



## **NOTICE OF MEETING**

### **COMMITTEE OF COUNCIL**

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

**Tuesday 11 September 2018  
at 5.30pm**

**MARK R NEWMAN**  
Chief Executive Officer  
5 September 2018

#### **COMMITTEE MEMBERS**

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

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

## **AGENDA:**

- 1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS**
- 2 ATTENDANCE AND APOLOGIES**
- 3 IMPORTANT NOTE:**

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

**4 ANSWERS TO QUESTIONS TAKEN ON NOTICE**

Nil

**5 PUBLIC QUESTION TIME**

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

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

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

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

**8 CONFIRMATION OF MINUTES: 14 AUGUST 2018**

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

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

10.1 Questions of which due notice has been given

10.2 Questions of which notice has not been given

**11 BUSINESS LEFT OVER FROM PREVIOUS MEETING**

**12 REPORTS:**

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| 1 | Approaches to Street Presence and Supporting Vulnerable People including Homelessness | 1 - 8   |
| 2 | Dawesville Community Centre Concept Design  | 9 - 18  |
| 3 | Western Investments Variation of Lease  | 19 – 22 |
| 4 | Generator Procurement Mandurah Aquatic and Recreation Centre                          | 23 – 28 |
| 5 | Road Dedication – Avalon Foreshore Reserve 24880                                      | 29 – 32 |
| 6 | Time Parking Restrictions Seppings Parade, Lakelands                                  | 33 - 36 |
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| 8 | 2018/19 Budget of Works Proposed Reallocation of Funds                                | 43 - 46 |
| 9 | Proposed Bush Fire Brigades Amendment Local Law 2018                                  | 47 - 88 |

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

- 14.1 Lease Variation

**15 CLOSE OF MEETING**

<b>1</b>	<b>SUBJECT:</b>	Approaches to Street Presence and Supporting Vulnerable People including Homelessness
	<b>CONTACT OFFICER/S:</b>	Tim Hartland
	<b>AUTHOR:</b>	Tim Hartland
	<b>FILE NO:</b>	

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## Summary

Mandurah's transformation from a small coastal town to a thriving City has led to an increase in some social issues. In central Mandurah this currently includes a noticeable street presence of vulnerable people, with related general vagrancy around the City Centre in part linked to a probable increase in homelessness.

The City is focused on improving the City Centre through activation, business development, improved infrastructure and improvements in safety and security. In seeking to improve safety and security, the City and WA Police recognise that there are some people within the City Centre who are in need of support across a range of issues include inadequate housing, mental health issues and addiction. There is a deficiency in Mandurah of outreach services for these people. In trying to resolve criminal and antisocial issues, it is clear an enforcement alone approach will not be successful.

This report provides an update of some of the local approaches to this increase and gives an overview of City efforts currently occurring. There is an outline of recommended support needed to enable the City to take action, while facilitating, partnering or just championing ongoing community led sector collaboration and efficiencies. There will be an ongoing need in the short term for a focus on this issue, including high level advocacy of both the state and federal governments for their financial support and assistance in capital works and service provision. The City has an important role in defining the issues at a local level, researching trends, gaps and raising awareness of support needed. The City must also actively work with the community sector to build collaboration and capacity, ensuring appropriate support for their future aspirations.

Outlined within this report are some interim considerations for City owned facilities that may enable increased support for groups providing direct services to vulnerable people. There is an overview of a potential co-located Community Support Hub, designed to cater for direct services to vulnerable people into the future. The report recommends further considerations of this hub, including developing a business case outlining possible suitable locations, operating models and partner agencies.

Through community sector engagement and services mapping, a gap has been identified in the provision of outreach services to vulnerable people in central Mandurah. While some outreach does occur it is not sufficient to meet need and as such it is recommended Council financially supports a trial outreach program to support vulnerable street present people.

## Disclosure of Interest

NA

## Previous Relevant Documentation

Nil

## Background

Community members and visitors alike will know that Mandurah has a history of significant and rapid growth. It has developed from a quiet holiday town into a modern and thriving city of over 85,000 people in a relatively short time. The transformation from a small coastal town to a thriving City inevitably creates some social issues. The role of Local Governments in responding to homelessness and street presence is to 'Lead – Partner – Advocate'.

While Local Government's response to this issue in Cities experiencing homelessness could be seen as being fairly evenly approached across Australia, it is an emerging space and each Council develops and delivers its own approaches, in partnership, subject to need.

The issues experienced in central Mandurah have slowly built over a period of time and have transitioned from the occasional rough sleeper or street present person begging for money, to a more regular cohort. This group is almost always visible through daytime hours and into the evening and this has resulted in a steep increase in complaints from a wide range of effected people, including businesses, residents and tourists.

Many Local Governments, including the City of Mandurah, have strong links with community service and non-government organisations who deal with the homeless and street presence. The role of local government in addressing homelessness and supporting vulnerable people is important and often the facilitators of the solutions to homelessness, not the providers. The City is working with a range of partners to assist with providing a response to identified need and has undertaken a number of key actions as follows:

#### Homelessness and Street Present Group

The City has facilitated the development of a Homelessness & Street Present Network Group. This group was established in early 2018 and to date has involved the coming together of community organisations, government and non-government agencies.

The Network has established its core function as being:

*"Broadly on legitimately homeless people who are unable to find a regular roof over their heads; especially youth who may be intermittently homeless, however also street present people and negative behaviours especially in the City Centre. Creating a collaborative overarching framework for the group to add communication and resource delivery, with a clear focus on the client."*

The group has received presentations/ interaction from the City of Perth's Community Development (homelessness services) Team, Western Australian Council of Social Services (WACOSS) Community Resilience & Relief Team and St Vincent de Paul's crises housing team. The purpose has been to increase the group's knowledge and investigate models of service in other areas. This group has had four (4) meetings to date and continues to meet bi-monthly at the City.

#### Community Facility Support

The City currently supports a range of community organisations providing services to vulnerable communities. This is undertaken via access to hireable and leased sites (offices, halls, meeting spaces) and could be part or all of a facility. The City offers these groups and organisations community discounted rates in many cases. This is important assistance and fee reductions allow the freeing up of funds to be used to support important on the ground services.

There are a number of groups, who provide direct services to vulnerable communities, supported by the City via fee reductions including located within the following locations;

- Sutton Hall, Sutton Street Mandurah
- Tuart Avenue Facility, Mandurah
- Mandurah Family & Community Facility off Pinjarra Road Mandurah
- Billy Dower Youth Centre, Dower Street Mandurah
- Lakelands Community House, Lakelands
- Community Facilities (formerly known as the Parents Place) in Ormsby Terrace, Mandurah

## Community Led Initiatives

The City continues to deliver on Council's commitment to a more vibrant and safe city centre and has established a Smart Street Mall working group to consider a range of possible improvements and opportunities in the location. The City has also actively engaged with City Centre businesses on the specific issue of anti-social behaviour and street presence and with support of Council has introduced a number of targeted strategies. These include such as working with Police to increase their presence, establishing targeted security patrols and increasing rangers support.

### Active Security and Ranger Patrols

Security Patrols are being undertaken Wednesday to Saturday for 5 hours per day with Rangers supporting these patrols both during and outside these hours. Patrols extend north to Cooper Street, south to Pinjarra Road including Dalrymple Park western to the foreshore and east to Sutton Street. The focus of the patrols are to support businesses and other agencies in the area by minimising the impact of criminal and antisocial behaviour.

### Research & Advocacy

Officers have undertaken some research to help inform Council and the City, this has included liaising with other Local Governments experiencing homelessness and anti-social behavioural street presence. Further research is needed to understand the quantum of the issue and to garner external funding support.

The City has engaged with the Western Australian Police Force at all levels, including at a strategic and operational level. The City continues to liaise with Police on this issue broadly and has sought a high level commitment for promptly responding to calls from the City of Mandurah to requests to respond to criminal and anti-social behaviour in the City Centre.

## **Comment**

Currently the city centre is experiencing an increase in actual and perceived anti-social behaviour predominantly relating to people who are street present, living rough and/or facing some form of homelessness. People experiencing homelessness can vary from those temporarily in crises accommodation, who are possibly displaced or 'couch surfing' through to more apparent housing stress where people are living on the street. At present these combinations of issues are resulting in some people congregating in the City centre adding to general vagrancy.

The City of Mandurah, like many local governments are playing an increasingly important role in the broad spectrum of homelessness and street presence. The City supports the community sector through various network facilitations, providing subsidised access to important hire and leasable facilities and by ongoing financial support via community grants. The City also supports WA Police's efforts more than ever, by providing for security patrols, active on the ground support from rangers and via project work across the City supporting community safety such as in CCTV, urban design including graffiti management and in providing a range of advocacy and advice.

## Key Issues

### *Community Facility Support*

The provision of Sutton Hall for use via a hire arrangement to the Mandurah Soup Kitchen, has been successful with the group now providing over 80 meals per sitting to clients Monday to Friday in the morning and midday. However the service is experiencing 'growing pains' and is restricted in its ability to expand its services at its current location. The group consists of mainly volunteers and with the existing site and hire arrangement, has to set down and pack up each meal. The kitchen also has to be secured and has had a higher proportion of food prepared off-site and carted in by volunteers each day.

The location of the service in central Sutton Street while being accessible for many, is increasingly restricting with parking and deliveries and the interaction with businesses and residents entering the precinct is not always positive and easy to manage.

The Soup Kitchen have sought assistance to plan for an improved amenity and following positive conversations with the City relocation into a more appropriate precinct is recommended. This precinct will include community organisations, non-government and government sector groups all of who collectively support Mandurah's vulnerable communities. The location known as the 'Library Precinct' has been identified as appropriate and a co-located facility on Tuart Avenue recommended as an appropriate option. The Tuart Avenue venue is currently co-located with two groups, one being WestAus Crisis Care who will be delivering a shower service to accommodate people experiencing levels of homelessness, commencing in October.

The proportion of the Tuart Avenue facility currently occupied by Anglicare WA would be an ideal location and Anglicare have indicated a willingness to vacate and further occupy the Mandurah Community & Family Centre, where they are currently finalising an existing lease arrangement with the City.

The location is also ideal being in close proximity to central Mandurah, in a broader precinct that includes access to the Mandurah Train Station, bus and retail nodes and community facilities such as the Mandurah Library and LotteryHouse. There will be a need for further consultation with groups in the precinct and Officers have initiated this dialogue.

### *Community Support Hub*

In 2013 the City endorsed the Social Infrastructure Plan (SIPS) 2013-2043 and supported some future community capital project concepts, which included a basic concept plan for a potential community support hub model 'likely externally delivered'. In 2017 following revised need, the City undertook a four (4) year review of the SIPS and Council recommended the community support hub become a priority project in Mandurah, still potentially externally delivered. During the last 12 months the need for a community hub model that supports the area best described broadly as central Mandurah, has become more apparent.

A Community Support Hub would best be delivered as a co-located hub that provides a range of services to vulnerable communities and houses a combination of community organisations working collaboratively. A good example of such models are the City's Billy Dower Youth Centre and the Peel Health Hub currently under construction. A future facility could incorporate services to deliver meals, showers, laundry, adequate wrap around community support or referral points, possible medical provision and potentially social welfare aid.

Officers will continue to assist Council with its deliberations in better understanding what this hub may look like and will seek guidance on timing, locations, potential partners and working towards forming a basic business case in 2019/20.

It is noted that there are community organisations and sector groups delivering services to address need within existing and new facilities. These include a new facility (replacement of a ministry house which was destroyed by fire in 2015) in Coodanup being delivered by the Anglican Church (Church of the Way) to service low socioeconomic suburbs of Coodanup and Greenfields. This service targets families and more broadly will provide a social space for seniors and temporary support for homeless people seeking shower, food and laundry facilities. Notwithstanding this, the need for a Community Support Hub in central Mandurah into the future is apparent and will compliment other services.

Officers will continue to look for opportunities to support existing organisations as appropriate and help build their capacity.

### *Community Services Outreach Model and Implementation*

Recent sector mapping and gap analysis, undertaken as part of the Homelessness and Street Present Network Group, has identified the vast majority of services in Mandurah are delivered via a 'bricks and mortar' model, where vulnerable people need to attend to access a service. Evidence suggests what outreach does occur is case specific, irregular and not available 24/7 or at times of identified need. There are increasing incidences to support the need for direct outreach services and support in Mandurah's key locations.

Currently the main response to this issue is to call Police, Rangers or Security (which may be appropriate in many circumstances) however with a core group of individuals this does not seem to be resolving the issue and a community sector with well trained staff, working with them in place, to break a cycle of homelessness and street presence needs consideration and implementation.

It recommended that Council supports the establishment of a trial 'vulnerable and street present persons outreach support project' and enters into an agreement with a suitably qualified organisation, via a RFQ process, to deliver a program that can be accessed by the City, Police, key businesses and other approved partners to undertake the following outreach work:

1. A targeted primary care response to meet the needs of street present people; individuals, severe at risk families with young children and youth who are experiencing homelessness, living in marginalized accommodation or having an ongoing presence on the streets.
2. Providing information and direct referral to organisations that can provide assistance with housing applications and/or access to community accommodation.
3. Provide case management style support to individuals identified as being at extreme risk and/or with regular and ongoing visual presence in key locations.
4. Ability for advocacy and mediation on behalf of clients.
5. Deliver social connections including access to recreation, employment providers, family and other community services that support holistic health, including mental health and drug/ alcohol support services.

For the project to succeed suitable lead in time is required to develop the project, this includes establishing a measurement framework and ensuring key performance indicators have been understood and can be delivered by the approved service deliverer. As such it is recommended the trial runs from January to December 2019 with the following key performance indicators:

- Establishment of a dedicated outreach response for on the ground contact with homeless and street present people, broadly in central Mandurah or other key locations as identified by the City.
- Establishment of a referral process including as a minimum to community accommodation, health services (including mental health) and drug and alcohol support.
- Development of a service agreement with the City of Mandurah
- Providing contact statistics regularly, taking an evidence based approach
- Ongoing attendance at the Homelessness and Street Presence Network

### *Homelessness and Street Present Group*

In early 2018 following the City receiving a high volume of concerns from the business community in central Mandurah about an increase in street presence and perceived homelessness, the City invited all community organisations and service sectors that provide services to vulnerable people to a meeting. The purpose of the meeting was to discuss the issues and consider an action plan. There had been a previous homelessness sector group which had been successfully managed for a number of years by St Vincent de Paul, however had not met since 2015. So far thirty six (36) organisations have been represented across four (4) meetings and the group has established a focus.

Key actions have been community organisation and sector mapping, which has identified a gap in outreach community services for vulnerable people as outlined in this report.



The network group is considering approaches to census audits of homelessness (to support advocacy and resources) and considering a range of outreach models being delivered elsewhere. It is recommended that Council supports the ongoing function of the Homelessness and Street Present Group and for Officers to continue to help build the capacity of community organisations and sector in delivering a more collaborative and resource efficient approach to support vulnerable people.

### **Consultation**

The City through its Homelessness and Street Present Network Group and via regular and ongoing discussions in the community has engaged with over 25 community sector and community organisations, including Government and Non-Government who support vulnerable communities. There has been strong support for a more strategic approach to this issue in Mandurah, improving outreach services and developing a more joined up approach to broadly improve support to people in need.

### **Statutory Environment**

N/A

### **Policy Implications**

The City does not have a homelessness or street present policy.

### **Risk Implications**

There are a broad range of risks involved when dealing with vulnerable communities, especially street present people and to mitigate this risk the City continues to undertake appropriate training and upskilling of its workforce. This has included 'On the Coalface', 'Verbal Judo' and 'Brain Ambulance' training across various frontline teams such as Ranger Services, Youth Development, Customer Contact, Recreation Services and City Parks/Operations. There is also a reputational risk to the City in not taking action to improve support for vulnerable people and reduce the incidence of visible street presence. Real or perceived associated anti-social and criminal behaviour has been receiving media and social media coverage on a regular basis.

### **Economic Implications**

The trial 'vulnerable and street present persons outreach support project' is recommended to take place between January and December 2019, at an estimated cost of \$50,000 and will be funded as follows:

- \$25,000 from 2018/19 community project budget
- \$25,000 to be listed for consideration in the draft 2019/20 budget

The elements of this report that relate to the City facilitating community networks and business cases for facilities and land will be undertaken within existing operational resources. There will be a cost element to any relocation of the Soup Kitchen to Tuart Avenue, as the Tuart Avenue facility will require a refit, semi-commercial kitchen and some internal and external reconfiguration. These costs will be considered as part of a basic business case and the City will work with the Mandurah Soup Kitchen to consider possible funding models.

### **Strategic Implications**

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

#### Social:

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

Infrastructure:

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

Identity:

- Encourage active community participation and engagement

Organisational Excellence:

- Demonstrate regional leadership and advocacy
- Listen to and engage with our community

**Conclusion**

The City is currently experiencing ongoing street presence in the town centre and there have been related increases in either real or perceived anti-social behaviour. The business community, visiting tourists and residents are voicing their concern and looking to the City for support. In response to this the City has been proactively undertaking a number of strategies in an attempt to reduce incidences and encourage legitimate use of City areas. However this is a broad issue and needs the support of a range of community sectors, state agencies and community organisations.

