000
Commercial Kitchen & Bar					
16	Commercial kitchen & Bar fitout - excluded	note	1		Excluded
Podium					
17	Podium - excluded	note	1		Excluded
Handrails & Balustrades					
18	Powdercoated aluminium balustrade	m	45	350.00	15,750
Bathroom Hardware					
19	S.S jumbo toilet roll dispenser	no	8	350.00	2,800
20	S.S vertical liquid soap dispenser	no	8	80.00	640
21	S.S recessed paper towel dispenser and waste receptical	no	4	545.00	2,180
22	S.S automatic hand drier - excluded				Excluded
23	Disabled wc sss grab rail set	no	3	750.00	2,250
Fire Extinguishers					
24	Fire extinguishers and blankets	item	1	1,500.00	1,500
Sub-Total - Metalwork					107,820

Carpentry, Joinery & Cabinetwork

Cubicles

Port Bouvard SLSC - Rev1

Ref	Description	Unit	Quantity	Rate \$	Sub-Total \$
25	Toilet cubicles	no	6	1,500.00	9,000
	Vanity Unit				
26	Laminate vanity unit - benchtop only	m	5	400.00	2,000
27	Stone top - excluded	note			Excluded
Sub-Total - Carpentry, Joinery & Cabinetwork					11,000

Roofing and Roof Plumbing

Roof Covering					
28	0.48 trimdek, custom orb	m2	719	35.00	25,165
29	E.O for Ultra coating	m2	719	25.00	17,975
30	Safety netting	m2	719	8.00	5,752
31	50mm anticon	m2	719	14.00	10,066
32	Roof purlins	m2	719	35.00	25,165
Flashings, Gutters, Downpipes					
33	Flashings	m2	719	25.00	17,975
34	Gutters and downpipes	m2	719	20.00	14,380
Sub-Total - Roofing and Roof Plumbing					116,478

Hydraulics Services

Hydraulic Services					
35	As per CHD estimate 1/7/17	Item	1	109,000.00	109,000
36	Builders work in connection	Item	1	6,000.00	6,000
Sub-Total - Hydraulics Services					115,000

Mechanical Services

Mechanical Services					
37	As per SMWC estimate 23/6/17	Note			

Port Bouvard SLSC - Rev1

Ref	Description	Unit	Quantity	Rate \$	Sub-Total \$
38	Function room	Item	1	95,000.00	95,000
39	Training/multipurpose	Item	1	16,000.00	16,000
40	Toilet and cleaners exhaust	Item	1	15,000.00	15,000
41	Admin Office/Control room	Item	1	16,000.00	16,000
42	Kitchen canopy hood - excluded	note	1		Excluded
43	Builders work in connection	Item	1	8,000.00	8,000
Sub-Total - Mechanical Services					150,000

Electrical, Security, Communications & Fire Services

Electrical Services

44	As per ETC estimate (23/6/17)	Item	1	139,800.00	139,800
45	Builders work in connection	Item	1	7,000.00	7,000
Sub-Total - Electrical, Security, Communications &					146,800

Lift Services

Lift Installation

46	Standard - no mirrors 8-12 passenger lift	no	1	75,000.00	75,000
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Builders Work

47	Steel lift beams and forming lift shaft	item	1	20,000.00	20,000
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Sub-Total - Lift Services **95,000**

Ceilings, Partitions & Linings

Plasterboard Ceiling

48	Plasterboard suspended ceilings <3m high with flushed joints, painted	m2	118	85.00	10,030
49	Plasterboard suspended ceilings >3m high with flushed joints; raked, painted	m2	397	100.00	39,700
50	Bulk head, painted	m	15	175.00	2,625

Port Bouvard SLSC - Rev1

Ref	Description	Unit	Quantity	Rate \$	Sub-Total \$
51	Insulation	m2	515	15.00	7,725
	Villaboard Soffit lining				
52	Villaboard soffit lining, painted	m2	170	195.00	33,150
	Internal Stud Partitions				
53	64 metal stud, insulation, plasterboard both sides	m2	428	150.00	64,200
	External Stud Partition				
54	Colorbond cladding, vapour barrier, 92 metal stud, insulation, plasterboard wall lining, painted	m2	447	215.00	96,105
Sub-Total - Ceilings, Partitions & Linings					253,535

Non Resilient Finishes

	Wall Tiling				
55	Wall tiles (PC \$30.00/m2)	m2	159	95.00	15,105
56	Waterproofing	m2	159	40.00	6,360
	Floor Tiling				
57	Floor tiles (PC \$40.00/m2)	m2	160	105.00	16,800
58	Floor screed; 30mm thick	m2	160	18.00	2,880
59	Skirting tiles	m	167	20.00	3,340
60	Waterproofing	m2	160	40.00	6,400
61	Sound proofing - excludud	note			Excluded
Sub-Total - Non Resilient Finishes					50,885

Resilient Finishes

	Carpet				
62	Standard carpet tile	m2	397	50.00	19,850
63	Sound underlay - excluded	note			Excluded
64	Skirting - excluded	note			Excluded

Port Bouvard SLSC - Rev1

Ref	Description	Unit	Quantity	Rate \$	Sub-Total \$
Vinyl					
65	2mm thick sheet vinyl (non slip)	m2	47	95.00	4,465
66	Coved vinyl skirting - excluded	m	53	25.00	1,325
Sundries					
67	Divisional strips, tactiles and the like	item	1	1,500.00	1,500
Sub-Total - Resilient Finishes					27,140



Pyramids Beach
Southport Boulevard
DAWESVILLE WA 6111

PO Box 1810
MANDURAH WA 6210
Office: (08) 9582 2787
M: 0409 934 399

ABN: 68 400 951 810

26th September 2017

City of Mandurah
3 Peel Street,
Mandurah,
WA 6210

Attn: Craig Johnson

RE: Port Bouvard Surf Life Saving Club (PBSLSC) - Proposed Second Level Addition.

Dear Sir,

Further to discussion at our earlier meeting on 26th September, City of Mandurah (CoM) latest estimate for construction of the PBSLSC 2nd storey addition. Estimate includes Building Works, Architectural fees, Consultants fees and Contingency = \$1.75 million excl. GST.

PBSLSC has procured funds for this project outlined as follows:

- \$1m Federal government commitment
- \$300k contribution through Peel Development Commission
- \$200k PBSLSC contribution
- \$50k City of Mandurah (CoM)

Total \$1.55 million

The above indicates a funding short fall of \$200k less than the estimated total design and building construction cost.

We are most grateful for the \$50K commitment from CoM and provision of Project Management. We request an additional \$200k to bring the available project funding in line with the total estimate and allow the project tender process to commence.

Yours faithfully,

Jeff Kallawk
PBSLSC President

2	SUBJECT:	Proposed Trading Permits – Eastern Foreshore
	CONTACT OFFICER/S:	Ben Dreckow
	AUTHOR:	Aaron Lucas / Kyl Betteridge
	FILE NO:	TP123 / TP128 / TP129

Summary

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

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

Further detailed guidelines are currently being prepared and will be presented to Council in due course to operate in conjunction with the *City of Mandurah Local Government Property and Public Places Local Law* and replace the existing Council Policy POL-ED02 (Trading in Public Places Policy).

However at the present time, the existing policy remains in place which provides for no trading to take place on the eastern foreshore.

Trading Permit applications have recently been received for the following:

- Jet X-treme to provide for jet-board activities, seqway tours and jet-ski tours;
- Stag Watersports to provide for jet-ski tours; and
- Innospring Pty Ltd to operate BBQ-Boats

to operate from the southern area of the Eastern Foreshore and/or adjacent jetties (Government Jetty and Town Jetty).

Each of these activities have previously been approved by Council by either Trading Permits or Non-Exclusive Jetty licences in the period since 2014 for a range of time periods with the exception of jet-ski tours. Separately, a new application has been made for the operation of the Tourist Fun Train to continue, which will be considered by Council under separate cover in due course.

It is considered that the proposals are appropriate for the location and meet the intent of the approach adopted by Council with regard to Trading Permits in April 2017.

Accordingly it is recommended that Council grants approval to these activities operating from the Eastern Foreshore for a three year period or until such time as the redevelopment of the Eastern Foreshore commences, whichever is the earliest. Should any maintenance works be required to the areas subject to the approvals be required, the activities will not be able to operate, which is the risk of the operators using public land.

Should these approvals be granted, annual licences and conditions will be issued accordingly under delegated authority upon receipt of appropriate insurances, confirmation of relevant state agencies approvals and payment of permit fees.

Disclosure of Interest

Nil

Location



Previous Relevant Documentation

- G.32/5/17 23 May 2017 Council approved a trading permit for Pirate Ship Mandurah for a five-year period;
- G.10/4/17 11 April 2017 Council Endorsed the preparation of Guidelines for the Assessment and Approval of Trading Permits to replace the existing Trading in Public Places Policy;
- G.18/2/16 9 February 2017 Council adopted the draft *Local Government Property and Public Places Local Law 2016* for advertising;
- G.35/9/16 27 September 2016 Council resolved not to support Personal Water Craft (PWC Jetski's) tours from the Eastern Foreshore and requested

- consideration of a report to consider licensing opportunities on the Eastern and Western Foreshores.
- G.35/9/16 27 September 2016 Council approved a temporary location for Jet X-treme due to the redevelopment of the Eastern Foreshore seawall.
 - G.10/9/16 13 September 2016 Council approved a trading permit and non-exclusive jetty license to Aqualib Eco Adventures to a temporary location due to the redevelopment of the Eastern Foreshore seawall.
 - G.16/6/16 14 June 2016 Council Approved a non-exclusive jetty license for Innospring Pty Ltd to operate BBQ-Boats
 - G.68/11/15 24 November 2015 Council granted conditional approval for a trading permit for 'Wheeling Adventures' for the operation of Segway tours.
 - G.33/11/15 10 November 2015 Council granted approval to Aqualib Eco Adventure for a trading permit to operate from Jetty 2314.

Background

In April 2017, Council adopted a range of actions with respect to trading activities based on the new *City of Mandurah Local Government Property and Public Places Local Law* and to replace Council Policy POL-ED02 (Trading in Public Places Policy) which currently restricts any trading activities from operating on the Eastern Foreshore.

The actions include the following with respect to activities on the Eastern Foreshore:

- Restrictions for all trading activities from the Eastern Foreshore will not be included;
- The inclusion of a plan that outlines approved specific sites for Commercial and Aquatic Activities as follows to no more than four locations (inclusive of land and water);
- More than one operator may be located within any of these locations, which may include operators with similar activities; and
- The inclusion of provisions that provide for annual 'Expression of Interest' process for these locations and that Council will consider all proposals collectively and annually should there be significant interest from operators to use these locations prior to the peak summer period.

Current delegation arrangements allow for trading permits to be issued where they are in accordance with the relevant local law and policy provisions. Until such time as the existing Council policy POL-ED02 is replaced, any proposals on the Eastern Foreshore require Council approval.

Updated guidelines are currently being prepared in conjunction with preliminary design work for the Eastern Foreshore Masterplan and collation of existing approvals and leasing agreements. These guidelines will be presented to Council in due course for consideration and approval.

Since 2014, a range of a specific requests to grant approvals such as boat tour operators, water based operations (such as 'Jet X-Treme'), tourist trains and 'Segway' tours have utilised a range of approval process such as trading permits and non-exclusive jetty licences and have been determined by Council upon receipt of a request from an operator.

Under the provisions of the *Local Government Property and Public Places Local Law*, a two staged process is required. Firstly to consider the approval of the operations for a defined period and then followed by an annual permit being issued. The second step can be undertaken under delegation based on the approval being granted by Council following receipt of necessary insurances, confirmation of other state agency

approvals and payment of relevant licence fees, with the permit length being dependant on the licence fees being paid. Conditions on permits will be based on the various operations proposed.

Comment

Further to previous approvals considered by Council, a number of new, combined or extended approval period applications have been received with a view to commence operations for the upcoming summer season and beyond.

Jet X-Treme (Trading Permit No 123)

A new Trading Permit application has been received from Jet X-treme to operate jet-board activities, seqway tours and jet-ski tours.

The jet-board is a flyboard and an aerial freestyle device attached by a length of hose to a personal water craft (PWC). The PWC supplies the propulsion to drive the flyboard through the air and water. The flyboard rider is secured to the board by placing their feet into a standard pair of wakeboard bindings connected to the flyboard, water is forced from the PWC through the hose and out of the jet nozzles located underneath the flyboard which enables the rider to levitate above the water. This is operated as an “instructor based experience” which is in accordance with Department of Transport requirements.

Customers are fitted with safety equipment including personal floatation device, protective headwear and wetsuit shorts. Whilst this activity is land-based, the operator will not receive exclusive use of the areas on the foreshore or the jetty with all areas remaining open to the public.

An area of water has been allocated by the Department of Transport for this activity and is included in Mandurah Boating Notices and Charts.

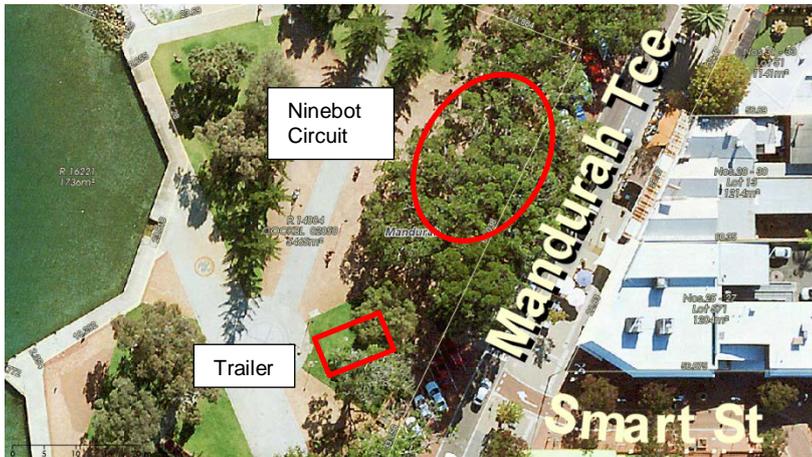


Council has previously approved this activity in September 2015 to operate for a three year period. However, a new application has been received from the operator to include the addition of a Ninebot ‘Segway’ business and Jet Ski ocean tours under the same permit in order to reduce licencing fees and approvals.

The Ninebot (‘Segway’) circuit proposed to use a section of the paved area on the Eastern Foreshore. The applicant’s intention is to operate under the same operations as ‘Wheeling Adventures’ that was approved by Council in November 2015, with the licence being issued in December 2015 and 2016 accordingly. Due to difficulties in obtaining state agency approvals, the operation did not commence operation under the previous approval issued.

The experience is designed to introduce customers to Ninebot and try it out for the first time for a period of 15 minutes at a time. It is confined in an area of approximately 40 square metres which is cordoned off and supervised by an instructor at all times. The business operates from a custom trailer which houses 10

vehicles, safety equipment and is fully self-sufficient using solar panels to recharge the vehicles as required. The trailer will be brought into the area in the morning and removed at the end of the trading day operating over weekends, school holidays and occasionally during the week.



Council has previously granted approval for the business under trading name of 'Wheeling Adventures' which required approval, under the Road Traffic Act of a number of areas upon which the Segways can operate. This included portions of the eastern foreshore and Mandurah Ocean Marina. Approval was previously granted for the activity to operate in the Len Howard Reserve however this area is under the management of Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Service). If the current applicant sought to utilise this area, an approval from this agency will be required.

The area subject to the use of the Segway activity may ultimately be impacted by maintenance works required to the paving area around the Moreton Bay fig trees which is likely to reduce the area available to undertake this activity. This will be a risk to the operator, and there will be no obligation for the City to find an alternative location to undertake this activity, which may ultimately be more appropriately operating on hardstand areas of the Western Foreshore.

The application also includes a proposal to expand the water based operation to include jet-ski ocean tours. Under this proposal, customers depart from the eastern foreshore area and embark on a guided tour in the ocean to the Dawesville Cut and return through the estuary to the departure point. It is not envisaged the additional element to the water based activities will be detrimental to the eastern foreshore, particular based on the fact the guided tours are away from the area and it serves only as launch point.

Council previously considered this proposal in September 2016 and resolved not to support the operation at the time until the process to consolidate different permit and licensing systems (trading in public places and recreation hire sites) for tourism operators within Mandjar Bay, the Eastern Foreshore and related waterway was considered by Council. This was on the basis that other interested operators offering similar activities had historically been not able to operate similar activities due to the prevailing policy position. Based on the April 2017 Council resolution, these activities can now be considered and are considered appropriate.

It should be noted however that the use of the jetties is not on an exclusive basis and a trading permit does not given any priority to these operators to use these space and jetties and that the use of the jetties is to be in accordance with the *Jetties, Waterways and Marina Local Law 2011*.

Under the provisions of the previous approvals, officers have the capacity to issue a permit for the Jet X-treme operation for the upcoming summer period. The applicant has also sought to have this previous approval extended as the business did not operate for a 12 month period during the works undertaken on the eastern foreshore. The applicant, however, has also sought to incorporate the Segway business and inclusion of the jet-ski tours into a new Trading Permit, for which officers do not have delegation.

