



## **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 June 2019  
at 5.30pm**

**MARK R NEWMAN**

Chief Executive Officer  
5 June 2019

**COMMITTEE MEMBERS**

Mayor Williams

Deputy Mayor Councillor Knight

Councillor Wortley

Councillor Jackson

Councillor Lee

Councillor Lynn Rodgers

Councillor Shane Jones

Hon Councillor Riebeling

Councillor Tahlia Jones

Councillor Darcy

Councillor Schumacher

Councillor Peter Rogers

Councillor Matt Rogers

## **AGENDA:**

**1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS**

**2 ATTENDANCE AND APOLOGIES**

Councillor Schumacher – Leave of Absence

**3 IMPORTANT NOTE:**

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

**4 ANSWERS TO QUESTIONS TAKEN ON NOTICE****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 MAY 2019**

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

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

10.1 Questions of which due notice has been given

10.2 Questions of which notice has not been given

**11 BUSINESS LEFT OVER FROM PREVIOUS MEETING**

**12 REPORTS:**

1	Expression of Interest 01-2019 Project Initiation, Lead Tester and Trainer	1 - 3
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5	Review: City of Mandurah Policy Manual	51 - 152
6	New Shared Parking and Training Facility Bortollo Reserve	153 – 158
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8	Sublease: Lot 22 Breakwater Parade Mandurah Westmen Investments Pty Ltd	165 - 168
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12	Tender 03-2019 Provision of Security Services	210 - 213
13	Coco C'Bay Traffic Management Road Safety Audit	214 - 223

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

- 14.1 Budget
- 14.2 Land Acquisition

**15 CLOSE OF MEETING**

<b>1</b>	<b>SUBJECT:</b>	Expression of Interest Number 02-2019 Project Initiation, Lead Tester and Trainer
	<b>CONTACT OFFICER:</b>	Sean Hutton
	<b>AUTHOR:</b>	Sean Hutton / Vicki Lawrence
	<b>FILE NO:</b>	F0000206845

## Summary

In March 2019, Council awarded TechnologyOne the contract to deliver a new ERP system to the City. The new system would help the City deliver Citizen e-Services and improve business performance through mobility, workflow, automation and business intelligence and analytics.

To achieve the full benefits of the system, a highly skilled internal project team was formed to deliver the system to the organisation. It was also recognised that specialised resources would be required throughout the project to assist the project team with data migration, testing and training activities. These additional resources have been accounted for in the total project budget.

In March 2019, the project team in collaboration with the Governance and Tenders Team issued an expression of interest for a consultant to deliver the Project Initiation, Lead Tester and Trainer services.

Council approval is sought to decline all responses for Expression of Interest 01-2019 - Project Initiation, Lead Tester and Trainer and not proceed to tender, due to the evaluation panels conclusion that that no single vendor could successfully deliver services across all of the project initiation, testing and training components.

## Disclosure of Interest

Nil.

## Previous Relevant Documentation

- G.12/3/19      12 March 2019      Contract to supply new ERP system awarded to TechnologyOne.

## Background

The Working Smarter business case described a project implementation approach which leveraged the use of professional services for project initiation activities. It also described the requirement for a dedicated project Testing and Training Coordinator on a two-year fixed term contract and for the City to partner with a company with significant knowledge and prior experience with project initiation, testing and training activities related to TechnologyOne projects within the context of local government.

The rationale to potentially outsource testing and training services as opposed to the recruitment of dedicated resource was to leverage consultancy knowledge and experience within the TechnologyOne solution.

To find a consultant to deliver the services an Expression of Interest for the Project Initiation, Lead Tester and Trainer was advertised in the 13 March 2019 edition of the 'West Australian' newspaper, the 13 March 2019 edition of the Mandurah Coastal Times and the 14 March 2019 edition of the Mandurah Mail and was displayed on notice board at the Administration Centre and the relevant Libraries.

## Comment

The expression of interest closed at 2:00pm on 2 April 2019. Submissions were received from the following:

1.	aaX Technologies Pty Ltd	Melbourne VIC
2.	Galaxy 42 Pty Ltd	South Melbourne VIC
3.	StepChange Consultants Pty Ltd	Perth WA



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

Personnel	60%
Statement of Requirements	40%

Pricing was not requested to be supplied by the respondents to the expression of interest and was intended to be sought during the tender phase of the procurement.

An evaluation panel, comprising of the Lead Business Analyst, Business Analyst, Project Manager and Project Lead, individually assessed each submission against the weighted qualitative criteria submitted by each respondent.

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

On completion of the assessment of the qualitative criteria, it was concluded that no single vendor could successfully deliver services across all of the project initiation, testing and training components. Each vendor had specific strengths in relation to several criteria, however it was assessed that no single vendor could provide the complete outsourced service required.

As a result, the evaluation panel's recommendation would be to:

1. Not proceed to tender for the services required under this expression of interest.
2. Engage professional services on a time-and-material basis for project initiation activities from existing project budget (following procurement guidelines).

## **Consultation**

Upon notification of the expression of interest outcome, all respondents will be offered the opportunity to attend debriefs to be advised of the strengths and weaknesses of their submissions. Respondents are also offered the opportunity to provide feedback to improve the way the City manages procurement processes.

## **Statutory Environment**

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

## **Policy Implications**

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

## **Risk Analysis**

The risk to the City in engaging consultants on a time and materials basis is that the consultants may not be available for times required and/or that they have inflated prices due to the less competitive nature and shorter term of their engagement.

## **Economic Implications**

The recommendations do not require additional project funds and form part of the existing approved budget.

## **Strategic Implications**

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

### Organisational Excellence:

- Deliver excellent governance and financial management.

## **Conclusion**

Expressions of Interest for a Project Initiation, Lead Tester and Trainer were recently invited. Three submissions were received and assessed against the qualitative criteria. The result was that that no single vendor could successfully deliver services across all of the project initiation, testing and training components and therefore recommended that the City does not proceed to tender.

## **RECOMMENDATION**

**That Council declines all responses for Expression of Interest 01-2019 Project Initiation, Lead Tester and Trainer and does not proceed to tender.**

**2**                      **SUBJECT:**                      Tender Number 05-2019 Data Migration Services  
                         **CONTACT OFFICER:**              Sean Hutton  
                         **AUTHOR:**                      Sean Hutton / Vicki Lawrence  
                         **FILE NO:**                      F0000210580

## Summary

In March 2019, Council awarded TechnologyOne the contract to deliver a new ERP system to the City. The new system would help the City deliver Citizen e-Services and improve business performance through mobility, workflow, automation and business intelligence and analytics.

To achieve the full benefits of the system, a highly skilled internal project team was formed to deliver the system to the organisation. It was also recognised that specialised resources would be required throughout the project to assist the project team with data migration, testing and training activities. These additional resources have been accounted for in the total project budget.

In March 2019, the project team in collaboration with the Governance and Tenders Team issued a tender for data migration services. The migration of data is critical to the City in maintaining business as usual activities as it transitions to the new system, and that cost savings are realised by allowing the City to decommission old systems after data is migrated to the new system.

Council approval is sought to select Outsource Business Support Solutions Pty Ltd as the preferred tenderer for T05-2019 Data Migration Services.

## Disclosure of Interest

Nil.

## Previous Relevant Documentation

- G.12/3/19      12 March 2019              Contract to supply new ERP system awarded to TechnologyOne

## Background

Data migration is the process of moving data from one system to another, and this project would involve moving multiple complex data sources into the one system. The data migration is critical in maintaining compliance, transparency and access to information in the new system. The TechnologyOne contract did not require the vendor to perform data migration services, it would be the responsibility of the City to migrate data.

It was identified early on that the City did not have the in-house expertise to perform data migration services, and that external expertise support would be required throughout the project implementation. These services were accounted for in the overall project budget.

To find a consultant to deliver this service an expression of interest for the Data Migration Services was advertised in the 13 March 2019 edition of the 'West Australian' newspaper and the 13 March 2019 edition of the Mandurah Coastal Times, the 14 March 2019 edition of the Mandurah Mail and was displayed on notice board at the Administration Centre and the relevant Libraries.

The EOI closed on 2 April 2019 at 2pm and submissions were received by:

1.	aaX Technologies Pty Ltd	Melbourne VIC
2.	Data Migration Consultants Pty Ltd	Ningi QLD
3.	Galaxy 42 Pty Ltd	South Melbourne VIC
4.	Outsource Business Support Solutions Pty Ltd	Roleystone WA
5.	Pacesetter Services Pty Ltd as Trustees for Pacesetter Services Trust	Myrtle Bank SA

The evaluation panel met on 9 April 2019, comprising of a Lead Business Analyst, the Working Smarter Business Analyst and the Business Systems Administrator. A member of the City's Governance and Tenders team facilitated the evaluation process and can confirm that the evaluation process was compliant.

The intention of the evaluation panel was to list any respondent who achieved a qualitative averaged score of a 4 or over as an acceptable tenderer. The score of 4 or higher meant that evaluation panel were confident that the respondent understood the criteria and was likely to complete the works to an appropriate standard.

With the above mentioned methodology being used the only respondent who achieved an averaged qualitative score of 4 or higher was Outsource Business Support Solutions Pty Ltd and the evaluation panel sought approval to list them as the only acceptable tenderer by the CEO.

A tender was released to Outsource Business Support Solutions Pty Ltd on 8 May 2019.

### Comment

The tender closed at 2:00pm on Thursday 23 May 2019. Submissions were received from the following:

1.	Outsource Business Support Solutions Pty Ltd	Roleystone
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The following weighted qualitative criteria were used to assess and rank each tender submission:

Consultant Availability	20%
Price	80%

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

An evaluation panel, comprising of the Project Lead, Project Manager, and a Business Analyst from the Working Smarter Project Team, individually assessed the tender against the weighted qualitative criteria submitted by each tenderer.

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

As a result, the tendered submission from Outsource Business Support Solutions Pty Ltd was considered to be the most advantageous tender and is therefore recommended as the preferred tenderer.

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

### Consultation

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

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

### Statutory Environment

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

## **Policy Implications**

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

## **Risk Analysis**

The new Enterprise Resource Planning system project is the most disruptive, yet beneficial, undertaking the City will have carried out. There are a number of risks associated with the project. One of the more major risks is the ability to successfully migrate data from the old legacy systems into the new system. This is critical in achieving the business benefits expected from the project. To help mitigate the risks, specialised external resources have been requested through this tender process to advise and assist with migrating the data.

It was recognised that there is an inherent risk in inviting only one Tenderer could result in an inflation of their prices. To mitigate this, the City used knowledge gained from recent experiences with other technology consulting companies, and leveraged experience gained from other Local Government Authorities that have used Outsource Business Support Solutions Pty Ltd.

Availability of the contractor may delay project deliverables which may increase the overall project budget. This should be mitigated by planning data migration tasks and resources well in advance of the data migration activities actually occurring.

If by chance the successful contractor becomes unavailable by some unforeseen event, there are quite a number of other consultants in the market that can fill this void in a short turnaround period.

## **Economic Implications**

The costings for the provision of data migration services is a fixed daily price for the period of the contract expected to be two years. A budget total of \$200,000 was forecast for data migration services and is included in the leasing figures for the replacement Enterprise Resource Planning system project.

## **Strategic Implications**

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

### Organisational Excellence:

- Deliver excellent governance and financial management.

## **Conclusion**

Tenders for Data Migration Services were recently invited. One was received and assessed against both qualitative criteria and price. The result was that the submission from Outsource Business Support Solutions Pty Ltd represented overall best value for money for the City and it is therefore recommended that the City selects Outsource Business Support Solutions Pty Ltd as the preferred tenderer.

NOTE:

- Refer ***Confidential Attachment***.

## **RECOMMENDATION**

**That Council accepts Outsource Business Support Solutions Pty Ltd as the preferred tenderer for Tender 05-2019 for the Data Migration Services.**

<b>3</b>	<b>SUBJECT:</b>	Rates Hardship Assistance Programme
	<b>CONTACT OFFICER/S:</b>	David Prattent/Jarred King
	<b>AUTHOR:</b>	David Prattent

### Summary

On a day-to-day basis, City staff deal with ratepayers who are experiencing financial difficulty. As much as possible the guiding principles surrounding these conversations are based on respect, empathy and a desire to help. This has never been formalised so that there is a consistent approach and one which can be seen and understood by external agencies such as financial counselling services.

In late 2018, the Ombudsman Western Australia produced a good practice guidance for local governments and recommended the development of a Hardship Assistance Policy which can be used in the community. Council is requested to endorse the City's Hardship Assistance Programme.

### Disclosure of Interest

None

### Previous Relevant Documentation

None

### Background

The City issues about 45,000 annual rate notices. At 30 June 2018, there was approximately \$2.9 million in outstanding rates. Most of this debt is represented by people who are having difficulty in paying. The aim of the debt recovery activity is to try and negotiate payment arrangements and keep people out of court action if it can be avoided. On average 230 court summonses are issued each year for outstanding debts.

There are currently nearly 950 people on special payment arrangements which span more than one financial year. There remains a group of ratepayers where the City is working through the process of trying to achieve a viable payment plan and the number of people who need special arrangements continues to grow.