This report has outlined what actions the City has taken or supported to date and provides direction for some immediate and some longer term concepts that the City can assist with. Strategies will be supported that help build the communities capacity to come together and collectively support vulnerable people and reduce the incidences of street presence into the future.

**RECOMMENDATION**

**That Council:**

1. **Supports the relocation of the Peel Soup Kitchen from their existing service location in a hired facility within the Sutton Street Hall, Mandurah to a leased facility known as Tuart Avenue, Mandurah within a City owned co-located facility.**
2. **Supports Officers to negotiate with Anglicare WA regarding their existing 1+1 year licence of the Tuart Avenue, Mandurah facility, with a view to rationalising the existing adjacent Mandurah Family and Community Centre and allowing Anglicare WA additional office space.**
3. **Notes the likely need for the provision of a Community Support Hub facility in central Mandurah in the future and supports Officers to develop a business case identifying suitable locations, operating models and partner agencies; with findings to be presented to Council for further consideration.**
4. **Approves the establishment of a trial ‘vulnerable and street present persons outreach support project’ with the following considerations:**
  - 4.1 **Project to be delivered over 12 months;**
  - 4.2 **Key Performance Indicators will be as follows;**
    - i. **Establishment of a dedicated outreach response for on the ground contact with homeless and street present people, broadly in central Mandurah.**
    - ii. **Establishment of a referral process including as a minimum to crisis accommodation, health services (including mental health) and drug and alcohol support.**
    - iii. **Development of a service agreement with the City.**
    - iv. **Providing contact statistics regularly, taking an evidence based approach.**

- v. Ongoing attendance at the Homelessness and Street Presence Network.
- (a) Notes the project, to take place between January and December 2019, is estimated to cost \$50,000 and will be funded as follows:
  - i. \$25,000 from 2018/19 redirected from within the community projects budget
  - ii. \$25,000 to be listed for consideration in the draft 2019/20 budget.
- 5. Notes the establishment of the Homelessness and Street Present Network Group and supports its ongoing function, as follows:

*“Broadly on legitimately homeless people who are unable to find a regular roof over their heads; especially youth who may be intermittently homeless, however also street present people and negative behaviours especially in the City Centre. Creating a collaborative overarching framework for the group to add communication and resource delivery, with a clear focus on the client.”*
- 6. Supports City Officers in developing in partnership with the Homelessness and Street Present Network Group, a strategy to maximise resources and encourage partnerships across the community services sector, forming a more collaborative approach and notes that this will be brought back to Council for their consideration.

<b>2</b>	<b>SUBJECT:</b>	Dawesville Community Centre Concept Design
	<b>CONTACT OFFICER/S:</b>	Tim Hartland
	<b>AUTHOR:</b>	Tim Hartland
	<b>FILE NO:</b>	

## Summary

Council has identified the need for a Community Centre in Dawesville to service the expanding southern corridor of Mandurah within its 10 year Capital Plan and as a priority project within the City's Social Infrastructure Plan. As a result a comprehensive community consultation process was undertaken in 2017/18 and the City appointed consultant architect McKay Urban Design to assist with the consultation and develop a concept plan and indicative cost estimate.

The site will be located on 0.2 of a hectare of land owned by the City arising from a developer contribution agreement, on Dandaragan Drive, Florida. This will be adjacent to a proposed retail development in the precinct centre, owned by Coles and is well positioned being central to the broader Dawesville community.

An estimated project timeline was endorsed by Council at its June 2017 meeting (as part of the Social Infrastructure Plan 4 yearly review) for delivery, subject to funding and identified need, between 2019/20 to 2021/22. The project will only be realised with a funding combination of external grants (state/federal) and within the City's capital infrastructure annual budgets. It is recommended Council approve the concept plan, note the indicative costs and support Officers in securing funding as a priority project.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- G&I      Sept 2013      Social Infrastructure Plan 2013-2043 endorsed by Council. Lists the Dawesville Community Centre as a priority project with an estimated project delivery between 2018-2020 and an estimated cost of around \$4 million. Project delivery revised during budget deliberations and endorsed by Council in its 10 Year Capital Plan to 2020/21 to 2022/23.
- Council      June 2017      Social Infrastructure Plan 2013-2043 four (4) year Operational Review. Council endorsed revised timing of Dawesville Community Centre bringing forward to 2019/20 to 2021/22, subject to funding and need. Report notes an allocation of \$35,000 listed for 2017/18 budget to 'review the 2013 basic concept design, scope the community purpose site and seek to reduce the capital and lifecycle costs of the project.'

## Background

The future Dawesville Community Centre site is located in the north-western corner of the Florida Neighbourhood Centre on Dandaragan Drive and Woodstock Avenue. There are some existing and future facilities within 3km of the site, these were considered in the preparation of the concept plan and engagement process and include a church, two Primary Schools, the Southern Estuary Hall, Port Bouvard Surf Lifesaving Club and a site for a future State High School. Old Coast Road divides the residential areas into eastern and western areas, however the proposed Community Centre is in the heart of this growing residential catchment.

With the delivery of the Dawesville Community Centre the Southern Estuary Hall will no longer be a viable community facility.

The need for a rationalisation of facilities in this precinct was reported to Council in the SIPS (2017) review and transition planning will be factored into future planning and the Dawesville Community Centre project, which will include engagement with all user groups. The location of the proposed Centre and existing facilities is shown below.



The Centre is located within the future town centre which includes a retail precinct on land owned by Coles. Coles have been consulted in development of the concept plan and have indicated their support. The pedestrian movement between the Community Centre and Shopping precinct will be an important consideration of future project planning and delivery.



*Dawesville Town Centre: showing community centre, Coles and commercial precinct.*

## **Comment**

In December 2017, the City engaged consultant Mackay Urbandesign to prepare a concept plan for a new Community Centre in Dawesville. The Centre remains a high priority, with the District's population forecast to double in size from 7,500 people (2016) to 15,000 people (2036). Delivery of the project is recommended to ensure community space provision can keep up with community demand. At its June 2017 meeting Council approved the progression of a concept design and supported bringing the project delivery timeframe forward in its 10-year Financial Plan.

The delivery of a future Dawesville Community Centre aligns with the City's Strategic Community Plan and is a high priority project particularly as the population growth is expected to be 3.6% per annum. The Community Centre would serve a large catchment area where there has been new development, with residents who require a place where they may mix with other residents.

A future Dawesville Community Centre will be broadly accessible to all ages and abilities, with demographics indicating a mix of people who live in the area including a mostly older population in established areas and mostly young families with children 0 to 14 years in newer sub divisions. The Community Centre will include a hall for hire, multi-use spaces, kitchen and toilets and outdoor areas including a courtyard, garden and other uses.

## Facility Design

This corner site is ideal for the single storey Community Centre since it is highly visible in the neighbourhood and includes the opportunity for a soft landscape of trees next to the adjoining streets and in the swale park. The swale sits on land owned by Coles who have given in principle support to the City to use this as a potential amphitheatre, which will still operate as a swale drain for 1:100 year rain events. Coles has agreed this area should be landscaped. The Centre's courtyards are located at the rear of the building for shelter and greater privacy.

The Concept Design for the Dawesville Community Centre proposed the following uses:

### 1. Main Spaces

- Main multi-purpose hall (250sqm)
- Two secondary halls, divisible from the main hall, one with capacity as a wet area (Two rooms at 50qsm: 100sqm total) – openable to a total hall area of 350sqm
- Small-medium sized rooms to suit offices, small meetings, consultation, two with capacity as a wet area, and one with sound proofing (Six rooms at 175sqm total)

### 2. Support Spaces

- Entry lobby/circulation (131sqm equivalent to 25% of main spaces)
- Stores (minimum 1 per main space) (80sqm - equivalent to 15% of main spaces)
- Kitchen – direct access to main space and bin store (50sqm)
- Bin store in covered external space (10sqm)
- Male toilets, with shower and change room (3 urinals, 2 stalls: 25sqm)
- Female toilets, with shower and change room (5 stalls: 25sqm)
- Universal access toilet/parents' room (9sqm)
- Cleaners store: (5sqm)
- Covered outdoor play space (50sqm)

### 3. External Spaces

- Outdoor public space shared with the drainage reserve (subject to design)
- Outdoor secure courtyard space to suit children's play/ outdoor activities
- Shade structures/verandas

- Car park (9 bays)
- Public art (1% of GFA construction cost)
- Setback landscaping

The northern and western elevations of the Centre will create a modern feature for Woodstock Avenue and the swale park as a useable public park. The gently sloping form of the swale park at the corner of the site is designed as a welcoming, public amphitheatre area. The curved canopy over the front door faces the park and footpaths connect from both streets to allow direct access by pedestrians, particularly to those who will have parked in the larger future supermarket carpark.

The Centre has three parts: the central area that includes a covered entry door/lobby facing the swale park, a large kitchen at the rear with a connection through to the Centre's carpark; at the north, there is a regular shaped and subdividable main hall; and at the south there are small/medium sized rooms, male/female washroom facilities and covered/open courtyards. Within the central lobby, there is space for an exhibition and an eating area next to the kitchen. The kitchen has a rear door for deliveries from the car park and access to the bin store. For convenience and legibility, a disabled person's toilet and male and female washrooms with showers also are accessed off this space. The lobby is sized to allow for a future stair and lift location should an extension be required upwards to a second storey.

At the northern side, a feature glazed wall in the large hall is planned to allow ample warming winter sun to enter, whereas the western side receives filtered light through openings in a feature wall. For flexibility, this large hall is subdividable by using concertina doors, into three separate and smaller halls, each with their own entries, ample stores and wall area for screening presentations. The central kitchen connects to the largest hall, while an additional kitchenette services the secondary hall 2.

At the southern side of the Centre, a corridor leads to two medium sized rooms and three small rooms, each with stores that face and provide an active frontage for the west facing elevation. A large and sound proofed room is ideal for music and screening movies and has doors to the courtyard.

Externally, the Centre includes two interconnected courtyards with opportunities for different functions in the soft open landscaped area or under cover; possible activities may include children's play, gardening, and rock climbing on the raised wall or relaxation. The Centre will be a well-designed facility which is multi use and available for everyone.

#### Transport and Accessibility

The centre will be easily accessible via cycle paths along inland and ocean side, with about a maximum 20 minute ride for residents in the catchment area. The Centre will be easily accessible for all of Mandurah by vehicle with a travel time of about 15-20 minutes from central Mandurah through to less than 5 minutes in the catchment area. There is ample parking in and around the facility. This will make the Centre an important facility not just from its primary local usage, however as a location for some annual events that are important for all of Mandurah. Cars also may be parked on-street and in the Community Centre's own nine-bay carpark at the eastern rear of the Centre, as well at the adjacent shopping centre.

The dashed white line below indicates an 800m radius circle where a high proportion of the residential catchment may access the Community Centre within a 10-minute walk. An underpass connects the eastern residential area under Old Coast Road. The red line below indicates the 503 bus route that would stop near the Centre on Dandaragan Drive.





*Local Access to Future Dawesville Community Centre*

## Consultation

An interdepartmental team was developed to help steer the project's engagement with support of the consultant. The purpose of the group was to ensure a thorough approach to meeting with a combination of residents of all demographics, community organisations who operate in the area and government and service organisations who provide, and in the future may provide, services to Dawesville. The table below provides an indicative schedule of consultation undertaken. Workshops were all well attended and officers actively sought out any gaps in consultation as the process was undertaken to ensure a high degree of rigor.

Target groups	Stakeholders	Timeline
General community	Residents, community groups	Apr – June 18
Government departments / community services	Health, Education and Communities (service planning for District)	Mar – May 18
Young families	Early years' service providers, playgroups, primary schools	Nov 17 - Mar 18
Potential partners	Lotterywest, Coles etc.	Nov 17 – April 18
Young people	Halls Head College, Billy Dower Youth Centre, youth service providers	Feb – July 18
City of Mandurah key staff	Various sections e.g. Community, Infrastructure, Planning, Environment, Landscape etc.	Nov 17 to present

The community during consultation said they wanted a Community Centre that serves many different local people and activities and a space that caters for meetings, talks, social activities; education and training classes; youth activities; senior's activities; playgroups; community health; arts and crafts and special events.



## Statutory Environment

N/A

## Policy Implications

N/A

## Risk Implications

Risks for this project relate to funding. Infrastructure funding availability and being able to deliver a complex income mix is a key consideration and while it is hoped that funding targets will be met, officers will need to pursue multiple applications and opportunities concurrently. The timing for the Community Centre if 'pushed out' would likely result in increases to costs and the concept estimated funding has not allowed for any inflation due to timing delays.

## Economic Implications

### Project Cost

A Dawesville Community Centre 'Cost Estimate' has been developed by consultants Mackay Urban Design. This is as a guide and based on the concept floor plan, concept elevations and concept renders. NOTE: The estimate has not had specialist engineering design/ cost advice and does not allow for any cost escalations that may occur over time.

Estimated Building Works:	\$2,820,000
External Works and Services (site costs):	\$590,000
<b>Net Construction Cost:</b>	<b>\$3,410,000</b>

Design & Professional Fees	\$360,000
Fit Out and IT/AV:	\$470,000
Construction/Design Contingency:	\$350,000
<b>Total Estimated Project Cost:</b>	<b>\$4,590,000</b>

This equates to building work costs/m <sup>2</sup> :	\$2,321
Net Construction Cost/m <sup>2</sup> :	\$2,807
<b>Total Project Cost/m<sup>2</sup>:</b>	<b>\$3,778</b>

### Project Funding Analysis

To realise a capital community facility project of this size there will be a requirement for multiple funding streams, including external state and federal funding, including a City contribution as which has been listed within the City's 10 Year Financial Plan. The following provides an overview of a potential funding model to deliver this project:

State Government support sought:	\$1,500,000
Federal Government support sought:	\$1,500,000
<b>Total external funding sought:</b>	<b>\$3,500,000</b>
City contribution:	\$1,590,000 plus land

## Strategic Implications

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

Environment:

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

Social:

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

Infrastructure:

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

Identity:

- Encourage active community participation and engagement

Organisational Excellence:

- Listen to and engage with our community
- Ensure the City has the capacity and capability to deliver appropriate services and facilities

**Conclusion**

The community of Dawesville consists of a combination of established housing, new and emerging communities, important native bushland and is a growing community with a precinct feel all of its own. Dawesville has a broad demographic, with older residents ageing in place (sea and tree changers) and with noticeable increases of families moving to the area and around 5,000 residents still to settle in the years ahead. As this community grows residents have, with the support of the City, identified a need to have a Community Centre as a place that can support residents of all ages and abilities in coming together and having access to activities and networks that will assist in this community reaching its potential.

The Dawesville Community Centre was listed as a priority project following extensive community consultation in 2013 and reaffirmed by Council in 2017 as part of the SIPS review. This report brings for consideration a concept plan capturing all the aspirations of the community and delivers a multi-purpose, functional facility that with the guidance of the City and drive of the local community, will be a hub of activity for generations to come.