Stag Water Sports (Trading Permit 128)

Stag Water Sports has applied for a trading permit to operate a Jet Ski hire & tours business located at Government Jetty (LM1305) on the eastern foreshore.

Stag Water Sports has been operating from the Dawesville Foreshore since 2005, and had previous approval to operate on the Western Foreshore under a Recreation Hire agreement in 2014 and then through a Trading Permit in 2015. The applicant has subsequently expressed interest to operate on the eastern foreshore, given the approach adopted by Council with regard to Trading Permits in April 2017 to lift restriction of trading from the eastern foreshore.

The operation involves launching jet ski at the beginning of the day from Government Jetty (LM1305) and instructors would tow one ski behind their own. A custom fitted van with pull out awning would be parked in the parking area by the site, if parking is available, which will need to comply with the relevant parking restrictions. All safety equipment used for the customers such as life jackets and wet suits being kept in the van at all times. The only equipment outside of the van would be a table for the customers to use when reading and signing on for the safety briefing before their tour departs. Customers would be fitted with floatation vests and then be taken through the sign up and briefing process before departing on the jet skis.

Additionally the proposal includes the use of the 'Jet Doc Boat' experience. The Jet Doc Boat will become part one of the tour, facilitating trips for up to 5 people from Government Jetty on the Eastern Foreshore to the jet ski hire site in Dawesville, following with a return trip back to Government Jetty on the Jet Skis, ultimately alternating the docking of jet skis and the jet doc boat at eastern foreshore location.



The Jet doc boat is a 'jet-ski' that has been docked into a boat hull specifically designed to fit with the ski, and as with the Jet-Ski's all senior instructors.

The inclusion of the jet doc boat provides an opportunity for the business to expand further into offering ferry services to Dawesville in low season to provide additional transport options to Dawesville for those that may not wish to complete a full return jet-ski tour, allowing for exposure and better access to local businesses such as the Leprechaun Café in Dawesville.

BBQ-Boats (Trading Permit 129)

In June 2016, Council approved a non-exclusive jetty licence to Innospring Pty Ltd to operate BBQ-Boats for a twelve month period with a renewal for a further twelve months from Jetty 1305 (Government Jetty) and if not suitable due to seawall or bridge construction works, the relocation to jetty No. 1750 located adjacent to the Stage Door restaurant. The current jetty licence expires on 11 October 2017 with a further year renewal to be undertaken.

Eco *BBQ-Boats* is a recreational hire & drive boating business equipped with a gas BBQ. The appointed customer/skipper does not have to hold a Recreational Skippers Ticket, however a security briefing and signing of an insurance waiver is mandatory for every passenger with fishing and swimming will not allowed during boat hire. Eco *BBQ-Boats* operates as BYO food or beverages, however all necessary, personal floatation devices, security equipment, cutlery, crockery and the gas for the BBQ is supplied.

In preparing the renewal of the jetty licence, the option of using the Trading Permit approval under the same terms and conditions is viewed as being more appropriate with respect to consolidating approvals and simplification of permit fees.

Approval Periods

Each of the applications above have been issued with a range of approval periods previously under either a Trading Permit or Non-Exclusive Jetty Licence.

It is proposed that each of the application be granted a Trading Permit with the approval term to be for a three year period or until such time as the redevelopment of the Eastern Foreshore commences, whichever is the earliest. Other minor maintenance works on the Eastern Foreshore and City events may conflict with the approvals and as such, conditions on permits will require the activity to cease. Therefore the three year approval may lapse prior and is at the applicant's risk.

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

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

Consultation

Previous applications for the same operations were advertised for comment with no objections being received. The extension and consolidation of the existing approvals raise no further reasons for additional consultation.

Statutory Environment

Local Government Property and Public Places Local Law 2016

Policy Implications

Trading in Public Places Policy POL-ECD 02.

The objective of the City's Trading in Public Places Policy, is:

- To allow for the operation of trading activities in such a manner that they do not conflict with or prejudice the City's permanent retail and service base, or other normal functions of the City.
- To ensure that the operation of the trading activities are appropriate for the area and do not cause any nuisance to the surrounding area.

In April 2017, Council determined to remove the restriction on trading activity on the Eastern Foreshore. This proposals are considered to encourage and provide activation to the Eastern Foreshore, whilst not compromising the amenity of the area. As per current practice however, trading will not be permitted to

operate during designated City events, or place impact upon any City operations including infrastructure maintenance, replacement, or construction.

The operation of proposed businesses are considered unlikely to impact on or limit the public or other potential operators of the eastern foreshore, and are considered to positively contribute to the activation of the area and complement the existing activities permitted.

Economic Implications

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

In addition to the broader implications, under the 2017/18 Schedule of Fees and Charges, fees for Trading Permits are as follows:

- \$2500 per annum;
- \$400 per month;
- \$200 per week.

In April 2017, Council endorsed the fee schedule for Commercial and Aquatic Operators to be as per the previous arrangements for Recreation Hire sites:

- \$800 per annum;
- \$550 Summer Period (1 October – 30 April)

Should approval be granted by Council, it is proposed that the new fee schedule be utilised, however Council approval is required as it is a variation to the existing Schedule of Fees and Charges. Under the Local Government Act, absolute majority is required for a variation to fees and charges imposed during the financial year. The Act also states that a LG needs to give local public notice of (a) its intention to charge a fee and (b) the date from which the fee or charge will be imposed.

Strategic Implications

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

Social:

- Provide employment and educational opportunities, services and activities that engage the City's young people.
- Provide a range of social, retail, recreational and entertainment experiences for the City's residents and visitors.

Economic:

- Develop a strong and sustainable tourism industry.

Identity:

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

Conclusion

Applications for trading permits have recently been received for the following:

- Jet X-treme to provide for jet-board activities, seqway tours and jet-ski tours;

- Stag Watersports to provide for jet-ski tours; and
- Innospring Pty Ltd to operate BBQ-Boats

to operate from the southern area of the Eastern Foreshore and/or adjacent jetties (Government Jetty and Town Jetty).

Each of these activities have previously been approved by Council by either Trading Permits or Non-Exclusive Jetties licences in the period since 2014 for a range of time periods with the exception of jet-ski tours.

It is considered that the proposals will positively contribute to the activation of the eastern foreshore and meets the intent of the approach adopted by Council with regard to Trading Permits in April 2017.

Accordingly it is recommended that Council grants approval to these activities operating from the Eastern Foreshore for a three year period or until such time as the redevelopment of the Eastern Foreshore commences, whichever is the earliest. Should any maintenance works be required to the areas subject to the approvals be required, the activities will not be able to operate, which is the risk of the operators using public land.

Should these approvals be granted, annual licences and conditions will be issued accordingly under delegated authority upon receipt of appropriate insurances, confirmation of relevant state agencies approvals and payment of licence fees.

RECOMMENDATION

That:

- 1. Council grants approval to the application for Trading Activities (Application No 123) to Jet X-Treme Pty Ltd to operate Jetboard Activities, Seqway Operations and Jet Ski tours from Reserve 14004 (Eastern Foreshore) and Jetty LM2314/LM2357 (Town Jetty) for a three year period, with the issuance of annual and/or seasonal Trading Permits being delegated to the Chief Executive Officer (Manager, Planning and Land Services);**
- 2. Council grants approval to the application for Trading Activities (Application No 128) to Stag Water Sports Pty Ltd to operate Jet Ski tours and Jet Doc Boat operations from Jetty LM1305 (Government Jetty) for a three year period, with the issuance of annual and/or seasonal Trading Permits being delegated to the Chief Executive Officer (Manager, Planning and Land Services);**
- 3. Council grants approval to the application for Trading Activities (Application No 129) to Innospring Pty Ltd to operate BBQ-Boats from Jetty LM1305 (Government Jetty) and Jetty 1750 (adjacent to 'Stage Door' restaurant) for a three year period, with the issuance of annual and/or seasonal Trading Permits being delegated to the Chief Executive Officer (Manager, Planning and Land Services);**
- 4. In granting approval to the above applications, annual and/or seasonal Trading Permits shall include conditions addressing the following matters:**
 - 4.1 The approval period of three years is subject to any redevelopment of the Eastern Foreshore commences, whichever is the earliest, and there will no obligation on the City of Mandurah to identify alternative locations;**
 - 4.2 A specific plan providing the area covered by the approval;**
 - 4.3 General operating days and hours (which excludes City events, Christmas Day and Good Friday);**

- 4.4 Ensuring that the operations do not conflict with other relevant local laws (such as *Jetties, Waterways and Marina Local Law 2011* and that relevant state government approvals have been granted;
 - 4.5 Ensuring the operations ensure pedestrian priority is maintained;
 - 4.6 The approval does not provide for any exclusive or priority use of the locations subject to the approval;
 - 4.7 No modifications to any City of Mandurah infrastructure will be permitted in order to allow the operation to proceed; and
 - 4.8 If the activity to impact upon the operations of the City in terms of infrastructure maintenance, replacement or construction and/or conducting of City events, the trading activity is to cease.
5. The issuance of annual and/or seasonal Trading Permits shall be subject to:
 - 5.1 The payment of relevant trading permit fees, with the permit being issued for a time period relevant to the fee paid;
 - 5.2 Relevant public liability insurances are in place;
 6. Council approves the following fee schedule for the approvals, noting the variations to the 2017/18 Schedule of Fees and Charges and that Council gives notice of its intention to vary the Schedule of Fees and Charges from the 10 October 2017:

\$800 per annum; or \$550 for the Summer Period only (1 October – 30 April).

***ABSOLUTE MAJORITY REQUIRED (No 6 Only)**

3 SUBJECT: Pinjarra Road Design – Mandurah Traffic Bridge to Sholl Street, Mandurah
CONTACT OFFICER/S: Allan Claydon/Terry Blanchard
AUTHOR: Terry Blanchard
FILE NO:

Summary

The construction of a new Mandurah Traffic Bridge is nearing completion.

The lane configuration of the new four lane bridge needs to integrate with the existing Pinjarra Road between Mandurah Terrace and Sholl Street. The lane widths in Pinjarra Road are not compatible with the lane widths on the new bridge. As a result, Pinjarra Road needs to be reconfigured to allow a seamless transition between the bridge and the road.

Council is requested to adopt a new design of the section of Pinjarra Road between Mandurah Traffic Bridge and Sholl Street.

Disclosure of Interest

Nil

Location



Previous Relevant Documentation

- G.33/2/16 23 February 2016
- Old Mandurah Traffic Bridge: Enhancements to Replacement Bridge. The City had been requested to prioritise a list of enhancements to be included in the project within the available project budget. Council endorsed the following key enhancements for the Old Mandurah Traffic Bridge replacement project and advise Main Roads Western Australia accordingly:
 1. Shade structure to fishing platform on old bridge structure
 2. Enhanced lighting to old bridge fishing platforms
 3. Skate park access stairs
 4. Pier lighting to underside of new bridge
 5. Aboriginal values heritage and public art enhancements

- G.30/9/14 16 September 2014 Old Mandurah Traffic Bridge Project Update. Council supports the proposed project direction as set out in the report, approving land administration processes to obtain tenure for the land needed to deliver the project.
- SP.3/4/14 8 April 2014 Council authorises the Chief Executive Officer to approach the State Government and senior staff from the Department of Transport and Main Roads Western Australia in a bid to secure the necessary additional \$10 million of funding needed to progress the project.
- G.43/11/13 26 November 2013 Council approves the City's actions in further developing concept designs and more accurate costings for Mandurah traffic Bridge and notes that a further report will be prepared on both the outcome of the concept design and cost certainty consultancy services and the proposed next steps.
- G.43/11/12 27 November 2012 Council received the Mandurah Transport Modelling Traffic Projections on the bridges and adopted in principle that the replacement bridge for the Old Mandurah Traffic Bridge to be configured with four lanes for traffic in conjunction with pedestrian/cyclist provision.

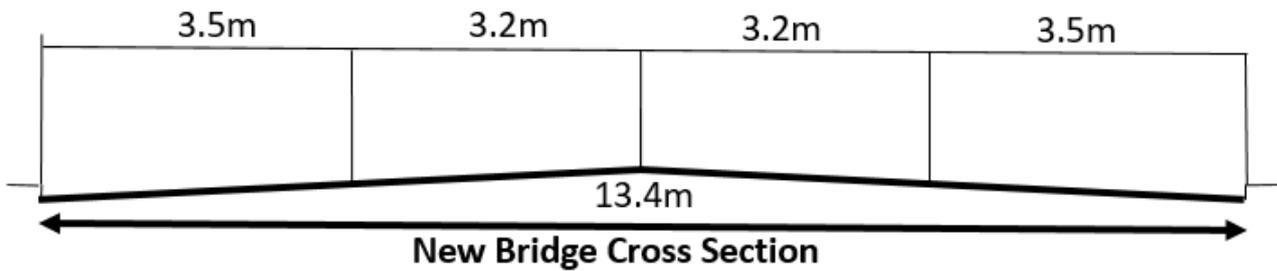
Council to continue negotiations with State Government to secure funding and continues to develop the public consultation process. Council acknowledged the importance of the Old Traffic Bridge to the social history of Mandurah and the heritage significance of Dalrymple Park, with both elements being considered as part of the replacement of the bridge.
- G.43/11/12 25 September 2012 Council supported a Reference Group to include Council, Main Roads WA and Community membership to oversee the consultation and design process for the replacement of the Old Traffic Bridge.
- G.38/08/11 23 August 2011 Council resolved to accept the Economic Viability Assessment for the replacement within 2-3 years and analyse the bridge characteristics for replacement.
- G.25/06/11 28 June 2011 Council received a heritage assessment report for the Old Mandurah Traffic Bridge and resolved to endorse the use of the assessment as an input to the conceptual design phase of the bridge replacement project.
- G.28/10/06 17 October 2006 Council resolved to delay further capital expenditure on the Old Mandurah Traffic Bridge and commence planning for ultimate replacement of the structure.

Background

Georgiou in conjunction with the Main Roads Department and the City of Mandurah has completed the new Mandurah Traffic Bridge and Pinjarra Road is currently under construction.

The design and integration of the new bridge into the existing roadway has been reviewed by City officers.

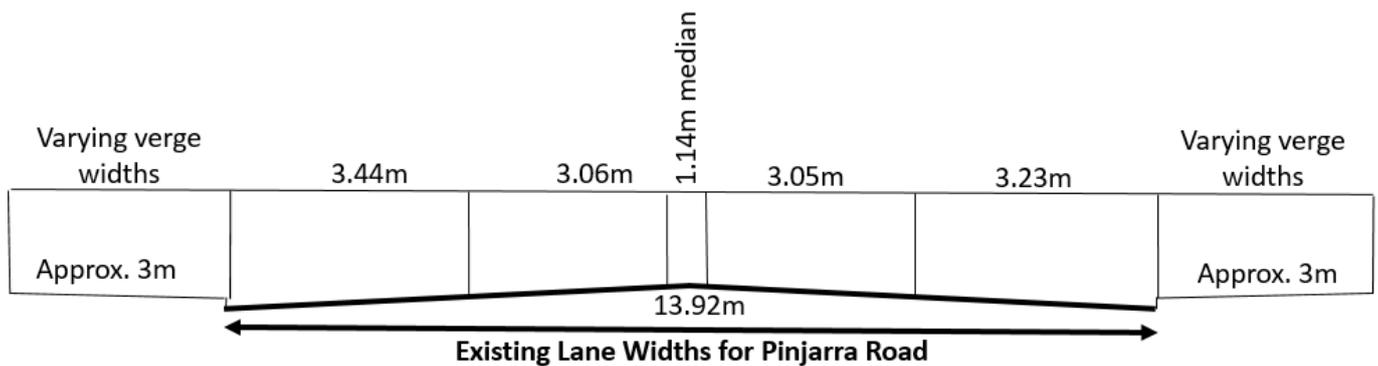
The traffic lanes on the new bridge in both directions are 3.5 metres wide on the kerbside lanes and 3.2 metres wide for the central lanes. This is schematically shown on the following cross section;



The kerbside lane is wider than the central lane to cater for all classes of vehicles including large trucks. It is not intended that cyclists travel in this lane as cycling facilities are provided on the major pathway at a lower level on the northern side of the bridge.

The median island narrows just past the Mandurah Terrace intersection and it is intended that it not be extended past that point.

The existing Pinjarra Road cross section includes street lighting in the narrow median island located in the centre of the roadway.



The median has two breaks which allow right turn access to Barracks Lane and the carpark at the rear of the banks. Remaining crossover accesses are limited to left in – left out traffic movements only.

The current narrow median supplies a facility that allows street lighting to be centrally placed within the roadway noting that the street lighting poles also allows for banner advertising.

While the narrow median allows for street lighting, its narrow width is an impediment to pedestrians crossing Pinjarra Road.

Comment

The new bridge and its configuration along with the removal of the 17 tonne load restriction will allow an increase in commercial vehicle traffic and all classes of vehicles. For example, a semi-trailer will have right of access to the bridge and thus Pinjarra Road.