Based on concerns expressed across the State regarding the aggressive actions employed by some local governments in the collection of outstanding rates, the Ombudsman WA issued a guide for good practice (Attachment 1) for the collection of overdue rates from people in situations of vulnerability. The guide identifies 12 elements of good practice:

1. Local government senior management, including the CEO, should communicate and model, the organisation's commitment to achieving positive outcomes for people in situations of vulnerability in respect to the collection of overdue rates.
2. Governance frameworks and systems should reflect and support the local government's commitment to achieving positive outcomes for people in situations of vulnerability.
3. Good practice should be shared internally and externally to promote continuous improvement in the support provided to people in situations of vulnerability.
4. Local government should ensure that decision making is consistent with applicable legislation and regulations and accord procedural fairness to people in situations of vulnerability.
5. If they have not already done so, local government should develop and publish a financial hardship policy that is responsive to the needs of people in situations of vulnerability, including Aboriginal and Torres Strait Islander people in situations of vulnerability.
6. Local governments should ensure that policies and practices relating to the collection of overdue rates, including the practices of external collection agencies, follow a fair and transparent process that is supported by good record keeping.



7. Ratepayers should be informed of their rights to an internal and external review of decisions regarding overdue rates and their right to complain about the decision making process,
8. Staff responsible for assisting people in situations of vulnerability should have access to training, be supported and recognised.
9. Local governments should encourage the proactive, early identification of people in situations of vulnerability to minimise the accumulation of debt.
10. Where practicable and available, local governments should develop proactive working relationships with financial counsellors, community legal centres and other relevant organisations to facilitate timely referrals of ratepayers in situations of vulnerability.
11. Local governments should be flexible and accessible in their communication methods. Wherever practicable, people in situations of vulnerability, including those with a disability or who require translation services, should be able to use the channel that best reflects their individual needs and preferences.
12. For ratepayers in situations of vulnerability, local governments should negotiate a flexible alternative payment arrangement that reflects their actual capacity to pay.

## Comment

People encounter financial difficulties when faced with a range of issues such as marital break-up, long term illness, loss of employment and bereavement. In some cases, the financial pressure is temporary and some help is needed to bridge a gap. Financial hardship occurs mostly when people face long term pressures and

On a regular basis, customers contact the City to indicate there are payment difficulties. It is rare that this contact is at their initiative and is often the result of receiving letters foreshadowing legal action or legal action itself. Although it is easy to characterise non-payers as refusing or avoiding making a payment, in most cases it is because they are unable pay but struggle to come to terms with their financial difficulties and admit they need help. Unfortunately, by this time they have frequently incurred additional interest, and fees such as court fees which can significantly inflate the debt.

The City's approach to this issue, while reflecting many of the principles outlined in the Ombudsman's report, has tended to be informal. It is recognised that using a more formal approach will enable engagement with community advice groups such as Finucare and provide a better understanding of how the City deals with requests for assistance.

Compared with the report recommendations, comments are as follows:

Rec 1	Culturally the City already demonstrates a concern for those people who are in a position of vulnerability. Care should be taken with phrases such as "positive outcomes", however. Many people who need help with outstanding rates have larger debts elsewhere and are often in arrears with mortgage payments.
Rec 2	The formalisation of the City's position achieves this.
Rec 3	Discussions are being held with both internal staff (Customer Services) and the City's external debt recovery agency.
Rec 4	The provision of assistance varies from case to case. The programme complies with legislative requirements and provides a framework in which people who are not satisfied can obtain a review. Council approval for waiving of interest sought (discussed below).
Rec 5	Internal procedures, and the text of a brochure which will be published online and distributed to relevant community groups, have been developed.
Rec 6	See 3 and 4 above.
Rec 7	See 4 above.
Rec 8	This is available.
Rec 9	This is a difficult area where the ability to identify problems is hampered by the individual's behaviour. Discussions will be held with the City's debt recovery regarding the distribution of brochures with second reminders.
Rec 10	Contact with local groups being established as part of the introduction of the Assistance Programme.
Rec 11	This practice is already in place.

Rec 12	This practice is already in place and formalised in the procedures.
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With regard to recommendation 4, one element of the programme is the ability to suspend interest charges on outstanding sums. Although the *Local Government Act 1995* and associated Regulations give the power to charge interest on outstanding sums at the maximum rate of 11%, the City has, for some years, adopted a lower rate at 7%.

The suspension of interest on an individual debt for short-medium term periods is relatively inexpensive. From the debtor's point of view, however, the willingness by the organisation to suspend interest, even for a short time, is viewed as tangible evidence of the preparedness to help.

### **Consultation**

None

### **Statutory Environment**

*Local Government Act 1995* S6.13 Interest on money owing to local governments

### **Policy Implications**

None

### **Economic Implications**

It is difficult to estimate the value of interest suspensions but, based on prior history, it is likely that foregone revenue would be between \$5,000 and \$10,000 each year.

### **Risk Analysis**

No significant risks are anticipated.

### **Strategic Implications**

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

#### Organisational Excellence:

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

### **Conclusion**

In late 2018, the Ombudsman Western Australia produced a good practice guidance for local governments and recommended the development of a Hardship Assistance Policy which can be used in the community. Council is requested to endorse the City's Hardship Assistance Programme.

Although the City has in place many of the actions recommended, it is seen as very useful to establish a more formal framework which can be understood by both ratepayers and community organisations.

## **RECOMMENDATION**

### **That Council:**

- 1 Endorses the Financial Hardship Assistance Programme.**
- 2 Authorises the discretionary application of the suspension of interest charges as a method of helping those who need assistance.**

<b>4</b>	<b>SUBJECT:</b>	Annual Review Register of Delegated Authority
	<b>CONTACT OFFICER:</b>	David Prattent
	<b>AUTHOR:</b>	Suzanne Gunton

## Summary

A Council decision to delegate authority to the Chief Executive Officer (CEO) and Employees on most occasions can only occur when resolved by Council. Once delegated, the City must maintain a register of the powers or duties delegated with a review to be conducted at least once every year.

The review also includes all delegations by the CEO to employees in accordance with the CEO's powers of sub-delegations under s.5.44 of the Local Government Act 1995, and delegations that fall under other legislation such as the Bush Fires Act and Public Health Act 2016.

The review for the 2018/2019 year has been completed and given the review forms part of Council's annual compliance requirements, it must be endorsed by 30 June 2019.

The outcome of the review of the City's 54 delegations resulted in 15 delegations being amended, seven being revoked, two new proposed, and reaffirmation of the remaining 32 delegations.

Council is requested to consider and adopt the proposed new delegations and amendments along with noting the reaffirmation of the remaining delegations.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- G.18/5/18      22 May 2018      Annual Review – Delegations of Authority
- G.24/6/17      13 June 2017      Register of Delegated Authority: Annual Review adopted.

## Background

With local governments having responsibility for decision making under a number of pieces of legislation, it is recognised as unreasonable and impossible for every decision and every duty to be fulfilled by Council and the CEO, and as such delegations of authority exist to provide for the conferral of the ability to exercise that decision or duty to a person from a person that is vested with the responsibility to exercise that decision or duty.

Delegations are defined by legislation as an 'Express Power' or 'Express Duty' to delegate. In clearer terms it is explained as a statutory procedure for the devolution of a power or duty. A delegation does not restrict the delegator from expressing the power or duty once delegated and it also does not remove responsibility for the power. For a delegation to be considered valid, it must be in writing and in the form prescribed by legislation<sup>1</sup>.

The last review in 2018 resulted in two new building related delegations being adopted, and 11 delegations being revoked with their function incorporated into a new policy titled 'Authority to Execute Documents'. The policy has proven very effective to date in reducing what was an unnecessary burden on the CEO as the sole officer to previously execute documents on behalf of Council, and instead allowed lower risk documents to be executed by Officers.

<sup>1</sup> Section 56(1) of the Interpretations Act of 1986.

## Comment

The City currently has 54 delegations in place under a number of Acts and Regulations<sup>2</sup> which assign various powers and duties onto 30 positions throughout the City (including the CEO).

The recent review included all delegations made by Council under this legislation. A reference point for the review is a Toolkit released by the West Australian Local Governments (WALGA) titled 'Decision Making in Practice'. This toolkit address best practice legal and governance process for local governments.

The review sought to determine, in consultation with delegates that are vested with the responsibility, that:

- the head of power to provide for the delegation is still current;
- the delegation's intent is still relevant to statutory obligations or any legislative amendments;
- the delegation still assists in improving the efficiency and effectiveness of City operations;
- there is continued compliance with the Interpretations Act 1984; and that
- probity can continue to be demonstrated.

The review highlighted that a number of similar delegations existed whereby officers were sub-delegated the function of granting concessions, waiving fees or writing off debts in accordance with section 6.12 of the *Local Government Act 1995*. In order to consolidate the process of granting concessions or waiving fees and/or charges under various statutes, a delegation has been drafted which will incorporate the most common waivers that are issued by officers. This proposed delegation will result in the revocation of six existing delegations.

### 1) Delegations to be revoked

A proposed new delegation DA-FCM 06 (Defer, Grant Discounts, Waive or Write-off Debts) will result in the revocation of six existing delegations containing duplicate functions. Council is requested to consider revoking the following delegations as follows and as attached to this report (Attachment 1):

- DA-CMR 01 Food Premises Annual Assessment Fees
- DA-CMS 01 Waiver of Animal Impound/Surrender Fees
- DA-CMS 02 Sports Flood Lighting
- DA-CNP 01 Waiver/Reduction of Hire Fees for Use of a Community Facility
- DA-DBC 02 Planning/Building Application Fees
- DA-FCM 01 Write-off of Debts

In addition to the above, DA-FCM 05 (Loan Repayment Schedules) is separately to be revoked as loans are now with Westpac Banking Corporation not the West Australian Treasury Corporation. Delegation is redundant as there is no longer a master lending agreement in place.

### 2) New Delegations

Council is requested to consider the proposed two new delegations as follows and as attached to this report (Attachment 2):

Delegation Title	Reason for Delegation
DA-FCM 06 <b><i>Defer, Grant Concessions, Waive or Write Off Debts</i></b>	Delegation incorporates the function of 6 other delegations (to be revoked) with the purpose of capturing and combining into a single delegation the many and varied concessions/discounts, waivers of fees and write-offs of debts throughout the City that officers are providing under various circumstances and conditions.

<sup>2</sup> There are 170 different pieces of legislation that assign a statutory power or duty to WA Local Governments.

DA-CNP 02 <b>Disposing of Property</b>	Delegation proposed to reduce approval times, allowing groups more flexibility to relocate in a more realistic timeframe for processes that are primarily administrative in nature. The opportunity for officers to assist in dealing commercial operators with subleases is the ability to sell or enter into new subletting opportunities which are generally required in an expeditious manner.
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### 3) Amended Delegations

Council is requested to consider the proposed amendments to delegations as follows and as attached to this report (Attachment 3):

CMS 04 Dog Act 1976	<b>Function</b> Dot point 8 amended to include 'refuse to grant' and 'cancel' a license for an approved dog kennel establishment.	Broadened to allow sub-delegates to refuse an application or cancel a licence if required.
FCM 04 Non-rateable Status for Land	<b>Function</b> Dot point 1 removed as not required as a delegated function. Dot point 2 wording amended and repositioned as Dot point 1. New Dot point 2 included relating to objections to the rates record.	Broadened in line with template provided by WALGA and to better clarify the intent of the delegation.
	<b>Conditions/Exceptions</b> Condition included to outline delegation is limited to a maximum value of \$5000	Wording previously formed part of the Function. Positioned better as a Condition to the exercise of the delegation.
	<b>Legislative Powers</b> Inclusion of sections 6.76(4) and (5) of Local Government Act 1995.	Relevant to delegation as relates to the objection of rate records.
LWE 01 Prosecutions / Legal Proceedings	<b>Function</b> Inclusion of <i>Public Health Act 2016</i>	<i>Public Health Act 2016</i> provides for the ability to commence proceedings for an offence under the Act.
	<b>Conditions/Exceptions</b> Include Condition that delegation is limited to CEO only.	<i>Public Health Act 2016</i> provides that powers may only be delegated to the CEO <b>OR</b> authorised officer designated under s.24. There is no power for sub-delegation therefore function must remain with CEO.
LWE 06 Disposal of Impounded Goods / Vehicles	<b>Function</b> Include additional dot point allowing sub-delegate to refuse to allow impounded goods to be collected until all fees have been paid to the local government.	Function added to broaden scope of delegation in line with template provided by WALGA
	<b>Legislative Powers</b> Include s3.46 of the Local Government Act 1995	Relates to added dot point.
LWE 07 Authorised Officers	<b>Function</b> Inclusion of <i>Local Government (Miscellaneous Provisions) Act 1960</i> , associated Regulations etc	Broadened to better identify legislation under or associated with the Local Government Act 1995 is included in the CEO's ability to appoint authorised persons/officers.