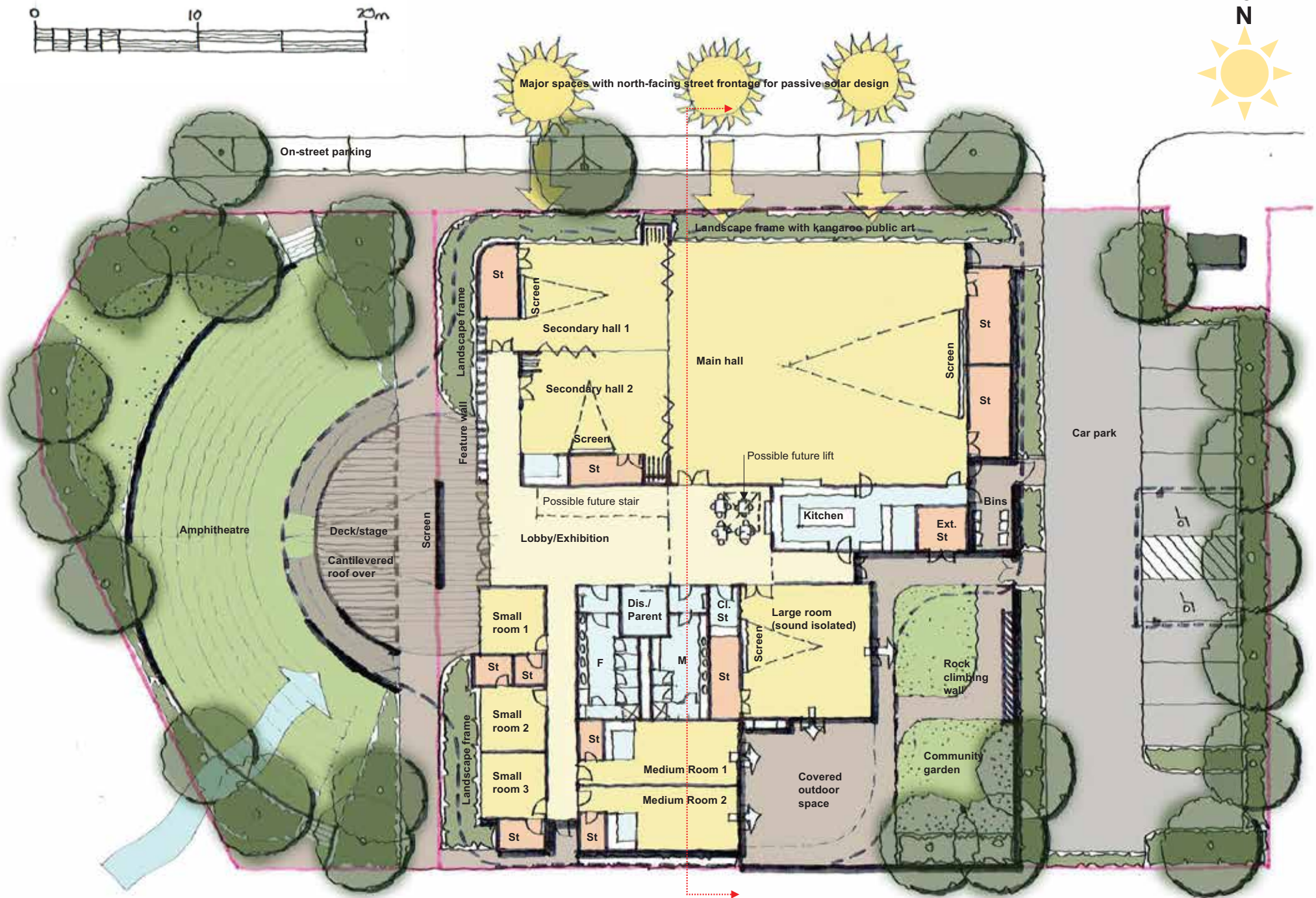
**NOTE:**

- Refer **Attachment 1** *Dawesville Community Centre Concept Plans*

**RECOMMENDATION**

**That Council:**

1. **Endorses the proposed 'Dawesville Community Centre Concept Plan', noting that broad community engagement was undertaken to inform this.**
2. **Notes the concept estimate total cost of \$4,590,000 including building, grounds and contingencies and that the project will be funded through a combination of state, federal and local government funding mixes.**
3. **Notes that project delivery is subject to grant funding and other approvals, with a proposed commencement timeframe being between 2019/20 and 2021/22 as previously approved by Council in within its revised Social Infrastructure Plan.**
4. **Supports officers to pursue funding opportunities.**



Concept plan

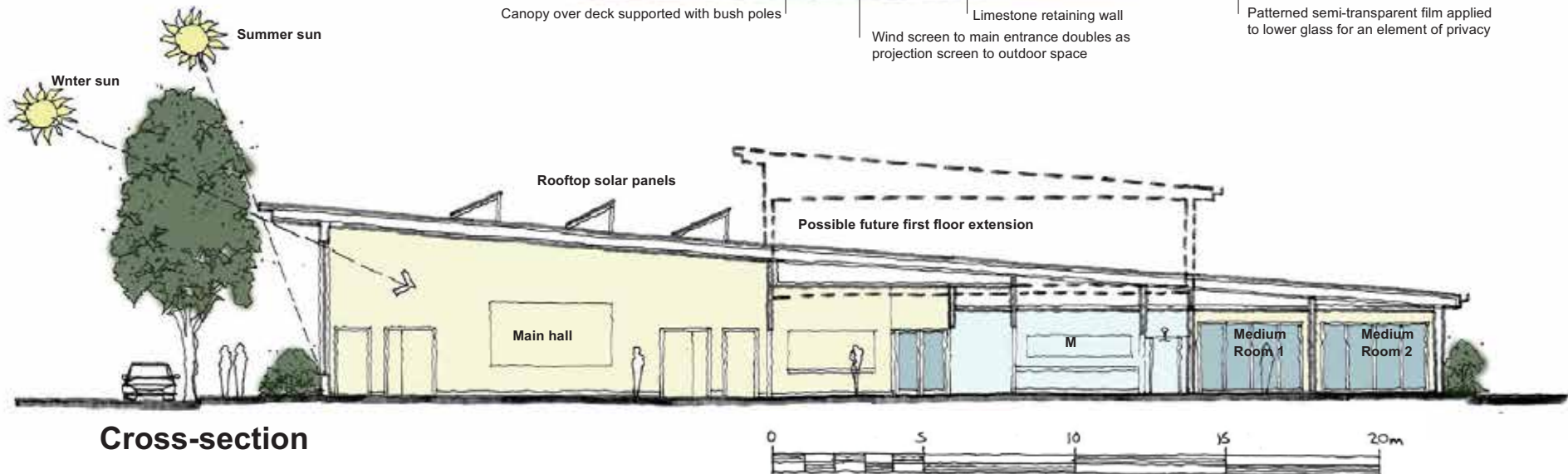




**North elevation**



**West elevation**



**Cross-section**



**Aerial view from the north west**



<b>3</b>	<b>SUBJECT:</b>	Variation of Lease – Westmen Investments Pty Ltd
	<b>CONTACT OFFICER/S:</b>	Ben Dreckow
	<b>AUTHOR:</b>	Lesley Petchell/Rachelle Love
	<b>FILE NO:</b>	

### Summary

Westmen Investments Pty Ltd (Westmen) currently hold a lease over 187 Breakwater Parade Mandurah, for the purpose of boatlifting and relevant marine related activities. The lease allows for the subletting of portions of the lease area, and over the years Westmen have held various sublease agreements relating to marine operations.

The current lease commenced in 2001 and is due for expiry in December 2022, with an option of a further term of 21 years. A condition of the lease states that no sub lease can be granted past the expiry date of the head lease. As the expiry date is now only four years away, and a standard commercial tenancy is five years, this is impacting on Westmen's ability to attract tenancies due to the lack of long term tenure on offer.

Officers consider it appropriate to offer the lessee an early option to exercise the further term which is available in the head lease. This will ensure a term of 21 years is made available now, rather than waiting until December 2022 and gives security until final expiry being December 2042.

Council is requested to approve a variation to the head lease, which allows the lessee the option to exercise early renewal from the 31 October 2018, allowing the further term to take effect.

### Disclosure of Interest

Nil

### Location



### **Previous Relevant Documentation**

- G.16/8/18      28 August 2018      Council approved sub-lease for Unit 8/187 Breakwater Parade, Mandurah to Kevin Robert Mason as Trustee for Kevin Mason Family Trust.
- G1.8/10/13      8 October 2013      Committee approved the sub-leases for eight units as per terms and conditions of the head lease

### **Background**

Westmen entered into a 21 + 21 year lease with the Western Australian Land Authority (WALA) on 1 January 2002. This lease was subsequently handed over to the City in April 2005 for management following the creation of Crown Reserve 48150 which was created for Marina Purposes.

Westmen's leasehold is a 15,323 square metre portion of Lot 22 (No. 187) Breakwater Parade Mandurah. The lease's primary permitted use is boat repairs maintenance, boat cleaning, painting, boat lifting and boat hardstanding storage/stacking. The lease also has a secondary permitted use subject to the City's approval for marine chandlery store, boat sales and brokerage and internal food kiosk.

The lessee is also permitted to sub-let portions of, or the entire site subject to the approval of the City and the Minister for Lands, as long as the term does not exceed the head lease and the permitted use is maintained through the sub leases.

### **Comment**

Officers have met with the lessee regarding the current issues regarding the head lease, Westmen have requested support to allow them the option of exercising early renewal of the further term.

The current head lease for Westmen permits the subletting of units within their leased area subject to gaining prior written approval from the City and the Minister for Lands for every new agreement. A requirement under the head lease states that all subleases must expire prior to the expiry of the head lease, Westmen's current term expires on the 31 December 2022.

The remaining term of the head lease has become an increasing issue for Westmen as expiry draws near and their inability to enter into sub-leases extending past their current expiry date. As such officers sought legal advice in relation to triggering an early renewal option for Westmen. It was advised that the lease may be varied by changing the "timing of the exercise" option, which is currently 12 to 18 months prior to expiry. This would permit the lessee to exercise its option to renew for the further term at an earlier date giving certainty of tenure until December 2042. This will assist with the terms of any future sub-leases which may arise. To facilitate this proposal the below points are required for Council consideration and approval:

- A variation of the current lease to allow the timing of the "exercise of option" to be altered from its earliest option of June 2020 to October 2018, noting the final expiry date of the lease does not change.
- Preparation of a Deed of Extension granting the further term.
- Subject to Minister for Lands consent

As the lessee is not in breach of any conditions of the lease, officers support the request by Westmen Investments.

Council is requested to approve a variation to the head lease, which allows the lessee the option to exercise early renewal from the 31 October 2018, allowing the further term to take effect, with final expiry being December 2042, subject to the approval of the Minister for Lands.

## **Consultation**

Lessee – Westmen Investments Pty Ltd Directors  
McLeods Solicitors – Advice on early renewal options

## **Statutory Environment**

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

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

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

## **Policy Implications**

Nil

## **Economic Implications**

All legal costs associated with the preparation of the variation of lease, and extension of the further term, are to be borne by the lessee, along with the associated administration costs in accordance with the City's 2017/18 Schedule of Fees and charges.

## **Strategic Implications**

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

### Social:

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

## **Conclusion**

Westmen Investments Pty Ltd have approached the City with a request to vary their head lease held with the City to allow the further term renewal be exercised earlier than the designated time of December 2022. This will allow them to offer longer sublease agreements, in turn granting secure tenure not only for their tenants but also for Westmen.

Council is requested to approve a variation to the head lease, which allows the lessee the option to exercise early renewal from the 31 October 2018, allowing the further term to take effect, noting the final lease expiry date will be 31 December 2042.

## **RECOMMENDATION**

### **That Council:**

1. Approves a variation of the current lease held by Westmen Investments Pty Ltd over portion of Reserve 48150, 187 Breakwater Parade Mandurah as follows:

1.1 The further term can be exercised by the lessee from the 31 October 2018;

1.2 Subject to the approval of the Minister for Lands.



- 2. Approves a deed of variation and extension of the lease, will be prepared granting final expiry as at 31 December 2042;**
- 3. Acknowledges all legal fees associated with the preparation of the variation and extension of the lease will be borne by the lessee.**
- 4. Authorises the Chief Executive Officer to finalise the variation and extension agreement.**

<b>4.</b>	<b>SUBJECT:</b>	Generator Procurement Mandurah Aquatic and Recreation Centre
	<b>CONTACT OFFICER/S:</b>	Tony Free / Brendan Ingle
	<b>AUTHOR:</b>	Brendan Ingle
	<b>FILE NO:</b>	

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### **Summary**

To support the City's preparedness in disaster recovery, investigations have been undertaken to procure a City owned generator to allow guaranteed power supply in emergencies to the City's designated evacuation centres. The primary evacuation centre is the Mandurah Aquatic and Recreation Centre (MARC).

Through this investigation an opportunity has been identified to procure a larger generator for the MARC which will not only provide business continuity improvements but also allow the shaving of peak load power that will see a significant reduction in power costs in the medium to long term.

Council is recommended to support the budgeting for the installation and procurement of a suitably sized generator as part of the 2019/20 budget, with the system to be in place prior to 1 October 2019 to maximise energy savings.

### **Disclosure of Interest**

Nil

### **Previous Relevant Documentation**

Nil

### **Background**

In the 2017/18 budget an allocation of \$50,000 was made for the purchase of a 220kVA generator which would be able to be transported to any of the City's four nominated evacuation centres if required. This purchase was to resolve the risk of the City relying on hiring a generator during emergency periods where demand and access may be impacted. Standby contracts with generator providers were not considered to be financially viable.

Three of the City's Evacuation Centres (Bortolo, Halls Head Recreation Centre and Falcon Pavilion) have the ability to have a generator simply plugged in as a result of previous National Disaster Resilience funding. The Mandurah Aquatic and Recreation Centre is currently able to be wired in with the assistance of an electrician.

Investigations were undertaken into sourcing this generator. In consultation with a number of sections of the City, opportunities have been identified that may see broader business benefits to the organisation than those relating to Emergency Management with the purchase of a large generator permanently located at the MARC capable of servicing the facilities peak power requirement.

These potential benefits are outlined as follows:

#### Systems and Technology.

The installation of a generator at the MARC would ensure that IT services to the facility and surrounding facilities are maintained in the event of an outage or disaster. The MARC redevelopment included an IT Room with two air conditioners and two large racks to accommodate sufficient server capacity in the event of a disaster.

Redundant power supplies away from the Civic Centre offices are not currently available to the IT infrastructure. A secondary site which can afford such capability is imperative for IT operations in the event of a broad scale power outage across the City.

### Recreation Centres and Services

The advantages to the MARC of having a power generator provides the ability to maintain circulation & disinfection to the aquatic infrastructure in the event of a power failure. If power is lost to the MARC pools for an extended period there would be a need for the pool water to be checked by the WA Health Department before the pools could be reopened to the public. Advice indicated this could take 7 to 14 days. During this period the public would not be able to use the aquatic facilities.

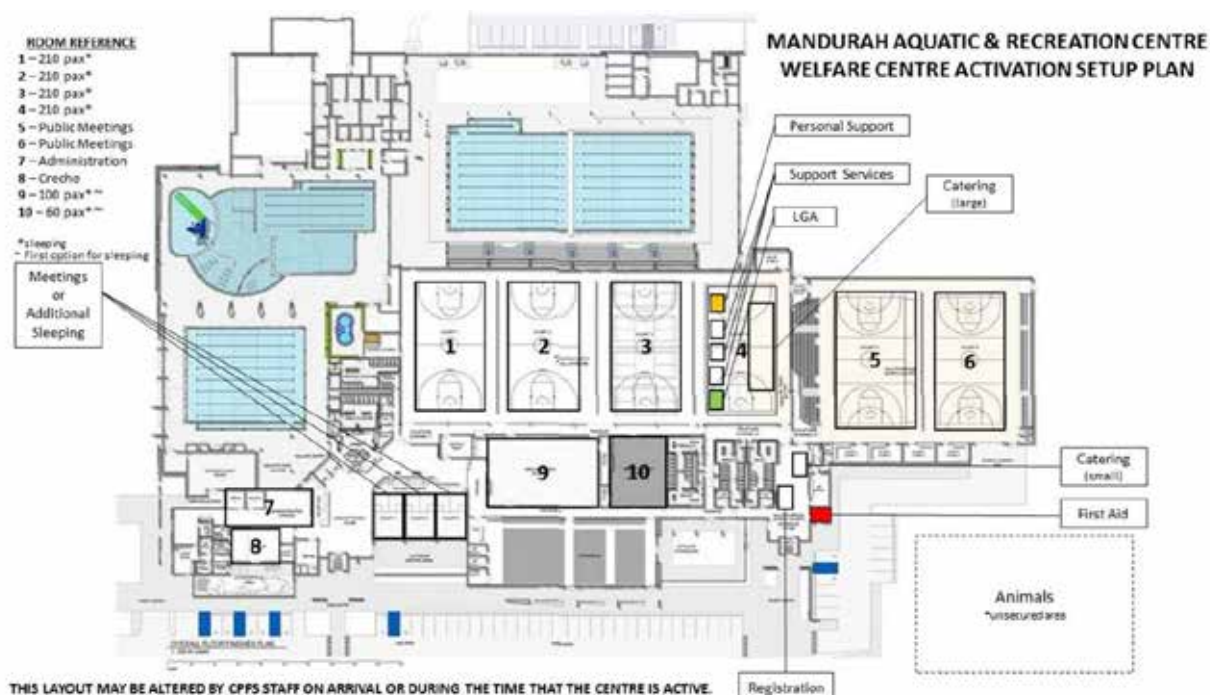
Total revenue at the Mandurah Aquatic and Recreation Centre from 14 January 2018 to 28 January was equal to \$202,857 with an estimated 50% of this revenue from the aquatic facility component. This provides some indication of the potential revenue impact that an extended closure due to power failure may have. It should be noted that the City is insured against this potential loss of revenue but a closure of this nature does carry some reputational risk to the City and loss of services to the community as well as premium impacts.

### Emergency Management

The Department of Communities, Child Protection and Family Support is responsible for providing welfare support services to people affected by a disaster/emergency incident. The Department of Communities, Child Protection and Family Support works with emergency services and local government to provide support to the community in times of emergency, such as, registration and inquiry; personal support; food, clothing, personal items, financial assistance (personal hardship/distress relief payments where applicable).

Department of Communities, Child Protection and Family Support are responsible for approving the activation or opening of a welfare centre and require the facility to be in good working order (even during a power outage).

The Mandurah Local Emergency Management Committee approved the MARC as our primary Welfare Centre in September 2017. Dozens of CoM staff have been trained in the activation process and issues that may arise within a welfare centre. The lack of back-up power has been an ongoing concern throughout these discussions.



## Environmental Services

Of perhaps most significant is advice from the City's Environmental Services Section relating to the future unbundling of power supply contracts. If the City could utilise a generator during its peak loading periods, through the separation of capacity charges there are significant potential savings.

Capacity charges currently make up 20-30% of the cost of a commercial electrical contract. As a result, there is real scope to achieve economic savings by putting in place measures to reduce peak loads during the peak trading intervals nominated by the Australian Energy Market Operators (AEMO) each capacity season.