It is proposed to remove the narrow median island in Pinjarra Road between Mandurah Terrace and Scholl Street and provide two 3.2 m wide lanes in each direction. This will result in a transition of 13.4 metre pavement width for the bridge into 12.8 metre pavement width for Pinjarra Road. The extra width from the bridge cross section can be added to the verge widths for better pedestrian access either side

of Pinjarra Road. The existing cross section has traffic lanes that vary slightly and the verges also have varying widths. These are shown in the following cross sections:



The use of 3.2 m wide kerbside traffic lanes is accepted by both the Main Roads Western Australia and the Public Transport Authority, the latter responsible for providing the buses for public transport through this section of Pinjarra Road.

Buses have a mirror to mirror width of 3.1 m and a 3.2m wide traffic lane is acceptable to the PTA.

The removal of the median will allow enhanced access for right turns into and out of commercial properties on each side of Pinjarra Road. This also means pedestrians will have to cross Pinjarra Road in one movement instead of having a small space to stand on and stop awaiting a second gap to be available to complete crossing the road. The median island is viewed as an impediment to pedestrian safety as the island is very narrow thus difficult to stand on and should a wide vehicle pass by, it may brush the pedestrian. No island allows for a quicker unimpeded access across the road

The removal of the island is considered satisfactory as pedestrian access in and around Mandurah Terrace allows for safe crossing under the new bridge. Safe pedestrian access is also available via the traffic signals at Sholl Street.

It is recommended that an aesthetically pleasing fence be constructed on the southern verge of Pinjarra Road between the new bridge and the first crossover. This will take pedestrians far enough to the east that they are relatively close to the Sholl Street/Pinjarra Road traffic signals and a safer crossing of Pinjarra Road. Refer to Drawing RDS 2487 01/B in **Attachment 1**.

A further consideration is the potential traffic speed in the section of Pinjarra Road between Mandurah Terrace and Sholl Street. This section of roadway is directly adjacent to the City Centre which has a 40 km/hr speed limit and forms part of the pedestrian precinct. It is proposed to have this portion of Pinjarra Road gazetted as a 40km/hr speed zone. This reduction in traffic speed aids pedestrianisation of the area.

An application to the MRWA should be made to have the section of Pinjarra Road between Mandurah Terrace and Sholl Street designated as part of the City Centre speed zone with a speed limit of 40 km/hr.

The removal of the median will require a relocation of the street lighting from the median to the verge areas on single reach poles. However the extra verge width will accommodate this relocation and the pedestrians will be able to negotiate the street lighting poles without major conflict. It is intended to provide for banner also.

Consultation

The section of Pinjarra Road between Mandurah Terrace and Sholl Street will need approval from the MRWA to have the traffic speed limit reduced to 40 km/hr and the line marking plan accepted.

Policy Implications

The Main Roads Western Australia need to approve the 40 km/hr speed limit in Pinjarra Road between Mandurah Terrace and Sholl Street (Refer **Attachment 2**).

Economic Implications

The City has allocated funds of \$250,000 in the 2017/2018 budget for these changes to Pinjarra Road.

Strategic Implications

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

Infrastructure:

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

Organisational Excellence:

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

Conclusion

To manage the transition of the road pavement from the new Mandurah Traffic Bridge into Pinjarra Road, it is proposed to remove the central median in Pinjarra Road between Mandurah Terrace and Sholl Street and provide four 3.2m wide traffic lanes. The removal of the central median also allows enhanced access to commercial properties on both sides of Pinjarra Road as well as removing a potential obstacle to large vehicles and safe pedestrian crossing of Pinjarra Road.

The implementation of a 40km/hr speed restriction will benefit pedestrians within the area and also make the general traffic environment calmer.

It is recommended Council endorse the layout and design for Pinjarra Road between Mandurah Terrace and Sholl Street as per plan RDS 2487 01/B which shows the following:

1. Removal of the central median on Pinjarra Road between the new Mandurah Traffic Bridge works and Sholl Street.
2. Conversion of the section of Pinjarra Road between the new Mandurah Traffic Bridge and Sholl Street to a 40 km/hr speed limit.
3. Street lighting in Pinjarra Road between the new Mandurah Traffic Bridge being relocated from the centre of the road to the verge areas.
4. The new lane configuration for Pinjarra Road between the new Mandurah Traffic Bridge being four x 3.2m wide lanes.
5. An appropriate fence being installed on the southern side of the Pinjarra Road verge from the new Mandurah Traffic Bridge to the first crossover to prevent pedestrians crossing Pinjarra Road adjacent to the Pinjarra Road/Mandurah Terrace intersection.

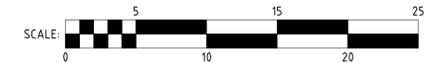
NOTE:

- Refer **Attachment 1** ***Pinjarra Road – Bridge to Sholl St Layout and Location Plan RDS 2487 01/B***
Attachment 2 ***Speed Limit plan for 40 km/hr in Pinjarra Road between Mandurah Terrace and Sholl Street***

RECOMMENDATION

That Council:

- 1. Endorse a revised design for Pinjarra Road between Mandurah Terrace and Sholl Street as per plan RDS 2487 01/B.**
- 2. Request Main Roads Western Australia approve a speed limit of 40 km/hr for Pinjarra Road from Mandurah Terrace and Sholl Street.**

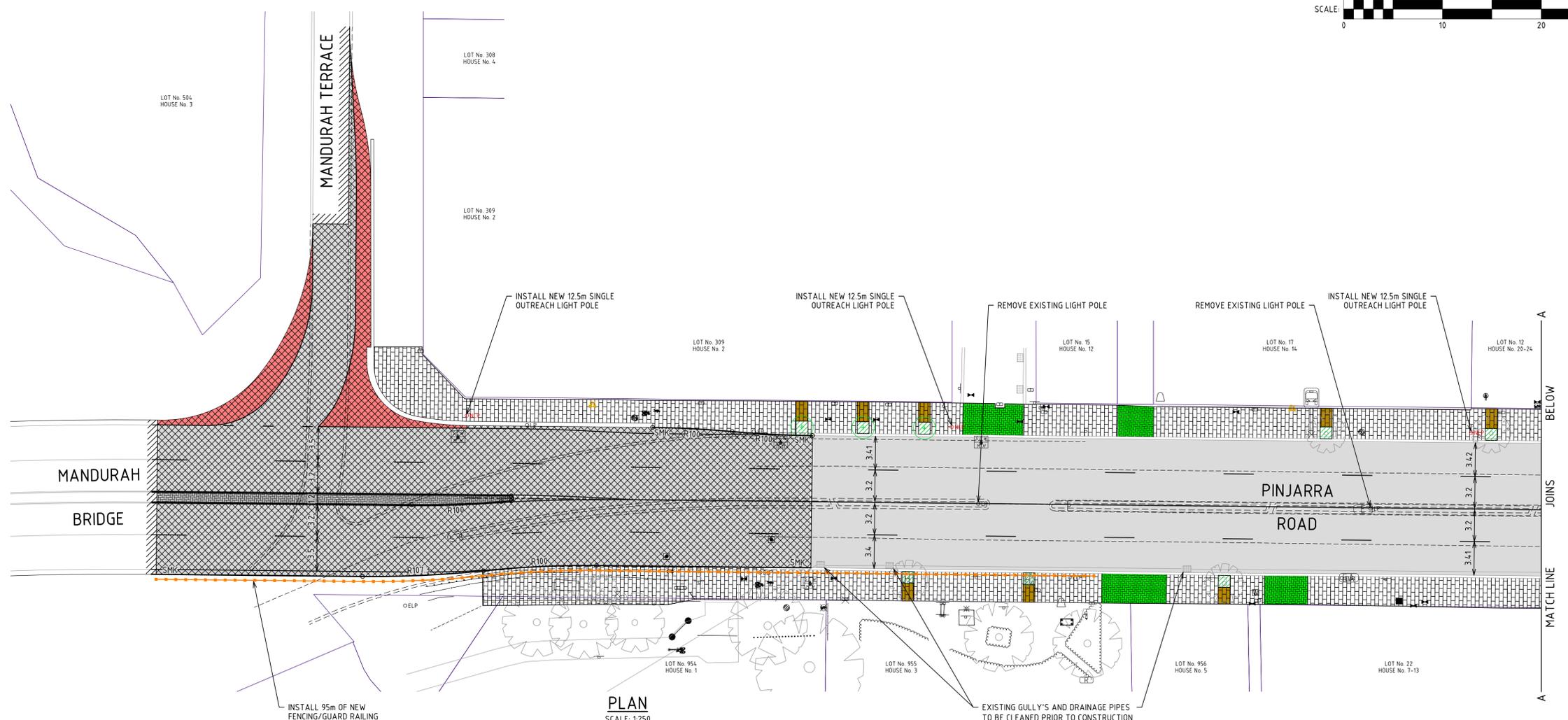


LEGEND:

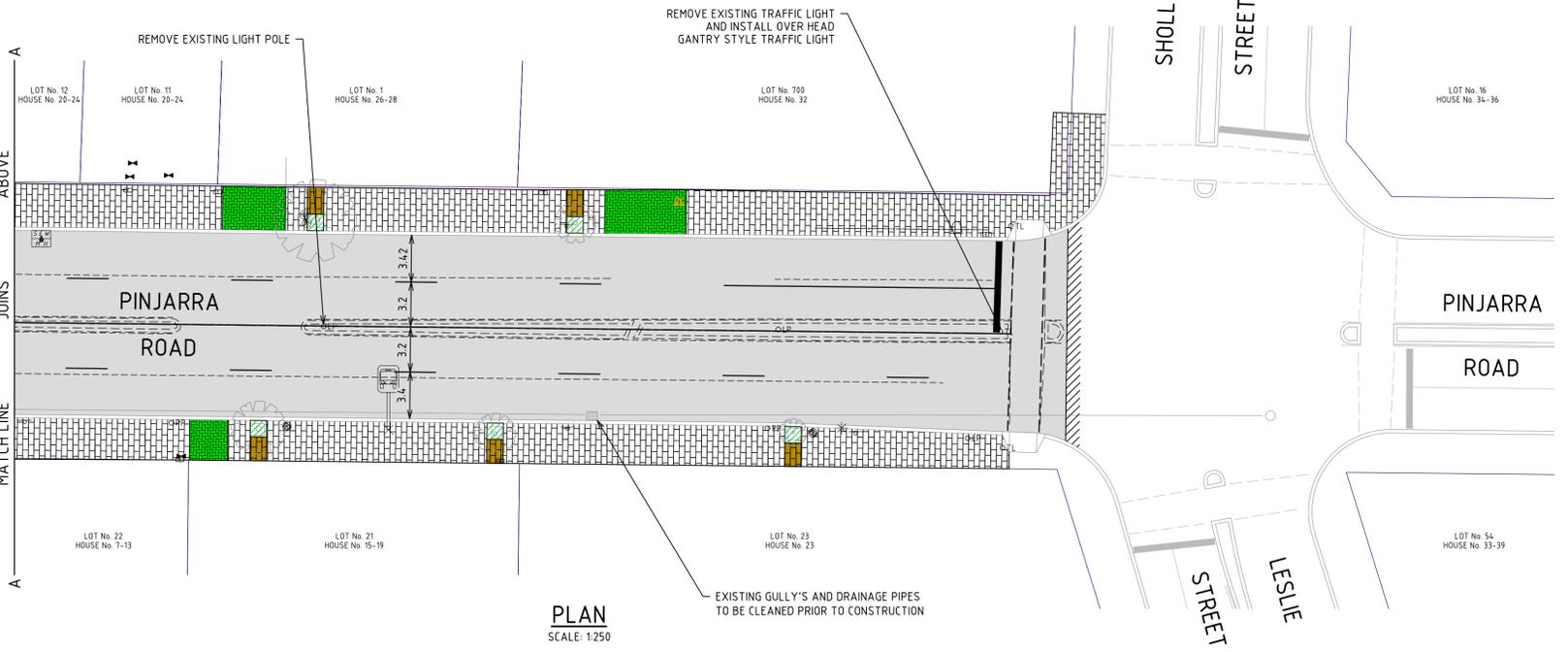
	NEW SEMI-MOUNTABLE KERBING (TYPE 3)
	NEW MOUNTABLE KERBING (TYPE 3)
	EXISTING KERB REMAIN/REMOVE
	EXISTING LINE MARKING REMAIN/REMOVE
	EXISTING FOOTPATH REMAIN/REMOVE
	EXISTING DRAINAGE GULLY/PIPE/MANHOLE TO REMAIN
	EXISTING DRAINAGE GULLY/PIPE/MANHOLE TO BE REMOVE
	NEW 120mm WHITE SINGLE BARRIER/EDGE LINE
	NEW 80mm WHITE BROKEN LANE LINE
	NEW 120mm WHITE CONTINUITY LINE
	NEW 450mm WHITE STOP LINE
	NEW FENCE/GUARD RAILING
	NEW DRAINAGE PIPE
	NEW MANHOLE/GULLY PIT/SEP/COMBINATION GULLY/GULLY TANK
	INSTALL 25mm ASPHALT AC10 OVERLAY
	175mm LIMESTONE @95% MMD 100mm ROAD BASE @ 98% MMD 25mm ASPHALT AC10
	MAIN PAVER: URBANSTONE 300x200, COLOUR CASINO GREY #924, FINISH SHOTBLAST, STRETCHER BOND ACROSS PATH
	CROSSOVERS: URBANSTONE 300x200 TRAFFICABLE PENFOLD #2235, FINISH SHOTBLAST, PAVES LAIN IN 90° HERRINGBONE
	TREE DETAIL STRIP: URBANSTONE 300x200, SWINBOURNE BLACK #777, FINISH SHOTBLAST, STRETCHER BOND ACROSS PATH
	LANDSCAPING INFILL FOR TREE WELLS
	EXISTING LIGHT POLE/POWER POLE/STAY POLE/ELECTRICAL LIGHT POLE/TRAFFIC LIGHT
	NEW 12.5m SINGLE OUTREACH LIGHT POLE
	NEW/EXISTING SIGN
	PROPOSED/EXISTING TREES

SERVICES:

- WATER
- GAS
- TELSTRA
- TELSTRA - OPTIC FIBRE
- ELECTRICITY
- SEWERAGE



PLAN SCALE: 1:250



PLAN SCALE: 1:250



- NOTES:**
- SERVICES LOCATIONS & DEPTHS ARE INDICATIVE ONLY. THE SITE AND SURROUNDINGS ARE TO BE INSPECTED AND ALL SERVICES PUBLIC AND PRIVATE, ABOVE AND BELOW GROUND ARE TO BE IDENTIFIED PRIOR TO COMMENCEMENT OF WORKS.
 - ALL REINSTATEMENT MATERIALS TO BE OF THE SAME TYPE PRIOR TO COMMENCEMENT OF WORKS
 - STD ### REFERS TO CITY OF MANDURAH STANDARD DETAIL DRAWING NUMBER.
 - TRENCHES TO BE BACKFILLED TO STD B06
 - MANHOLE CONSTRUCTION TO STD B01
 - GULLY CONSTRUCTION TO STD B04

ROAD	MRWA CODE
PINJARRA ROAD	0703
MANDURAH TERRACE	0616
SHOLL STREET	0158

REFERENCE DRAWINGS / DOCUMENTS	
DWG NO. RDS 2487 02	BRIDGE JOIN & ROAD UPGRADE LINE MARKING PLAN

NO.	DATE	REVISION	BY	CHKD	APPR	DATE
B	9/17	ISSUED TO MRWA FOR APPROVAL			GM	
A	6/17	ISSUED FOR COMMENT AND COSTING			GM	

C.A.D. File Nos.	
AUTOCAD U:\WORK\1818 - ROAD REHABILITATION\PINJARRA RD - SHOLL TO BRIDGE\DESIGN\RDS 2487 - NO MEDIUM.DWG	CIVILCAD N/A
SURVEYED BY: PW DATE: 19/5/2017	DATUM AHD & PCG

NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED APPROVED.	
APPROVED	DESIGNED GM 5/6/2017
POSITION	DRAWN GM 5/6/2017
DATE	DRAFT CHECK
	DESIGN ENGINEER

DESIGNER TO COMPLETE	
DESIGNED	GM 5/6/2017
DRAWN	GM 5/6/2017
DRAFT CHECK	
DESIGN ENGINEER	

WORKS AND SERVICES DIRECTORATE	
JOB NO.	XXXX.XXXXXX



PINJARRA RD - BRIDGE TO SHOLL ST BRIDGE JOIN & ROAD UPGRADE - MANDURAH LAYOUT AND LOCATION PLAN			
SCALE:	AS SHOWN	A1	DWG NO. RDS 2487
			SHEET NO. 01/B

ATTACHMENT 2

Speed Limit Plan – 40km/hr in Pinjarra Road between Mandurah Terrace and Sholl Street



Previous Relevant Documentation

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

Background

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

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

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

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

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

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

Comment

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

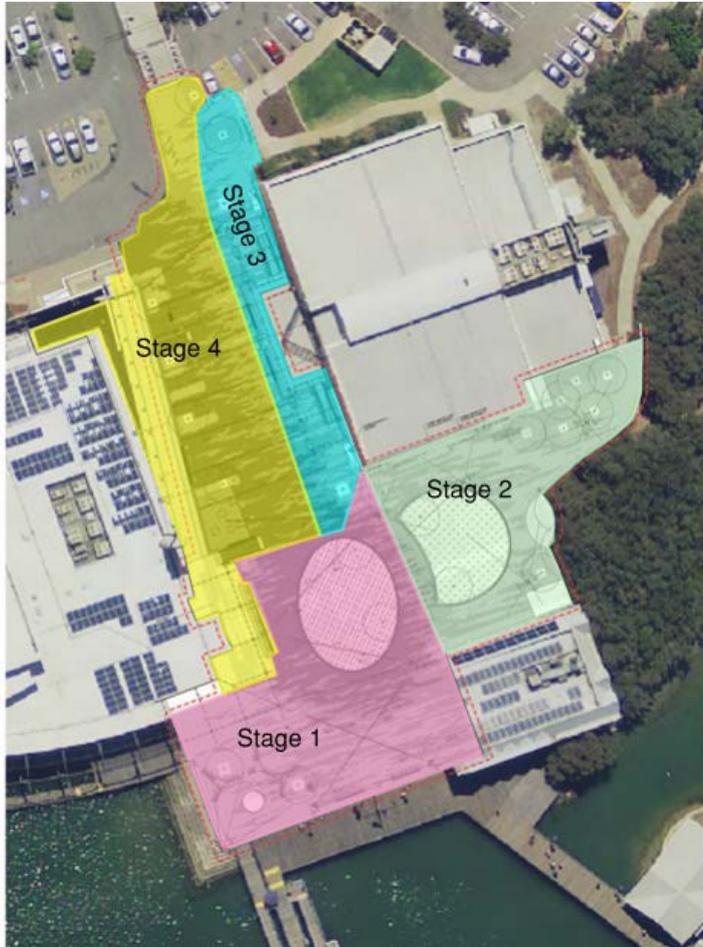
Stage 1 and Stage 2 were scheduled to run consecutively with funding provided in 2016/2017 and 2017/18. There were financial benefits programming the works over the end of one financial year and the beginning of the next. The City was also able to utilise contractors who were already in place with an established familiarity and awareness of the site complexities and constraints. We have also been able to utilise the business relationships established at commencement of the project to communicate with the public and site patrons. Feedback from the businesses and patrons has been positive and they have all expressed a desire to see the project fully completed. This is especially true since completion of Stage 1, and the visible contrast between the new and old paving areas.