PBH 10 Public Health Act 2016	<b>Function</b> Broadened to further allow other functions to be undertaken as an Enforcement Agency. Additional function specified relating to the preparing of reports on the performance of the LG's functions.	Delegation initially only related to the designation of authorised officers under the Public Health Act 2016. Broadened to allow for additional functions to be undertaken by the CEO or designated authorised officers.
	<b>Delegate</b> Designated Authorised officers included to undertake the additional function as mentioned above.	Additional delegates required to negate CEO being the only position to undertake function.
	<b>Conditions/Exceptions</b> Function may only be delegated to CEO or designated officer.	s. 21 of the Public Health Act provides that powers may only be delegated to the CEO OR authorised officer designated under s.24. Relevant to delegation therefore included.
TFT 01 Parking Administration	<b>Function</b> Dot point 2 expanded to include temporary variations to parking for other required uses of car parking areas.	Broadened to allow officers to vary use of parking bays to facilitate usage which falls outside of events (ie storage of construction materials etc)
TFT 02 Closing of Certain Thoroughfares to Vehicles	<b>Function</b> Dot points 3, 4 and 5 included within delegation.	Broadened to capture under delegated authority the ability to revoke an order previously granted, close a thoroughfare without public notice, and notify owners before fixing or altering the level or alignment of a thoroughfare. Amended in line with template provided by WALGA.

#### 4) Amended Delegations (minor)

Council is requested to consider the proposed minor amendments to the following delegations, noting that these amendments do not affect the overall intent of the delegation:

LUP 06 Preparation and Endorsement of Responsible Authority Reports	Additional delegate included (Executive Manager Development and Compliance) as this position responsible for this function.
CPM 01 Expressions of Interest	Function re-worded to better define the intent of the delegation / position title changes
EMS 01 Prohibited Burning Times	Title changed to 'Variations to Burning Times' as delegation relates to both restricted and prohibited burning time / Position title change.
FCM 03 Investment of Funds	Conditions/Exceptions re-worded to better define intent / Position title changes
GVN 03 Destruction of Electoral Material	Function re-worded to better define the intent of the delegation / position title changes / non-relevant legislation removed
LWE 08 Infringement Notices	Last dot point broadened to state that withdrawal of Infringements can only occur within one year of the infringement being issued as per legislation / Position title change.
PBH 09 Submissions under the Liquor Control Act 1988	Function re-worded to make clearer / Section of legislation removed as deleted from Act in September 2018 / Position title change.

## **Statutory Environment**

*Local Government Act 1995* s5.42 Delegation of Powers to CEO; s5.44 permitting CEO to delegate to other employees; s5.46(1) and (2) CEO to keep a register and delegations to be reviewed by the delegator.

## **Policy Implications**

All delegations make reference to relevant Council policies where applicable.

## **Risk Implications**

The proposed adoptions will improve efficiency without creating undue or unacceptable risk to the City.

## **Economic Implications**

Nil.

## **Strategic Implications**

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

### Organisational Excellence:

- Deliver excellent governance and financial management.

## **Conclusion**

The annual review of Council Delegated Authorities is complete resulting in the recommendation for the revocation of seven delegations, adoption of two new delegations, significant amendments to eight delegations, minor amendments to seven delegations, and reaffirmation of the remaining 32 delegations.

### **NOTE:**

*Refer*

<b>Attachment 1</b>	<i>Proposed Delegations to be Revoked</i>
<b>Attachment 2</b>	<i>Proposed New Delegations</i>
<b>Attachment 3</b>	<i>Proposed Amended Delegations</i>
<b>Attachment 4</b>	<i>List of remaining delegations with nil changes made</i>

- A full copy of the current Register of Delegated Authority can be located on the City's website or a hard copy register can be requested from Governance Services.

## **RECOMMENDATION**

### **That Council:**

#### **1. Revokes the following seven Delegations of Authority:**

- **DA-CMR 01**      **Food Premises Annual Assessment Fees**
- **DA-CMS 01**      **Waiver of Animal Impound/Surrender Fees**
- **DA-CMS 02**      **Sports Flood Lighting**
- **DA-CNP 01**      **Waiver/Reduction of Hire Fees for Use of a Community Facility**
- **DA-DBC 02**      **Planning/Building Application Fees**
- **DA-FCM 01**      **Write-off of Debts**
- **DA-FCM 05**      **Loan Repayment Schedules**

#### **2. Adopts the following two new Delegations of Authority:**

- **DA-FCM 06**      **Defer, Grant Discounts, Waive or Write Off Debts**

- **DA-CNP 02      Disposing of Property**
3. **Adopts the following eight amended Delegations of Authority:**
- **DA-CMS 04      Dog Act 1976**
  - **DA-FCM 04      Non-rateable Status for Land**
  - **DA-LWE 01      Prosecutions / Legal Proceedings**
  - **DA-LWE 06      Disposal of Impounded Goods / Vehicles**
  - **DA-LWE 07      Authorised Officers**
  - **DA-PBH 10      Public Health Act 2016**
  - **DA-TFT 01      Parking Administration**
  - **DA-TFT 02      Closing of Certain Thoroughfares to Vehicles**
4. **Adopts the following seven amended (minor) Delegations of Authority:**
- **DA-LUP 06      Preparation and Endorsement of Responsible Authority Reports**
  - **DA-CPM 01      Expressions of Interest**
  - **DA-EMS 01      Prohibited Burning Times**
  - **DA-FCM 03      Investment of Funds**
  - **DA-GVN 03      Destruction of Electoral Material**
  - **DA-LWE 08      Infringement Notices**
  - **DA-PBH 09      Submissions under the Liquor Control Act 1988**
5. **Reaffirms the remaining 32 Delegations of Authority that remain unaltered as per Attachment 4.**

***\*ABSOLUTE MAJORITY REQUIRED\****



DA-CMR 01

## DELEGATION OF AUTHORITY

### FOOD PREMISES ANNUAL ASSESSMENT FEES

<b>Function to be performed:</b>	<p>To waiver, reduce or refund the payment of food premises annual assessment fees in the following circumstances:</p> <ul style="list-style-type: none"> <li>The food premise is a non-profit or charitable organisation.</li> </ul> <p>Any waiver, reduction or refund of a fee shall be based on the following criteria;</p> <ul style="list-style-type: none"> <li>Be reflective of the benefit of the proposal to the community; and</li> <li>The proposal not being intended to be a money making venture for the benefit of the organisation.</li> </ul>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Manager Statutory Services Principal Environmental Health Officer
<b>Legislative Powers:</b>	Sections 6.12, 5.42 & 5.44 of the <i>Local Government Act 1995</i> .
<b>Conditions and Exceptions:</b>	Nil
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.45/12/09, 15 December 2009
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended:</b>	8 July 2013



DA-CMS 01

## DELEGATION OF AUTHORITY

### WAIVER OF ANIMAL IMPOUND/SURRENDER FEES

<b>Function to be performed:</b>	1) To waive or reduce animal impound fees and/or charges; 2) To waive or reduce animal surrender fees and/or charges.
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Coordinator Ranger Services Manager Statutory Services Senior Ranger
<b>Legislative Powers:</b>	Sections 6.12(1)(b), 5.44 and 5.42 of the <i>Local Government Act 1995</i>
<b>Conditions and Exceptions:</b>	<p>Delegation allows for fees to be waived or reduced in the following circumstances only:</p> <ul style="list-style-type: none"> <li>• Proof or acceptance of financial difficulty in paying the required impound, sustenance or surrender fees;</li> <li>• City officer oversight/error (impounding of animal already reported by owner as lost);</li> <li>• Police/emergency service request to impound dog as a result of an inquiry/accident/serious incident.</li> </ul>
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.28/5/10, 25 May 2010
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended:</b>	17 March 2017



DA-CMS 02

## DELEGATION OF AUTHORITY

### SPORTS FLOOD LIGHTING

<b>Function to be performed:</b>	To approve concessions for clubs/groups in the reduction of hire fees in recognition of financial contributions to the costs of providing sports flood lighting.
<b>Delegator:</b>	Council of City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Manager Sports, Recreation and Events
<b>Legislative Powers:</b>	Sections 5.42, 5.44, 6.12(1)(b) and 6.16-6.19 of the <i>Local Government Act 1995</i>
<b>Conditions and Exceptions:</b>	Nil
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.34/2/13, 26 February 2013
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last reviewed:</b>	26 November 2018





DA-CNP 01

## DELEGATION OF AUTHORITY

# WAIVER/REDUCTION OF HIRE FEES FOR USE OF A COMMUNITY FACILITY

<b>Function to be performed:</b>	To approve requests for the waiver or reduction of hire fees for the use of a Council controlled community facility in accordance with section 6.12(1)(b) of the <i>Local Government Act 1995</i> .
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Manager Community Development Manager Sports, Recreation and Events Manager Arts, Culture and Environment
<b>Legislative Powers:</b>	Sections 5.42, 5.44 and 6.12(1)(b) of the <i>Local Government Act 1995</i>
<b>Conditions and Exceptions:</b>	Nil
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	G.7264, 18 July 1995
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended:</b>	26 November 2018



DA-DBC 02

## DELEGATION OF AUTHORITY

### PLANNING/BUILDING APPLICATION FEES

<b>Function to be performed:</b>	<p>To waiver, increase, reduce or refund the payment of a planning or building service and application fee in the following circumstances:</p> <ul style="list-style-type: none"> <li>• The application is on the behalf of a non-profit or charitable organisation;</li> <li>• A major development application made on behalf of local government or government department where most assessment has already been conducted;</li> <li>• Where an application is cancelled prior to final determination; or</li> <li>• Where an applicant is seeking a renewal of an expired decision.</li> <li>• For works associated with any tree listed on the Significant Tree Register.</li> <li>• Where a request for the City to provide a certificate in respect to a proposed development is not part of a statutory application.</li> </ul> <p>These may include requests to provide a Certificate of Design Compliance, Certificate of Construction Compliance and Certificate of Building Compliance as provided in the <i>Building Act 2011</i>.</p> <p>Any waiver, increase, reduction or refund of a fee shall be based on the following criteria:</p> <ul style="list-style-type: none"> <li>• Be reflective of the benefit of the proposal to the community;</li> <li>• The proposal not being intended to be a money making venture for the benefit of the organisation;</li> <li>• The level of work undertaken by the City of Mandurah at the time of cancellation of the application;</li> <li>• Cover administrative, advertising and other such costs incurred by the City of Mandurah.</li> </ul>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer

<b>Sub-delegation to:</b>	<p>In respect of a planning service or application:</p> <p>Director Sustainable Communities Manager Planning and Land Services</p> <p>In respect of a building service or R-Code / Single Dwelling Planning application:</p> <p>Director Sustainable Communities Manager Statutory Services Coordinator Building and Development Compliance</p>
<b>Legislative Powers:</b>	<ul style="list-style-type: none"> <li>Sections 5.42 &amp; 5.44, 6.12 and 6.16 of the <i>Local Government Act 1995</i></li> <li>Clauses 82 and 83 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> </ul>
<b>Conditions and Exceptions:</b>	Nil
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.23/12/01, 1 December 2001
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended:</b>	26 November 2018



DA-FCM 01

## DELEGATION OF AUTHORITY

### WRITE-OFF OF DEBTS

<b>Function to be performed:</b>	To approve the writing off of debts in accordance with section 6.12(1)(c) of the <i>Local Government Act 1995</i> .
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Manager Financial Services A/Executive Manager Finance and Governance
<b>Legislative Powers:</b>	Sections 5.42, 5.44 and 6.12(1)(c) of the <i>Local Government Act 1995</i>
<b>Conditions and Exceptions:</b>	<p>Any debt written off under this delegation must be:</p> <ol style="list-style-type: none"> <li>1) no greater than \$1000 (one thousand dollars); or</li> <li>2) where the debt incurred was due to an error or oversight by officers.</li> </ol> <p>In all other cases where a debt is to be written off, a separate report is to be submitted to Council for consideration.</p>
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.46/8/01, 21 August 2001
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended:</b>	28 May 2018



DA-FCM 05

## DELEGATION OF AUTHORITY

### LOAN REPAYMENT SCHEDULES

<b>Function to be performed:</b>	To authorise loan schedule documents under the Western Australian Treasury Corporation Master Lending Agreement
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	A/Executive Manager Finance and Governance
<b>Legislative Powers:</b>	Sections 5.42, 5.44 and 6.20 of the <i>Local Government Act 1995</i>
<b>Conditions and Exceptions:</b>	Nil
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.38/4/14, 22 April 2014
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last reviewed:</b>	6 March 2018



DA-FCM 06

## DELEGATION OF AUTHORITY


# DEFER, GRANT CONCESSIONS, WAIVE OR WRITE OFF DEBTS

<b>Function to be performed:</b>	Refer Table A
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Refer Table A
<b>Legislative Powers:</b>	<i>Local Government Act 1995 -</i>
<b>Conditions and Exceptions:</b>	Refer Table A
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	
<b>Delegation last reviewed:</b>	