Highest electricity consumption within the South West Integrated System has historically been during the summer months; December, January, and February. With the large uptake of solar and renewables the capacity events are generally occurring between 4-6pm.

Opportunities to reduce the capacity charges at each site will occur during this period. Simply by executing an action plan to reduce peak load during the nominated 2-3-hour period, significant economic savings can be achieved.

Practically these alerts would see MARC turn off the mains power and with automatic transfer, after a delay of 20-30 seconds, the generator would kick in providing the peak loading to the facility. Advice from the MARC staff are that the changeover of 20-30 seconds would not have a significant impact on operations and power outage scenarios have become increasingly easier to manage through the upgrade of the facility.

This unbundling of commercial power contract option occurs from 1 October 2019 so gains with regard to electricity will not be realised until that date.

Specific modelling has been undertaken indicating that considerate of the 200kVa solar PV system there is potential savings of up to \$58,000 per annum in Capacity Charges alone without considering the savings from being off grid during those periods. This modelling has been done without the inclusion of the additional power consumption of the Geothermal equipment so with this included it is likely that the potential savings would rise to \$75,000.

Recommendations from the Building Efficiency Consultant are as follows

- Use of a 700kVA generator to provide a contingency against the sites historical demand over the last 12-months (must include 20% contingency including the geothermal system);
- Installation of Automatic Transfer Switching, there will be approximately a 15 second delay during which the facility will be without power;
- Identify any onsite equipment that may be affected by the shutdown and have measures in place to ensure minimal disruption to equipment and patrons of the facility;
- Determine the best suited run times for the generator to meet the requirements for the facility, as a minimum the generator would run 3-4hours on perceived risk days;
- Be prepared to run the generator more frequently throughout the hot season to provide the facility a better opportunity to reduce the charges;
- Subscribe to HFM's Peak Day Alerts prior to the commencement of the hot season and receive daily generation status and additional alerts on days perceived to be risk days;
- Tender the sites electricity supply and transition the site to an unbundled contracting arrangement so the reduction in Capacity Charges will flow through to the City;
- Commence utilising the generator for the upcoming hot season 2018/2019, savings achieved will be applicable from 1 October 2019; and
- Ensure there is sufficient diesel on site to meet the requirements of the selected runtimes.

## **Comment**

The regular maintenance of the generator is essential to its effective usage when required. Monthly checks on the generator are required. A phone app and other technology is available that allows the monitoring of the generator from off site. An automatic turn on system can be used to run the system for 15 minutes on a monthly basis. This can be timed to be undertaken outside normal operating hours.

Asset management arrangements must be effectively implemented to ensure usage benefits are maximised. The use of back-up generators are common in various industries and are able to be set to provide for a maximum outage of 20-30 seconds. Advice from generator suppliers is to ensure that larger generators are fitted with block heaters to minimise issues with the use of cold engines. The additional cost of this facility is minimal but does require 240V power to be available.

Western Power have indicated that should mains power and onsite power sought to be split, then an approval is necessary. For larger generator systems in excess of 150kVA this can cost up to \$30,000.

From discussions with staff from the MARC there appears to be no significant impact on the facility in having the power off for a 20 second period. Considerations included plant and equipment, telecommunications systems alarms etc.

There is some risk should Western Power change their billing structure relating to capacity charges that may impact to maximise the profit from load shedding. Western Power have been contacted and provided with the scenario the City is suggesting.

It is essential that the generator be capable of meeting peak load during the load shedding period. In determining this an assessment of the peak load was completed by Buttel Electrical Design and Consulting. Their advice is to size the generator at a minimum of 600kVA. This provides inadequate contingency and should be increased to 700kVa as a minimum.

In order to maximise the effectiveness of load shedding the MARC must be ready to utilise the generator when required.

The City will continue to need to hire generators should alternative Welfare Centres be required. It should be noted in most circumstances the MARC will be the first option for a welfare centre and this risk is considered low given the options available for sites, hire availability and the options for smaller sizing at the alternative welfare centres.

## **Consultation**

N/A

## **Statutory Environment**

Where the City seeks to operate an alternative power supply in parallel with mains supply an approval from Western Power is required. Where the power supply will only be operated in the absence of the mains supply, e.g. off grid, no approvals are required.

## **Economic Implications**

Electrical assessments were undertaken to investigate the required sizing, which indicated that a generator capable of servicing peak load of 659kVA could keep the centre fully operational.

The difference in expenditure between the originally budgeted generators to this one is estimated as follows:

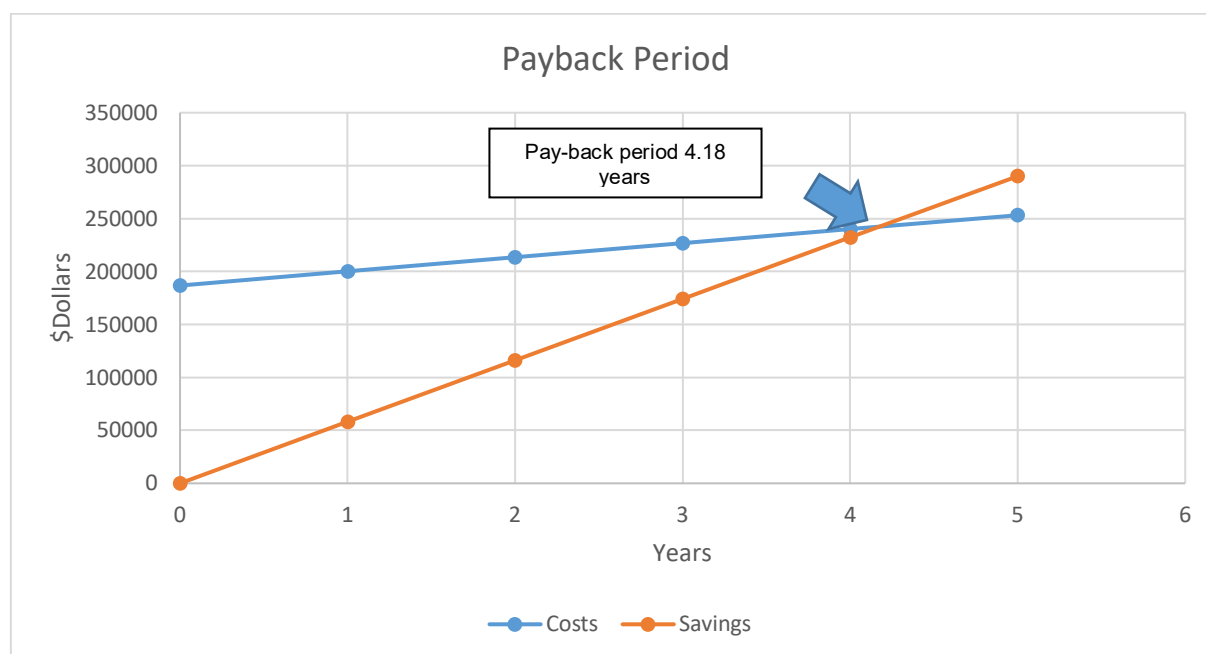
	<b>Initial Costs GST Inc</b>	<b>Ongoing Costs GST Inc</b>
Original Generator (220kVA)	\$50,000	\$8,000 per annum maintenance
Large Generator (650-700kVA)	Est \$129000  Electrical Engineers Certification \$25000  Civil, Fence, Slab \$30000  Electricity Action Plan Est \$2760  <u>Total \$186 760</u>	\$12,000 per annum maintenance  Alerts \$1275 per annum  <u>Total: \$13 275 per annum</u>

Fuel costs associated with generator use are approximately 0.25 litres per kilowatt hour. Pricing is based on a per litre diesel cost of \$1.07.

The generator would need to run at 15 minutes per month and between 2 and 4 hours during load shedding activities which is likely to be 4 and 12 times per year.

Based on historic power usage the likely total fuel cost per year is estimated as \$783.75.

#### Estimated Payback Period



Based on an initial capital outlay of \$186,760 and annual costs of alerts and maintenance of \$13,275 together with annual cost savings of \$58,000 it is estimated the payback period following the introduction of unbundled electricity charges is 4.18 years. This figure does not take into account depreciation, residual value of the generator, savings in electricity while off grid or costs of diesel.

#### **Policy Implications**

Nil

## **Risk Implications**

Critical risk elements of the proposed strategy are as follows:

- Regular maintenance of the generator is essential for it to be reliable and achieve the desired outcome.
- Effective procurement process to ensure that the generator has sufficient supply and contingency of 20% to power the entire facility at peak loading and has necessary equipment to ensure the minimum automatic transfer time possible.
- Training of MARC staff will be required to ensure that the process of receiving alters and switching off the mains power supply at the appropriate time is as seamless as possible. During load shedding activities the generator might need to operate for more than 2 to 4 hours due to the practicalities of the actual switch over so that it doesn't interfere with the Centres activities. It may be a period of operation between 6 to 9 hours is more practical. The changeover could occur during a quiet time between 1pm to 3pm and would change back to mains power until all the evening activities have finished which might be 9pm to 10 pm at night.
- That it may remain necessary to hire an alternative generator to service alternative evacuation centres if these sites are requested.

## **Strategic Implications**

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

### Social:

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

### Organisational Excellence:

- Ensure the City has the capacity and capability to deliver appropriate services and facilities.

## **Conclusion**

Through the investigation of the potential procurement of a smaller generator and discussion between City of Mandurah teams, an opportunity has been identified to improve business continuity while saving power costs in the medium to long term through the provision of a larger generator permanently located at the MARC.

## **RECOMMENDATION**

### **That Council:**

1. **Consider the purchasing of a 700kVa+ generator permanently installed to service the operation of the Mandurah Aquatic and Recreation Centre as part of the 2019/20 budget process.**
2. **Seek to have the procurement and installation in place by 1 October 2019 to maximise savings associated with load shedding and capacity charges.**

<b>5</b>	<b>SUBJECT:</b>	Road Dedication – Avalon Foreshore Reserve 24880
	<b>CONTACT OFFICER/S:</b>	Ben Dreckow
	<b>AUTHOR:</b>	Vicki Kelly/Lesley Petchell
	<b>FILE NO:</b>	Parcel 41763

## Summary

As part of the Port Bouvard Northport Outline Development Plan and subsequent subdivision, an extension of Avalon Parade, Wannanup through the Avalon Foreshore (Reserve 24880) was approved and completed in 2001. However the formal dedication of the road land as road reserve under the *Land Administration Act 1997* was not completed. As this section of Avalon Parade is a fully constructed public road, with service infrastructure, the current land tenure requires amendment.

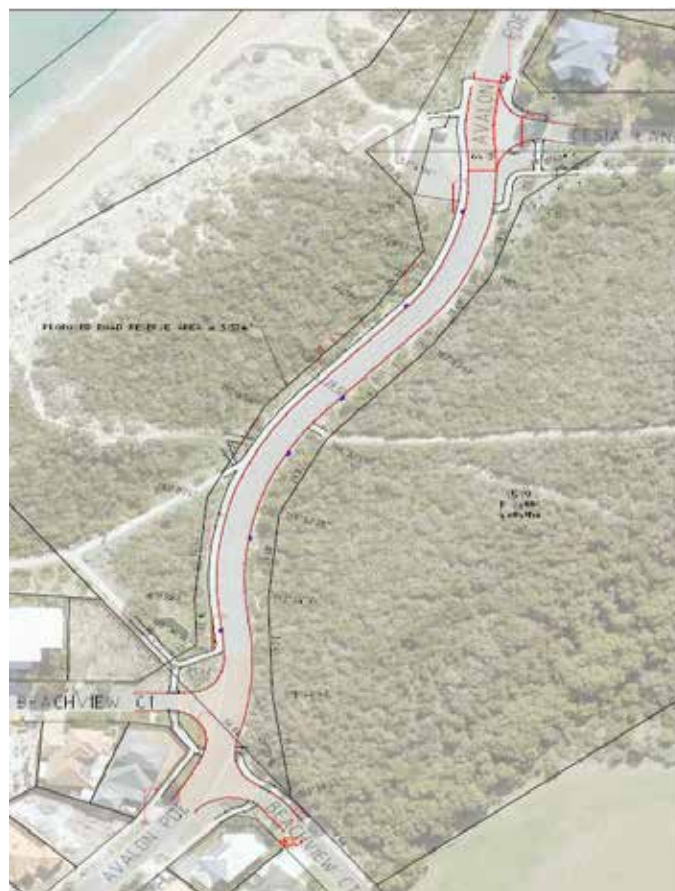
Officers have completed the process required by the Department of Planning, Lands & Heritage (DPLH) to progress the dedication, including survey and consultation requirements, and a plan identifying the extent of the road land to be excised from the reserve has been drafted.

Council is, therefore, requested to seek approval from the Minister for Lands, for the dedication of an approximate 5,153 square metre portion of Reserve 24880 Avalon Parade, Wannanup as road, pursuant to Section 56 of the *Land Administration Act 1997*; and to indemnify the Minister for Lands against any claims for compensation and costs in respect to the land.

## Disclosure of Interest

Nil

## Location





## **Previous Relevant Documentation**

G.30/8/99      17 August 1999      Council adopted a revised Outline Development Plan for Port Bouvard-Northport precinct.

## **Background**

The extension of Avalon Parade through the centre of Avalon Foreshore (Reserve 24880) was approved under the original Port Bouvard Northport Outline Development Plan (ODP), to create a link road from Falcon north, to the new Northport Town Centre to the south.

The road was subsequently constructed in 2001, however, the formal process to excise the land from the reserve and have it legally dedicated as road reserve under the *Land Administration Act 1997* was not actioned and the road land is still showing as a portion of Reserve 24880, which is set aside as a Recreation Reserve.

It appears the intention of officers at the time was to include the road dedication as part of Northport Stage 5A under Subdivision 112953, as these details were referenced on the road design plan by the surveyor, at the time. However, as it is Crown land and not land owned by the proponent, the excision and dedication of the road land cannot be included in any subdivision approval and should have been actioned as a separate process, as such the dedication was never finalised.

## **Comment**

In order to now progress this dedication, officers have consulted with the Department of Planning Lands & Heritage (DoPLH), who have advised that:

- As the road dedication is within a Crown Reserve and not freehold land, advertising of the proposal is not required; only support from service providers and the Department of Planning, which officers have subsequently obtained;
- As the road is constructed and the City is the reserve's management body and will be for the proposed dedicated road casement, ground survey is not required, and DPL&H can facilitate a 'Subject to Survey' Deposited Plan through Landgate at no cost to the City. This is subject to the City supplying a road plan to identify the extent of the reserve that it is to be designated as road.

To draw up a plan of the required road extent, Abaxa Detection Company were engaged to carry out an on ground evaluation of the site to determine where any utility services were located. Officers also obtained comment from service providers and the Department of Planning, who confirmed their support to the proposal.

Council is, therefore, requested to seek approval from the Minister for Lands for the dedication of an approximate 5,153 square metre portion of Reserve 24880 Avalon Parade, Wannanup as road, pursuant to Section 56 of the *Land Administration Act 1997*; and to indemnify the Minister for Lands against any claims for compensation and costs in respect to the land.

## **Consultation**

- |                           |   |
|---------------------------|---|
| • Department of Lands     | Outlined process to be undertaken, including survey requirements. |
| • Department of Planning  | No objection to proposal.   |
| • Service Providers       | No objections to proposal.  |
| • Abaxa Detection Company | Completed plan to meet DPL&H requirements                         |

## **Statutory Environment**

*Section 51 of the Land Administration Act 1997 – Amendment of Reserves*

The Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots, comprising a reserve.

*Land Administration Act 1997 (LAA) Section 56 – Dedication of Roads* (Land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the Local Government).

LAA Section 56 (4) The local government resolves to make a request to the Minister providing sufficient information, subject to granting of the request, the relevant local government is liable to indemnify the Minister against any claim for compensation in respect of the land and all costs and expenses.

### **Policy Implications**

Nil

### **Risk Implications**

Although the road land has remained as part of the subject crown reserve since its construction, the City's insurance does cover for claims over the land as if it was a public road, therefore there has been no added risk to the City.

### **Economic Implications**

The costs to undertake the on ground service investigations by Abaxa consultation totalled \$1,342 incl. GST and was absorbed through the general operational budget in the 2017/18 financial year.

### **Strategic Implications**

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

#### Infrastructure:

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

### **Conclusion**

Officers have identified that a section of Avalon Parade, which traverses Avalon Foreshore Reserve 24880 in Wannanup, has not been formally dedicated as public road reserve, despite being utilised as such since 2001.

Officers have carried out the necessary requirements under the *Land Administration Act 1997* to progress the road dedication, including an on-site evaluation to enable preparation of a plan showing the extent of the land to be excised from Reserve 24880 and created as road reserve, as well as gaining support from service providers and the Department of Planning to the proposal.

Council is, therefore, requested to seek approval from the Minister for Lands for the dedication of an approximate 5,153 square metre portion of Reserve 24880 Avalon Parade, Wannanup as road, pursuant to Section 56 of the *Land Administration Act 1997*; and to indemnify the Minister for Lands against any claims for compensation in respect to the land.