With the completion of stage 1 and 2, it is anticipated that use of the area will increase due to the improved amenity. The area will be more attractive for events with the addition of the stage and easy access to

services like power and water. The existing paving will continue to deteriorate with the increased vehicle activity associated with these events and detract from the completed works.

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

The stages for construction are shown in the plan below.



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

Consultation

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

Statutory Environment

Not applicable

Policy Implications

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

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

Economic Implications

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

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

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

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.

Economic:

- Develop a strong and sustainable tourism industry.

Infrastructure:

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

Identity:

- Encourage active community participation and engagement.
- Embrace Mandurah's identity as a multicultural community.

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

Organisational Excellence:

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

Conclusion

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

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

RECOMMENDATION

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

ABSOLUTE MAJORITY REQUIRED

- **a similar activity specified in the determination involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property.**

Currently the Halls Head School Oval is used (during school hours only) for golf practice. This is carried out with the approval of the City and will therefore continue regardless of the determinations.

- **Bringing, riding or driving an animal; and**
- **Flying or using a motorised model aircraft, car, ship, glider or rocket.**

Drones are not covered under this determination. Legal advice obtained during the drafting of the *Local Government Property and Public Places Local Law 2016* was not to address drones within the local law. Drones are managed under the *Civil Aviation Safety Regulations 1998* by the Federal Civil Aviation Safety Authority. Western Australian Local Government Association are also working towards establishing a common position for all local governments. Drone use may also constitute causing a nuisance under the local law.

The above activities can still be carried out with a permit or approval from the local government i.e. animals may still be allowed for the purpose of events, specified vehicles may require entry onto local government property etc.

The proposed determinations above are expanded on in **Attachment 1** and are intended to apply to all local government property unless signage to the contrary has been placed by the local government. Local government property is defined as:

local government property means anything except a thoroughfare which:

- (a) is owned by the local government;
- (b) is vested in the local government;
- (c) is otherwise under the care, control or management of the local government, including under the *Land Administration Act 1997 (WA)*; or
- (d) is an 'otherwise unvested facility' within the meaning of section 3.53 of the Act.

Should Council adopt the register of determinations in its final form, local public notice will be given with relevant administrative procedures and signage updated.

Consultation

The draft determinations were the subject of local public notice and open for public submissions for a period of four weeks. Officers consulted with WALGA during the preparation of the proposed register of determinations.

Statutory Environment

Under s5.94 of the *Local Government Act 1995* the register of determinations, once adopted in its final form, will be available for public inspection. Part 2 of the local law outlined the process for making a determination under the local law.

Policy Implications

Policies will be amended as required.

Economic Implications

Nil.

Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Council at its meeting of 9 May 2017 adopted the *Local Government Property and Public Places Local Law 2016* which provides Council with the power to make determinations on particular matters as outlined within the local law. Council is now requested to adopt the Register of Determinations in its final form.

Once adopted local public notice will be given with relevant administrative procedures and signage updated.

NOTE:

- Refer ***Attachment 1 Register of Determinations.***

RECOMMENDATION

That Council adopts the Register of Determinations as detailed in Attachment 1.

**Determinations under the
*Local Government Property and Public Places Local Law 2016***

The following determinations are taken to be made by Council at its meeting held on 10 October 2017, under Part 2 of the *Local Government Property and Public Places Local Law 2016*.

No	Matter	Determination
1	Taking, riding or driving a vehicle or a particular class of vehicle	A person shall not, except with a permit or local government approval or upon an area specified by a sign erected on the local government property, take, ride or drive a vehicle on any local government property.
2	The playing or practice of: <ul style="list-style-type: none"> o golf, archery, pistol or rifle shooting; or o a similar activity specified in the determination involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property 	A person shall not except with a permit or local government approval: <ul style="list-style-type: none"> (a) play or practice golf on any local government property; (b) aim, shoot or throw an arrow or similar projectile on any local government property; or (c) have in their possession any gun or rifle or means of discharging any projectile that may cause injury or damage to a person or property on local government property.
3	Bring, ride or drive an animal	A person shall not, except with a permit or local government approval, bring, ride or drive an animal onto any local government property. This does not apply to a guide dog use for the assistance of visually impaired persons.
4	Fly or use a motorised model aircraft, car, ship, glider or rocket	A person shall not, except with a permit or local government approval, fly or use a motorised model aircraft, car, ship, glider or rocket on or from local government property.

In addition to the issues raised by WALGA (outlined further in this report) the City has also identified the following matters as areas that could benefit from review:

1. Annual and Primary Returns - s5.75 and s5.76

Officers raise the issue as to whether annual and primary returns remain necessary.

The rationale behind the requirement for annual and primary returns and their availability to the public is questioned on a regular basis.

It is understood that State and Commonwealth Government employees are not subject to the same requirement regardless of the fact that their decision making capability and services provided are not dissimilar.

Elected Members and Officers are required to declare a financial or proximity interest should one arise, and it is an offence not to declare. Therefore the City would like to raise the issue of whether it is necessary to also require an annual statement of interest.

It is recommended that the City also raise the consideration of restricting public access to primary and annual returns on the basis of privacy and also consider whether the depth of information currently requested is appropriate.

2. Receiving and opening tenders, procedures for – r.16

Regulations relating to the requirement that two persons be present at each tender opening are no longer necessary for those local governments who have moved to utilising electronic tendering portals.

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

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

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

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

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

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

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

4. Disposition of property - s.3.58 and r.30

r.30(2a) of *Local Government (Functions and General) Regulations 1996* currently states:

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

A proposed amendment would be to either:

1. Change the timeframe from 6 month to 12 months; or

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

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

If local governments had the freedom to actively market the property for a full 12 months, or an unlimited time period, it would allow for greater flexibility and time to dispose of the said land/property. This is especially relevant when the local government is disposing of land estates consisting of more than one parcel of land (i.e. within the City of Mandurah Samphire Cove – 45 lots which are being sold over a significant number of years because of market conditions).

WALGA's proposed amendments to the *Local Government Act 1995* and associated Regulations, and Officer comments, are outlined below:

Proposal	Part or Regulation	Section under review	WALGA Position	Recommended City of Mandurah Position
1	PART 1 – Introductory Matters	Local and Statewide Public Notice: Sections 1.7 and 1.8	WALGA welcomes the opportunity to modernise the requirements of giving public notice of particular matters, as prescribed in the Local Government Act. The Minister for Local Government has indicated an intention to deal with this in Phase 1 of the Review process, by making information available online. It is already common practice within the Local Government sector to place statutory public notices on official websites, despite there being no legislated requirement to do so.	Proposal is better reflective of current trends. In addition the City would also like consideration to be given the placement of local and statewide public notices on local government notice boards no longer being mandatory. It is proposed that it should be up to individual local governments to determine whether placement of notices on their public notice boards is of benefit to their community.
2	PART 2 – Constitution of Local Government	Method of Election of Mayor/President: Section 2.11	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.	Proposal supported.
3		Elected Member Training: New Proposal	WALGA opposes legislative change that would: 1. Require candidates to undertake training prior to nominating for election; 2. Incentivise Elected Member training through the fees and allowances framework; or 3. Mandate Elected Member training. Further, if mandatory training becomes inevitable, WALGA will seek to ensure that it: a) Only applies to first time Elected Members; b) Utilises the Elected Member Skill Set as the appropriate content for mandatory training; c) Applies appropriate Recognition of Prior Learning (RPL); d) Requires training to be completed within the first 12 months of office; and	The City is opposed to the imposition of mandatory training for all Elected Members. It should be for individual Local Governments to offer induction and training to incoming and current Elected Members. It is noted that there is currently no training requirement for State and Federal members. If training were to be a requirement for all Elected Members consideration should be given to recognition of prior learning for long term Elected Members.

			<p>e) Applies a penalty for non-completion of a reduction in fees and allowances payable.</p>	<p>It is believed that the most relevant areas for training for Elected Members include:</p> <ul style="list-style-type: none"> • Planning • Finance • Standing Orders/Meeting Procedures <p>If compulsory training were to be implemented the City considers that it should only be implemented once Members are sworn in and not required for potential Candidates.</p>
4		<p>Stand Down when Contesting State or Federal Election: New Proposal</p>	<p>Amend the Act to require an Elected Member to stand down when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:</p> <p>(A) that an Elected Member stand down from any decision making role and not attend Council and Committee meetings; or</p> <p>(B) that an Elected Member stand down from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.</p> <p>Background</p> <p>The East Metropolitan Zone has identified that, under the <i>Local Government Act 1995</i>, there is no requirement for an Elected Member to either stand down or take leave of absence if they are a candidate for a State or Federal election. If elected to Parliament the Elected Member is immediately ineligible to continue as an Elected Member. Currently it is up to an individual Elected Member to determine if they wish to take a leave of absence. In some cases Elected Members have voluntarily resigned.</p>	<p>The City supports the proposal for Elected Members to stand down whilst contesting a seat in a State or Federal election.</p> <p>The City's preference would be for Option B.</p> <p>The City would like consideration to be given to the matter of fees and charges and whether it is appropriate for fees and charges to continue to be paid whilst the role is not being performed. If Option B is adopted, it is assumed the Elected Member would not receive any payment for the period of the stand down.</p>

5	PART 3 – Functions of a Local Government	Notification of Affected Owners: Section 3.51	Section 3.51 of the <i>Local Government Act 1995</i> concerning “Affected owners to be notified of certain proposals” should be amended to achieve the following effects: 1. to limit definition of “person having an interest” to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and 2. to specify that only significant, defined categories of proposed road works require local public notice under Section 3.51 (3) (a).	Proposal supported.
6		Control of Certain Unvested Facilities: Section 3.53	<p>The <i>Local Government Act 1995</i> includes a provisions, under Section 3.53, that is carried forward from Section 300 of the former Local Government Act 1960. Former Section 300 stated:</p> <p><i>300. A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management.</i></p> <p>Section 3.53 refers to infrastructure as an ‘otherwise unvested facility’, and is defined to mean: “a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.”</p> <p>Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district the facility is located. Lack of ongoing maintenance and accreting age has resulted in much infrastructure falling into a dilapidated state. This,</p>	<p>In addition to the proposal outlined the City would like consideration given to using the term “care, control and management” instead of the term “controlling or managing”.</p> <p>The term “care, control and management” is better reflective and make the proposal clear in that care or maintenance of facilities is a large part of the issue.</p>

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			<p>together with the uncertain provenance of many of these facilities, particularly bridges, is reported as placing an unwarranted and unfunded burden on a number of Local Governments.</p> <p>It is recommended Section 3.53 of the Act be deleted and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.</p>	
7		Regional Local Governments: Part 3, Division 4	<p>The compliance obligations of Regional Local Governments should be reviewed.</p> <p>Background</p> <p>Currently, Regional Local Governments are treated by the <i>Local Government Act 1995</i> for the purposes of compliance, as if they were a Local Government.</p> <p>WALGA believes that this places an overly large compliance burden on Regional Local Governments. The large compliance burden reduces potential cost savings that aggregated service delivery may achieve through increased efficiency and acts as a disincentive for Local Governments to establish Regional Local Governments.</p>	Proposal supported.
8		Council Controlled Organisations: Part 3, Division 4	<p>The <i>Local Government Act 1995</i> should be amended to enable Local Governments to establish Council Controlled Organisations (CCO) - also referred to as 'Local Government Enterprises' i.e WALGA's Systemic Sustainability Study 2008.</p> <p>Background</p> <p>The CCO model is available to Local Governments in New Zealand where they are used for a variety of purposes. The model allows one or more Local Governments to establish a wholly Local Government owned commercial organisation. The Association has</p>	<p>The City of Mandurah supports the introduction of legislation to enable Council Controlled Organisations (CCO) to operate in Western Australia.</p> <p>Councils should be given the tools to enhance their financial sustainability, whilst still remaining accountable to their communities.</p> <p>The Regional Subsidiaries model, which was passed by State Parliament in September 2016, is viewed by the City</p>

			developed the amendments required for the CCO model to be implemented in Western Australia.	as a good first step towards the eventual introduction of Council Controlled Organisations in Western Australia. Examples of a purpose of a Council Controlled Organisations could include commercial property development, parking and tourism services.
9	<i>Local Government (Functions and General) Regulations 1996</i>	Tender Threshold: Regulation 11(1)	WALGA supports an increase in the tender threshold to align with the State Government tender threshold (\$250 000). Background The tender threshold should be increased to allow Local Governments responsiveness when procuring relatively low value good and services.	Proposal supported – better reflective of current trends.
10		Dispositions of Property: Regulation 30(3)	That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.	Proposal supported – this will allow for much greater flexibility in the area.
11	<i>Local Government (Regional Subsidiaries) Regulations 2017</i>	Regional Subsidiaries	That WALGA advocate for legislative and regulatory amendments to enable Regional Subsidiaries to: 1. Borrow in their own right; 2. Enter into land transactions; and, 3. Undertake commercial activities. Background The <i>Local Government Act 1995</i> was amended in late 2016 to enable Local Governments to establish regional subsidiaries, and this represents a significant advocacy achievement for the Local Government sector; The <i>Local Government (Regional Subsidiaries) Regulations 2017</i> , which were enacted in early 2017, contain significant restrictions that limit the flexibility	Proposal supported as is will allow two or more WA councils to work together and share the provision of services. Examples of a Regional Subsidiary could include tourism, shared office services, local road management, standardised procurement and tender processes, community events and engagement.