TABLE A

Function to be performed:	Sub-delegation to:	Condition and Exceptions:
<b>Abandoned Vehicles</b> Waive fee relating to the towing and/or seizing and/or daily poundage.	<ul style="list-style-type: none"> <li>- Executive Manager Development &amp; Compliance</li> <li>- Coordinator Ranger Services</li> </ul>	In circumstances of proven financial hardship
		Extenuating circumstances
<b>Food Premises</b> Waive, reduce or refund Annual Assessment Fee (revoke CMR 01)	<ul style="list-style-type: none"> <li>- Executive Manager Development &amp; Compliance</li> <li>- Principal EHO</li> </ul>	Non-profit or Charitable Organisations
<b>Impounded Animals</b> Waive or reduce impound/surrender/daily fee/charge (revoke CMS 01)	<ul style="list-style-type: none"> <li>- Executive Manager Development &amp; Compliance</li> <li>- Coordinator Ranger Services</li> <li>- Senior Ranger</li> </ul>	In circumstances of proven financial hardship
		Welfare of the animal
		Police / Emergency Service/ Bailiff / Property Owner request as a result of inquiry /accident / serious incident
<b>Impounded/Seized Trolleys and Signs</b> Includes Wheeled Recreational Devices. Waive or reduce Impound or Daily fee/charge		In circumstances of proven financial hardship
<b>Sports Flood Lighting</b> Reduce Hire Fee (revoke CMS 02)	<ul style="list-style-type: none"> <li>- Executive Manager Strategy Recreation and Events</li> </ul>	To clubs/groups who provide financial contributions to costs of construction
		Subject to the Terms and Conditions of the Operating Agreement.
<b>Community Halls, Pavilions and Public Open Space.</b> Waive or reduce hire fee. (revoke CNP 01)	<ul style="list-style-type: none"> <li>- Executive Manager Strategy Recreation and Events</li> <li>- Manager Recreation and Events</li> <li>- Manager Community Development</li> <li>- Manager Arts, Culture and Environment</li> </ul>	Community Benefit
		In-kind support or contribution
		Extraordinary circumstances
<b>Planning and Building Service and Application Fees</b> Waive, increase, reduce or refund application fee (revoke DBC 02)	<ul style="list-style-type: none"> <li>- Director Sustainable Development</li> <li>- Executive Manager Development &amp; Compliance</li> <li>- Manager Planning and Land Service</li> <li>- Coordinator Building and Development Compliance</li> </ul>	Non-profit or Charitable Organisations
		For any requests seeking building or planning assessment or advice
		Based on cost recovery for the service that is to be provided
		Based on the proposal not intended to be a money making venture for the benefit of the organisation
<b>Various</b> Write-off of Debts (revoke FCM 01)	<ul style="list-style-type: none"> <li>- Director Corporate Services</li> <li>- Manager Financial Services</li> </ul>	Sub-delegate discretion up to \$1000

	<p style="text-align: right;"><b>DA-</b></p> <h2 style="text-align: center;">DELEGATION OF AUTHORITY</h2> <h2 style="text-align: center;">DISPOSING OF PROPERTY</h2>
<b>Function to be performed:</b>	<p>To dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice.</p>
<b>Delegator:</b>	<p>Council of the City of Mandurah</p>
<b>Delegate:</b>	<p>Chief Executive Officer</p>
<b>Sub-delegation to:</b>	<p>Director Sustainable Communities Executive Manager Development and Compliance Manager Planning and Land Services Coordinator Land Management</p>
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995 - s.5.42 and 5.44</i></p>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995 - s.3.58(3) Disposing of Property</i></p>
<b>Conditions and Exceptions:</b>	<p>The exercise of this delegation is permitted under the following criteria only:</p> <p><u>Lease &amp; License New and Renewed</u></p> <ul style="list-style-type: none"> <li>• The lease or licence is held by a Not for Profit organisation;</li> <li>• The term and renewal term does not exceed 5 years;</li> <li>• No breach of the current agreement has occurred;</li> <li>• The conditions of the lease or licence is consistent with standard leasing practices of the City.</li> </ul> <p><u>Assignment of Leases</u></p> <ul style="list-style-type: none"> <li>• The assignee continues to meet all terms and conditions of the current lease;</li> <li>• No extension nor variation of the lease is available;</li> <li>• Relevant checks are conducted confirming the new business has no bankruptcy listed against the directors, or any court action pending;</li> <li>• The lease is currently not in breach.</li> </ul> <p><u>Sublease</u></p> <ul style="list-style-type: none"> <li>• The head lessee remains fully responsible for terms and conditions of head lease, which has previously be approved through Council;</li> <li>• The purpose of the sublease is consistent with purpose of the head lease;</li> <li>• Term of sublease does not exceed head lease.</li> </ul>

<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	
<b>Delegation last reviewed:</b>	

PROPOSED



DA-CMS 04

## DELEGATION OF AUTHORITY

### DOG ACT 1976

**Function to be performed:**

To carry out the powers or discharge of any of the duties of the Dog Act 1976 including but not limited to:

1. Making payments to registered veterinary surgeons towards the cost of sterilisation of a dog owned by an eligible person where the eligible person is the registered owner of the dog and is suffering financial hardship.
2. Establishing and maintaining a dog management facility and appointing suitable persons to operate the facility.
3. Directing registration officers to refuse or cancel the registration of a dog for one or any of the following reasons;
  - The owner has been convicted, or has paid a modified penalty, within the previous 3 years in respect of 2 or more offences against the Dog Act, the Cat Act 2011 or the Animal Welfare Act 2002; or
  - The dog in question has been shown to the satisfaction of the local government to be destructive, unduly mischievous, or to be suffering from a contagious or infectious disease; or
  - The local government is not satisfied that the dog is, or will be, effectively confined in or at premises where the dog is, or will be, ordinarily kept; or
  - The dog is required to be micro-chipped but is not micro-chipped; or
  - The dog is a dangerous dog.
4. Discounting or waiving the registration fees for any individual dog or any class of dogs within the district under prescribed conditions. This option does not apply to dangerous dogs.
5. Refunding proportionate registration fees of a dog that has had its registration cancelled.

	<p>6. Making application to a Justice of the Peace for an order to seize a dog that has had its registration refused or cancelled.</p> <p>7. Determining an application to keep more than the prescribed 2 dogs over 3 months of age.</p> <p>8. <del>Grant, refuse to grant, or cancel</del> a licence to operate an approved kennel establishment.</p> <p>9. Declaring a dog dangerous as a result of its aggressive behaviour.</p> <p>10. Receiving a request from an owner to review a seizure and destruction notice of a dangerous dog.</p> <p>11. Revoking a declaration of a dangerous dog or proposal to destroy a dangerous dog.</p> <p>12. Appointing officers to be authorised for the purpose of performing statutory functions under the Dog Act 1976.</p>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	<p>Director Sustainable Communities</p> <p><del>Executive Manager Development and Compliance,</del></p> <p>Coordinator Ranger Services</p>
<b>Legislative Powers:</b>	Sections 10A, 10AA, 11(1), 15(4A&4B), 16(3), 17(4), 19, 26, 27, 29(1), 33E, 33G(4), 33H of the <i>Dog Act 1976</i>
<b>Conditions and Exceptions:</b>	<p>1) The delegation does not permit delegate to designate dog prohibited areas, dog exercise area, dog on leash area (s31).</p> <p>2) The delegation does not permit delegate to perform the function of making of Local Laws (s49).</p> <p>3) Sub-delegates are not permitted to undertake the function of appointing authorised officers under sections 2 and 12 above [s11(1) &amp; 29(1)].</p>
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.31/10/14, 28 October 2014

Deleted: Determining

Deleted: Manager Statutory Services

<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended</b>	26 November 2018



DA-FCM 04

## DELEGATION OF AUTHORITY NON-RATEABLE STATUS FOR LAND

<b>Function to be performed:</b>	<ul style="list-style-type: none"> <li><u>To consider an objection to a rate record and either allow or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person to whom made the objection</u></li> <li><u>To extend the time for a person to make an objection to a rate record.</u></li> </ul>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	<u>Director Corporate Services</u> Manager Financial Services
<b>Legislative Powers:</b>	Section 6.26, <u>6.76((4) and (5))</u> , 5.42 and 5.44 of the <i>Local Government Act 1995</i>
<b>Conditions and Exceptions:</b>	<u>Where the delegation is in respect of land used in accordance with section 6.26(2)(g), non-rateable status may be granted where the annual value of general rates does not exceed \$5000.</u>
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.15/1/13, 15 January 2013
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended:</b>	6 March 2018

**Deleted:** To grant non-rateable status for:¶  
Land used for purposes in accordance with the *Local Government Act 1995* Section 6.26(2)(a)(b)(c)(d)(e)(f)(h)(i)(j)(k)

**Deleted:** <#>Land used exclusively for charitable purposes in accordance with the *Local Government Act 1995* Section 6.26(2)(g) where the general rates to be charged do not, or would not, exceed \$5,000.¶

**Deleted:** A/Executive Manager Finance and Governance

**Deleted:** Nil



DA-LWE 01

## DELEGATION OF AUTHORITY

### PROSECUTIONS / LEGAL PROCEEDINGS

<b>Function to be performed:</b>	<p>Serve a notice and/or undertake legal proceedings and/or prosecutions for any breach or offence for which it is the duty of the local government to enforce under any of the following legislation:</p> <ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i> and associated Regulations,</li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i>,</li> <li>• <i>Building Act 2011</i></li> <li>• <u>Councils Local Laws.</u></li> <li>• <u><i>Public Health Act 2016</i> (refer to conditions)</u></li> </ul> <p>Officers will use best endeavours to resolve specific issues through mediation and legal proceedings will only be initiated where necessary to resolve each specific matter dependant on the nature of the breach.</p>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	<u>Director Corporate Services</u>
<b>Legislative Powers:</b>	<ul style="list-style-type: none"> <li>• Sections 9.24(1)(c), (2)(b) and 5.42 of the <i>Local Government Act 1995</i></li> <li>• <u>Sections 127(6A) and 133 of the <i>Building Act 2011</i></u></li> <li>• <u>Sections 21 and 280 of the <i>Public Health Act 2016</i></u></li> </ul>
<b>Conditions / Exceptions:</b>	<p><u>1) Proceedings under the <i>Public Health Act 2016</i> cannot be sub-delegated and must be undertaken by the Chief Executive Officer;</u></p> <p>2) If in the opinion of the CEO or delegated officer, the situation warrants it, the initiation of the prosecution will be referred to Council for approval.</p>
<b>Duration of delegation:</b>	Until the next annual review
<b>Origin of Delegation:</b>	Minute G.26/03/09, 17 March 2009
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018

Deleted: A/Executive Manager Finance and Governance

Deleted: Sub-delegation last amended: ...





DA-LWE 06

## DELEGATION OF AUTHORITY

# DISPOSAL OF IMPOUNDED GOODS / VEHICLES

<b>Function to be performed:</b>	<p>1) IMPOUNDED GOODS - Sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44.</p> <p>2) IMPOUNDED VEHICLES - Declare an impounded vehicle an abandoned vehicle wreck in accordance with the provision of section 3.40A. Sell or otherwise dispose of any vehicle that has not been collected within two (2) months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned wreck.</p> <p>3) <u>Refuse to allow impounded goods to be collected until the costs of removing, impounding and keeping them have been paid to the local government.</u></p>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Coordinator Ranger Services
<b>Legislative Powers:</b>	Sections <u>3.46</u> , 3.47, 3.58, 3.40A, 5.44 & 5.42 of the <i>Local Government Act 1995</i> Regulation 29A(a) of the <i>Local Government (Function and General) Regulations 1996</i>
<b>Conditions and Exceptions of sub-delegation:</b>	<p>IMPOUNDED GOODS - Includes dealings with <i>confiscated</i> goods.</p> <p>IMPOUNDED VEHICLES – Determination and acceptance of submissions for purchases of impounded vehicles should not exceed \$2000.</p>
<b>Duration of delegation:</b>	Until next annual review

<b>Origin of Delegation:</b>	20 June 2002
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended:</b>	8 July 2013



DA-LWE 07

## DELEGATION OF AUTHORITY AUTHORISED OFFICERS

**Function to be performed:**

- 1) Appoint ~~persons/officers or classes of persons/officers as authorised persons for the purpose of fulfilling prescribed functions under the Local Government Act 1995 (as listed hereunder), associated Regulations, the Local Government (Miscellaneous Provisions) Regulations 1960 and City of Mandurah Local Laws made under the Local Government Act.~~


Deleted: authorised

Deleted: to exercise the powers and duties set out in

Section	Authority
3.25 (1)	Notices requiring certain things to be done by owner or occupier of land.
3.27	Things local government can do on land that is not local government property.
3.31	Entering property.
3.39	Power to remove and impound.
3.40A (1)	Abandoned vehicle wreck may be taken.
9.11	Enforcement and Legal Proceedings - Persons found committing breach of the Act to give name on demand.
9.13	Enforcement and Legal Proceedings - Onus of proof in vehicle offences.
9.16	Enforcement and Legal Proceedings - Issue Infringement notices.
9.24 (1) (2)	Enforcement and Legal Proceedings - Commencing Prosecutions – Offence against the Act or City's Local Laws.
9.29 (2)	Enforcement and Legal Proceedings – Representing Local Government in Court.