### **RECOMMENDATION**

#### **That Council:**

1. Approves the excision of an approximate 5,153 square metre portion of land from Reserve 24880 Avalon Parade, Wannanup, pursuant to Section 51 of the *Land Administration Act 1997*, for the purpose of road reserve;

2. **Requests the Minister for Lands to approve the dedication of an approximate 5,153 square metre portion of Reserve 24880, Avalon Parade Wannanup as road reserve pursuant to Section 56 of the *Land Administration Act 1997*;**
3. **Indemnifies the Minister for Lands against any claims for compensation and costs in respect of the road land.**

<b>6</b>	<b>SUBJECT:</b>	Time Parking Restrictions Seppings Parade, Lakelands
	<b>CONTACT OFFICER/S:</b>	Brendan Ingle
	<b>AUTHOR:</b>	Brendan Ingle
	<b>FILE NO:</b>	

## Summary

The continued development of the Lakelands Town Centre has identified a number of opportunities to improve traffic management and parking within the area. These actions are progressing in consultation with the developer and Shopping Centre Management.

Council approval is required to implement a request for the installation of 30 minute time parking restrictions on Seppings Parade, Lakelands in accordance with plan located in **Attachment 1**. The plan creates 6 x 30 minute time parking bays to support short term stops accessing retail premises in close proximity to the shopping precinct.

## Disclosure of Interest

Nil

## Location



## Previous Relevant Documentation

- Minute G.18/5/18 - 22 May 2018 - Annual Review – Delegations Of Authority

## Background

The City has been working closely with the developers of the Lakelands Town Centre and Shopping Centre Management to improve traffic safety and parking related matters in the area. A number of actions have been completed including the installation of Loading Zones, No Stopping Zones and advisory notifications of traffic for pedestrians.

In addition to the above measures, installation of 6 x 30 minute parking bays along Seppings Parade has also been identified to support short stops to retail businesses. The bays are in close proximity to the shopping centre and turnover from these bays is desirable. **Attachment 1** identifies the locations of 30 minute bays to be installed with Council approval.

### **Comment**

The provision of short term time parking within close proximity to retail shopping is a common approach in retail precincts to increase turnover in the parking bays that are of highest value to retail shops being in close proximity.

Delegation DA-TFT 01 Parking Administration extend to a range of parking situations covered within the City's Parking and Parking Facilities Local Laws 2015, but does not include the ability of delegated officers to initiate time parking restrictions.

### **Consultation**

N/A

### **Statutory Environment**

The City's Parking and Parking Facilities Local Law 2015 provides:

#### **3.1 Determination of parking bay and parking stations**

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

### **Policy Implications**

Nil

### **Risk Implications**

Nil

### **Economic Implications**

The cost of installation of time parking signage is covered within the City's existing annual budget.

### **Strategic Implications**

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

#### Organisational Excellence:

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

## **Conclusion**

The City seeks Council approval to appropriately constitute 6 x 30min time parking bays in Seppings Parade, Lakelands, following consultation with the developers of the Lakelands Town Centre and Shopping Centre Management. This will support improved turnover of vehicles in high value bays close to retail shops.

NOTE:

- Refer ***Attachment 1*** ***Proposed Time Parking Restrictions - Seppings Parade, Lakelands***

## **RECOMMENDATION**

**That Council approve the installation of 6 x 30minute time parking bays as set out in *Attachment 1* in Seppings Parade, Lakelands.**

# LEGEND

- LIGHTING
- SIGNS
- TRAFFIC MANAGEMENT POINTS
- TREES
- AREA OF WORK EXTENT
- BRIDGE MAJOR CULVERT COMPONENTS
- CADASTRAL BOUNDARY
- KERB CHANNEL SHOULDERS
- PATHWAY CENTRELINE
- ROAD SAFETY BARRIERS
- SEAL CENTRELINE
- TRAFFIC MANAGEMENT LINES
- BRIDGE MAJOR CULVERTS
- BUS SHELTERS
- PARKING
- PATHWAY
- PAVEMENT SEAL WIDTH
- ROAD RESERVE
- TABLE DRAIN
- TRAFFIC MANAGEMENT DEVICES
- VEHICLE CROSSINGS
- PROBLEMS

30 minute parking



30 minute parking



AS CONSTRUCTED

MND LICENSED SURVEYOR

ENGINEERING COMPANY

Matthew Webb  
2017.08.28 11:34:20 +0800

DATE

DATE

Project Engineer: TABEC  
Project: Lakelands Road 197a  
Council: City Of Mandurah  
Prepared Date: 29.05.2017  
WAPC No 150228



LAKELANDS ESTATE  
TOWN CENTRE - STAGE 40

CLIENT: PEET

The contents of this plan are current and correct as at the date of issue. No liability is accepted for any errors or omissions in this plan. The user of this plan is advised to verify the accuracy of the data shown on this plan by contacting the relevant authorities.

SCALE 1:1000 @ A3 - 1:500 @ A1  
ALL DISTANCES ARE IN METRES  
For a true to scale reproduction of this plan, refer to the Project Setting set to None.

The boundaries depicted on this plan were not re-established as part of this survey, therefore this plan does not guarantee their accuracy. Re-establishment of the cadastral boundaries is recommended for any proposed works on or near existing boundaries.



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ABN 90 009 30 311

Project No: Matthew Webb, Datum: PG04\_2010  
85610 - 198 - A  
Report 6 Page 36

<b>7</b>	<b>SUBJECT:</b>	Novara Foreshore: Proposed Ablution Facility Public Consultation
	<b>CONTACT OFFICER/S:</b>	Simon Hudson
	<b>AUTHOR:</b>	Michelle Lazzari

## Summary

The existing ablution facility in Reserve 25414 (Owen Avenue, Falcon) is in poor condition and requires refurbishment. When the project is considered in conjunction with the Council endorsed Novara Foreshore Master Plan, it is thought that upgrading the existing ablution facility in its current location may not provide the best outcomes for the community and visitors to the foreshore reserve and boat ramp.

Recognising the need for a facility to be located in a position to service the popular boat ramp, playground and recreation space, and to support the City's continued investment in the redevelopment of the Novara Foreshore, three location options for an ablution facility have been proposed.

The three options were provided to residents for their comment and selection of their preferred location. The outcome was that the majority of respondents preferred the location shown as Option 1, ie located on the foreshore reserve and close to the water's edge.

It is recommended that Council approve Option 1 as the location for the proposed ablution facility at Novara Foreshore.

## Disclosure of Interest

Nil

## Location



Novara Foreshore, Dampier Avenue, Falcon. Reserve 46069 and 25414 are both Crown Land under Management Order to the City of Mandurah



## Previous Relevant Documentation

- G.21/12/15      15/12/2015      That Council approves the Novara Foreshore Reserve Master Plan Option Two (M1.102 Rev B) as the guiding vision for the site to enable detailed design documentation to proceed.

## Background

Reserve 46069, Dampier Avenue, Falcon (Novara Foreshore) and Reserve 25414, Owen Avenue, Falcon are both recreational reserves. Novara Foreshore area abuts the Peel Estuary and contains barbeques, shade shelters, a district level playground, kick-about space and a boat ramp. This area is a popular public recreation space for families and local residents over the summer period and warmer months, and forms part of the approved Masterplan for the Novara Foreshore. Reserve 25414 is where the existing ablution facility is currently located.

The existing ablution facility in Reserve 25414 is in poor condition and requires refurbishment. In consideration of the approved Novara Foreshore Master Plan, the proposed upgrading of the existing ablution facility in its current location may not provide the best outcomes for the community and patrons of the foreshore reserve and boat ramp. The existing facility is not compliant to current accessibility standards. Australian Standard 1428.1-2009 requires set circulation spaces around pans and hand wash basins, and dictates the installation of universal accessible toilets and ambulant toilets when installing new or undertaking the refurbishment of existing toilets. Due to the need for increased space, the existing ablution structure cannot be suitably modified without major reconstruction.

Additionally, it is noted that the existing facility may not be located in a position that would best service foreshore and boat ramp users easily and safely. Given the location of the playground and reserve facilities, families and/or children are currently required to traverse the carpark access road and walk approximately 130m to use the existing ablution.

## Comment

Council approved for the commencement of design works of the proposed ablution in the 2017/18 budget of works. In reviewing the available solutions, City Officers developed three options to put to the community (*refer **Attachment 1***). The options included retaining the existing site as well as providing two further options within the foreshore reserve.

Option 1 – This location offers improved parental supervision of children, being close to the playground. It also allows for easy access for the public using both the boat ramp and reserve facilities. Passive surveillance is offered by users of the reserve, and its location means users do not need to cross roads and negotiate traffic to access the facility. The impact to the area would be softened by existing and planted vegetation, and the building would need to be raised slightly to decrease future flooding through predicted sea level rise.

Option 2 - This location was proposed for similar reasons as Option 1. Being further from the estuary the building would not need to be raised.

Option 3 - The City considered a proposal to demolish the existing facility and construct a new facility. This option would minimise or avoid interrupting the view of existing residents. Users of the boat ramp and foreshore reserve would need to cross two roads to access the facility. This is approximately 130 metres from the activity area.

The proposed ablution design will consist of an accessible unisex toilet with baby change table, two unisex ambulant toilets and four unisex toilets and is of similar design to the Dawesville Ablution built in 2015/16. The City received 100 responses to a survey seeking input into the preferred location for the proposed facility. From 100 responses, 53 were in favour of Option 1. That is, majority support for a new facility to be built on the foreshore public open space and located closest to the estuary waters' edge.

## Consultation

The City issued letters in June 2018 to residents and owners within a one kilometre radius of the proposed location, with a combined total of 583 letters being issued. The letter included information detailing the three proposed options and was provided in terms of scale, amenity and design considerations. The locations were described as Option 1, Option 2 and Option 3 (*refer **Attachment 1***).

The reach of this survey was the same used in the development of the Novara Foreshore Masterplan. This consultation phase resulted in the receipt of a total of 100 responses. Upon tallying of these received responses the results are as follows:

Option 1	53
Option 2	18
Option 3	29

A summary of the respondents comments is included as **Attachment 2**.

## Statutory Environment

The City has a Management Order for both Reserves 46069 and 25414

## Policy Implications

The report has relevance to POLICY – POL-PKR 02 – PARKES AND RESERVES

Policy Objective:

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

## Risk Implications

Risk Description	Risk Likelihood	Risk Rating
Excess Noise	Safety/Health Risk	Low
Increased Traffic	Safety/Health Risk	Medium
Pedestrian Safety	Safety/Health Risk	High

The existing facility does not comply with current accessibility and mobility best practice. The City's primary objective is to ensure access and inclusion for all, whilst also meeting the needs for a broader community and users of the public open space and foreshore. The detailed design will reduce future risk through crime prevention through environmental design considerations, universal accessibility, durability of finishes and industry best practice.

## Economic Implications

There is an allocation of \$40,000 within the 2018/2019 capital program to complete a detailed design to replace the ablution facility currently located at Owen Avenue, Falcon.

Upon completion of the detailed design and an associated costing, an application will be made for funding in the 2019/20 capital works budget.

## Strategic Implications

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

Infrastructure:

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

Identity:

- Encourage active community participation and engagement.

Organisational Excellence:

- Listen to and engage with our community.

**Conclusion**

Consultation with 583 residential properties and owners resulted in 100 responses. A review of the responses found that the majority of respondents preferred the location detailed in Option 1. Based on the level of support for Option 1, and the risk assessment undertaken, it is recommended that Council approve Option 1 as the location for the proposed ablution facility at Novara Foreshore.

**NOTE:**

- Refer ***Attachment 1*** ***Sketch Proposal for Public Toilet Location – Novara Foreshore, Falcon***
- Refer ***Attachment 2*** ***Summary of Responses Received***

**RECOMMENDATION**

**That Council:**

1. **Approves Option 1 as the preferred location for the proposed new Novara Foreshore Toilet Facility as shown in Sketch Proposal for Public Toilet Location – Novara Foreshore, Falcon (Attachment 1)**
2. **Authorises Officers to progress the detailed design of a new ablution facility in Reserve 46069 (Novara Foreshore Reserve).**

# Novara Foreshore, Falcon: Proposed Public Toilet Location

**Proposal**  
A new toilet block is required at the Novara foreshore with universal access. The existing toilets are situated far from the park facilities and children must be escorted across either Dampier Avenue or the busy boat ramp carpark. 3 options have been provided for community consideration.



Location Plan

N.T.S.

## Design Considerations

The locations 1 and 2 were chosen with the following considerations:

- Avoid having to cross a road to access the toilet.
- Locate the toilet so it allows supervision and easy access for the public.
- Minimise or avoid interrupting the views of existing residents.
- Retain passive surveillance.
- Proximity to existing services

Location 3 was chosen with the following considerations:

- Minimise or avoid interrupting the views of existing residents.
- Location of existing toilets
- Proximity to existing services

## Existing Built Zone

Shelters, picnic settings, bench seating, play equipment.



INDICATIVE SKETCH ONLY (OPTION 1)

View across street from lot 71



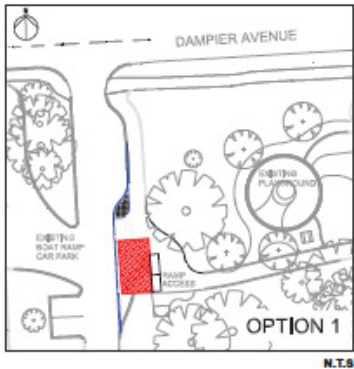
INDICATIVE SKETCH ONLY (OPTION 2)

View across street from lot 71

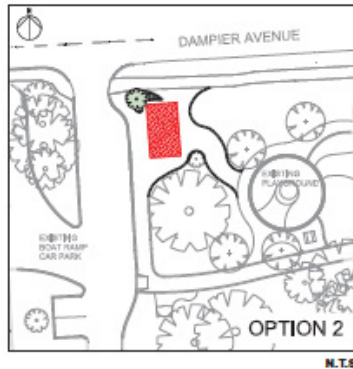


INDICATIVE SKETCH ONLY (OPTION 3)

View North from Dampier Avenue roundabout



N.T.S.



N.T.S.



N.T.S.

### Location 1

- Toilet presence is softened by existing and planted vegetation.
- Allows supervision and easy access for the public.
- Retains passive surveillance.
- Provides an opportunity to create public art on the walls of the structure

### Location 2

- Allows supervision and easy access for the public.
- Retains passive surveillance.
- Provides an opportunity to create public art on the walls of the structure
- Proximity to existing services
- Negative impact on views from Dampier Avenue residence

### Location 3

- Minimum impact on views
- Location makes parental surveillance difficult
- Children must be escorted across Dampier Avenue and/or busy boat ramp car park

# Novara Foreshore Proposed Ablution Facility Public Consultation

## Summary of Responses

A summary of responses received, related to the options provided for comment:

In favour of:	Comment / Concern
Option 1	<ul style="list-style-type: none"> <li>• Safest option</li> <li>• Logical, close to park and boat ramp</li> <li>• More accessible for all users</li> <li>• Less impact on residents views</li> <li>• No more crossing of roads</li> <li>• Force cars in to the carpark rather than stopping on the road</li> <li>• Great for families</li> <li>• Objection to the toilet facility facing onto the play area and watching people entering and exiting</li> <li>• Best location, central to all</li> <li>• Much needed upgrade to a beautiful area</li> </ul>
Option 2	<ul style="list-style-type: none"> <li>• Best location, central to all</li> <li>• Opt 1 – too close to the water &amp; Opt 3 too far away</li> <li>• Prefer not to be next to playground</li> <li>• Safest</li> </ul>
Option 3	<ul style="list-style-type: none"> <li>• Placing the facility on the foreshore creates a visual block for vehicles</li> <li>• Too many homeless sleep around toilets, options 1 and 2 are too close to the playground</li> <li>• Children should be escorted to the toilet at all times</li> <li>• Does not block view from homes on Dampier Ave</li> <li>• Will spoil the integrity of the redeveloped playground and recreation area</li> <li>• No carpark in close proximity will discourage individuals that use public toilets for reasons other than natural needs</li> <li>• Too much congestion near the park and the boat ramp</li> <li>• Modify road layout to provide a safe walking area</li> <li>• Best to be away from facilities, less social interference</li> <li>• Plumbing / sewer lines are already existing, why waste money</li> <li>• Other options too close to the playground</li> <li>• Op1 &amp; Op 2 may have flooding issues</li> <li>• Fine in its current location, "if it ain't broke – don't fix it"</li> <li>• Upgrade for less \$</li> </ul>



**8**      **SUBJECT:**                      2018/19 Budget of Works: Proposed Reallocation of Funds  
         **CONTACT OFFICER/S:**      Troy Davis/Allan Claydon  
         **AUTHOR:**                      Troy Davis

---

### **Summary**

The commencement of the 2018/19 budget of works is well underway.

A review of the projects planned for construction has resulted in an opportunity to implement some amendments that will result in better community outcomes. To achieve this, reallocation of funds from some previously approved projects is requested.