			<p>and will reduce the benefits of the regional subsidiary model; In particular, the regulations prevent regional subsidiaries from borrowing from any organisation other than a constituent Local Government, entering into a land transaction, and commencing a trading undertaking; and, This item recommends legislative and/or regulatory amendments to remove these restrictions that unnecessarily prevent regional subsidiaries from becoming an effective and efficient collaborative service delivery mechanism.</p>	
12	PART 4 – Elections and Other Polls	Conduct of Postal Elections: Sections 4.20 and 4.61	<p>The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and Local Governments to conduct postal elections.</p> <p>Background</p> <p>Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.</p>	<p>It is considered that there are significant risks associated with this proposal that need to be considered.</p> <p>There are many political and legislative pitfalls surrounding the task of local government elections and it is important that due consideration is given to this matter before any amendments are made to the Act.</p> <p>A significant risk for the City is that the cost for the WAEC to conduct future elections will likely increase. If local governments chose to conduct their own postal elections the WAEC may no longer have the power to engage the required services at a reduced rate ie. postage and employment of staff</p>
13		Voluntary Voting: Section 4.65	Voting in Local Government elections should remain voluntary.	Proposal supported.
14		On-Line Voting	WALGA has received requests from three (3) Zones to explore the possibility of introducing on-line voting in Local Government elections.	<p>Proposal supported in principle.</p> <p>The City would like to see a move to electronic voting provided that sufficient</p>

			A State Council Item for Noting was prepared in May 2017 advising that WALGA staff will liaise with the WAEC regarding the use of the iVote system and also seek feedback from the Local Government sector on online voting and other opportunities to increase voter turnout. The Minister for Local Government has indicated that online voting is likely to be considered in the context of increasing elector participation.	security measures and communication campaigns are in place.
15	PART 5 – Administration	Electors General Meeting: Section 5.27	<p>Section 5.27 of the <i>Local Government Act 1995</i> should be amended so that Electors' General Meetings are not compulsory.</p> <p>Background</p> <p>There is adequate provision in the Local Government Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings.</p> <p><i>NOTE: The current Local Government Amendment (Auditing) Bill 2017 proposes that a Local Government's Annual Report is to be placed on its official website within 10 days of being received.</i></p>	Proposal supported.
16		Special Electors Meeting: Section 5.28	<p>That Section 5.28(1)(a) be amended:</p> <p>(a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and</p> <p>(b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.</p>	Proposal supported.
17		Senior Employees: Section 5.37(2)	That Section 5.37(2) be deleted to remove any inference or ambiguity as to the role of Council in the performance of the Chief Executive Officer's function under Section 5.41(g) regarding the appointment of	Whilst the City notes that this clause may cause some minor confusion as to the separation of powers, and that clarification on this area would be

			other employees (with consequential amendment to Section 5.41(g) accordingly).	beneficial, the City supports the retention of s.5.37(2).
18		Annual Review of Certain Employees Performance: Section 5.38	Section 5.41(g) of the Act prescribes the function of responsibility for all employees, including management supervision, to the Chief Executive Officer. Section 5.38 therefore creates unnecessary ambiguity; unnecessary in terms of the certainty that Section 5.41(g) already provides. It is recommended that Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review.	Proposal supported.
19		Gifts and Contributions to Travel: Sections 5.82 and 5.83	<p>The current Gift Provisions in the Local Government Act are very confusing and overly prescriptive. The Department of Local Government and Communities have established a Gift Working Group to look at completely reviewing the gift provisions for changes following the March 2017 State Election. WALGA is a participant in this working group. WALGA representatives have been advocating for the following:</p> <ul style="list-style-type: none"> • There be one section for declaring gifts. Delete declarations for Travel. • No requirement to declare gifts received in a genuinely personal capacity. • Gift provisions only for Elected Members and CEO's. Other staff fall under Codes of Conduct from the CEO to the staff. • Gifts only to be declared if above \$500.00. • There will not be any category of notifiable gifts or prohibited gifts. • Gifts only to be declared in respect to an Elected Member or CEO carrying out their role. • Exemptions for ALGA, WALGA and LG Professionals (already achieved). 	<p>The City agrees in principle with a revamp of the gift provisions to streamline and simplify the area.</p> <p>The City is supportive of WALGA's position however would like to ensure that contributions to travel are included in the definition of 'gift' should the requirement to disclose separately be deleted.</p> <p>The City considers that the \$300 gift limit should remain.</p>

			<ul style="list-style-type: none"> Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts. So Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift. 	
20		Vexatious and Frivolous Complainant: New Provision	<p>It is recommended that a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant. Section 5.110(3a) of the Act was recently introduced in relation to the Local Government Standards Panel ruling on vexatious and frivolous Rules of Conduct Regulations breach allegations:</p> <p><i>“... a standards panel can at any stage of its proceedings refuse to deal with a complaint if the standards panel is satisfied that the complaint is frivolous, trivial, vexatious, misconceived or without substance.”</i></p> <p>Given the extensive cost and diversion of administrative resources currently associated with vexatious and frivolous complainants across the Local Government sector, it is recommended that a more general mechanism, based on the principles associated with the introduction of Section 5.110(3A), be investigated.</p> <p>Amendments to the legislation would need to cover the following points to implement the proposed arrangements:</p> <ul style="list-style-type: none"> Create a head of power to determine whether a community member is vexatious (potentially establish a new body through legislation and give it this power of determination); 	The City does not consider that the proposed modification is warranted.

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			<ul style="list-style-type: none"> • Define vexatious behaviour broadly to include the extent and nature of communication between the alleged vexatious person and the Local Government (using words such as 'unreasonable', 'persistent', 'extensive', 'malicious' and 'abusive'); • Outline the restrictions to statutory rights which can be imposed on a person if he or she is declared by the independent body to be vexatious; • Establish a process, if necessary, to enable a Local Government to present its case for the alleged vexatious person to defend himself/herself; • Determine what appeal rights are necessary. 	
21	Local Government (Administration) Regulations 1996	Revoking or Changing Decisions: Regulation 10	Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change.	Proposal supported.
22		Minutes, contents of: Regulation 11	Regulation 11 contains a potential anomaly in that the content requirements relating to Minutes of a Council or Committee meeting do not make reference to the reports and information that formed the basis of the Agenda to that meeting. Despite it being a common practice that Agenda reports and information are included in most Minutes, this is not universally the case, and it is recommended that an amendment be considered as an aid to community understanding of the decision-making process of the Council.	Proposal is partially supported in principle. The City's minutes currently contain a summary of officer reports however the entire report is not duplicated within the minutes of meetings.
23		Repayment of Advance Annual	The Local Government Legislation Amendment Act 2016 introduced Section 5.102AB, which provides that Regulations may be made relating to the recovery of	Proposal supported.

		Payments: New Regulation	<p>advance payments of annual allowances or annual fees made to a person who subsequently ceases to hold office during the period to which the payment relates:</p> <p>5.102AB. Repayment of advance annual payments if recipient ceases to hold office (2) Regulations may be made — (a) requiring the repayment to a local government, to the extent determined in accordance with the regulations, of an advance payment of an annual allowance or annual fee in the circumstances to which this section applies; and (b) providing for a local government to recover any amount repayable if it is not repaid.</p> <p>Regulations enabling the recovery of advance annual payments have yet to be made and it is recommended this matter be prioritised.</p>	
24	Local Government (Rules of Conduct) Regulations 2007		<p>WALGA supports:</p> <ol style="list-style-type: none"> 1. Official Conduct legislation to govern the behaviour of Elected Members; 2. An efficient and effective independent Standards Panel process; 3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and, 4. Confidentiality for all parties being a key component of the entire process. <p><i>NOTE: Point 3 achieved under the Local Government Legislation Amendment Act 2016</i></p>	Proposal supported.
25	PART 6 – Financial Management	Imposition of Fees and Charges: Section 6.16	<p>That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services</p> <p>Background</p>	Proposal supported.

			<p>Local Governments are able to impose fees and charges on users of specific, often incidental, services. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees.</p> <p>In some cases, Local Governments will recoup the entire cost of providing a service. In other cases, user charges may be set below cost recovery to encourage a particular activity with identified community benefit, such as sporting ground user fees or swimming pool entry fees.</p> <p>Currently, fees and charges are determined according to three methods:</p> <ul style="list-style-type: none">• By legislation• With an upper limit set by legislation• By the Local Government. <p>Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:</p> <p>Lack of indexation</p> <ul style="list-style-type: none">• Lack of regular review (fees may remain at the same nominal levels for decades)• Lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels). <p>Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This means all ratepayers end up subsidising the activities of some ratepayers.</p>	
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			<p>When fees and charges are restricted by legislation, rather than being set at cost recovery levels, this sends inappropriate signals to users of Local Government services, particularly when the consumption of those services is discretionary. When legislative limits allow consumers to pay below 'true cost' levels for a discretionary service, this will lead to overprovision and a misallocation of resources.</p> <p>Under the principle of 'general competence' there is no reason why Local Governments should not be empowered to make decisions regarding the setting of fees and charges for specific services.</p> <p>Additionally it is recommended that Section 6.16 be amended so that it only relates to statutory application fees and charges and not consumer items, facility entrance fees, ad hoc minor fees and charges etc. The exhaustive listing of relatively minor fee and charge items, together with the technical requirement to give public notice of any change after the adoption of the annual budget, is both inefficient and costly.</p>	
26		Power to borrow: Section 6.20	<p>Section 6.20(2) requires, where a power to borrow is proposed to be exercised and details of the proposal are not included in the annual budget, that the Local Government must give one month's public notice of the proposal (unless an exemption applies). There is no associated requirement to request or consider written submission prior to exercising the power to borrow, as is usually associated with giving public notice. Section 6.20(2) simply stops the exercise of power to borrow for one month, and it is recommended it be deleted.</p>	Proposal supported.
27		Restrictions on Borrowing: Section 6.21	<p>Section 6.21 of the <i>Local Government Act 1995</i> should be amended to allow Local Governments to use freehold land, in addition to its general fund, as security when borrowing.</p> <p>Background</p>	Proposal supported.

			<p>Borrowing restrictions in the <i>Local Government Act 1995</i> act as a disincentive for investment in community infrastructure. Section 6.21(2) states that a Local Government can only use its 'general funds' as security for borrowings to upgrade community infrastructure, and is restricted from using its assets to secure its borrowings. This provision severely restricts the borrowing capacity of Local Governments and reduces the scale of borrowing that can be undertaken to the detriment of the community.</p> <p>This is particularly relevant since the Global Financial Crisis. Treasury now requires member Local Governments to show as contingent liabilities in their balance sheet their proportion of contingent liabilities of the Regional Local Government of which they are a member. Given that the cost of provision of an Alternative Waste Disposal System is anything up to \$100 million, the share of contingent liabilities for any Local Government is significant. Even under a 'Build-Own-Operate' financing method, the unpaid (future) payments to a contractor must be recognised in the balance sheet of the Regional Local Government as a contingent liability.</p> <p>This alone is likely to prevent some Local Governments from borrowing funds to finance its own work as the value of contingent liabilities are taken into account by Treasury for borrowing purposes.</p>	
28		<p>Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)</p>	<p>WALGA's policy position regarding charitable purposes is as follows:</p> <ol style="list-style-type: none"> 1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997; 2. Either 	<p>The City's proposed option would be Option A.</p> <p>The City considers that retirement villages operated by organisations with charitable institution status should not be provided with blanket rates exemptions. Exemptions should only apply where the village provides</p>

			<p>A) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or</p> <p>B) establish a compensatory fund for Local Government pensioner discount provisions, if the State Government charitable organisations remain exempt from payment of Government rates.</p> <p>Background</p> <p>Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers. There may be an argument for exemptions to be granted by State or Federal legislation. Examples include exemptions granted by the Commonwealth <i>Aged Care Act 1997</i> and group housing for the physically and intellectually disabled which is supported under a government scheme such as a Commonwealth-State Housing Agreement or Commonwealth-State Disability Agreement.</p>	<p>accommodation – including hostel and high-care – on a not-for-profit or cost-recovery basis. Independent living units should not be rates exempt, regardless of whether or not the provider is a ‘charitable institution’.</p> <p>The City suggests that consideration also be given to the position of housing providers acting on behalf of the Department of Housing.</p>
29		Basis of Rates: Section 6.28	<p>1. That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives.</p> <p>The method of valuation of land to be used as the basis of rating in Western Australia is either: Gross Rental Value for predominantly non-rural purpose; or unimproved value of land for rural purposes. These are the only two methods available under the Section 6.28 of the Local Government Act in Western Australia.</p>	<p>Proposal supported in principle however consideration needs to be given to the costs associated with conducting valuations and also the significant disruption and upheaval resulting from a change in valuation systems.</p>

			<p>Eastern State Local Governments can elect to rate on one of the following options:</p> <ul style="list-style-type: none"> • Site Value - levy on the unimproved value of land only and disregards the value of buildings, personal property and other improvements; • Capital Value - value of the land including improvements; • Annual Value - rental value of a property (same as GRV). <p>Alternative land valuation methods came under the scope of the WALGA Systemic Sustainability Study, particularly Capital Improved Valuations which is in operation in Victoria and South Australia.</p> <p>2. Advocate for amendment to Section 6.28 to enable Differential Rating based on the time land remains undeveloped.</p> <p>Concern at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities.</p> <p>North Metropolitan Zone advocates an amendment to the current legislative provisions in relation to differential rating to enable a differential rate to be applied on the basis of the length of time a property has remained in an undeveloped state.</p>	
30		Differential Rates: Section 6.33	<p>This section outlines the characteristics that Local Governments may take into account when imposing differential general rates. It is recommended the issue of time-based differential rating should be examined, to address some Local Governments view that vacant land should be developed in a timely manner.</p>	<p>Proposal not supported.</p> <p>The use of rate penalties has no evidence of success in the past.</p> <p>This is a very complex area and would require major consideration of the positions established in regard to time periods, change of ownership etc.</p>

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				The City does not consider this to be a fair or effective proposal.
31		Service of Rates Notice: Section 6.41	That Section 6.41 be amended to: (a) permit the rates notice to be issued to electronically; and (b) introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc) without requirement to issue individual instalment notice.	Proposal supported.
32		Rates or Service Charges Recoverable in Court: Section 6.56	That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.	Proposal supported. Please note however that Magistrates have in the past proven resistant to the collection of all costs associated with the costs of proceedings due to restraints within the <i>Magistrates Court Act 2004</i> .
33		Rating Exemption – Rate Equivalency Payments	Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government. Background A particular example is the exemption granted to LandCorp by the <i>Land Authority Act 1992</i> . In 1998, the Act was amended to include provisions for LandCorp to pay the Treasurer an amount equal to that which would have otherwise been payable in Local Government rates, based on the principle of 'competitive neutrality'. This matter is of concern to Local Governments with significant LandCorp holdings in their district. The shortfall in rates is effectively paid by other ratepayers, which means ratepayers have to pay increased rates because LandCorp has a presence in the district.	Proposal supported.
34		Rating Restrictions – Statement	Resource projects covered by State Agreement Acts should be liable for Local Government rates.	Proposal supported.

		Agreement Acts	<p>Background</p> <p>In 2011, the State Government introduced a new policy on 'the application of Gross Rental Valuation to mining, petroleum and resource interests' (the GRV mining policy). The Policy was extended in 2015 and remains in place. The primary objectives of the policy were to clarify the circumstances where Local Governments could apply GRV rating to mining land and enable the use of GRV rating on new (i.e., initiated after June 2012) mining, petroleum and resource interests. This included the application of GRV rating to new State Agreement Acts.</p> <p>However, existing State Agreement Acts continue to restrict Local Government rating. Rating exemptions on State Agreement Acts mean that Local Governments are denied an efficient source of revenue. There are also equity issues associated with the existing exemptions since they only apply to a select group of mining companies whose projects are subject to older State Agreement Acts. Removing the rates exemption clauses from the pre-July 2012 State Agreement Acts would provide a fairer outcome for all other ratepayers, including the proponents of new resources projects.</p>	
35	<i>Local Government (Financial Management) Regulations 1996</i>	Exemption from AASB: Regulation 4	<p>Regulation 4 of the Financial Management Regulations provides a mechanism for an exemption from the Australian Accounting Standards (AAS). Regulation 16 is an example of the use of this mechanism, relieving Local Governments from the requirement to value land under roads.</p> <p>A Zone has requested that an exemption be allowed from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing</p>	Proposal not supported. It is important for local governments to be transparent and subject to the same requirements as other body corporates.

			appropriate material declaration and disclosure of interests associated with function of Local Government.	
36	PART 7 – Audit		The Local Government Amendment (Auditing) Bill 2017, before Parliament at the time of writing, will substantially replace much of Part 7 to provide for the auditing of Local Governments by the Auditor General. New legislation will allow the Auditor General to contract out some or all of the financial audits but all audits will be done under the supervision of the Auditor General and Office of the Auditor General. State Government will pay the cost for the conduct of performance audits.	Proposal supported.
37	PART 8 – Scrutiny of the Affairs of Local Government	Stand Down Provision – New Proposal	<p>WALGA supports, in principle, a proposal for an individual elected member to be ‘stood down’ from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council’s reputation, subject to further policy development work being undertaken.</p> <p>Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:</p> <ol style="list-style-type: none"> 1. That ... the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and 2. That activities associated with the term ‘disruptive behaviour’, presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance. <p>Background</p>	The City supports this provision and feels strongly that it is appropriate for fees and allowances to be suspended as soon as a member is stood down.

			<p>In 2008 a Discussion Paper was circulated seeking feedback regarding legislative amendments to suspend an individual Elected Member, as follows:</p> <ul style="list-style-type: none"> • An elected member to have the ability to stand down where they are being investigated or have been charged; • An elected member to be forcibly stood down where they are being investigated or have been charged and whose continued presence prevents Council from properly discharging its functions and affects its reputation and integrity or where it is in the public interest; • The Standards Panel to make the stand down decision; • Such matters to be referred to the Standards Panel only by a Council (absolute majority), a statutory agency or the Department; • Three to six months stand down periods with six month extensions; • The elected member to remain entitled to meeting fees and allowances; and • Inclusion of an offence for providing false information leading to a stand down. 	
38	PART 9 – Miscellaneous Provisions	Onus of Proof in Vehicle Offences may be Shifted: Section 9.13(6)	<p>Amend Section 9.13 by introducing the definition of ‘responsible person’ and enable Local Governments to administer and apply effective provisions associated with vehicle related offences</p> <p>Background:</p> <p>This proposal from the North Metropolitan Zone emerged due to an increase in cases when progressing the prosecution of vehicle related offences in court (at the request of the vehicle owner) resulted in dismissal of charges by the Magistrate when the owner of the vehicle states that he does not recall who was driving his vehicle at the time of the offence.</p>	Proposal supported.