Deleted: <#>Appoint authorised persons/officers to exercise the duties set out in the City's Local Laws.¶

<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	N/A
<b>Legislative Powers:</b>	Sections 5.42, 3.24 and 9.10 of the <i>Local Government Act 1995</i>
<b>Conditions and Exceptions:</b>	Nil
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.30/7/08, 15 July 2008
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018

 <div style="text-align: right;">DA-PBH 10</div>	
<b>DELEGATION OF AUTHORITY</b> <b>PUBLIC HEALTH ACT 2016 – FUNCTIONS OF AN ENFORCEMENT AGENCY</b>	
<b>Function to be performed:</b>	<p><u>To exercise the powers or duties conferred or imposed on a local government, as an enforcement agency, under the <i>Public Health Act 2016</i>, relating to:</u></p> <ol style="list-style-type: none"> <li>1) <u>Designating</u> Authorised Officers;</li> <li>2) <u>Preparing and providing to the Chief Health Officer, the Local Government's report on the performance of its functions, or a report detailing any proceedings for an offence under the Act.</u></li> </ol>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	<p><u>In relation to 1) above:</u> Chief Executive Officer</p> <p><u>In relation to 2) above:</u> <u>Executive Manager Development and Compliance</u> <u>Principal Environmental Health Officer</u></p>
<b>Sub-delegation to:</b>	N/A
<b>Express Power to Delegate</b>	<i>Public Health Act 2016</i> - <u>s.21(1)(b)(i)</u>
<b>Express Power or Duty Delegated</b>	<i>Public Health Act 2016</i> – <u>s.22 Reports by and about enforcement agencies</u> <u>s.24 Designation of Authorised Officers</u>
<b>Conditions and Exceptions:</b>	<u>s.21 provides that powers may only be delegated to the CEO</u> <u>OR Authorised officer designated under s.24</u>
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.26/12/16, 20 December 2016 (Date of effect: 24 January 2017 – Implementation of Stage 3)


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of the *Public Health Act 2016*

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N/A

 <div style="text-align: right;">DA-TFT 01</div> <div style="text-align: center;"> <b>DELEGATION OF AUTHORITY</b>  <b>PARKING ADMINISTRATION</b> </div>	
<b>Function to be performed:</b>	<p>1) To constitute, determine or vary parking bays, parking stations and parking areas, including the introduction of parking restrictions, including but not limited to:</p> <ul style="list-style-type: none"> <li>○ No Parking</li> <li>○ No Stopping</li> <li>○ Loading Zones</li> <li>○ Disabled parking</li> <li>○ Authorised only parking</li> <li>○ Permanent time parking restrictions</li> </ul> <p>2) To authorise temporary variations to parking to facilitate events <u>or other required use of a carparking area.</u></p>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	<p>Director Sustainable Communities  <u>Executive Manager Development and Compliance</u>          Manager Technical Services          Coordinator Ranger Services (limited delegation)</p>
<b>Legislative Powers:</b>	<p>Sections 5.42 and 5.44 of the <i>Local Government Act 1995</i>          Clauses 3.1 and 4.3 of the City of Mandurah Parking and Parking Facilities Local Law 2015</p>
<b>Conditions and Exceptions:</b>	<ul style="list-style-type: none"> <li>• This delegation does not include:             <ul style="list-style-type: none"> <li>○ the introduction or varying of metered zones; and</li> <li>○ the introduction of permanent timed parking restrictions in excess of 10 bays.</li> </ul> </li> <li>• Delegation to the Coordinator Ranger Services is limited to part 2) above only.</li> <li>• Any parking restrictions imposed will be communicated to Elected Members via the weekly update.</li> <li>• Appropriate maintenance of a register recording all parking restrictions implemented and standard delegated authority reporting.</li> </ul>
<b>Duration of delegation:</b>	Until next annual review

Deleted: Manager Statutory Services

<b>Origin of Delegation:</b>	Minute G.39/2/04, 17 February 2004
<b>Delegation last reviewed:</b>	Minute G.15/11/18, 27 November 2018
<b>Sub-delegation last amended:</b>	23 November 2018



DA-TFT 02

## DELEGATION OF AUTHORITY

# CLOSING OF CERTAIN THOROUGHFARES TO VEHICLES

<b>Function to be performed:</b>	<p>1) To close any thoroughfare that the City manages for the passage of vehicles, wholly or partially, for a period <u>not exceeding</u> four (4) weeks;</p> <p><u>2) To close any thoroughfare that the City manages for the passage of vehicles, wholly or partially, for a period exceeding four (4) weeks;</u></p> <p><u>3) To revoke an order to close a thoroughfare;</u></p> <p><u>4) To partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have a significant adverse effect on users of the thoroughfare;</u></p> <p><u>5) To notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land.</u></p>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Director Works and Services
<b>Legislative Powers:</b>	Sections 3.50 (1) (1a) (4) <u>(6)</u> (8), <u>3.50A, 3.51</u> , 5.44 and 5.42 of the <i>Local Government Act 1995</i>
<b>Conditions and Exceptions:</b>	<p>In respect of part 1) above:</p> <p>Where practicable to do so, any proposal to close a thoroughfare should be advertised in advance of the closure. Where a thoroughfare is closed without advance public notice, local public notice of the closure is to occur as soon as practicable.</p> <p>In respect of part 2) above:</p>



	Prior to a decision being made to close a thoroughfare, local public notice of the intentions and reasons for the closure should be undertaken. In addition, consideration of any submissions received should take place.
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.28/5/10, 25 May 2010
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended:</b>	23 November 2010




DA-LUP 06

## DELEGATION OF AUTHORITY

# PREPARATION AND ENDORSEMENT OF RESPONSIBLE AUTHORITY REPORTS

<b>Function to be performed:</b>	To provide a Responsible Authority Report (RAR) to the Development Assessment Panel (DAP) as established by the Minister for Planning.
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer Director Sustainable Communities <u>Executive Manager Development and Compliance</u> Manager Planning and Land Services
<b>Sub-delegation to:</b>	N/A
<b>Legislative Powers:</b>	Regulation 12 of the <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> Part 11A of the <i>Planning and Development Act 2005</i>
<b>Conditions and Exceptions:</b>	<ol style="list-style-type: none"> <li>1) Officers are to provide a Weekly update to Elected Members;</li> <li>2) Two or more Elected Members may 'call in' the application for consideration and endorsement by Council.</li> </ol>
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.22/10/14, 28 October 2014
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018

 <div style="text-align: right;">DA-CPM 01</div> <div style="text-align: center;"> <b>DELEGATION OF AUTHORITY</b>  <b>EXPRESSIONS OF INTEREST</b> </div>	
<b>Function to be performed:</b>	1) <u>Seek Expressions of Interest for the supply of goods and services;</u> 2) <u>Consider Expressions of Interest which have not been rejected and determine those capable of satisfactorily supplying the goods and services.</u>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	<u>Director Corporate Services,</u> <u>Manager Governance Services,</u>
<b>Legislative Powers:</b>	<ul style="list-style-type: none"> <li>Regulation 21 and 23 of the <i>Local Government (Functions &amp; General) Regulations 1996</i></li> <li>Sections <u>3.57</u>, 5.42 and 5.44 of the <i>Local Government Act 1995</i></li> </ul>
<b>Conditions and Exceptions:</b>	Nil
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.53/9/99, 21 September 1999
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018
<b>Sub-delegation last amended:</b>	6 March 2018

Deleted: Seek and determine expressions of interest for the supply of goods and services in accordance with Division 2, Regulations 21 and 23 of the Local Government (Functions & General) Regulations 1996.

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DA-EMS 01


## DELEGATION OF AUTHORITY

**VARIATIONS TO BURNING TIMES**

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<b>Function to be performed:</b>	To carry out the powers and duties of the <i>Bush Fires Act 1954</i> with respect to variations of the restricted or prohibited burning times.
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Mayor; and Chief Bushfire Control Officer (jointly)
<b>Sub-delegation to:</b>	N/A
<b>Legislative Powers:</b>	Sections 17 (7)(8) and (10), 18(5) and (5C), and 48 of the <i>Bush Fires Act 1954</i>
<b>Conditions and Exceptions:</b>	<u>Executive Manager Development and Compliance</u> and Coordinator Ranger Services to report quarterly on any recommendations made in relation to this delegation.
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.28/11/08, 18 November 2008
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018

Deleted: Manager Statutory Services

 <div>DA-FCM 03</div> <div> <b>DELEGATION OF AUTHORITY</b>  <b>INVESTMENT OF FUNDS</b> </div>	
<b>Function to be performed:</b>	Invest funds in accordance with Section 6.14 of the <i>Local Government Act 1995</i> and the policies and guidelines established from time to time by Council.
<b>Delegator:</b>	Chief Executive Officer
<b>Delegate:</b>	<del>Director Corporate Services</del> Manager Financial Services Financial Accountant Management Accountant
<b>Sub-delegation to:</b>	N/A
<b>Legislative Powers:</b>	Section 5.44 of the <i>Local Government Act 1995</i> . (Refer Council Policy POL-FCM 02 – Finance Investment)
<b>Conditions and Exceptions:</b>	<del>A decision to invest must be jointly confirmed by 2 delegates above.</del>
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.40/9/06, 19 September 2006
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018 CEO 28 May 2018

Deleted: A/Executive Manager Finance and Governance

Deleted: Two signatories are required for all transactions.



DA-GVN 03

## DELEGATION OF AUTHORITY


### DESTRUCTION OF ELECTORAL MATERIAL

<b>Function to be performed:</b>	<p>Carry out the destruction of electoral material relating to local government elections in accordance with regulation 82 (4) of the <i>Local Government (Elections) Regulations 1997</i> by way of:</p> <ul style="list-style-type: none"> <li>Supervising the destruction <u>of parcels in the presence of at least 2 employees</u>; or</li> <li><u>Supervising the secure</u> conveying <u>of</u> parcels to a secure paper destruction company, or placed in a locked bin provided by such a company.</li> </ul>
<b>Delegator:</b>	Chief Executive Officer
<b>Delegate:</b>	<u>Director Corporate Services</u> <u>Manager Governance Services</u>
<b>Sub-delegation to:</b>	N/A
<b>Legislative Powers:</b>	<ul style="list-style-type: none"> <li>Regulation 82 (4) of the <i>Local Government (Elections) Regulations 1997</i></li> <li>Section 5.44 of the <i>Local Government Act 1995</i>.</li> </ul>
<b>Conditions and Exceptions:</b>	Nil
<b>Duration of delegation:</b>	Until the next annual review
<b>Origin of Delegation:</b>	Minute G.36/9/04, 21 September 2004
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018 CEO 6 March 2018

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 <div style="text-align: right;">DA-LWE 08</div> <h2 style="text-align: center;">DELEGATION OF AUTHORITY INFRINGEMENT NOTICES</h2>	
<b>Function to be performed:</b>	<p>To manage infringement notices issued under the Local Government Act 1995 and City of Mandurah Local Laws by way of:</p> <ol style="list-style-type: none"> <li>1) Informing the alleged offender who the penalty amount specified in the notice may be paid to;</li> <li>2) Extending the period of 28 days within which the modified penalty may be paid; and</li> <li>3) Withdrawal of an infringement notice <u>within one year of the notice being given</u>.</li> </ol>
<b>Delegator:</b>	Chief Executive Officer
<b>Delegate:</b>	<p><u>Executive Manager Development and Compliance</u>  Coordinator Ranger Services  Coordinator Building and Development Compliance</p>
<b>Sub-delegation to:</b>	N/A
<b>Legislative Powers:</b>	Sections 5.44, 9.17, 9.19 & 9.20 of the <i>Local Government Act 1995</i>
<b>Conditions and Exceptions:</b>	Nil
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	25 November 2016
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018 CEO 6 March 2018

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 <div style="text-align: right;">DA- PBH 09</div> <div style="text-align: center;"> <b>DELEGATION OF AUTHORITY</b>  <b>SUBMISSIONS UNDER THE LIQUOR</b>  <b>CONTROL ACT 1988</b> </div>	
<b>Function to be performed:</b>	<p><u>Respond to the Department of Racing, Gaming and Liquor for liquor licence applications or liquor related matters related to licensed premises for the purpose of:</u></p> <ul style="list-style-type: none"> <li>• providing comment;</li> <li>• introducing evidence;</li> <li>• lodging an objection, intervention or complaint.</li> </ul>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer Director Sustainable Communities <u>Executive Manager Development and Compliance,</u> Principal Environmental Health Officer Manager Community Development
<b>Sub-delegation to:</b>	N/A
<b>Legislative Powers:</b>	Section <u>69(7)&amp;(8), 95(5) and 117(2) of the Liquor Control Act 1988</u>
<b>Conditions and Exceptions:</b>	All objections, interventions and complaints lodged with the Department of Racing Gaming and Liquor are to be notified to Elected Members via Weekly Update
<b>Duration of delegation:</b>	Until next annual review
<b>Origin of Delegation:</b>	Minute G.32/4/13, 23 April 2013
<b>Delegation last reviewed:</b>	Minute G.18/5/18, 22 May 2018 CEO 26/11/18

**Deleted:** To refer liquor licence applications or liquor related matters with licensed premises to the Department of Racing, Gaming and Liquor for the purpose of:

**Deleted:** Manager Statutory Services

**Deleted:** 61(1)(d),



CMR 02	Sponsorship Agreements
CMS 03	Cat Act 2011
CPM 02	Tenders
CPM 03	Light Vehicle Fleet
CPM 04	Approval of Purchases
DBC 01	Development Application for Residential Development
DBC 03	Building and Demolition Permits
DBC 04	Occupancy Permits and Building Approval Certificates
DBC 05	Building Orders
DBC 10	Development Applications for Non-Residential Development
DBC 11	Smoke Alarms – Alternative Solutions
DBC 12	Private Pool Barriers
ECD 01	Trading Permits
EMS 02	Bush Fires Act 1954
EVM 02	Management Plans
FCM 02	Payments from Municipal or Trust Funds
GVN 02	Electoral Enrolment Eligibility Applications
GVN 05	Election of Committee Chairpersons
GVN 06	Legal Representation for Elected Members, Committee Members and Employees
LUP 01	Advertising of Planning Proposals
LUP 03	Structure Plans and Activity Centre Plans
LUP 04	Subdivision
LUP 05	Clearance of Subdivision Conditions
LUP 07	Local Development Plans
LWE 02	Directions in Relation to Development Matters
LWE 09	Graffiti Vandalism
PBH 01	Public Environmental Health Risks
PBH 02	Alfresco Dining Licences
PBH 03	Food Act 2008
PBH 04	Food Act 2008 – Appointments
PKR 01	Crown Land (Reserves) Management Orders to Council
RCS 01	Recreation Centres – Open Hours and Periods of Closure

<b>5</b>	<b>SUBJECT:</b>	Review of Council Policy Manual
	<b>CONTACT OFFICER:</b>	David Prattent
	<b>AUTHOR:</b>	Suzanne Gunton

## Summary

The City's Policy Manual provides Council and staff with guidelines covering a wide range of topics and issues, and enables the community to be aware of Council's approach and reasoning in certain matters and decisions.