The proposed reallocation of funds is proposed as follows:

#### Road Construction

From:	1. Quail Road	\$150,000	Proponent constructed the works themselves
	2. Birchley Road	\$369,497	Project not required
To:	Coodanup Drive (Stage 3)		

#### Path Construction

From:	Old Coast Road	\$280,000	
To:	1. Mistral Street		(Merlin Street to Philante Street)
	2. Nerine Street		(Andante Street to Mistral Street)

Council is requested to approve the reallocation of current funding in accordance with the above details in order to recognise a change in priority, the opportunity to realise construction efficiencies and to achieve better community outcomes.

### **Disclosure of Interest**

Nil

### **Location**



Coodanup Drive, Coodanup





Mistral Street & Nerine Street, Falcon

### **Previous Relevant Documentation**

Nil

### **Background**

Council approved in its 2018/19 budget the construction of the following projects:

- Quail Road  
New Road Construction with the City with an adjacent land owner contributing equally to the construction cost.
- Birchley Road  
Proposed kerb and drain and road pavement rehabilitation.
- Old Coast Road  
Existing shared path widening.

The request to reallocate funds from these projects is as follows:

- Quail Road  
The landowner undertook the construction of the road at their own cost. This releases the City from contributing to the cost of construction.
- Birchley Road  
This project was re-evaluated and the warrant for any upgrade is not justified.
- Old Coast Road  
This project was included as a widening from 2 metres to 3 metres in order to accommodate lane separation on the shared path. Given that there was no funding included for new shared paths in the budget, it is considered reasonable to reallocate funding to new projects and delay any improvements to the existing shared path.

### **Comment**

The proposal for the reallocation of road construction funding is to advance the upgrading of Coodanup Drive.

In the 2018/19 budget provision has been made to commence Stage 2 of the upgrading of Coodanup Drive.

Coodanup Drive is an Integrator A road in the adopted road hierarchy and services two schools. Stage 1 between Mandurah Road and Newport Drive has been completed and it is anticipated that the proposed increase to funding of Stage 2 will go a long way towards completing the upgrade works through to Wanjeep Street.

The proposed budget for Coodanup Drive would therefore be:

Existing funding 2018/2019 budget	\$300,000
Reallocation of Quail Road funds	\$150,000
Reallocation of Birchley Road funds	\$369,497
<b>TOTAL</b>	<b>\$819,497</b>

This proposal would allow for construction efficiencies to be attained, less interruption due to staged works over a number of years. The community outcome would be increased amenity within the street and less disruption overall.

The recent completion of the Walkability and Cycle Plans has highlighted a deficiency in the overall path network in Falcon. To this end, a reallocation of funding from the proposed Old Coast Road path upgrade project to two new path projects in Falcon is recommended. These proposed works will complete two large missing links and serve to significantly improve the overall path network in this area. The two links are:

Mistral Street – from Merlin Street to Philante Street; and  
 Nerine Street – from Andante Street to Mistral Street

The proposed budgets for the Falcon footpaths would therefore be:

Existing funding 2018/2019 budget- (Old Coast Road path upgrade)	\$280,000
Reallocation to Mistral Street	\$220,000
Reallocation to Nerine Street	\$60,000
<b>TOTAL</b>	<b>\$280,000</b>

## Consultation

Coastal Ward Elected Members

## Statutory Environment

Nil

## Policy Implications

Nil

## Risk Implications

The assessment of risk for this item is low. There is a current budget that is proposed to be reallocated with no increase to proposed expenditure. This risk will be managed using internal resources.

## **Economic Implications**

The proposed reallocation of funds from existing projects will not impact on the 2018/2019 budget. The proposal will allow an efficient and effective approach to the reconstruction and upgrade of Coodanup Drive as it will be a larger project which will have savings realised through such measures as:

- Reduced mobilisation/demobilisation costs
- Advantage with lower asphalt rates as the quantum of tonnage is larger
- Increased supervision with the focus on one project rather than spread over multiple projects

## **Strategic Implications**

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

### Infrastructure:

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

### Organisational Excellence:

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

## **Conclusion**

Council has the opportunity to re-prioritise road and path projects to recognise changing priorities through the recent development of the Walkability and Cycle Plans and to realise construction efficiencies through focussing on a single, major road project.

## **RECOMMENDATION**

### **That Council:**

1. **Endorse the proposal to reconstruct and upgrade Coodanup Drive in 2018/2019 utilising reallocated funds in conjunction with the approved 2018/2019 funding allocation.**
2. **Approve the reallocation of the Quail Road project funds of \$150,000 to Coodanup Drive in the 2018/2019 budget.**
3. **Approve the reallocation of the Birchley Road project funds of \$369,497 to Coodanup Drive in the 2018/2019 budget.**
4. **Endorse the proposal to construct new shared paths in Mistral Street and Nerine Street, Falcon in 2018/2019 utilising reallocated funds from the 2018/2019 budget.**
5. **Approve the reallocation of the Old Coast Road path project funds of \$280,000 to:**
  - 5.1 **Mistral Street (\$220,000) in the 2018/2019 budget.**
  - 5.2 **Nerine Street (\$60,000) in the 2018/2019 budget.**

**\*ABSOLUTE MAJORITY REQUIRED\***

**9**      **SUBJECT:**                      Proposed Bush Fires Brigades Amendment Local Law 2018  
         **CONTACT OFFICERS:**      Natasha Pulford  
         **AUTHOR:**                      Sophie Luxton/Myra Giardini  
         **FILE NO:**

---

## Summary

A review of the City's Bush Fire Brigades Local Law 2010 (**copy shown at Attachment 2**) is now due. The review has identified the need for a small number of minor amendments and also the opportunity to streamline processes outlined within the local law.

As a legal requirement, all local laws are to have a purpose and effect where the following is proposed for the Bush Fire Brigades Amendment Local Law 2018:

**PURPOSE:**    to amend provisions within the *City of Mandurah Bush Fire Brigades Local Law 2010*.  
**EFFECT:**      to ensure the *City of Mandurah Bush Fire Brigades Local Law 2010* is as clear, concise and effective as possible.

Council is requested to adopt the proposed Bush Fires Brigades Amendment Local Law 2018 for advertising.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- G.32/2/11    22 February 2011    Adoption of Bush Fires Brigades Local Law 2010
- G.37/8/10    24 August 2010      Proposed Bush Fire Brigades Local Laws

## Background

The current City of Mandurah Bush Fires Brigades Local Law 2010 was adopted by Council in 2011. Once adopted, all local laws are to be reviewed every eight years, or as required in the interim. As such a review has now been conducted of the 2010 local law.

The principle Bush Fires Brigades Local Law 2010 was heavily based on the WALGA model local law.

The local law establishes the City of Mandurah, Mandurah Southern Districts Bush Fire Brigade and, along with the Brigade's Constitution, sets parameters around the role of the Brigade, its Committee and Members.

The City has oversight of any changes to the Brigades constitution.

The Brigades Constitution was revised in 2017, a number of matters previously covered within the local law, such as the roles and positions for membership of the Brigade's Committee, are now addressed within the Constitution. The Constitution provides the Brigade greater flexibility and opportunity for amendment and therefore these matters are proposed to be removed from the Bush Fires Brigades Local Law.

The local law has been working well over the past 7 years and, other than the above, only very minor amendments are proposed.

## Comment

The intent of the Bush Fires Brigades local law is to establish a Brigade for the City of Mandurah and set objective and administrative matters for the Brigade, such as auditing, Annual General Meetings, quorum

for meetings and member rights and responsibilities. The local law also outlines role opportunities within the management committee and the Brigade.

The Bush Fires Brigades Local Law does not contain any modified penalties.

Any proposed amendments to a local law are to be incorporated into a new standalone local law and must be advertised for six weeks to allow for public response. The amendment local law is also to be provided to the Department of Local Government and Department of Fire and Emergency Services for Ministerial review. Any public or Ministerial responses made to the City will be acknowledged and reported to Council for consideration prior to approving and making the local law before it moves on to be published in the Government Gazette.

The following State-wide and Local public notice will be given stating that:

- the City of Mandurah proposes to make a Bush Fires Brigades Amendment Local Law 2018, the purpose of which is to amend provisions within the *City of Mandurah Bush Fires Brigades Local Law 2010* and the effect of which is to ensure that the *City of Mandurah Bush Fires Brigades Local Law 2010* is as clear, concise and effective as possible;
- a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
- submissions about the proposed local law may be made to the City before the day specified in the notice, being not less than 6 weeks after the notice is given.

All proposed amendments are within **Attachment 1 Proposed Bush Fires Brigades Amendment Local Law 2018**. The main amendments proposed and their reasoning are:

Proposed Amendment	Reasoning
Replace definition of "Authority" with a definition for "Department"	Terminology update.
In subclause 4.5: Delete "(2) No membership fees are to be payable by an honorary life member".	The City does not charge any members of the Brigade membership fees. Brigade members work very hard for the City and their work is greatly appreciated.
In subclause 6.3: Change the date that the Brigade is to provide a request to the City for funding for protective clothing, equipment or appliance needs from the first week in December to the 31 March.	Administrative update.
In Schedule 1, Part 3: Delete the roles and responsibilities for the following positions: <ul style="list-style-type: none"> <li>• Secretary</li> <li>• Treasurer</li> <li>• Training Officer</li> <li>• Trainer</li> <li>• Equipment Officer</li> </ul> The role and responsibilities of the position of Equipment Officer has been replaced with:  "The Equipment Officer is responsible for the custody and maintenance of	The Brigades constitution outline the roles and responsibilities of each position within the Brigade and Committee. The Constitution is easier for the Brigade Committee to amend and including the roles and responsibilities within the local law appears to be adding a level of difficulty for little benefit to the Brigade, City of Community. The roles that remain within the local law are required to be prescribed by the Bush Fires Act 1954.

protective clothing, equipment and appliances of the bush fire brigade.”	
<p>In Schedule 1, Part 4:</p> <p>In Clause 4.1 Management of bush fire brigade add a new subclause:</p> <p>“(f) to invest or place on deposit any of the funds of the bush fire brigade not immediately required to perform the normal brigade activities;”</p>	Added to reflect the current practices of the Brigade
<p>In Schedule 1, Part 5:</p> <p>In Clauses 5.3(2) and 5.6 include reference to the appointment of an Auditor.</p>	It has always been the current practice of the Brigade to have an audit conducted at least annually, the inclusion of this new clause ensures that it will be completed prior to the Brigades AGM.
<p>In Schedule 1, Part 6:</p> <p>In Clause 6.2 Quorum replace “50% of Committee members” with “3 Brigade Officers”.</p>	Updated to reflect the current practices of the Brigade
<p>In Schedule 1, Part 7:</p> <p>Delete Clause 7.1 Fees.</p>	The City does not charge any members of the Brigade membership fees. Brigade members work very hard for the City and their work is greatly appreciated.
<p>In Schedule 1:</p> <p>Delete:</p> <p>APPENDIX II Application for Membership – Active Fighting Member</p> <p>APPENDIX III Application for Membership – Auxiliary Member</p> <p>APPENDIX IV Application for Membership – Cadet Member</p>	Membership forms are provided for within the Brigades Constitution, there is no need to include within the local law.

In addition to the above amendments a number of minor administrative amendments are required to clauses 3.10 and Schedule 1.

## Consultation

The City of Mandurah, Mandurah Southern Districts Bush Fire Brigade were heavily involved in the drafting of the proposed Bush Fires Brigades Amendment Local Law 2018.

Officers have reviewed the Bush Fires Brigades Local Law adopted by other local governments in the past 5 years.

## Statutory Environment

- *Local Government Act 1995* Part 3, Division 2, Subdivision 2 - Local laws made under any Act.
- *Bush Fires Act 1954*



## **Policy Implications**

Relevant policies will be updated as required.

## **Risk Implications**

Nil

## **Economic Implications**

Nil

## **Strategic Implications**

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

### Organisational Excellence:

- Deliver excellent governance and financial management.

## **Conclusion**

In accordance with statutory obligations the City's Bush Fires Brigades Local Law 2010 has been reviewed, minor amendments are proposed to allow for a more streamlined local law, ensure current practices are reflected within the local law and to allow the Brigade greater flexibility in making any alteration to roles and responsibilities within the Brigade.

Council is therefore requested to adopt the proposed Bush Fire Brigades Amendment Local Law 2018 for advertising and note that any responses will be reported to Council for consideration prior to the making and gazettal of the local law.

NOTE:

- Refer ***Attachment 1 Proposed Bush Fires Brigades Amendment Local Law 2018***  
***Attachment 2 City of Mandurah Bush Fires Brigades Local Law 2010***

## **RECOMMENDATION**

**That Council:**

- 1 Adopt the proposed City of Mandurah Bush Fires Brigades Amendment Local Law 2018 for advertising.**
- 2 Note that any public and Ministerial responses will be reported to Council for consideration prior to the making of the local law and publication in the Government Gazette.**

**\*ABSOLUTE MAJORITY REQUIRED\***

## BUSH FIRES ACT 1954

## LOCAL GOVERNMENT ACT 1995

### City of Mandurah

## BUSH FIRES BRIGADES AMENDMENT LOCAL LAW 2018

Under the powers conferred by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Mandurah resolved on ..... to make the following local law.

### 1. Citation

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

### 2. Commencement

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

### 3. Principal local law amended

This local law amends the *City of Mandurah Bush Fires Brigades Local Law 2010* as published in Government Gazette No. 43 of 22 March 2011.

### 4. Clause 1.2 amended

In clause 1.2:

- (a) Delete the definition for “*Authority*”;
- (b) Insert the following definition in alphabetical order:

“**Department** means the Department of Fire and Emergency Services of Western Australia established by section 4 of the *Fire and Emergency Services Authority of Western Australia Act 1998*,”; and

- (c) In the definition for “**Bush Fire Operating Procedures**” delete “*Authority*” and replace with “*Department*”.

### 5. Clause 3.10 amended

In clause 3.10 (2);

- (a) Delete subclause 3.10 (2) (c); and
- (b) Following subclause 3.10 (2) (b) insert:

“following their receipt under subclause (1)”

on a new line so that it applies to (a) and (b).

### 6. Clause 4.4 amended

In subclause 4.4(f) delete “*Authority’s*” and replace with “*Department’s*”.

## Clause 4.5 amended

In clause 4.5 delete subclause (2).

## 7. Clause 6.3 amended

In subclause 6.3;

- (a) Delete “first week in December” and replace with “31 March”; and
- (b) Delete “Authority” and replace with “Department”.

## 8. Schedule 1, Part 2 amended

In Schedule 1, Part 2;

- (a) In subclause 2.6 delete each reference to “Authority” and replace with “Department”;
- (b) In subclause 2.11 (c) delete “has the right of objection to the local government which may dispose of the objection by-
  - (i) dismissing the objection;
  - (ii) varying the decision objected to; or
  - (iii) revoking the decision objected to, with or without –
    - (A) substituting for it another decision; or
    - (B) referring the matter, with or without directions, for another decision by the Committee.”; and
- (c) Following subclause 2.11 (c) insert:  
“has the right of objection to the local government which may dispose of the objection by-
  - (i) dismissing the objection;
  - (ii) varying the decision objected to; or
  - (iii) revoking the decision objected to, with or without –
    - (A) substituting for it another decision; or
    - (B) referring the matter, with or without directions, for another decision by the Committee.”

on a new line so that it applies to (a), (b) and (c).

## 9. Schedule 1, Part 3 amended

In Schedule 1, Part 3;

- (a) In clause 3.3 delete subclauses 3.3 (l) and (m);
- (b) In subclause 3.3 (k) following “equipment;” insert “and”
- (c) Delete clauses 3.5, 3.6, 3.7, 3.8, 3.9, 3.10 and 3.11;
- (d) Insert the following clause:

### **“3.5 Equipment Officer**

The Equipment Officer is responsible for the custody and maintenance of protective clothing, equipment and appliances of the bush fire brigade.”

## 10. Schedule 1, Part 4 amended

In Schedule 1, Part 4;

- (a) In subclause 4.1 (2) insert the following subclause:

- (b) “(f) to invest or place on deposit any of the funds of the bush fire brigade not immediately required to perform the normal brigade functions;”; and
- (c) Renumber the remaining subclauses accordingly.

### **11. Schedule 1, Part 5 amended**

In Schedule 1, Part 5;

- (a) In subclause 5.3 (2) insert the following subclause:  
“(d) appoint an Auditor for the ensuing financial year in accordance with clause 5.6;”;
- (b) Renumber the remaining subclauses accordingly; and
- (c) Insert the following subclause:  
  
**“5.6 Auditor**  
(1) At the annual general meeting a person, not being a brigade member, is to be appointed as the Auditor of the bush fire brigade for the ensuing financial year.  
(2) The Auditor is to audit the accounts of the bush fire brigade not less than 7 days before the annual general meeting and is to certify to their correctness or otherwise and present a report at the annual general meeting.”.

### **12. Schedule 1, Part 6 amended**

In Schedule 1, Part 6, clause 6.2 delete the words “50% of Committee members” and replace with “3 Brigade Officers”.

### **13. Schedule 1, Part 7 amended**

In Schedule 1, Part 7;

- (a) Delete subclause 7.1; and
- (b) Renumber the remaining subclauses accordingly.

### **14. Schedule 1, APPENDIX II amended**

In Schedule 1 delete APPENDIX II.

### **15. Schedule 1, APPENDIX III amended**

In Schedule 1 delete APPENDIX III.