			The <i>Litter Act 1979</i> was amended in 2012 to introduce the definition of 'responsible person' (as defined in <i>Road Traffic Act 1974</i>) so that a 'responsible person' is taken to have committed an offence where it cannot be established who the driver of the vehicle was at the time of the alleged offence. This also removes the ability for the responsible person to be absolved of any responsibility for the offence if they fail to identify the driver. It is suggested that a similar amendment be made to Section 9.13 of the Act in order to ensure that there is consistent enforcement in regards to vehicle related offences.	
39	Schedule 2.1 – Creating, Changing Boundaries and Abolishing Districts	Poll Provisions: New Proposal	Schedule 2.1 of the <i>Local Government Act 1995</i> should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.	Proposal supported.
40		Number of Electors: Clause 2.1(1)(d)	That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.	Proposal supported.
41	Schedule 2.2 – Provisions about Names, Wards and Representation	Who may make Submission: Clause 3(1)	That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.	Proposal supported.
42	Schedule 4.1 – How to Count Votes and Ascertain Result of Election	Method of Voting	Elections should be conducted utilising the first-past-the-post (FPTP) method of voting. Background The FPTP method is simple, allows an expression of the electorate's wishes and does not encourage	The City supports the proposal to retain the first-past-the-post method of voting.

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			<p>tickets and alliances to be formed to allocate preferences.</p> <p>This State Council resolution influenced amendment to Schedule 4.1 in 2009 that returned Local Government elections to a first past the post system from the preferential proportional Representation. The resolution is reiterated here as an indication of the sector's ongoing preference for this vote counting system.</p>	
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Consultation

Western Australian Local Government Association (WALGA)

Statutory Environment

Local Government Act 1995 and associated Regulations

Policy Implications

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

Economic Implications

Nil

Strategic Implications

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

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

WALGA have prepared a consultation paper outlining proposed amendments to the Act and Regulations and have requested Councils endorse submissions on the paper prior to 20th October 2017.

The amendments proposed by WALGA will provide for more efficient and effective legislation and the City looks forward to viewing the Departments first phase discussion paper later this year.

The City has identified six additional opportunities for amendment, as outlined in this report, and request Council endorse these proposals.

If endorsed by Council Officers will convey the views outlined in this report to WALGA.

NOTE:

This matter was subject of discussion at an Elected Member Briefing held 19 September 2017.

RECOMMENDATION

That Council:

- 1. Endorse the contents of this report and request Officers to forward comments to WALGA.**
- 2. Authorises the Chief Executive Officer to continue input to the proposed amendments in conformity with the issues raised above.**

7 SUBJECT: Tender Number 16-2017: Construction of Sports Pavilion
Ocean Road
CONTACT OFFICER/S: Simon Hudson
AUTHOR: Jonathan Spain
FILE NO: F0000123623

Summary

The City of Mandurah invited tenders for the Construction of a Sports Pavilion at Ocean road in August 2017.

The construction of the Sports Pavilion will feature:

- Two change rooms with toilets
- Shower cubicles
- Three storerooms
- Bin store
- Two universally assessable toilets
- Umpires changeroom
- Kiosk with upboards
- Stainless steel benches/work tops
- Cooking range hood and fridge
- 78m² hall space with adjacent storage

It is recommended Council select Moore Constructions (WA) Pty Ltd as the preferred tenderer for Construction of a Sports Pavilion at Ocean Road for the lump sum tendered price of \$922,000 excluding GST.

Disclosure of Interest

Nil.

Location

54 Ocean Road Dawesville



Previous Relevant Documentation

- G.32/4/16 26/4/2016 Council approved a request to the Minister for Planning to release Cash-in-Lieu funds of \$1,170,000 for the purpose of constructing toilets, change rooms and sports floodlighting at Ocean Road Active Reserve.

- G.24/7/17 25/7/2017 Council approved the inclusion of a community meeting space, subject to an additional \$200,000 being sourced. Approved unbudgeted expenditure of \$320,000 for an extension, requested that the Chief Executive Officer to negotiate and finalise agreement for the grant of \$200,000. Requests the Chief Executive Officer (Manager Recreation Centres and Services) to finalise a priority winter usage agreement with Mandurah Storm Rugby League Club.

Background

The 2017/2018 budget provided for the construction of the new Sports Pavilion that will feature two change rooms with toilets and individual shower cubical with coat hooks benches; three storerooms; a bin store; two universally accessible toilets; an umpires change room; a kiosk with cupboards, stainless tops, cooktop, range hood and fridges; and a hall which will provide approximately 78m² of usable space with storage adjacent. (Refer - **Attachment 1**)

Requests for tenders were advertised in the Saturday 13 May 2017 edition of the 'West Australian' newspaper and in a notice which was displayed on the Administration Centre and Library notice boards.

Comment

The Tender period closed at 2:00pm on 22 August 2017. Submissions were received from the following:

1.	Alana Poynton	Mandurah
2.	BE Projects (WA) Pty Ltd	Belmont
3.	Topend Living Pty Ltd t/a Buildon Construction	Kewdale
4.	Candor Contractors Pty Ltd	Parkwood
5.	Classic Contractors Pty Ltd	Willetton
6.	DBM Building Pty Ltd	Atwell
7.	Geared Construction Pty Ltd	Landsdale
8.	Go2 Group Pty Ltd	Port Kennedy
9.	Hacer Pty Ltd t/a Smith Constructions WA	Bunbury
10.	Maintenance & Construction Services (Australia) Pty Ltd	Kwinana
11.	Metrocon Pty Ltd	Perth
12.	Moore Constructions (WA) Pty Ltd	Mandurah
13.	Palace Homes and Construction Pty Ltd t/a Palace Construction	Inglewood
14.	Pindan Construction Pty Ltd	Belmont
15.	Shelford Constructions Pty Ltd	Rockingham
16.	Vera Builders Pty Ltd	Brentwood

Topend Living Pty Ltd t/a Buildon Construction was received after the close of deadline and in accordance with Regulation 18 (1) was rejected. Alana Poynton was also rejected as they did not submit a Tender Offer Form in compliance with clause 4 of the conditions of tendering.

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

Relevant Experience	15%
Supervision and Resources	20%
Methodology	15%
Price	50%

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

An evaluation panel, comprising of officers from the Project Management, Recreation Centres and Services and Contracted Architect individually assessed each tender against the weighted qualitative criteria submitted by each 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.

Pricing

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

As a result, the tendered submission from Moore Constructions (WA) Pty Ltd was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer. The Evaluation Panel considered their submission demonstrated experience in sports ground facility construction and has experienced personnel.

Consultation

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

Statutory Environment

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

Policy Implications

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

Policy POL-CPM 01 – *“Buy Local” Regional Price Preference policy has been complied with.*

Economic Implications

The tendered contract sum, together with additional project expenses such as consultants and contingency fall within the project budget. For further details refer **Confidential Attachment**.

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.

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

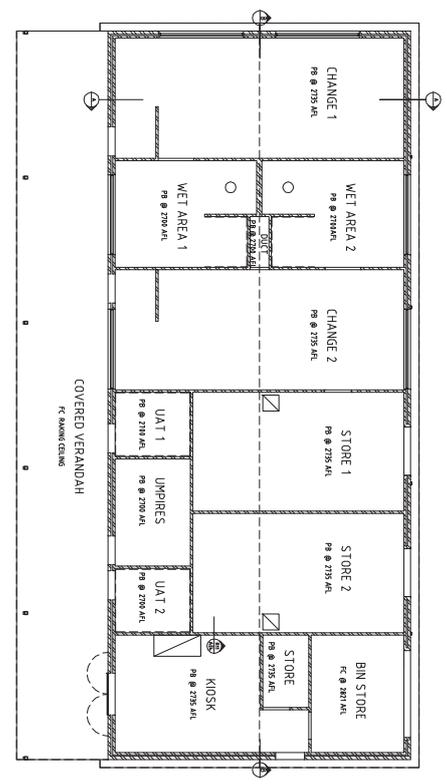
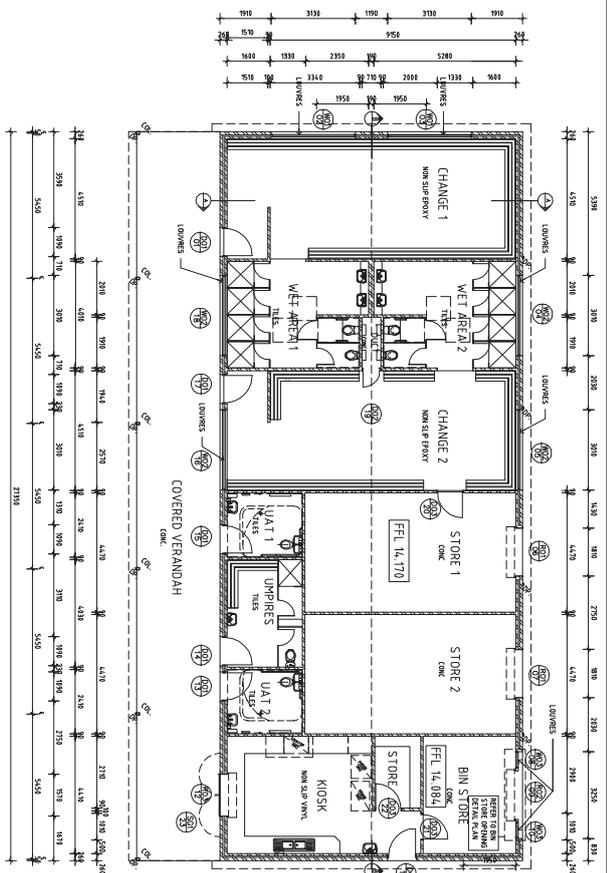
Tenders for the Construction of a Sports Pavilion at Ocean Road were recently invited. 16 tender bids were received and 14 were assessed against both qualitative criteria and price. The result was that the submission from Moore Constructions (WA) Pty Ltd represented overall best value for money for the City and it is therefore recommended that the City selects Moore Constructions (WA) Pty Ltd as the preferred tenderer at a price of \$922,000.00 (excl. GST).

NOTE:

- Refer ***Attachment 1- Plan of the Sports Pavilion***
Confidential Attachment

RECOMMENDATION

That Council awards Moore Constructions (WA) Pty Ltd the contract under Tender 16-2017 for the Construction of a Sports Pavilion at Ocean Road for the lump sum price of \$922,000.00 excluding GST.

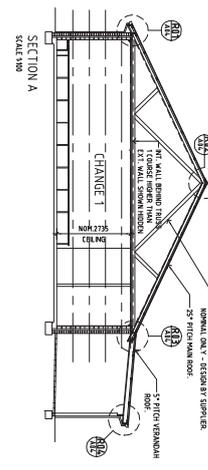
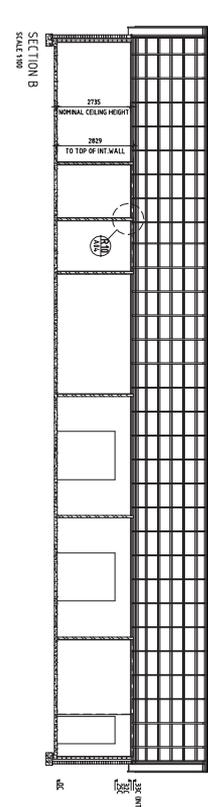
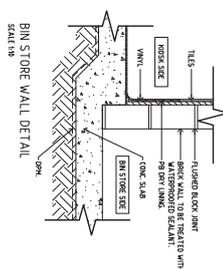
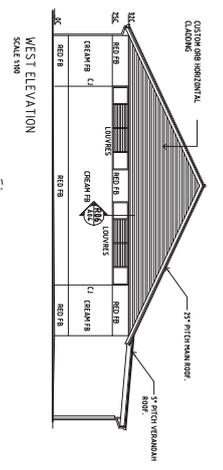
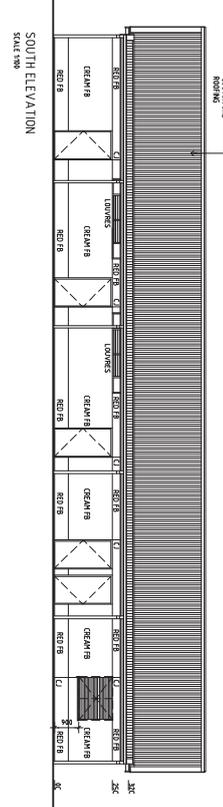
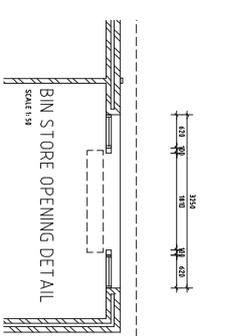
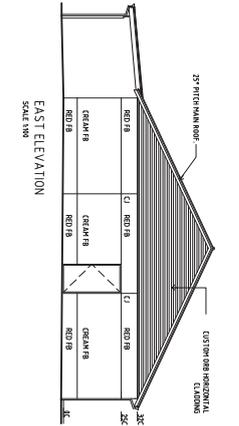
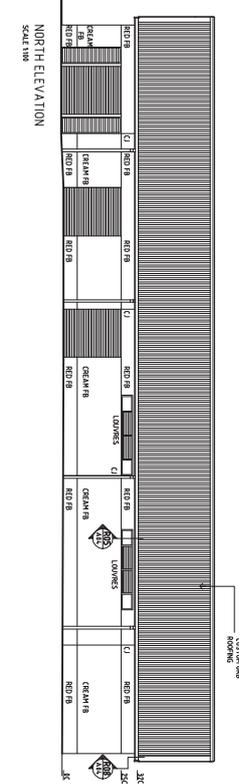


LEGEND

- - 489 X 604 HANDED
- - SLOPE DIRECTION

FLOOR PLAN
SCALE 1/8"

CEILING PLAN
SCALE 1/8"



Attachment 1

HOLTON CONNOR



THE FOLLOWING INFORMATION IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CONTRACT IS THE DRAWING AND SPECIFICATIONS THEREOF.

OCEAN ROAD SPORTS FACILITY
CITY OF MANDURAH
FLOOR PLAN, SECTION AND ELEVATIONS
CEILING PLAN

PROJECT NO.	1430-01-1001-001-1001
CLIENT	CITY OF MANDURAH
DATE	14/02/2013
SCALE	A:02
NO.	1
DATE	14/02/2013
BY	AMMAN
CHECKED BY	AMMAN
SCALE	A:02
NO.	1

8 SUBJECT: Tender Number 15-2017: Refurbishment of Mandurah Family and Community Centre
CONTACT OFFICER/S: Simon Hudson
AUTHOR: Simon Hudson / Craig Johnson
FILE NO: F0000123216

Summary

The City of Mandurah invited tenders for the Refurbishment of the Mandurah Family and Community Centre (MFCC) in May 2017.

The proposed works consist of the demolition of a select number of existing walls and transforming the interior to office space. The interior layout design would accommodate 15 offices, a training/meeting room, a child friendly area, a staff room and toilet facilities.

Tenders were invited for the refurbishment however all prices submitted significantly exceeded the project budget. In September 2017, the City presented a report informing Council of this situation and agreed to submit a subsequent report outlining the option available and associated timelines.

In assessing the current status of the project, 2 options have been identified;

1. Decline the Tender, Re-scope the Project, Retender the Project
2. Approve Unbudgeted Expenditure to meet the Project Shortfall, Award the Tender

After analysing the benefits and potential risks associated with the 2 options including potential delays to the project, making sure that the completed facility refurbishment is fit for purpose and ensuring cost certainty, the City is recommending that Council approves unbudgeted expenditure of \$175,000 to meet the project shortfall and awards the tender to Access Without Barriers Building Company for the lump sum price of \$714,600.

Disclosure of Interest

Nil

Location



Previous Relevant Documentation

- **G.17/9/17 12 September 2017** Council deferred the recommendation to reject all tenders to enable accurate information to be provided regarding what was possible and the associated timeframes.

- **G.28/11/15 28 November 2015** Council recommitted to the use of the Mandurah Family and Community Centre, for not-for-profit office accommodation to be managed by the City and allocated \$680,000 for delivery over 2015/16 and 2016/17, acknowledging that this sum includes a grant of \$337,000 from Lotterywest.
- **G.25/2/15 25 February 2015** Council resolved the use of the Mandurah Family and Community Centre, for not-for-profit office accommodation to be managed by the City, that refurbishment and repairs to the Mandurah Family Centre will cost \$400,000 and will be listed for budget consideration, supported officers applying to Lotterywest for a contribution towards this project, being \$200,000 and approved the project proceeding should Lotterywest funding be unsuccessful.

Background

The City's Social Infrastructure Plan (SIP) 2013-43 identifies the need for eight new infrastructure projects, four with a high and four with a medium priority.