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes that Council determine the local governments policies. In line with this, and to maintain the effectiveness and relevance of each policy, a comprehensive review of all of the policies contained within the City of Mandurah Policy Manual has been conducted.

As a result of a significant number of policy statements marked for deletion from the manual, Council approval is sought to revoke these policies (as attached to this report), and note a further two reports to Council will be submitted seeking adoption of all remaining revised policies.

## Disclosure of Interest

Nil

## Previous Relevant Documentation<sup>1</sup>

- G.35/2/15                      24 February 2015              Review of City of Mandurah Policy Manual
- G.57/2/12                      28 February 2012              Review of Council Policy Manual

## Background

At the completion of the last review of the policy manual in 2015, the City had 80 policies in place. An additional 13 policies have been adopted by Council since this time, bringing the total number of policies to 93. The City also has five local planning policies relating to Town Planning Scheme No 3.

## Comment

A Policy *means* a concise statement of strategic objectives or principles that give effect to the local government's obligations or objectives, minimise risk, guide subsequent decisions and actions and ensure that the community is served in an open, accountable, consistent and sustainable manner<sup>1</sup>.

A review of all the City's policy statements commenced in 2018 and initially required each policy owner to review and if necessary, update policies relevant to their areas. Governance officers subsequently undertook a separate more in-depth review to ascertain whether each policy continued to reflect the definition and requirements for a policy. This review, amongst other measures, included researching the background/history of each policy.

The research revealed that of the City's 93 policies, 36 of these (or 38%) were identified as having been in existence since 2001 and may not continue to give effect to Councils current obligations and objectives. Additionally, only 11 policies (approx.) were required by legislation or best practice.

Officers also compared the total number of policies the City has against those of other local governments. The table below compares the total policies relevant to that local government.

City of Joondalup	68	City of Wanneroo	65	City of Rockingham	41
City of Belmont	84	City of Melville	59		

<sup>1</sup> WALGA Decision Making in Practice – Part 1 Introduction to Local Government Decision making.

**Report from A/Director Corporate Services  
to Committee of Council Meeting of 11 June 2019**

Officers considered that in benchmarking against other local governments, it was considered appropriate to question the high quantity of policy statements in existence and whether or not the policies represented genuine value to the conduct of City business. In particular, it was seen as necessary to ensure that policies did not provide a layer of 'red tape' in the organisation.

Extensive internal consultation was subsequently undertaken which identified that:

- Many policies were outdated and/or no longer reflective of a requirement to have a policy;
- the content of many policies were duplicated in City plans and strategies, local laws, and/or state legislation; and
- some policies covered or overlapped on similar matters.

Council is requested to consider the revocation of the five policy statements as detailed in the following table. These policies have had their content combined with the amended/revised policies (and procedure) listed. Both the revoked policies and the revised combined policies are attached to this report as Attachment 1:

<b>POLICIES TO BE REVOKED</b>		<b>REVISED POLICIES (combined content)</b>	
CMR 10	Public Statements by Councillors & CEO	CMR 03	Media and Public Statements
CNP 06	Reporting of Vandalism	CNP 02	Graffiti Vandalism
EVM 07	Clearing of Native Vegetation	EVM 02	Bushland Conservation
GVN 05	Mayoral Vehicle Usage	GVN 04	Elected Member Support and Development
PBH 03	Special Events	RCS 05	City Events

In addition to the five policies above that are marked for revocation, the following 35 policies have been identified as redundant for a variety of reasons. The rationale of the revocation outcomes for these and individual policy copies are attached to this report as Attachment 2:

<b>POLICIES TO BE REVOKED</b>			
CMS 01	Libraries and Learning	HRM 07	Fitness for Work
CMS 02	Access and Inclusion	LUP 01	Restrictive Covenants
CMS 03	Closed Circuit Television	LUP 04	Car Parking Cash in Lieu
CNP 03	Lease Fee Charges	LUP 05	Land Assets
CNP 04	Recreation Facilities Usage	PKR 02	Parks and Reserves
CNP 05	Recreation Facility Development	PKR 03	Designing out Crime
CNP 08	Mandurah Bridge - Use of Feature Lighting	PBH 02	Public Health Prosecutions
DBC 01	Construction Management for Commercial and Industrial Development	RCS 02	Street Activity
DBC 02	Fencing of Construction Sites Abutting Reserves and Waterways	RCS 03	Mary Street Lagoon
ECD 01	Economic Development	RDS 01	Approval to Construct Works in a Street
EVM 01	Coastal Management	RDS 02	Crossovers
EVM 05	Removal of Nuisance Animals	RDS 03	Walkability – Footpaths and Shared Paths
FCM 01	Bank Guarantees / Bonds	RDS 05	Street and Public Area Lighting
FCM 04	Specified Area Rates – Canals & Waterways	RDS 08	Subdivision
GVN 01	Confidential Items – Designation & Release	TFT 01	Bus Shelters and Bench Seating
HRM 01	Human Resource Management	TFT 02	Local Area Traffic Management
HRM 02	Equal Opportunity in Employment	TFT 03	Mandurah's Road Safety Structure
		TFT 04	Traffic Management of Works within the Road Reserve

Council is requested to also note that two additional reports to Council will follow in the coming months, one relating to the review and amendments of the City's procurement policies, and the subsequent report relating to all other remaining policies within the manual which have been reviewed as part of this process.

## **Consultation**

Nil

## **Internal Consultation**

Extensive consultation was undertaken with policy owners and a workshop conducted with the Executive Leadership Team which focussed on reviewing the requirement for each policy.

## **Statutory Environment**

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes that Council determine the local governments policies.

All policies reference legislation where applicable.

## **Policy Implications**

This report relates directly to a number of existing policies within the City of Mandurah Policy Manual.

## **Economic Implications**

Nil

## **Risk Analysis**

In order to maintain transparency and to facilitate appropriate decision making processes, it is imperative that policy statements reflect the current position of Council and work practices at the City as well as best practice approaches.

## **Strategic Implications**

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

### Organisational Excellence:

- Deliver excellent governance and financial management.

## **Conclusion**

The most recent review of the City's 93 policies focussed on whether each policy statement continued to be relevant and reflective of the current Councils objectives and views on certain matters. Extensive analysis surrounding each policy highlighted that of the 93 policies, approx. 38% had been in place since prior to 2001 and therefore may not meet these objectives and views. This review therefore concentrated on removing outdated and/or redundant policies from the manual following wide-ranging internal discussion.

The review has identified that 40 policies can be revoked from the manual as a result of containing outdated, duplicated, or procedural information. The outcome is that the City will move forward with a total of 53 policy statements that respond to current community issues as part of its community leadership and will add value to the conduct of City business through the removal of unnecessary red tape.

A comprehensive review of the Policy Manual has been undertaken with the outcomes mentioned throughout this report and attachments.

Council is requested to accept the below recommendations pertaining to statements forming part of the City's Policy Manual.

- Refer **Attachment 1** *Policies to be revoked where the content is combined with one or more other policies.*
- Attachment 2** *Rationale for policy revocations, including copies of all individual policies as referred to in the table.*
- Attachment 3** *List of all remaining policies that will be subject of a further report.*

NOTE: The *current* City of Mandurah Policy Manual can be found on the City's website or a hard copy located at Governance Services.

## **RECOMMENDATION**

### **That Council:**

1. **Adopts the proposed combined policies as listed in Attachment 1;**
2. **Revokes 35 policies that have been marked for deletion as per Attachment 2;**
3. **Acknowledges the following three policies are undergoing a separate review and will be subject of a further report to Council in the coming months:**
  - **POL-CPM 01**      **Buy Local Regional Price Preference**
  - **POL-CPM 02**      **Purchasing of Goods and Services**
  - **POL-CPM 03**      **Selection Criteria for Major Procurements**
4. **Acknowledges all remaining revised policies will be subject of a further report to Council as listed in Attachment 3.**

POLICY No	POLICY TITLE	RATIONALE IN SUPPORT OF POLICY REVOCATION	
CMR 10	Public Statements by Councillors and the CEO	Content combined with CMR 03 (Media and Public Statements) which has been expanded on to include social media resulting in one overarching Policy (CMR 03). Following attachments include: Current policy      Public Statements by Councillors and CEO Current policy      Media and Public Statements Combined policy    Media and Public Statements	
CNP 06	Reporting of Vandalism	Content has similar content to existing Policy POL-CNP 02 (Graffiti Vandalism). Officers have combined and re-worked as an overarching policy to better reflect the City's role in reducing and managing all types of vandalism and remove duplication. Following attachment include: Current policy      Reporting of Vandalism Current policy      Graffiti Vandalism Combined policy    Vandalism Management	
EVM 07	Clearing of Native Vegetation	Content combined with POL-EVM 02 (Bushland Conservation) as related information and best suited as one overarching policy statement to align with current practices.  Current policy      Clearing of Native Vegetation Current policy      Bushland Conservation Combined policy    Bushland Conservation and Management	
PBH 03	Special Events	Content of Policy combined with the City Events Policy (POL-RCS 05) and re-worked to better reflect the City's role and functions. Following attachments include: Current policy      Special Events Current policy      City Events retitled Events within the City of (as amended)      Mandurah	



POL-CMR 10

# POLICY

## PUBLIC STATEMENTS BY COUNCILLORS AND CHIEF EXECUTIVE OFFICER

### Policy Objective:

To provide clarity as to the roles and responsibilities of the Mayor, the Deputy Mayor, Councillors and the Chief Executive Officer when speaking publically/issuing public statements.

### Introduction

- Members of the public have the right to speak in public within the limits of the law.
- Members of Council, outside their official capacity as members of the Council, share that right.
- However the performance of a role as Council member overlaps with the role of a member of the public, and imposes special limitations on what would otherwise be a normal right to speak in public on local government affairs.
- The principal limitation is that a Council member who is not the Mayor cannot speak or purport to speak on a matter which the *Local Government Act 1995* (WA) (**LG Act**) assigns to the role of the Mayor, or the function of the CEO.

### Speaking on behalf of Local Government:

- S.2.8(1)(d) of the LG Act provides that it is part of the role of the Mayor to speak on behalf of the local government.
- S.5.41(f) of the LG Act provides that it is part of the function of the CEO to speak on behalf of the local government if the Mayor agrees.
- Under s.5.41, the CEO has additional broad functions including the function of managing the day-to-day operations of the local government. That function requires the CEO from time to time to speak in public as to the local government's affairs, but the agreement of the Mayor is only required where the CEO makes a public statement on behalf of the local government of a kind which would ordinarily fall within the role of the Mayor as the spokesperson of the local government.
- S.2.10 of the LG Act sets out the role of a Council member, and the role does not include speaking on behalf of the local government.
- S.5.34 of the LG Act provides that the Deputy Mayor may perform the functions of the Mayor if –
  - (a) the office of Mayor is vacant; or

- (b) the Mayor is not available, or is unable or unwilling to perform the functions of Mayor.

### **Speaking Otherwise Than For The Local Government**

- Each of the Mayor, Deputy Mayor and a Councillor may speak in public to the extent that doing so does not conflict with the above roles.
- It is common experience that the Mayor or a Councillor identified as such in a media or other public statement is at risk of being understood as speaking for the local government. It is appropriate to take precautions against that risk

### **Policy:**

#### **1 The Mayor**

- 1.1 When speaking to the media or otherwise in public the Mayor is the only member of Council who may speak on behalf of the City.
- 1.2 When the Mayor is speaking to the media or otherwise in public but not officially speaking on behalf of the City, the Mayor must make it clear that he/she is not speaking as Mayor or in any other City capacity.

#### **2 The Deputy Mayor**

- 2.1 The Deputy Mayor may only speak to the media or otherwise in public on behalf of the City in the circumstances set out in s.5.34 of the LG Act.
- 2.2 The Deputy Mayor must otherwise comply with the limits on the role of a Councillor when speaking to the media or otherwise in public.