### **16. Schedule 1, APPENDIX IV amended**

In Schedule 1 delete APPENDIX IV.

## ATTACHMENT 1

Dated: .....

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

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

PROPOSED

*Local Government Act 1995*  
*Bush Fires Act 1954*  
City of Mandurah  
**Bush Fires Brigades Local Law 2010**

**ARRANGEMENT**

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**LOCAL GOVERNMENT ACT 1995**

**BUSH FIRES ACT 1954**

**City of Mandurah**

**BUSH FIRE BRIGADES LOCAL LAW 2010**

Under the powers conferred by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the *City of Mandurah* resolved on 22 February 2011 to make the following local law.

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *City of Mandurah Bush Fire Brigades Local Law 2010*.

**1.2 Definitions**

(1) In this local law unless the context otherwise requires –

**Act** means the *Bush Fires Act 1954*;

**active fighting member** is defined in clause 4.2;

**Authority** means the Fire and Emergency Services Authority of Western Australia established by section 4 of the *Fire and Emergency Services Authority of Western Australia Act 1998*;

**brigade area** is defined in clause 2.2(1)(b);

**brigade member** means a active fighting member, auxiliary member or a cadet member of a bush fire brigade;

**brigade officer** means a person holding a position referred to in clause 2.2 (1)(c), whether or not he or she was appointed by the local government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position;

**Bush Fire Advisory Committee** means the persons appointed to a bush fire advisory committee under and in accordance with section 67 of the Act;

**bush fire brigade** is defined in section 7 of the Act;

**Bush Fire Operating Procedures** means the Bush Fire Operating Procedures adopted by the Authority as amended from time to time;

**CEO** means the Chief Executive Officer of the City of Mandurah;

**Council** means the Council of the local government;

**district** means the district of the local government;

**local government** means the *City of Mandurah*;

**Regulations** means Regulations made under the Act; and

**Rules** means the Rules Governing the Operation of Bush Fire Brigades set out in Schedule 1 as varied from time to time under clause 2.5; and

**station** means a place to store the plant and equipment of the bush fire brigade.

(2) In this local law, unless the context otherwise requires, a reference to –

- (a) a Captain;
  - (b) a First Lieutenant;
  - (c) a Second Lieutenant;
  - (d) any additional Lieutenants;
  - (e) an Equipment Officer;
  - (f) a Secretary.
  - (g) a Treasurer; or
  - (h) a Secretary / Treasurer combined,
- means a person holding that position in a bush fire brigade.

### **1.3 Repeal**

*Part XVII of the City of Mandurah Consolidated Local Laws* relating to Fire Prevention as published in the *Government Gazette* of 13 February 1998 is repealed.

### **1.4 Application**

This local law applies throughout the district.

### **1.5 Commencement**

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

## **PART 2 – ESTABLISHMENT OF BUSH FIRE BRIGADES**

### *Division 1 – Establishment of a bush fire brigade*

#### **2.1 Establishment of a bush fire brigade**

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

#### **2.2 Name and officers of bush fire brigade**

- (1) On establishing a bush fire brigade under clause 2.1(1) the local government is to –
  - (a) give a name to the bush fire brigade;
  - (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the "brigade area"); and
  - (c) appoint –
    - (i) a Captain;
    - (ii) a First Lieutenant;
    - (iii) a Second Lieutenant;
    - (v) additional Lieutenants if the local government considers it necessary;
    - (vi) an Equipment Officer;
    - (vii) a Secretary; and
    - (viii) a Treasurer; or
    - (ix) a Secretary/Treasurer combined.
- (2) When considering the appointment of persons to the positions in subclause (1)(c), the brigade members are to have regard to the qualifications and experience which may be required to fill each position.
- (3) A person appointed to a position in subclause (1)(c) is to be taken to be a brigade member.
- (4) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the brigade members are to appoint a person to fill the vacancy in accordance with subclause (2) for the remainder of the term.

### *Division 2 – Command at a fire*

#### **2.3 Ranks within the bush fire brigade**



- (1) Where under the Act and Bush Fire Operating Procedures members of the bush fire brigade have command of a fire, unless a bushfire control officer is in attendance at the fire, the Captain has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the fire fighters. In the absence of the Captain, the first Lieutenant, and in the absence of the first, the second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.
- (2) Where a bushfire control officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act and the Bush Fire Operating Procedures, the most senior bushfire control officer has full control over all other persons fighting the fire and is to issue instructions as to the methods and tactics to be adopted by the fire fighters including any safety considerations.

*Division 3 – Application of Rules to a bush fire brigade*

**2.4 Rules**

- (1) The Rules govern the operation of a bush fire brigade.
- (2) A bush fire brigade and each brigade member is to comply with the Rules.

*Division 4 – Transitional*

**2.5 Existing Bush Fire Brigades**

- (1) Where a local government has established a bush fire brigade prior to the commencement date, then on and from the commencement day –
  - (a) the bush fire brigade is to be taken to be a bush fire brigade established under and in accordance with this local law;
  - (b) the provisions of this local law apply to the bush fire brigade save for clause 2.2; and
  - (c) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Rules.
- (2) In this clause –  
**commencement day** means the day on which this local law comes into operation.

*Division 5 – Dissolution of bush fire brigade*

**2.6 Dissolution of bush fire brigade**

In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the

Act, this local law, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established.

### **2.7 New arrangement after dissolution**

If the local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

## **PART 3 - ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES**

### *Division 1 – Local government responsibility*

#### **3.1 Local government responsible for structure**

The local government is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

#### **3.2 Officers to be supplied with Act**

The local government is to supply each brigade officer with a copy of the Act, the Regulations, the Bush Fire Operating Procedures, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments which are made thereto from time to time.

#### **3.3 Delegation of Authority**

The Council may delegate authority to the CEO to ensure that this local law is administered.

### *Division 2 – Chief Bush Fire Control Officer*

#### **3.4 Managerial role of Chief Bush Fire Control Officer**

Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

#### **3.5 Chief Bush Fire Control Officer may attend meetings**

The Chief Bush Fire Control Officer or her or his nominee (who is to be a bush fire control officer) may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

#### **3.6 Duties of Chief Bush Fire Control Officer**

The duties of the Chief Bush Fire Control Officer include –

- (a) to provide leadership to volunteer bush fire brigades;
- (b) to monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the local government;

- (c) to liaise with the local government concerning fire prevention / suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers;
- (d) to ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained.

### **3.7 Delegation of duties**

The Chief Bush Fire Control Officer may delegate to the Deputy Chief Bush Fire Control Officer if the Chief Bush Fire Control Officer is unable or unwilling to perform his or her duties as a Chief Bush Fire Control Officer and may delegate all or some of the duties to the Deputy.

#### *Division 3 – Annual general meetings of bush fire brigades*

### **3.8 Holding of annual general meeting**

A bush fire brigade is to hold its annual general meeting on a date during the months of March to May each year.

### **3.9 Nomination of bush fire control officers to Bush Fire Advisory Committee**

At the annual general meeting of a bush fire brigade, one brigade member is to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade area until the next general meeting.

### **3.10 Minutes to be tabled before the Bush Fire Advisory Committee**

- (1) The Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.
- (2) The Chief Bush Fire Control Officer is to table the minutes of a bush fire brigade's annual general meeting at the next meeting of the –
  - (a) Bush Fire Advisory Committee; or
  - (b) Council, if there is no Bush Fire Advisory Committee,
  - (c) following their receipt under subclause (1).

#### *Division 4 – Bush Fire Advisory Committee*

### **3.11 Functions of Advisory Committee**

The Bush Fire Advisory Committee is to have the functions set out in section 67 of the Act and is to include such number of nominees of the bush fire brigades as is determined by the local government.

### **3.12 Advisory Committee to nominate bush fire control officers**

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to nominate to the local government from the persons nominated by each bush fire brigade a person for the position of a bush fire control officer for the brigade area.

### **3.13 Local government to have regard to nominees**

When considering persons for the position of a bush fire control officer, the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.

### **3.14 Advisory Committee to consider bush fire brigade motions**

The Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.

## **PART 4 – TYPES OF BUSH FIRE BRIGADE MEMBERSHIP**

### **4.1. Types of membership of bush fire brigade**

The membership of a bush fire brigade consists of the following –

- (a) active fighting members;
- (b) auxiliary members;
- (c) cadet members; and
- (d) honorary life members.

### **4.2 Active fighting members**

Active fighting members are those persons being at least 16 years of age who undertake all normal bush fire brigade activities.

### **4.3 Auxiliary members**

Auxiliary members are those persons who are willing to supply free vehicular transport for active fighting members or fire fighting equipment, or who are prepared to render other assistance required by the bush fire brigade.

### **4.4 Cadet members**

Cadet members are –

- (a) to be aged 11 to 15 years;
- (b) to be admitted to membership only with the consent of their parent or guardian;
- (c) admitted for the purpose of training and are not to attend or be in attendance at an uncontrolled fire or other emergency incident;

- (d) to be supervised by a active fighting member when undertaking normal brigade activities as defined by paragraphs (c), (d), (e), (f) and (g) of section 35A of the Act;
- (e) ineligible to vote at bush fire brigade meetings;
- (f) not to be assigned ranks under the Authority's rank structure.

#### **4.5 Honorary life member**

- (1) The bush fire brigade may by a simple majority resolution appoint a person as an honorary life member in recognition of services by that person to the bush fire brigade.
- (2) No membership fees are to be payable by an honorary life member.

#### **4.6 Notification of membership**

No later than 31 May in each year, the bush fire brigade is to report to the Chief Bush Fire Control Officer the name, contact details and type of membership of each brigade member.

### **PART 5 – APPOINTMENT, DISMISSAL AND MANAGEMENT OF MEMBERS**

#### **5.1 Rules to govern**

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules.

### **PART 6 – EQUIPMENT OF BUSH FIRE BRIGADES**

#### **6.1 Policies of local government**

The local government may make policies under which it –

- (a) provides funding to bush fire brigades for the purchase of protective clothing, equipment and appliances; and
- (b) keeps bush fire brigades informed of opportunities for funding from other bodies.

#### **6.2 Equipment in brigade area**

Not later than the first week in December each year, the bush fire brigade is to report to the local government the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

#### **6.3 Funding from local government budget**

A request to the local government from the bush fire brigade for funding of protective clothing, equipment or appliance needs is to be received by the local government by first week in December annually in order to be considered in the next following local government budget,

and for inclusion in the local government Emergency Service Levy Capital and operating budget submission to the Authority.

#### **6.4 Consideration in the local government budget**

The local government may approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question.

## SCHEDULE 1 - Rules Governing the Operation of Bush Fire Brigades

### City of Mandurah

#### PART 1 - PRELIMINARY

##### 1.1 Interpretation

- (1) In these Rules, unless the context otherwise requires, where a term is used in these Rules and is defined in the local law, the Act or the Regulations, then the term is to be taken to have the meaning assigned to it in the local law, the Act or the Regulations, as the case may be.
- (2) In these Rules, unless the context otherwise requires –  
**absolute majority** means a majority of more than 50% of the number of:
  - (a) brigade members of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the bush fire brigade;  
or
  - (b) brigade officers of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the Committee;**Committee** means the Committee of the bush fire brigade;  
**local law** means the *City of Mandurah Bush Fire Brigades Local Law 2010*; and  
**normal brigade activities** is defined by section 35A of the Act.
- (3) Subject to these Rules, where a decision is to be made by the bush fire brigade, then the decision may be made by a resolution passed by a simple majority of the brigade members who are present in person or by proxy at the meeting.
- (4) Subject to these Rules, where a decision is to be made by the Committee, then the decision may be made by a resolution passed by a simple majority of the brigade officers who are present in person or by proxy at the meeting.

#### PART 2 – OBJECTS AND MEMBERSHIP OF BUSH FIRE BRIGADE

##### 2.1 Objects of bush fire brigade

The objects of the bush fire brigade are to carry out –

- (a) the normal brigade activities; and
- (b) the functions of the bush fire brigade which are specified in the Act, the Regulations and the local law.



## **2.2 Committee to determine applications**

Applications for membership are to be determined by the Committee and are to be consistent with equal employment opportunity principles and in accordance with the local government policies current at the time of determination.

## **2.3 Conditions of membership**

In relation to any type of membership, as described in Part 4 of the local law, the bush fire brigade may establish policies pertaining to –

- (a) the qualifications required;
- (b) a requirement to serve a probationary period;
- (c) procedures to be employed by the Committee prior to approval of an application for membership;

and the Committee is to act within the parameters of any such policy in determining applications for membership.

## **2.4 Applications for membership**

An application for membership is to be in writing and is to be submitted to the Secretary and in the case of –

- (a) an application for active firefighting membership is to be accompanied by a completed form in the form of that in Appendix II.
- (b) an application for auxiliary membership is to be accompanied by a completed form in the form of that in Appendix III.
- (c) an application for cadet membership is to be accompanied by a completed form in the form of that in Appendix IV.

## **2.5 Decision on application for membership**

- (1) The Committee may –
  - (a) approve an application for membership unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for membership.
- (2) If the Committee refuses to approve an application for membership, it is to give written reasons for the refusal, as soon as practicable after the decision is made, to the applicant and the advice that the applicant has the right to object to the local government.

## **2.6 Authority to be notified of registrations**

If any application for membership is approved, the Secretary of the bush fire brigade is to supply registration details to the Authority within 14 days of a person being admitted to membership in the form required by the Authority from time to time.

## **2.7 Termination of membership**

Membership of the bush fire brigade terminates if the member –

- (a) dies;
- (b) gives written notice of resignation to the Secretary;
- (c) is, in the opinion of the Committee, permanently incapacitated by mental or physical ill-health; or
- (d) is dismissed by the Committee.

## **2.8 Suspension of membership**

- (1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Committee, circumstances warrant suspending the member.
- (2) The period of suspension shall be at the discretion of the Committee.
- (3) Upon the expiry of the period of suspension the Committee may:
  - (a) extend the period of suspension;
  - (b) terminate the membership; or
  - (c) reinstate the membership.

## **2.9 Existing liabilities to continue**

The resignation, or dismissal of a member under clause 2.7 does not affect any liability of the brigade member arising prior to the date of resignation or dismissal.

## **2.10 Member has right of defence**

A brigade member is not to be dismissed under clause 2.7(d) without being given the opportunity to meet with the Committee and answer any allegations which might give grounds for dismissal.

## **2.11 Objection Rights**

A person whose -

- (a) application for membership is refused under clause 2.5(1)(b);
- (b) membership is terminated under clause 2.7(c), clause 2.7(d) or clause 2.8(3)(b); or
- (c) membership is suspended under clause 2.8(1) or clause 2.8(3)(a), has the right of objection to the local government which may dispose of the objection by –
  - i. dismissing the objection;
  - ii. varying the decision objected to; or

- iii. revoking the decision objected to, with or without –
  - (A) substituting for it another decision; or
  - (B) referring the matter, with or without directions, for another decision by the Committee.

## **PART 3 – FUNCTIONS OF BRIGADE OFFICERS**

### **3.1 Chain of command during fire fighting activities**

Subject to the Act and the local law, the command procedures to apply during fire fighting activities are as detailed in the local government's Bush Fire Operating Procedures.

### **3.2 Bush Fire Control Officer**

A Bush Fire Control Officer (BFCO) is appointed by local government, upon recommendation by the Chief Bush Fire Control Officer, under the Act, and has the following specific functions –

- (a) to issue permits to burn as authorised under the Act within the district;
- (b) inspection of and reporting on fire hazards within the district;
- (c) carry out any duties prescribed under the Act and so authorised by the local government; and
- (d) may take overall charge of fire suppression activities, and/or ensure the principles of the Incident Management System are being adhered to.

### **3.3 Captain**

The Captain is elected by the Brigade and has the following roles -

- (a) subject to paragraph (b) below, the Captain is to preside at all meetings unless the Captain is unable or chooses not to;
- (b) in the circumstances where the Captain is unable or chooses not to be the presiding officer or in the absence of the Captain, the meeting may elect another person to preside at the meeting;
- (c) ensure that the meeting procedures are being followed at all times;
- (d) promote the objectives of the Brigade when, and wherever, the possibility occurs;
- (e) acts as a spokesperson for the Brigade on public relations and other matters, in conjunction with the local government;
- (f) advise the brigade on administrative matters;
- (g) may direct the Brigade activities during wildfire suppression or during hazard reduction burning programs;

- (h) in the absence of the BFCO may take overall charge of fire suppression activities, and/or ensure the principles of the Incident Management System are being adhered to;
- (i) assists the BFCO to prepare reports;
- (j) ensures Brigade members are adequately trained to carry out their functions, in accordance with Standard Operating Procedures and Brigade standards;
- (k) undertakes responsibility for the proper management and maintenance of Brigade property and equipment;
- (l) complete and forward an incident report form in the form required by the Authority to the Chief Bush Fire Control Officer and the Authority within 14 days after attendance by the bush fire brigade at the incident;
- (m) where the bush fire brigade attends an incident on more than 1 day, the incident report form is to be completed and forwarded under clause 3 within 14 days after the last day of attendance; and
- (n) the roles of Captain and BFCO may be combined should the Chief Bush Fire Control Officer wish to have one person carry out both roles.