The 'Mandurah Non-Profit Accommodation Centre' is a medium priority project scheduled to be delivered in 2023-2025 with the facility expected to service between 85,000-140,000 people. The concept for the project identifies a 2,000 sq. metre facility to replace (or extend) the existing Mandurah 'Lotteries House' and reflects the community sector identified priority, to increase affordable accommodation for not for profit organisations (NFPs).

The City's planned redevelopment of the Mandurah Family and Community Centre (old Wanslea Family Services building) has been identified as an interim solution to alleviate some medium to short term pressure on NFP accommodation.

The project involves the renovation of the former childcare building to accommodate two or more NFPs and a community meeting/training room (which can be accessed by other NFPs operating in the precinct and the wider community as a hireable space after hours).

The impetus for the future 'Mandurah Non-Profit Accommodation Centre' project has slowed at present and demand for space is not at a level to justify such a large scale project, which is unfunded and Lotteries House remains fully operational. However, there is sufficient ongoing need for space to continue to justify the Mandurah Family and Community Centre project. Lotterywest have partnered with the City, contributing \$337,000 to the project (of which \$50,000 is solely for the provision of a playground), after receiving a high volume of requests for accommodation and assistance to provide funding for such space and it is anticipated that the delivery of this project will be essential to ensure adequate NFP space to cater for a growing Mandurah community with complex needs.

Liaison with potential NFP tenants

Following on from Councils' recommendation in February 2015 that the Mandurah Family and Community Centre be used for NFP accommodation, in April and May 2015, the City advertised for expressions of interest from NFPs, and received eleven applications. A panel of approved officers assessed the applications, taking into account several factors including the type of services and community benefits provided by the applicants (measured through Community Association Scoring Tool (CAST) analysis).

The most suitable organisations were those involved in intensive family support such as counselling and who had an ability to co-locate with others. The City initially entered discussions with 3 organisations – Allambee Counselling Inc. (Allambee), Peel Youth Services and South Coastal Women's Health Service Inc. The latter two organisations withdrew their interest in late 2015, leaving Allambee as the sole tenant. The next most suitable applicant was Finucare Financial Counselling Inc. (Finucare). During 2016, the City liaised with Allambee and Finucare to develop a workable schematic design for the renovation of the old

Wanslea facility. The aim was to create a layout which achieved a balance between the applicants' needs for rooms which could facilitate confidential conversations, and the City's requirement for a design flexible enough to accommodate multiple agencies and community spaces.

However both organisation withdrew their interest in late 2016 and early 2017 respectively. Thus the City progressed schematic and detailed design for the facility, based on an anchor tenant model, i.e. a large not for profit organisation delivering multiple services. This includes a large area of twelve offices (approximately two thirds of the 'leasable' space) suitable for the anchor tenant and a smaller area of six offices (approximately one third of the leasable space), suitable for one or more small not for profits delivering a niche service. Of the original eleven applicants for accommodation in 2015, only one remains interested, Anglicare WA, and they are City officers' preferred anchor tenant for the larger leasable space. Anglicare's proposed use of the Mandurah Family and Community Centre aligns with the intended purpose of the renovated facility, i.e. a support and counselling hub for vulnerable families.

Pending resolution of the available leasable space considered in this report, a further report will be presented to seek Council's in principle support for Anglicare to be considered the anchor tenant at the Mandurah Family and Community Centre, as well as approval to advertise the remaining leasable space to Mandurah's NFP sector.

Design Development

Following conversations with initial successful NFP applicants; Allambee and Peel Youth Services, the original design was developed. The design included internal refurbishment to create a mix of office spaces, counselling spaces, a new kitchen, and large meeting space (**Refer to Attachment 1**). Some internal walls were to be retained, some to be removed. The design was used to successfully apply for a contribution from Lotterywest of \$337,000 in December 2015.

During the design development process with the initial prospective tenants and later, following selection of Anglicare as the preferred anchor tenant, there have been a number of design changes to the original design. The design changes were derived from the potential user groups requesting internal changes to accommodate their requirements. The current design (**Refer to Attachment 1**) is based on two user groups occupying the building with each user group having different requirements to carry out their day to day business.

Potential Income from Mandurah Family and Community Centre

The City requested an independent desktop valuation of the final schematic design / floorplan for the facility (provided by LMW Valuers). The valuation estimated an annual commercial rent for the 300 square metres of leasable space of at least \$200 per square metre. Should the City decide to set the rent / licence fee at 80 per cent of the commercial rate, the City can still expect to achieve an income of at least \$48,000 each year from the facility, to contribute towards recouping capital expenditure. It is intended that any licences created will be for a term of 10 years (5 years with a further 5 year option).

Comment

A tender for the Refurbishment of Mandurah Family and Community Centre was advertised in the 13 May 2017 edition of the 'West Australian' newspaper and the Administration Building and Library public notice boards. The tender closed at 2:00pm on Tuesday 20 June 2017. Tenders were received from the following:

1.	Access Without Barriers Building Company Pty Ltd	Burswood
2.	Hacer Pty Ltd T/A Smith Constructions	Bunbury
3.	BE Projects (WA) Pty Ltd	Belmont
4.	Topend Living Pty Ltd T/A Buildon Construction	Kewdale
5.	Candor Contractors Pty Ltd	Parkwood
6.	Geared Construction Pty Ltd	Landsdale
7.	Go2 Group Pty Ltd	Port Kennedy

8.	Moore Construction (WA) Pty Ltd	Mandurah
9.	RHG Contractors Pty Ltd	Malaga
10.	Classic Contractor	Willetton
11.	Solution 4 Building Pty Ltd	Carlisle
12.	Shelford Constructions Pty Ltd	Rockingham

Evaluation Outcome

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

An evaluation panel, comprising of officers from Project Management and Community Development, individually assessed tenders against the weighted qualitative criteria.

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

As a result, the tendered submission from Access Without Barriers Building Company was considered to be the most advantageous tender. However, all prices submitted by the tenderers significantly exceeded the project budget and as a result, it is not currently be possible to deliver the tender within the project budget.

Options

In September 2017, the City presented a report to Council outlining the result of the tender. Council resolved to defer consideration of the report pending further information regarding the options available and associated timeframes. In assessing the current status of the project, the City has identified 2 options for the project;

1. Decline the Tender, Re-scope the Project, Re-tender the Project

In order to deliver the project within the 2017/18 budget of \$650,000, a review of the existing design to reduce the building works is required. Liaison with Anglicare has indicated that the minimum space requirements for their services are included in the current design (**Refer to Attachment 2** 'Not For Profit Group 1'). Areas to reduce the cost of the building works include minimising the number of existing structural elements modified, minimising work to the 'Not for Profit Group 2' areas, removing the operable wall, decreasing the specification of the air conditioning, decreasing the specification of the sound proofing and other minor items.

The benefits of this option are;

- The scope of the project could be adjusted to meet the approved project budget.

The potential risks to this option are;

- The re-scoping of the project is likely to cost in the order of another \$25,000.
- The re-scoping process will cause a further delay to the project of an estimated 4 – 6 months.
- There is no certainty that after the project has been re-scoped, that the re-tendering process will result in a price that is within the City' project budget.
- The re-scoping process is likely to result in a building refurbishment that is not fully fit for purpose.

2. Approve Unbudgeted Expenditure to meet the Project Shortfall, Award the Tender

The current budget for the project is \$650,000. The City has estimated that the cost to successfully complete the project based on the tender results received is \$825,000. This figure includes an amount

of \$35,000 for Consultants Fees and an allowance of \$75,000 for project contingencies which is seen as essential given the age of the existing structure. The budget shortfall for the project is \$175,000.

The benefits of this option are;

- The current design will result in a building refurbishment that is fit for purpose.
- The building works are likely to commence in late 2017 / early 2018 and be completed by mid 2018.

The potential risks to this option are;

- The delivery of the project will cost the City an additional \$175,000 taking the City's total contribution from \$393,000 to \$568,000.

After analysing the benefits and potential risks associated with the options available, the City is recommending Option 2 requesting that Council approves unbudgeted expenditure of \$175,000 to meet the project shortfall and awards the tender to Access Without Barriers Building Company for the lump sum price of \$714,600.

Consultation

A non-mandatory site inspection was held on 23 May 2017 at the Mandurah Family Community Centre and was attended by nine tenderers.

Statutory Environment

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

Policy Implications

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

Policy POL-CPM 01 – *“Buy Local” Regional Price Preference policy has been complied with.*

Economic Implications

The design and construction of the Mandurah Family Community Centre project also included the installation of a playground and the design and construction of showers at 2 Tuart Avenue. As such all three projects need to be reconciled together in the 2017/18 budget.

2016/17 BUDGET	TOTAL	FUNDING	
		City of Mandurah	Lotterywest
Design & construction of the MFCC	\$ 730,000	\$ 443,000	\$ 287,000
2 Tuart Ave Showers*	\$ 150,000	\$ 150,000	-
Playground at MFCC	\$ 50,000	-	\$ 50,000
TOTAL	\$ 930,000	\$ 593,000	\$ 337,000
2016/17 Expenditure**	(\$ 80,000)	(\$ 50,000)	(\$ 30,000)
OUTSTANDING 2016/17 BUDGET	\$ 850,000	\$ 543,000	\$ 307,000
2017/18 BUDGET			
Design & construction of the MFCC	\$ 650,000	\$ 393,000	\$ 257,000
2 Tuart Ave Showers	\$ 150,000	\$ 150,000	-
Playground at MFCC	\$ 50,000	-	\$ 50,000
TOTAL	\$ 850,000	\$ 543,000	\$ 307,000

*Adopted at mid-year budget review 2016/17

** Architects fees, hazardous materials investigations and procurement incurred costs

The submissions received have exceeded the remaining project budget of \$650,000. Officers are recommending unbudgeted expenditure of \$175,000 to meet the project shortfall with the funds to be drawn from the City's Building Reserve Fund. With the intent to reimburse the fund as part of the mid-year review process.

Strategic Implications

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

Social:

- Ensure the provision of quality health services and facilities.
- Provide employment and educational opportunities, services and activities that engage the City's young people.

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 Mandurah Family and Community Centre were recently invited however all price submissions received exceeded the project budget. Council resolution is sought to decline to accept tenders and for the City to reduce the works included, procure a quantity surveyor to review the cost of the works and re-tender once certainty is gained that the contract can be delivered within the project budget.

NOTE:

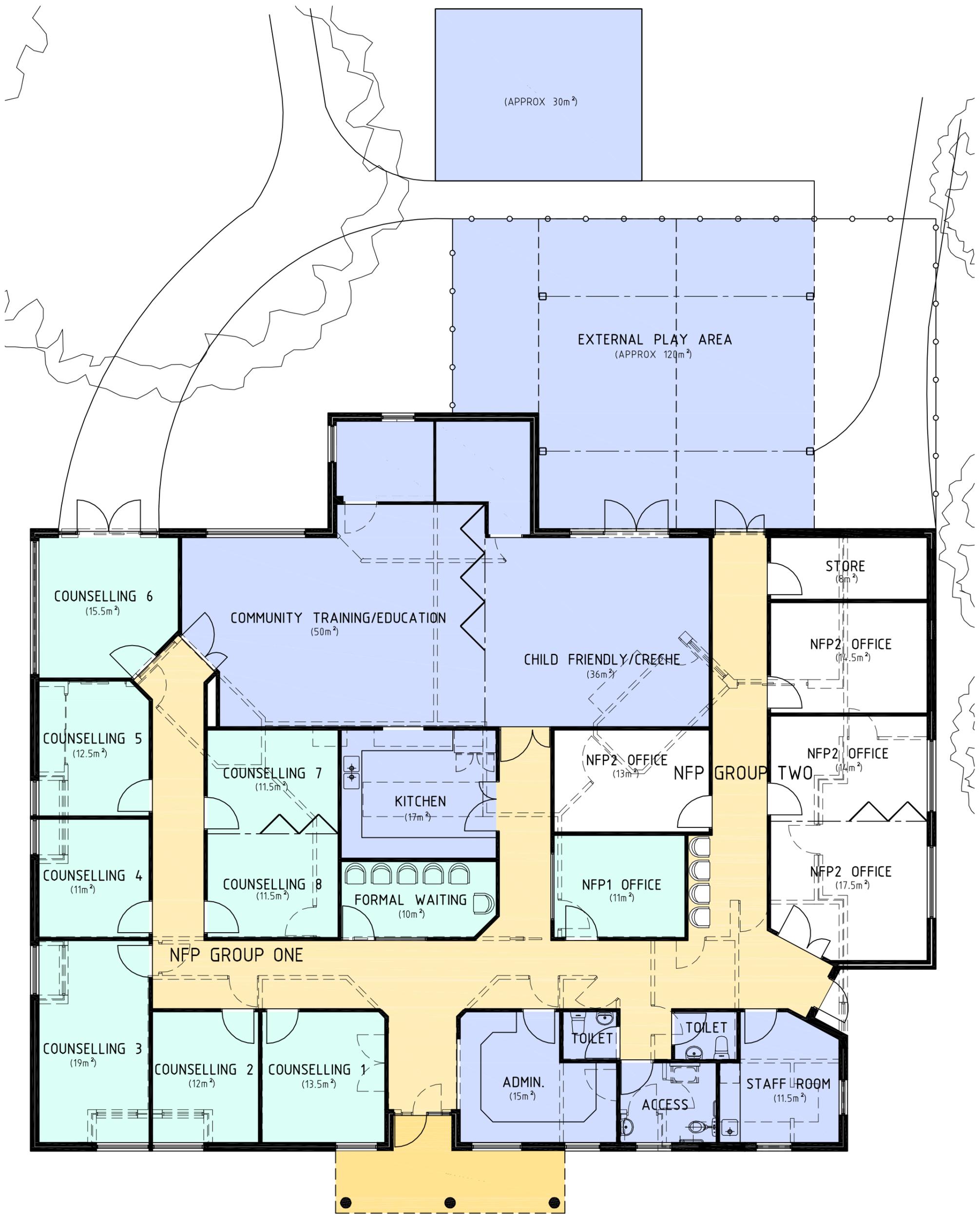
- Refer ***Confidential Attachment.***
Attachment 1 - Original Design
Attachment 2 - Current Design

RECOMMENDATION

That Council:

- 1. Approves unbudgeted expenditure of \$175,000 to meet the project shortfall with the funds to be drawn from the City's Building Reserve Fund; and ***
- 2. Awards Access Without Barriers Building Company the contract under Tender 15-2017 for the construction of the Mandurah Family and Community Centre for the lump sum price of \$714,600 (ex GST).**

ABSOLUTE MAJORITY REQUIRED



- COMMUNITY/SHARED ACCESS AREAS
- NOT FOR PROFIT GROUP 1
- NOT FOR PROFIT GROUP 2

Attachment 1

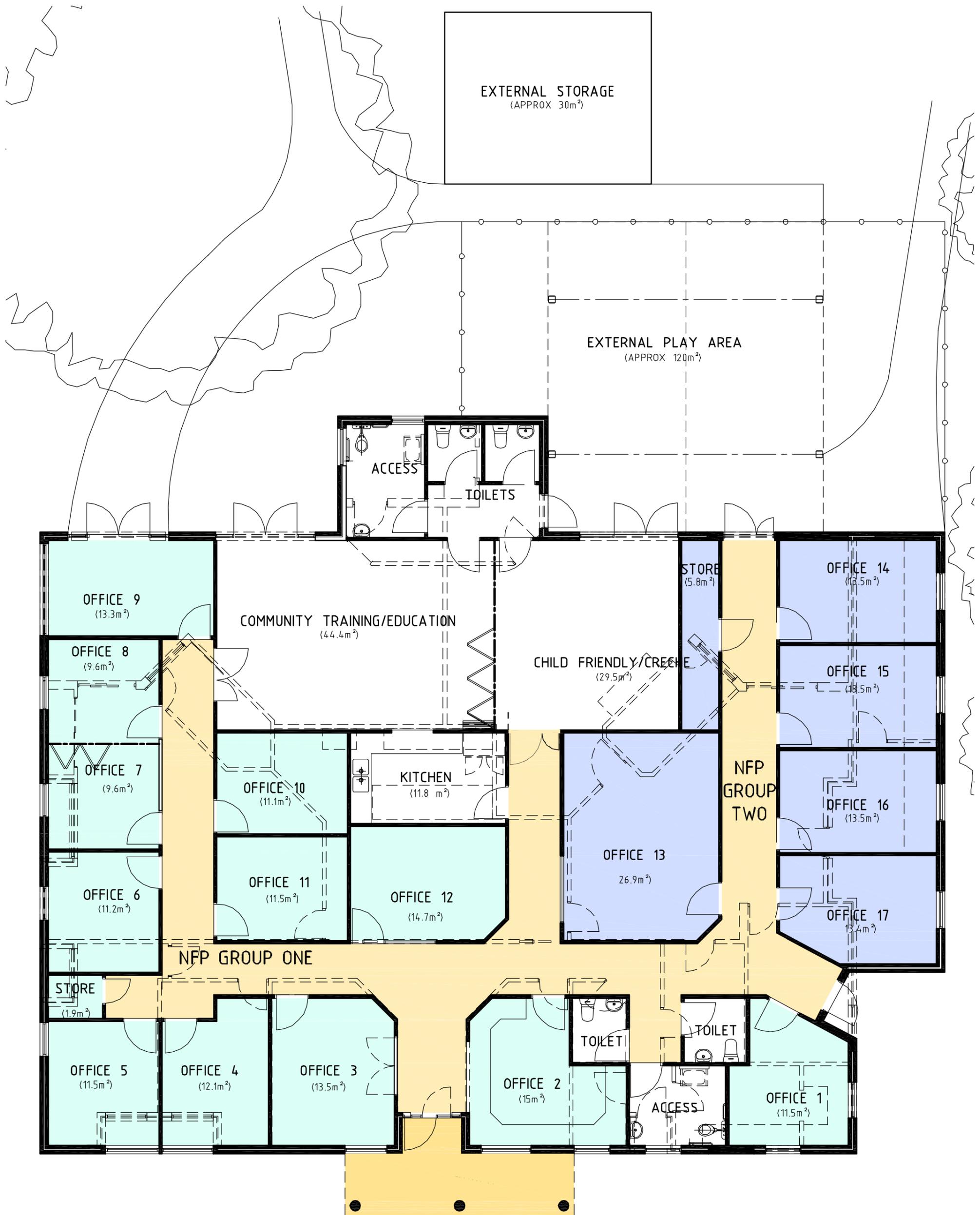
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MANDURAH FAMILY & COMMUNITY CENTRE REDEVELOPMENT
WANSLEA BUILDING, PINJARRA ROAD, MANDURAH
 SCALE 1:100



- COMMUNITY/SHARED ACCESS AREAS
- NOT FOR PROFIT GROUP 1
- NOT FOR PROFIT GROUP 2

MANDURAH FAMILY & COMMUNITY CENTRE REDEVELOPMENT
WANSLEA BUILDING, PINJARRA ROAD, MANDURAH
 SCALE 1:100

Sk.11
 Date :19.08.16

Attachment 2
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9 **SUBJECT:** Falcon Bay – Proposal for Beach Enclosure
CONTACT OFFICER/S: Allan Claydon/Neil Carroll
AUTHOR: Neil Carroll
FILE NO:

Summary

Council at its meeting held in August 2017 considered an initial report on the possible installation of a shark barrier in Falcon Bay. This report arose from the City receiving notification from the Minister for Fisheries that a one off grant of \$200,000 will be made available to create a beach enclosure at Falcon Beach.