#### **3 Councillor**

- 3.1 A Councillor may not speak to the media or otherwise in public on behalf of the City.
- 3.2 When a Councillor is speaking to the media or otherwise in public, he/she must make it clear that he/she is not speaking on behalf of the City, or in the role of a Council member.
- 3.3 A member of Council speaking on City matters to the media or otherwise in public may identify himself/herself as an elected member of the Council but must avoid any suggestion or appearance of speaking on behalf of the City.

#### **4 Chief Executive Officer**

- 4.1 It is part of the function of the Chief Executive Officer to speak on behalf of the City if the Mayor agrees.
- 4.2 The Mayor may give agreement to the CEO speaking on behalf of the City:
  - (a) on a specific occasion; or
  - (b) on a specific subject matter; or
  - (c) on a specified category of occasions or a specified category of subjects when they arise.
- 4.3 Further to the above, the CEO may speak to the media or otherwise in public as to the



City's affairs in performance of the CEO's functions under s.5.41 of the LG Act, including that of managing the day-to-day operations of the City. The CEO only requires the agreement of the Mayor when making statements of the kind which would ordinarily fall within the role of the Mayor as spokesperson of the City.

## **5 Written, oral and electronic statements**

This Policy applies equally to statements in public whether they are communicated orally, in writing, electronically, or by any other means.

The City's Media and Public Statements Policy is intended to be applied in conjunction with this Policy, but in the case of any apparent overlap or conflict of provisions or principles, this Policy is to prevail.

<b>Originating Section:</b> Legal, Governance and Elected Members	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i>
<b>Reviewer:</b> Corporate Lawyer	<b>Delegated Authority:</b>
<b>Approved:</b> Minute G.27/7/17, 25 July 2017  <b>Reviewed:</b>	<b>Other References:</b> POL-CMR 03 Media and Public Statements



POL-CMR 03

# POLICY

## MEDIA AND PUBLIC STATEMENTS

### Policy Objective:

- To establish protocols for managing communication between the City of Mandurah and the media, including social media, to ensure coordinated, professional and reliable representation that accurately reflects Council's position on certain issues and to ensure consistency with corporate plans, strategies, policies and minutes;
- To maximise the opportunity to present a positive public image of the City of Mandurah.

### Policy:

The City of Mandurah (the 'City') encourages open communication with the media and the community, with an emphasis on promoting a positive, progressive and professional image of Council and staff.

### Media liaison

- The Council will openly discuss matters of interest with the media unless disclosure of information contravenes the City's duty of care, contractual obligations, a legal issue or could infringe laws or regulations that govern its operations, or the privacy of any individual.
- Media organisations and their representatives will be treated equally and without bias.
- Media enquiries are to be dealt with promptly, honestly and within the media representative's deadline wherever possible.
- Wherever appropriate, invitations to relevant functions, including program launches and civic events, will be extended to the media.

### Speaking on behalf of the City of Mandurah

- The Mayor is the official spokesperson for the City with regard to Council business, political matters or matters before Council. If the Mayor is unavailable or unable to speak on behalf of the City, the Deputy Mayor may act as spokesperson.
- The Chief Executive Officer (CEO) is also authorised to speak on behalf of the City if comment is required on legal, commercial, policy, technical or administrative matters, including other matters as agreed by the Mayor. The CEO may nominate other staff to act as spokespeople if he is unavailable or unable to speak on behalf of the City.

### Public and media statements and responses

- All media enquiries should be directed to the Marketing and Communications team in the first instance, who will then liaise with relevant staff, Managers, the CEO and/or Mayor to prepare a response to the enquiry prior to the approval for release by the CEO.

<ul style="list-style-type: none"> <li>• The Mayor or the CEO, or delegated officer in the Marketing and Communications team, may communicate with the media to clarify or correct any statement, article or other news item published or reported incorrectly, inaccurately or inconsistent with the facts according to the City's records.</li> <li>• An Elected Member who wishes to make a 'personal statement' on a matter must clearly inform the media that their comment is being made as an individual and the statement is their opinion only and as such do not necessarily represent the position of the Council</li> <li>• Members of staff are not permitted to speak with the media without prior permission from the CEO. Staff may express their views in a public debate in their capacity as a local citizen but not as a City representative. Staff should avoid any perception of a conflict of interest and take care not to give the impression that the comments are made on behalf of the City..</li> <li>• All media enquiries, requests for interviews or statements are to be referred to the Marketing and Communications team and the relevant Director, who will advise of the most appropriate response and/or action.</li> </ul>	
<b>Procedure:</b>	
<b>Originating Section:</b> Communications and Media	<b>Relevant Legislation:</b> <i>Local Government Act 1995 s.2.8(1)(d), s.5.34 and s.5.41(f)</i>
<b>Reviewer:</b> Executive Manager Business and Strategy	<b>Delegated Authority:</b>
<b>Approved:</b> Minute G.43/12/09 15 December 2009 <b>Reviewed:</b> Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	<b>Other References:</b> <ul style="list-style-type: none"> <li>• City of Mandurah Style Guide</li> <li>• Publications Guidelines</li> <li>• Marketing &amp; Advertising Guidelines</li> </ul>

# MEDIA AND PUBLIC STATEMENTS

## POLICY

POL-CMR 03

### Objective:

To establish protocols for managing communication with the media and community, including social and other digital media, providing clarity when speaking publically/issuing public statements to ensure a coordinated, professional and reliable representation that accurately reflects the City of Mandurah position.

### Scope

This policy applies to:

- All Elected Members (Mayor and Councillors);
- The Chief Executive Officer (CEO); and
- All Employees of the City of Mandurah.

Applies equally to statements in public whether they are communicated orally, in writing, electronically, or by any other means.

For the purposes of this policy social and other digital media means tools such as websites, videos, audio and other applications that allow users to create and share content and to participate in social networking.

### Statement:

The City of Mandurah (the 'City') encourages open communication with the media and the community, with an emphasis on promoting a positive, progressive and professional image of the City.

The City recognises that members of the public have a right to speak in public within the limits of the law, and that Elected Members, outside their official capacity, share that right. It does note however that the performance of the role of an Elected Member overlaps with the role of a member of the public, and imposes special limitations on what would otherwise be a normal right to speak in public on City affairs.

The principal limitation is that an Elected Member who is not the Mayor cannot speak or purport to speak on a matter which the *Local Government Act 1995* (WA) assigns to the role of the Mayor, or the function of the CEO.

## 1. ROLES AND RESPONSIBILITIES WHEN SPEAKING ON BEHALF OF THE CITY

### 1.1. Mayor

- 1.1.1 The Mayor is the official spokesperson for the City with regard to Council business, political matters or matters before Council.
- 1.1.2 When communicating with the media or otherwise in public the Mayor is the only elected member who may speak on behalf of the City.
- 1.1.3 When the Mayor is speaking in a personal capacity, the Mayor must make it

clear that he/she is not speaking as Mayor or in any other City capacity.

- 1.1.4 If the Mayor is unavailable, unable or unwilling to speak on behalf of the City, the Deputy Mayor may act as spokesperson.

## **1.2. Deputy Mayor**

- 1.2.1 The Deputy Mayor may only speak to the media or otherwise in public on behalf of the City if -
- a) the office of mayor is vacant; or
  - b) the Mayor is not available or is unable or unwilling to perform the functions of the Mayor.
- 1.2.2 The Deputy Mayor must otherwise comply with the limits on the role of a Councillor when speaking to the media or otherwise in public.

## **1.3. Chief Executive Officer**

- 1.3.1 The CEO is authorised to speak on behalf of the City on matters relating to the day to day operations including legal, commercial, policy, technical or administrative matters.
- 1.3.2 The CEO requires the agreement of the Mayor when making statements of the kind which would ordinarily fall within the role of the Mayor.
- 1.3.3 The Mayor may give agreement to the CEO speaking on behalf of the City:
- a) on a specific occasion; or
  - b) on a specific subject matter; or
  - c) on a specified category of occasions or a specified category of subjects when they arise.
- 1.3.4 The CEO may nominate another employee to act as spokespeople if he/she is unavailable or unable to speak on behalf of the City.

## **1.4. Councillors**

- 1.4.1 The role of Councillor does not include speaking on behalf of the local government
- 1.4.2 A Councillor must make as clear as reasonably possible any communication with media or otherwise in public that he/she is not speaking on behalf of the City.
- 1.4.3 A Councillor speaking on City matters to the media or otherwise in public may identify himself/herself as an elected member but must avoid any suggestion or appearance of speaking on behalf of the City.

## **1.5. Employee**

- 1.5.1 Employees may not speak to the media or otherwise in public on behalf of the City without prior permission from the CEO.
- 1.5.2 Employees may express their personal views in a public debate but not as a City representative.
- 1.5.3 Employees should avoid any perception of a conflict of interest and take care not to give the impression that the comments are made on behalf of the City.

## 2. MANAGING COMMUNICATION WITH THE MEDIA

### 2.1. Media cooperation

- 2.1.2 The City will openly discuss matters of interest with the media unless disclosure of information contravenes the City's duty of care, contractual obligations, a legal issue or could infringe laws or regulations that govern its operations, or the privacy of any individual.
- 2.1.3 Media organisations and their representatives will be treated equally and without bias.
- 2.1.4 Media enquiries are to be dealt with promptly, honestly and within the media representative's deadline wherever possible.
- 2.1.5 Wherever appropriate, invitations to relevant functions, including program launches and civic events, will be extended to the media.
- 2.1.6 All media enquiries, requests for interviews or statements will be directed to the City's Corporate Communications team in the first instance, who will then liaise with relevant employees, Managers, the CEO and/or Mayor to prepare a response to the enquiry prior to the approval for release by the CEO.
- 2.1.7 The Mayor or the CEO, or delegated officer in the Corporate Communications team, may communicate with the media to clarify or correct any statement, article or other news item published or reported incorrectly, inaccurately or inconsistent with the facts according to the City's records.

### 2.2 Public and media statements and responses by/for Elected Members

- 2.2.1 Official City statements issued by the Mayor, Deputy Mayor or Councillor, including those prepared and/or issued on their behalf by the City's Elected Member support unit will:
  - Be consistent with the City's current policy and position;
  - Support the reputation of the City;
  - Be respectful of the Mayor, Councillors, CEO, Employees, and all members of the public;
  - Not commit the City or its resources to a course of action without prior Council discussion and/or resolution;
  - Not be in breach of any laws (such as privacy, defamation, racial vilification, or equal opportunity) or the City's Code of Conduct; and
  - Avoid any admission of legal liability.

### 2.3 Personal public or media statements and responses by Elected Members

- 2.3.1 If an Elected Member chooses to express a **personal** opinion or view that differs from the Council's agreed position, it must clearly identify that this opinion or view as **their** own.
- 2.3.2 City's resources will not be available for personal communication or engagement requirements.
- 2.3.3 There is a risk that any public or media statement could be understood to be

speaking on behalf of the City. Appropriate precautions by Elected Members should be taken against this risk.

### **3. SOCIAL MEDIA**

#### **3.1. Official City of Mandurah Social Media**

- 3.1.1 The City's Corporate Communications team oversee the management of all City-owned social media accounts, and hold all passwords.
- 3.1.2 At the Mayors request, and with approval of the CEO, authorised City employees will use the mayoral social media accounts to promote City activities and opportunities.
- 3.1.3 The City will use Social Media to facilitate interactive information sharing and to provide responsive feedback to our community.
- 3.1.4 Social Media will not be used to communicate or respond to matters that are complex or relate to a person's or entity's private affairs and the City will moderate its Social Media accounts to address and where necessary delete content deemed to be:
  - Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
  - Promotional, soliciting or commercial in nature;
  - Unlawful or incites others to break the law;
  - Information which may compromise individual or community safety or security;
  - Repetitive material copied and pasted or duplicated;
  - Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
  - Any other inappropriate content or comments at the discretion of the City

#### **3.2. Personal Social Media**

- 3.2.1. Elected Members and Employees are wholly responsible for maintaining any private social media accounts they might hold, create or operate under their own name, and accept all legal responsibilities for such accounts.
- 3.2.2. All Elected Members should operate any private social media accounts in strict accordance with the City's Code of Conduct and if an Elected Member chooses to express a personal opinion or view that differs from the Councils agreed position, the Elected Member must clearly identify their opinion or view as their own.
- 3.2.3. Employees shall not assist any Elected Member with the creation or operation of any private social media account – unless approved by the CEO.

### **4. PERSONAL COMMUNICATION**

Any communications and statements by Elected Members or Employees, made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether it was intended to be made public or not.

Elected Members and Employees must ensure that their personal and private

communications do not breach the City of Mandurah Code of Conduct and additionally for Elected Members, the Local Government (Rules of Conduct) Regulations 2007. Any breach may be referred for formal investigation.

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**Responsible Directorate:****Reviewer:****Creation date:**

Minute G.43/12/09 15 December 2009

**Amendments:**

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Related Documentation:**

- City of Mandurah Style Guide
- Publications Guidelines
- Marketing & Advertising Guidelines
- *Local Government Act 1995 s2.10, s.2.8(1)(d), s.5.34, s5.41 and s.5.41(f)*





POL-CNP 06

## POLICY

### REPORTING OF VANDALISM

**Policy Objective:**

To deter theft and vandalism occurring on Council property and encourage community participation toward reporting vandalism.

**Policy:**

In an effort to deter damage and increase community empowerment, the Chief Executive Officer is authorised to offer a reward of up to \$1,000 to persons providing information which result in successful prosecution relating to theft or vandalism occurring to Council property.