### **3.4 Brigade Lieutenants**

Lieutenants are elected by the Brigade and have the following roles -

- (a) in the absence of the Captain the most senior Lieutenant present assumes the responsibilities and duties of that office and takes ultimate responsibility for the successful performance of all Brigade activities;
- (b) the Brigade may increase or decrease the number of Lieutenants to meet their specific operational requirements, up a maximum of four (4) Lieutenants; and
- (c) all Lieutenants must be ranked in seniority. The Captain and Lieutenants of the Brigade, in consultation with the Chief Bush Fire Control Officer, determine this seniority. In the event that a resolution cannot be found, the Chief Bush Fire Control officer shall have the final determination.

### **3.5 Secretary**

The Secretary is elected by the Brigade and has the following specific functions -

- (a) to organise meetings of the Brigade;
- (b) to answer all correspondence or direct it appropriately, and keep a record of the same;
- (c) to prepare and send out all necessary notices of meetings;
- (d) prepare an agenda for any meeting of the Brigade;
- (e) to disseminate information to Brigade members;

- (f) to receive membership fees, donations and other monies on behalf of the bush fire brigade, and remit them to the Treasurer upon receipt;
- (g) to maintain a register of all current brigade members which includes each brigade member's contact details and type of membership;
- (h) to provide no later than 31 May in each year, a report to the Chief Bush Fire Control Officer detailing the name, contact details and type of membership of each brigade member; and
- (i) to undertake any other functions assigned by the Captain, BFCO or Chief Bush Fire Control Officer.

### **3.6 Treasurer**

The Treasurer is elected by the Brigade and has the following specific functions –

- (a) to receive donations and deposits from the Secretary, and deposit all monies to the credit of the bush fire brigade's bank account;
- (b) to pay accounts as authorised by the Committee;
- (c) to keep a record of all monies received and payments made, maintain the accounts and prepare the balance sheet for each financial year;
- (d) to be the custodian of all monies of the bush fire brigade;
- (e) to prepare financial reports and report on the financial position at meetings of the bush fire brigade or Committee; and
- (f) to undertake any other functions assigned by the Captain, BFCO, or Chief Bush Fire Control Officer.

### **3.7 Training Officer**

The Brigade Training Officer is elected by the Brigade and has the following specific functions –

- (a) to organise regular training sessions within the Brigade; and
- (b) to provide any training related records to the local government.

### **3.8 Trainer**

A Trainer is any suitably qualified Brigade member who has accepted and been appointed by the Brigade to the role. They are responsible to the Brigade Training Officer and have the following specific functions –

- (a) to deliver training to new and existing members; and
- (b) to assist the Brigade Training Officer to conduct regular Brigade training sessions and drills.

### **3.9 Equipment Officer**

The Equipment Officer is elected by the Brigade and is responsible to the Captain for the proper management and maintenance of all Brigade property and equipment. The Equipment Officer has the following specific functions –

- (a) arrange and carry out monthly checks and maintenance on all Council's fire fighting equipment vested in their respective Brigade;
- (b) report any missing or faulty equipment as required by Brigade policy;
- (c) maintain and keep the equipment storage area neat and tidy; and
- (d) undertake any other function assigned by the Captain or Chief Bush Fire Control Officer.

### **3.10 Storage of equipment**

- (1) The Equipment Officer may store all of the equipment of the bush fire brigade at a place approved by the Captain at the Station.
- (2) If there is to be more than one station in the brigade area, the Equipment Officer is to appoint in respect of each station a person who is responsible for the custody and maintenance in good order and condition of all equipment and appliances at the station, subject to any direction of the Equipment Officer.

### **3.11 Equipment Officer to report**

The Equipment Officer is to provide, no later than the first week in December of each year, a report to the local government and bush fire captain describing the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the bush fire brigade area or at a station of the bush fire brigade.

## **PART 4 – COMMITTEE**

### **4.1 Management of bush fire brigade**

- (1) Subject to the provisions of these Rules, the administration and management of the affairs of the bush fire brigade are vested in the Committee.
- (2) Without limiting the generality of subclause (1), the Committee is to have the following functions –
  - (a) to recommend to the local government amendments to these Rules;
  - (b) to draft the annual financial requirements for the bush fire brigade for the local governments consideration and present it at the annual general meeting of the bush fire brigade;
  - (c) to propose a motion for consideration at any meeting of the bush fire brigade;

- (d) to recommend to the local government equipment which needs to be supplied by the local government to the bush fire brigade by the first week in December annually;
- (e) to delegate to a person, as from time to time thought fit, any functions (being less than the total functions of the Committee) on any conditions it thinks fit;
- (f) to do all things necessary or convenient in order to perform any of its functions and to secure the performance of the normal brigade activities by the bush fire brigade; and
- (g) deal with membership applications, grievances, disputes and disciplinary matters.

#### **4.2 Constitution of Committee**

- (1) The Committee of the bush fire brigade is to consist of the brigade officers being the Captain, Secretary, Treasurer, Equipment Officer and the first Lieutenant of the bush fire brigade.
- (2) The brigade officers are to -
  - (a) be elected at the annual general meeting of the bush fire brigade;
  - (b) hold office until the next annual general meeting; and
  - (c) be eligible for re-election at the next annual general meeting.
- (3) Any brigade officer may be removed from office by an absolute majority decision of the brigade members present in person or by proxy at a special meeting called for such a purpose.
- (4) The Committee may appoint a brigade member to fill a vacancy in any office arising from a resolution under subclause (3) or which has arisen for any other reason.

### **PART 5 – MEETINGS OF BUSH FIRE BRIGADE**

#### **5.1 Ordinary meetings**

- (1) Ordinary meetings may be called at any time by the Secretary by giving at least 7 days notice to all brigade members and to the Chief Bush Fire Control Officer, for the purpose of –
  - (a) organising and checking equipment;
  - (b) requisitioning new or replacement equipment;
  - (c) organising field excursions, training sessions, hazard reduction programs, and the preparation of fire-breaks;



- (d) establishing new procedures in respect of any of the normal brigade activities; and
  - (e) dealing with any general or urgent business.
- (3) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (4) Business may be conducted at an ordinary meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

## **5.2 Special meetings**

- (1) The Secretary is to call a special meeting when 5 or more brigade members request a meeting in writing.
- (2) At least 2 days notice of a special meeting is to be given by the Secretary, to all brigade members and to the Chief Bush Fire Control Officer.
- (3) In a notice given under subclause (2) the Secretary is to specify the business which is to be conducted at the meeting.
- (4) No business is to be conducted at a special meeting beyond that specified in a notice given under subclause (2) in relation to that meeting.

## **5.3 Annual general meeting**

- (1) At least 7 days notice of the annual general meeting is to be given by the Secretary to all brigade members and to the Chief Bush Fire Control Officer.
- (2) At the annual general meeting the bush fire brigade is to –
  - (a) elect the brigade officers from among the brigade members;
  - (b) consider the Captain's report on the year's activities;
  - (c) adopt the annual financial statements;
  - (d) deal with any general business; and
  - (e) make recommendations to the Bush Fire Advisory Committee on the appointment of a Bush Fire Control Officer for their brigade for the following year.
- (3) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (4) Business may be conducted at an annual general meeting notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

## **5.4 Quorum**

- (1) The quorum for a meeting of the bush fire brigade will be at least 50% of the number of members of the bush fire brigade.
- (2) No business is to be transacted at a meeting of the bush fire brigade unless a quorum of brigade members is present in person or by proxy.

#### **5.5 Voting**

Each brigade member is to have 1 vote, however in the event of an equality of votes, the Captain (or person presiding) may exercise a casting vote.

### **PART 6 – MEETINGS OF COMMITTEE**

#### **6.1 Meetings Of Committee**

- (1) The Committee is to meet for the purpose of dealing with business arising, adjourn and otherwise regulate its meeting as it thinks fit.
- (2) The Captain or Secretary may convene a meeting of the Committee at any time.

#### **6.2 Quorum**

No business is to be transacted at a meeting of the Committee unless a quorum of 50% of Committee members are present in person.

#### **6.3 Voting**

Each brigade officer is to have 1 vote, however in the case of an equality of votes, the Captain (or person presiding) may exercise a casting vote.

### **PART 7 – GENERAL ADMINISTRATIVE MATTERS**

#### **7.1 Fees**

- (1) The membership fees, if any, for each type of member for the ensuing 12 months are to be determined by the bush fire brigade at the annual general meeting.
- (2) Subject to subclause (3), a member is to pay the membership fees for her or his type of membership on or before 1 May.
- (3) The bush fire brigade may exempt a brigade member, or a class of membership, from the payment of membership fees, for such period and on such conditions as the bush fire brigade may determine.

#### **7.2 Funds**

The funds of the bush fire brigade are to be used solely for the purpose of promoting the objects of the bush fire brigade.

### **7.3 Financial year**

The financial year of the bush fire brigade is to commence on 1 July and is to end on 30 June of the following year.

### **7.4 Banking**

- (1) The funds of the bush fire brigade are to be placed in a bank account and are to be drawn on only by cheques signed jointly by any 2 of the Captain, Secretary or Treasurer.
- (2) If the Secretary/Treasurer is a combined position, the Captain and Secretary/Treasurer are to sign the cheques referred to in subclause (1).

### **7.5 Disclosure of interests**

- (1) A brigade member shall disclose to the bush fire brigade or Committee any financial interest (whether direct or indirect) he or she may have in any matter being considered by the bush fire brigade or Committee, as appropriate.
- (2) If a financial interest has been disclosed under subclause (1), then the bush fire brigade or Committee, as appropriate, is to decide, in the absence of the brigade member who disclosed that interest, whether or not the brigade member is to be permitted to vote on that matter.
- (3) Where the bush fire brigade or Committee, as appropriate, decides under subclause (2), that a brigade member is not to be permitted to vote on a matter, that brigade member must leave the meeting room prior to that matter being discussed.

### **7.6 Disagreements**

- (1) Any disagreement between brigade members may be referred to either the Captain or to the Committee.
- (2) Where a disagreement in subclause (1) is considered by the Captain or the Committee to be of importance to the interests of the bush fire brigade, then the Captain or the Committee, as the case may be, is to refer the disagreement to the annual general meeting, an ordinary meeting or a special meeting of the bush fire brigade.
- (3) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement which is not resolved under subclause (1) or (2).

## **PART 8 – NOTICES AND PROXIES**

### **8.1 Notices**

- (1) Notices of meetings of the bush fire brigade are to be in writing and sent by ordinary post to the registered address of each brigade member.
- (2) Notices of meetings of the Committee may be given in writing in accordance with subclause (1) or by such other means as the Committee may decide (by an absolute majority) at a meeting of the Committee.
- (3) Any accidental omission to give notice of a meeting to, or non-receipt by a person entitled to receive such notice, is not to invalidate the meeting the subject of the notice or any resolutions passed at that meeting.
- (4) Where any notice other than a notice of meeting is to be given under these Rules, the notice is to be –
  - (a) in writing;
  - (b) unless otherwise specified, given to or by the Secretary;
  - (c) by –
    - (i) personal delivery;
    - (ii) post; or
    - (iii) facsimile transmission;
  - (d) taken to have been received, as the case may be –
    - (i) at the time of personal delivery;
    - (ii) 2 business days after posting; or
    - (iii) on the printing of the sender's transmission report.

## **8.2 Proxies**

- (1) Where under these Rules a brigade member may vote by proxy, in order for the proxy to vote, the brigade member or the proxy shall give a notice in the form of that appearing at Appendix I, to the Secretary or the person presiding at the meeting before the start of the meeting at which the proxy is to be used.
- (2) A proxy is to be valid for the meeting for which it is given and for any adjournments of that meeting.
- (3) A proxy shall be valid for the number of votes to which the brigade member is entitled.
- (4) If the donor of the proxy does not give any indication of the manner in which the proxy is to vote, the proxy shall be entitled to vote or not vote as he or she thinks fit.
- (5) A proxy shall be entitled to speak on behalf of the donor of the proxy.
- (6) All forms appointing proxies deposited under subclause (1) are to be retained by the Secretary for not less than 28 days after the conclusion of the meeting to which they

relate but if there is any objection to the validity of any vote at the meeting, they are to be retained until the determination of that objection.

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## APPENDIX I

### PROXY VOTE

#### SOUTHERN DISTRICTS VOLUNTEER BUSH FIRE BRIGADE

#### [ANNUAL] [EXTRAORDINARY] GENERAL MEETING TO BE HELD ON [DATE]

I, \_\_\_\_\_, being a brigade member appoint  
\_\_\_\_\_ to be my proxy and vote on my behalf at the  
meeting of the bush fire brigade to be held on [insert date] and at any  
adjournment of it. The proxy shall vote as follows:

MOTION	FOR	AGAINST	ABSTAIN
--------	-----	---------	---------

1. ....

2. ....

If there is no instruction to the proxy as to the way to vote, the proxy shall exercise her or his discretion as to how to vote or whether to vote at all. In respect of any vote taken at the meeting on a matter which does not appear on the agenda, the proxy shall exercise her or his discretion as to the way he or she casts the vote or whether it is cast at all.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

NOTE: To be valid, this proxy must be completed and returned to the Secretary of the bush fire brigade (or the presiding member) prior to the commencement of the meeting for which the proxy is valid.

Dated ..... 20...

\_\_\_\_\_

## APPENDIX II

### APPLICATION FOR MEMBERSHIP - ACTIVE FIGHTING MEMBER

I make application to be an active fighting member of the Bush Fire Brigade.

Applicant's  
Name

.....

My private address  
is .....

.....  
.....

My business address  
is .....

.....  
.....

Usual  
Occupation

.....

I can be contacted on:

Telephone No: (Home)..... (Work)..... Mobile.....

Fax No: ..... (Home)..... (Work) .....

CB Radio..... Channel..... Call  
Sign .....

If needed, I can provide my own transport to the scene of any outbreak. (This line to  
be struck out if not applicable)



I hold a current driver's licence No .....  
.....

Classes

I declare that I am at least 16 years of age and in good health with no known medical conditions which might limit my capacity to fight fires.

I give these undertakings –

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the *Bush Fires Act 1954* and the Regulations made under that Act, and the local law and policies of the *City of Mandurah* relevant to fire control and bush fire brigades;
- (3) to use my best endeavours to give assistance in fire fighting measures when called upon and on such occasions to obey all orders and instructions issued by duly authorized officers of the bush fire brigade or the local government;
- (4) to comply with the Rules of the bush fire brigade.

Date ..... Applicant's signature .....

Please list here any fire fighting equipment owned by you.

1. ....
2. ....
3. ....

**BUSH FIRE BRIGADE USE ONLY:**

APPROVED / DECLINED

Signed: .....

### APPENDIX III

#### APPLICATION FOR MEMBERSHIP - AUXILIARY MEMBER

I make application to be an auxiliary member of the ..... Bush Fire Brigade.

- (a) I am prepared to offer to transport active fighting members and/or equipment to the scene of any outbreak when called upon. I have a motor vehicle of the following type ..... available for such purpose.

MDL No: ..... Classes: .....

- (b) I am prepared to offer my services in the following capacity:-

.....  
.....

(paragraph (a) or (b) above may be struck out if not applicable)

Applicant's Name .....

My private address is .....  
.....

My business address is .....  
.....

I can be contacted on:

Tel. No: (Home) ..... (Work) ..... (Mobile) .....  
.....

Fax No: (Home) ..... (Work) .....

CB Radio: ..... Channel ..... Call Sign .....  
.....

I give these undertakings;

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the *Bush Fires Act 1954* and any Regulations made under the Act and the local law and policies of the *City of Mandurah* relevant to fire control and bush fire brigades;
- (3) to use my best endeavours to assist in normal bush fire brigade activities as an associate member when called upon; and
- (4) to comply with the Rules of the bush fire brigade.

.....  
Date

.....  
Applicant's signature

**BUSH FIRE BRIGADE USE ONLY:**

APPROVED / DECLINED

## APPENDIX IV

### APPLICATION FOR MEMBERSHIP - CADET MEMBER

I make application to be a cadet member of the ..... Bush Fire Brigade.

Applicant's Name: .....

My ..... private ..... address  
is:

.....

I can be contacted on:

Tel. No: (Home) ..... (Work) ..... (Mobile) .....  
.....

Fax No: (Home) .....

CB Radio: ..... Channel: ..... Call Sign:  
.....

I declare that I am ..... years of age and in good health.

Date of Birth: .....

I give these undertakings –

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the *Bush Fires Act 1954* and the Regulations made under that Act, and the local law and policies of the *City of Mandurah* relevant to the activities of cadet members;
- (3) to obey all orders and instructions issued by duly authorized officers of the bush fire brigade or the local government;
- (4) to comply with the Rules of the bush fire brigade.

Date .....

Applicant's signature.....

**PARENT / GUARDIAN CONSENT:**

I ..... being the parent/guardian of the above  
applicant, consent to him/her being a cadet member of the  
..... Bush Fire Brigade, in accordance with the  
rules applicable to cadet membership.

Signed: .....

**BUSH FIRE BRIGADE USE ONLY:**

APPROVED / DECLINED