Council resolved that officers prepare a feasibility study for consideration. In so doing, this report addresses the following issues:

- Background on shark mitigation strategies and shark barriers
- Options for a beach enclosure and/or shark attack mitigation
- Site constraints
- Economic implications
- Social and infrastructure implications
- Approvals process

Council is requested to receive this report as an interim report which will be a part of an overall report that will be prepared based on further work and the outcome of the community consultation on this project.

Disclosure of Interest

Nil

Location



Previous Relevant Documentation

- G.22/8/17 August 2017 Council considered an interim report on the possible implementation of a Shark Barrier in Falcon Bay.

Background

Although shark attacks are a relatively rare occurrence when compared to the numbers of people who utilise the waters that they inhabit, there have been significant efforts to mitigate the risk sharks pose to the public. While the total numbers of reported unprovoked shark attacks appears to be increasing, there is no accurate data to estimate whether the relative risk of being attacked by a shark is increasing despite population increases and higher numbers of beach users.

The recent tragic death of a local community member following a shark attack whilst surfing at Gearies surf break (immediately around the southern corner from Falcon Bay) was followed by genuine community concern about using the ocean and culminated in local community members seeking protection from sharks in the form of a safe beach enclosure.

Notwithstanding, a heightened awareness of the risks associated with shark attacks is having a significant impact on coastal communities where there is a growing perception that entering the ocean is less safe than it was previously. This has been the catalyst for a number of public policies aimed at more effective mitigation of the perceived risks.

A number of methods have been used to mitigate this risk. They include reducing numbers of sharks locally either by targeted fishing (drum lines) or netting campaigns, increased surveillance at beaches by air, sea and electronic detection systems that either detect “tagged” sharks who have a radio transmitter attached or a more recent method (Clever Buoy) which uses specific algorithms applied to sonar images to detect sharks in the water. Whilst these methods have been widely employed elsewhere, they do not provide a strong level of certainty that ocean users will not encounter a shark and as such are not considered further in this report.

As such, barrier systems that are designed to provide a physical barrier between water users and sharks are gaining prominence for the perception that they provide greater surety for beach users and thus allay safety fears to a greater degree.

The following picture is a visual representation of what a shark barrier may look like.



In terms of shark barriers, the following Western Australian local governments have already installed barriers at a number of different locations using a variety of barrier types. It would be fair to say that these barriers are relatively new and are evolving in terms of design features and ability to withstand different oceanic conditions.

City of Mandurah officers have discussed the barrier installations with the relevant officers from the respective Local Governments and have also reviewed other Council Reports and associated documentation. Where necessary, any relevant information is noted in this report.

- City of Albany – Middleton Beach – Global Marine Enclosures
- City of Joondalup – Sorrento Beach – Eco Shark Barrier
- City of Cockburn – Coogee Beach – Eco Shark Barrier
- Town of Cottesloe – Cottesloe Groyne – proposing to install an electromagnetic cable/shield system
- City of Busselton – Busselton Jetty Swimming Enclosure

Comment

Council at its meeting held in August resolved the following:

1. Accept this report as an interim report acknowledging that additional information is required to enable an informed decision.
2. Endorses community consultation being undertaken on the proposal for a beach enclosure to be installed in Falcon Bay.
3. Request the Chief Executive Officer to prepare a feasibility study for consideration by Council on the proposal for a beach enclosure to be installed in Falcon Bay.
4. Request the Chief Executive Officer to prepare a feasibility study on possible alternative beach sites within the City of Mandurah that may be suitable for the installation of a beach enclosure.
5. Requests the results of 1, 2 and 3 be provided in a report for Council's consideration in September 2017.

This report addresses item three which is a feasibility study for a beach enclosure to be installed in Falcon Bay. It is deliberately not a technical report so that it can be read and understood more widely.

It is thought that this report would build upon the previous report presented in August as there is a lot of work and processes to work through before a definitive feasibility report can be tabled. Nevertheless, it is intended that Council resolve one way or another to continue the project investigations based on the information presented here-in. It is accepted that the community consultation process is a key element that has not commenced.

Thus far, City of Mandurah officers have only been able to identify two companies that are offering a produce that meets the barrier requirement. The two barrier systems are provided by Global Marine Enclosures and Eco shark Barriers respectively. Officers have met with the owner/directors of each company respectively to discuss the relative merits of each product.

The following picture shows a visual representation of how the Eco Shark Barrier operates. It is largely made of plastic and is anchored to the seabed

With a variety of anchoring systems and has floats on the surface which hold the barrier upright and demarcate the enclosure from the unprotected open water



Eco Shark Barrier being prepared for installation



Eco Shark Barrier following installation

The Global Marine Enclosure Aquarius Barrier (pictured below) has a very similar geometric arrangement to the Eco Shark Barrier above but uses predominantly nylon rope with plastic alignment tethers to provide the barrier.



Aquarius Barrier being prepared for installation



Aquarius Barrier following installation

Both systems have a series of flotation buoys on the surface to maintain vertical alignment of the barrier as well as demarcating the extent of the enclosure. Both systems are anchored to the seabed in a variety of ways depending on the presence of sand or rock. The anchoring systems not only depend on the seabed conditions but also on the hydraulic loads that both waves, tides and currents will exert on the structure. The size of the gaps in the barrier allow for most smaller sea creatures to pass through but have been designed to prevent larger species such as sharks from entering the enclosure. In general, there are no reports of marine bycatch which was a problem for “nets” employed along the east coast of Australia at varying locations.

Both companies have had prominent coastal engineering consultants to provide advice on design conditions and parameters to make allowance for the different scenarios that may evolve. In particular, the capacity for the enclosure to deal with potentially large volumes of weed passing through have been considered thoroughly and the load bearing capacity and anchoring requirements of the structure itself will be designed accordingly. City of Mandurah officers are confident that such conditions should be able to be suitably managed. At present, because the other enclosures that have been installed have only been on a trial basis, the design life of the structures is estimated to be 5 years however, the actual lifespan of the installation will be able to be monitored over time and performance parameters estimated more accurately.

Both barrier systems have had relatively minor problems in the early stages following deployments and both companies have been able to rectify these problems quickly and cheaply. The minor problems have been largely due to the varying environmental/physical characteristics at the different sites and this would

have not been unexpected at all. By all accounts, both of the systems are now operating with little unanticipated maintenance other than the systematic monitoring that is required to ensure the barrier is performing its desired function.

The possible environmental impacts of the barrier installations have been monitored closely and neither system has generated any reports of adverse environmental impacts. Sediment transport along the beach has not been impacted and there are no reports of marine bycatch. In fact, once marine growth encapsulates the barrier, it has been noted that there is a regular abundance of small and larger marine species that are attracted to the site. Ultimately, these semi-rigid structures could be expected to act like a small artificial reef, albeit with much less surface area and would be likely to attract a range of marine life.

Following some minor modifications to how the barriers are anchored on the beach berm, it appears that both systems are not restricting weed/wrack transport in the near shore area. It has been noted that weed/wrack is able to pass through the gaps in the barriers or alternatively is washed over the top by small wave action. What is unclear at this stage is the volume of weed/wrack that each system has had to deal with. Falcon Bay is a notorious site for weed/wrack accumulation on the beach.

Site constraints

The site being considered at Falcon Bay is northern facing with a predominantly sandy beach that is subject to erosive events during winter storms.



The beach needs to be renourished with beach sand from time to time using trucks to transport sand from Dawesville. The beach and bay are subject to large fluctuations in wrack (weed) accumulation. The bathymetry of the bay reflects a largely sandy bottom that is punctuated by limestone outcrops that are regularly exposed depending on sand movements.

During winter storms, Falcon Bay is subject to significant wave activity and high water levels. The coastal engineering consultants who have been providing design advice to the respective companies are fully aware of these conditions and have used a 1:50 design wave event given that the expected design life of the structures may be from 5 to 10 years. On this basis, rather than use a 1:5 year or 1:10 year event, the consultants have adopted a more conservative approach to minimise any risk that the barrier may fail during unexpected severe storm events.

Amenity

Initial reports from other Councils that have installed an enclosure report widespread support from the community and increased activity at the beach where the barrier exists. On this basis, the City would need to include a review of car parking capacity near the proposed site as well as considering the suitability of existing infrastructure to accommodate larger crowds at what is already a highly popular family beach in summer. It should be noted that there are proposed modifications to the existing foreshore reserve which would see a reduction in the number of existing car parking bays once the redevelopment is complete. The suitability of other facilities such as toilets, seating, shade structures, bar-b-ques, rubbish bins, drinking water, beach access, road crossings and emergency access will also require review.

Alignment Options



In the figure above, the solid yellow line depicts one possible alignment of the shark barrier which includes enclosing the swimming pontoon. The distance of this option is approximately 265 lineal meters. The dashed yellow line represents an alternative alignment extending from the same starting point across Falcon Bay to Baroy Street, a distance of approximately 475 lineal meters and the solid red line indicates an alignment to Rakoa Street which is a distance of approximately 680 lineal meters. All of these options will have different bathymetry and hence require alignment-specific design elements.

- Option 1: 265 metres
- Option 2: 475 metres
- Option 3: 680 metres

Timeline

In the event that Council make a decision on progressing with the project, it is unclear how long the approvals process may take. Council has resolved to undertake community consultation and this is subject to Council endorsing the appropriate methodology. This will take time to deliver.

In addition, a tender process will need to be initiated which will take approximately five months. Upon award of such a contract, the barrier would need approximately three months to construct.

Allowing for such processes to occur, it would not be possible to install a shark barrier prior to summer of 2017/2018. More likely such a facility, if approved, it would be installed mid-2018.

Consultation

Department of Fisheries, Eco Shark Barriers and Global Marine Enclosures.

A report will be provided to Council in November detailing the community consultation approach to be adopted. The community engagement will not only consider the various options but also the impact on Falcon Bay and the local amenity.

Statutory Environment

Initially, officers were led to believe that the approvals process would be facilitated by the Department of Fisheries who had a dedicated officer who was responsible for streamlining the application process, however, this dedicated officer is no longer in the role. Subsequently, City officers met with officers from Department of Fisheries to discuss the approvals process and they recommended discussing the process with the other local governments who already have them installed.

This has already been done and while each site is different it is anticipated that the following State Government Agencies will be involved in the approvals process:

- Department of Parks and Wildlife
- Department of Lands – land tenure
- Department of Fisheries – fishing restrictions
- Department of Transport
 - Navigational Safety
 - Gazetted Exclusion Zone
 - Jetty Licence
- Department of Aboriginal Affairs
- Department of Fire and emergency Services
- Environmental Protection Authority – environmental impacts

It is possible that other State Government Agencies may form part of the approvals process or at a minimum, be asked to provide comment.

The City is exempt from requiring planning approval as the shark net/barrier is considered public works and is located outside of the City's Town Planning Scheme No 3 and the Peel Region Scheme boundary. It is also exempt from the need for a building permit ie it is not an individual structure and therefore not a building.

The Commonwealth Government doesn't have a role to play in any approvals. They would provide input if it was in the area of undersea telecommunications cables or pipelines or commonwealth declared marine parks.

Policy Implications

N/A

Economic Implications

The City of Mandurah has received notification that the State Government has offered a one off grant of \$200,000 for the installation of a swimming enclosure at Falcon Bay.

The initial capital costs associated with installing a shark barrier cannot be estimated exactly because each site where one is located will have unique features that need to be taken into account during the design phase. Things that will affect the cost are the overall size of the enclosure (lineal metres), the depth of the water, the type of seabed (rock or sand), the ocean conditions that will impose a hydraulic load on the structure, the installation procedure, the design life (durability) of the structure (eg 5 years, 10 years etc), what navigation markers will be required, signage etc.

The initial costs were discussed with proprietors who provided indicative figures for other installations at approximately \$1000 to \$1200 per lineal metre installed. Whilst these figures cannot be relied upon to determine an accurate up front cost estimate they do allow an estimate figure to be applied to the varying alignments.

A summary of anticipated costs to design, procure and install a shark barrier is as follows:

Option	Length	Estimated Cost* (Construction)
1	265 metres	\$292,000
2	475 metres	\$523,000
3	680 metres	\$768,000

*calculated on \$1100 per lineal metre

There are likely to be other costs involved such as community consultation, approvals, alterations to existing infrastructure and site specific works however, it would not be feasible to estimate these costs at this stage.

Following installation, the barrier structure will require varying levels of monitoring to inspect the integrity of the structure to ensure that it is functioning as designed, inspect any marine growth that will impact on its performance and finally to ensure that the structure remains safe and does not harbour any unknown hazards (eg fishing lines with hooks etc) to people using the enclosure.

In addition to the monitoring, the barriers will require periodic maintenance such as cleaning and replacements of any failed fixings or fasteners. The frequency and duration of these inspections will add to the ongoing cost of the installation. Other LGS's have reported monitoring and maintenance costs to vary from \$50,000 to \$100,000 per year.

Option	Length	Design	Construction	Total
1	265 metres	\$20,000	\$292,000	\$312,000
2	475 metres	\$20,000	\$523,000	\$543,000
3	680 metres	\$20,000	\$748,000	\$768,000

Plus \$50,000 to \$100,000 ongoing annual maintenance

At this time, the City has not budgeted any funds for this project.

The State Government is providing a one off grant of \$200,000 for the project.

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.

Organisational Excellence

- Delivery excellent governance and financial management.

Conclusion

Falcon Bay is a popular family orientated beach with adjacent amenities that support a beach culture in this locality.

Where such beaches have had installed suitable beach enclosures, the general consensus from the reviews of their operation has indicated that such treatments are effective, are supported by the users who have confidence and reassurance that it is a safe swimming area, and has attracted more patronage as a result.

There is a cost to be borne by the community in both capital and ongoing operating costs that needs consideration in conjunction with other factors such as the suitability of Falcon Bay for a beach enclosure and the ability for the area to cater for an increase in beach users.

Notwithstanding the above, there needs to be a decision on what option to pursue for further investigation. All options are technically feasible to construct however, capital and maintenance costs rise proportionately if the length of the shark barrier increases. Falcon Bay is a difficult location in which to install such a facility. This will allow the City to investigate the project more specifically, focus on the key attributes of the site bathymetry and if approved, ultimately be a management trial site. Which option to evaluate in detail needs to be made post the community consultation.

A further report will be provided to Council in November on the community consultation approach. The community consultation will consider the possible options, the impact on Falcon Bay and the local amenity of any of the options.

Council is requested to note the contents in the report and to also note a further report will be provided to Council in November on the community consultation approach to be adopted.

RECOMMENDATION

That Council:

1. **Receive the information contained in this report.**
2. **Note a further report will be provided to Council in November which outlines the proposed community consultation process which will include possible options, the potential impact on Falcon Bay and the impact on the local amenity.**