The provisions of the policy are to be publicised at regular intervals in the local press and appropriate signs may be affixed to Council buildings to deter illegal activity and encourage members of the public to report such incidents.

The amount of the reward is to be based on the extent and costs of damage or loss incurred and the value to Council in securing a prosecution.

Rewards in excess of \$1,000 may be offered in specific cases, subject to the approval of Council. Council officers will determine the payment of any rewards and the value of the reward is to be reviewed every two (2) years.

Elected Members, City employees or contractors, Members of the State or Federal Police or persons convicted of being illegally involved in any activity relating to the Council property are not eligible for any reward under the provisions of this policy.

**Procedure:**

N/A

<b>Originating Section:</b> Community and Social Development	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Manager Community and Social Development	<b>Delegated Authority:</b>
<b>Approved:</b> Minute G.26/3/07, 20 March 2007 Minute G.57/2/12, 28 February 2012	<b>Other References:</b> Previous reference – CS 01

Minute G.35/2/15, 24 February 2015	
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TO BE REVOKED

POL-CNP  
02

# POLICY

## GRAFFITI VANDALISM

**Policy Objective:**

To effectively manage graffiti vandalism within the City of Mandurah (the 'City').

**Policy:**

Prompt graffiti removal is seen as best practice in graffiti reduction as it diminishes the level of recognition and reward achieved by vandals and also prevents assets from appearing uncared for.

The City promptly removes graffiti from its assets and private property boundary structures abutting Public Reserves, Public Access Ways and public roads where approved surface treatments have been applied.

The City actively encourages other asset owners in writing to promptly remove graffiti from their property and report acts of graffiti vandalism to the Police.

Where graffiti on private property is visible from a public place, and is deemed unsightly and/or offensive and no action has been taken by the land occupier or property owner to remove the graffiti, Council may resolve to authorize its officers to enter the property under warrant to carry out the removal of the graffiti.

**Procedure:**

Graffiti Vandalism Removal Procedure

**Originating Section**

Community and Social Development

**Relevant Legislation:**

*Graffiti Vandalism Act 2016*

*Local Government Act 1995*

**Reviewer:**

Manager Community and Social Development

**Delegated Authority:**

DA-LWE 09 Graffiti Vandalism

**Approved:**

Minute G.43/12/09 15 December 2009

**Reviewed:**

Minute G.35/2/15, 24 February 2015

Minute G.12/2/17, 14 February 2017

**Other References:**

# VANDALISM MANAGEMENT

## POLICY

POL-CNP 02

### Objective:

To:

- 1) Deter theft, acts of vandalism and malicious damage occurring on City of Mandurah infrastructure, property and equipment;
- 2) Provide effective preventative and responsive measures to address graffiti vandalism;
- 3) Minimise the financial, social, environmental and economic impact of vandalism;
- 4) Encourage community participation toward the reporting of vandalism.

### Definitions:

For the purpose of this policy:

Vandalism – means the wilful or malicious destruction, disfigurement or defacement of any City of Mandurah infrastructure, property and equipment, without consent.

Graffiti Vandalism means the illegal activity of defacing private and/or public property in ways such as the inscription, writing, spraying, scratching or other form of defacement without the prior consent of the property owner, or with the consent of the property owner but where it is of an offensive, obscene or racist nature. It includes tags, stencils and the fixing of posters.

The above may be collectively referred to as "vandalism".

### Statement:

The City of Mandurah (the 'City') recognises that vandalism has a significant financial and social impact on the community, adds to an atmosphere of neglect and negatively impacts on the community's perception about the actual level of crime and safety. It understands that the ongoing concerns with this issue extends to residents, local communities, government, businesses and Police.

The City is committed to minimizing both the unsightliness and cost of vandalism to Council and the community and to enlist the community's help in reporting instances of vandalism as soon as possible.

### Graffiti Removal Expectations and Service Level

Graffiti vandalism has a significant effect on the feeling of safety and perceived fear of crime within the community. The City is determined to minimise graffiti vandalism and sees prompt removal as best practice in graffiti reduction as it diminishes the level of recognition and reward achieved by vandals and also prevents assets appearing uncared for. It aims to enhance the built environment by reducing the incidence of graffiti vandalism and improving community perceptions of safety and amenity in the local government area.

The City will:

- remove graffiti found or reported to be on City infrastructure, property and equipment, including private property boundary structures abutting public reserves, public access ways and public roads, as soon as reasonably practical;

- encourage owners/occupiers to remove graffiti found on private property, where the graffiti is visible from a public place, as soon as reasonably practical;
- report graffiti on government property to the relevant government department and encourage prompt removal of the graffiti;

### **Vandalism Response Expectations and Service Level**

The City acknowledges that property that is well maintained reduces the risk of incidence of vandalism occurring, and improves the community's perception of safety and amenity in the local government area.

Where vandalism is found or reported to be on City infrastructure, property and equipment, the City will actively repair or replace as soon as reasonably practical.

### **Engagement**

Vandalism management is a community responsibility and a partnership approach drawing on shared resources, capacities and commitment is integral to effective vandalism prevention and reduction. The City recognises that positive outcomes in vandalism management can be best achieved through involvement with a wide range of stakeholders, including Council, State government departments, local business owners, community groups and the local community. The City recognises and values the contributions of government initiatives and programs which focus on prevention and reduction and will work to strategically complement and support these initiatives.

### **Reporting**

The City encourages any person who witnesses, or has information regarding an act of vandalism to:

- 1) Report it to the WA Police on 131 444
- 2) Report it to the City of Mandurah on (08) 9550 3777 or email [council@mandurah.wa.gov.au](mailto:council@mandurah.wa.gov.au)
- 3) For graffiti, use the [Goodbye Graffiti](#) website or call the Graffiti Hotline on 1800 44 22 55.

Information such as the time and place of the incident, description of damage, possible offender/s details and photographs are useful in these circumstances.

### **Rewards**

The City acknowledges that vandalism management requires an element of enforcement to ensure that offenders are held accountable and dealt with through the appropriate channels.

The City seeks to deter vandalism by encouraging the community to report vandalism, with the Chief Executive Officer being authorised to offer rewards up to \$1000 to persons providing information which results in a successful prosecution.

The amount of the reward is to be based on the extent and costs of damage or loss incurred and the value to Council in securing a prosecution.

Rewards in excess of \$1000 may be offered in specific cases, subject to the approval of Council.

Elected Members, City employees or contractors, Members of State or Federal Police or persons convicted of being illegally involved in any activity relating to City property will not be eligible for a reward under the provisions of this policy.

**Responsible Directorate:**

**Reviewer:**

**Creation date:**

Minute: G.26/3/07, 20 March 2007

**Amendments:**

Minute G.43/12/09, 15 December 2009

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Related Documentation:**

*Graffiti Vandalism Act 2016*

Form 4 — Objection under section 22

Form 6 — Warrant to Enter under Section 29

PROPOSED



POL-EVM 07

## POLICY

# CLEARING OF NATIVE VEGETATION

### Policy Objective:

- a) To provide guidance on the approval requirements for the clearing of native vegetation in order to prevent breaches of State and Federal Environmental Legislation and avoid delays in the delivery of projects.
- b) To provide an outline of the practices to be employed by the City of Mandurah in the management of projects requiring native vegetation to be cleared.

### Policy:

The City of Mandurah (the 'City') is frequently required to undertake the clearing of native vegetation on City managed land for the provision of infrastructure and mitigation of bushfire risk.

The City acknowledges that the clearing of native vegetation may potentially trigger requirements for approvals under both State and Commonwealth legislation.

Under the requirements of the *Environmental Protection Act 1986* (WA), it is an offence to clear native vegetation without the authority of a permit from the Department of Water and Environmental Regulation or an exemption.

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), actions that have, or are likely to have, a significant impact on a matter of national environmental significance require approval from the Australian Government Minister for the Environment (the Minister).

In both cases there may be times where environmental offsets are also required as part of the approvals process.

In meeting the legislative requirements for Clearing Permits and Environmental Offsets, the City aims to implement a strategy focused on identifying potential projects where there is a high risk of the City requiring a clearing permit as well as a likelihood of conditions being attached to permits requiring the City to undertake offsets. The strategy also seeks to plan for all of the City's clearing permit and offset requirements and ensure that anticipated offsets are reserved for projects planned to commence in the longer term.

**Procedure:****All Employees:**

- Identify and refer any projects requiring the clearing of native vegetation to the Senior Environmental Management Officer for assessment prior to project commencing.
- Provide adequate information on the project to facilitate assessment. Depending on the complexity of the project with regard to amount of clearing and severity of impacts, obtaining approvals can require lengthy periods of time. Projects should be referred as early as possible.
- Comply with relevant legislative requirements
- Be aware of and adhere to this policy

**Senior Environmental Management Officer:**

- Make initial contact and liaise with the relevant regulatory agency where referrals from City staff require clearing permits
- Provide advice on the requirements relating to the clearing of vegetation
- Provide advice on the preparation of offset proposals where required

**Originating Section:**

Environmental Services

**Relevant Legislation:**

*Environmental Protection Act 1986 (WA)*  
*Environment Protection and Biodiversity*  
*Conservation Act 1999*

**Reviewer:**

Manager Environmental Services

**Delegated Authority:****Approved:**

Minute G.22/4/18, 24 April 2018

**Other References:**





POL-EVM

# POLICY

## BUSHLAND CONSERVATION

### Policy Objective:

The City of Mandurah (the 'City') recognises the environmental, social, cultural, educational and economic values of bushland and encourages the conservation and management of local bushland within the City.

This Policy is a guiding document which provides a basis for the City to make balanced decisions about potential conflicting land uses. It is flexible in that it recognises the need to use public open space for a variety of purposes, and is also intended to assist in the identification of Mandurah's natural bushland assets.

### Policy:

The policy defines bushland as: *Land that contains remnant native vegetation, or is of a similar structure and includes plant species found in natural bushland.*

The City aims to implement the following strategies as resources and funding allows for the fulfilment of this policy.

#### 1. Identification and Assessment of Local Bushland

A Biodiversity Strategy Plan has been developed by the City and provides mapping of bushland to compliment this policy. It provides a basis for decision making for management of bushland within the City.

#### 2. Protection of Bushland through Planning and Development Process

- Requires flora surveys to be carried out by developers at rezoning and structure plan levels to identify the values of bushland on land to be rezoned or subdivided for further development;
- The City shall ensure that site clearing is minimised and the retention of bushland is maximised on land to be developed, and that consideration is given to density trade-offs to increase public open space;
- The development of public open space within residential subdivisions containing bushland will be approached in a manner that ensures a significant amount of bushland is retained in public open space areas wherever possible. This should be done at the concept planning phase;
- Remnant vegetation should be fenced and managed in a manner that allows for re-vegetation to occur and provide defined and managed access;
- When not considered dangerous, dead trees should be left in-situ as wildlife habitat;

- Minimal or no clearing is permitted within the vicinity of the Peel-Harvey Estuary or its associated rivers;
- Minimal or no clearing is permitted in the vicinity of existing wetlands;
- Clearing proposals and development shall comply with the policy provisions in relation to the retention of existing vegetation in the Western Australian Planning Commission's Statement of Planning Policy No 2.1 – Peel-Harvey Coastal Plain Catchment.

### 3. Management of Council Controlled Bushland

The City will support the ongoing maintenance and management of Council controlled bushland to ensure that the values of bushland areas are not degraded in the long term. This will occur through the development of management plans and re-skilling staff.

Management plans for land to be ceded to Council or bushland controlled by Council should consider the management of weeds, fire, access and minimising disturbance as priorities.

### 4. Purchase of Local Land

The City will establish an environmental reserve fund. This will be used for the purchase of local bushland where appropriate, for conservation purposes. Bushland will be selected and prioritised using the following conditions for assessment.

*Priority criteria for bushland purchase:*

- example of regional vegetation type that is threatened through a lack of management or future development;
- a site that supports a population of declared rare flora;
- vegetation in good condition or better, although threatened vegetation types may be significant even if in a poor condition;
- bushland preferred as future public open space, for conservation purposes;
- wetlands of local significance or in a relatively pristine state.

*General criteria for bushland purchase:*

- suitable for passive recreation or has the potential for scientific or educational study;
- having cultural heritage values of local significance
- regular shape is desirable unless the area functions as a significant corridor linking other remnant vegetation;
- an area cleared or vegetated with the potential to act as a corridor between two areas of bushland;
- an area of vegetation capable of regeneration;
- bushland which has a reasonable degree of local community recognition (using the UWA bushland study as a guide);
- bushland with the ability to act as a buffer between suburbs, industrial and residential land uses, or residential areas and major transport routes.

### 5. Linkages

- The City will endeavour to ensure that structure planning and subdivision design ensures that vegetation corridors are provided to link areas of bushland where possible;
- In planning for landscaping and revegetation programs, priority will be given to projects which re-establish links between bushland areas.

## 6. Community Education

The City will encourage the development of educational programs to highlight the values of local bushland to the community, to avoid activities that lead to bushland degradation and encourage increased community management of bushland areas.

## 7. Species Protection

In some areas the tuart and banksia woodland found in Mandurah contain flora and fauna needing special protection. All native species are protected. However, some species also have the status of 'in need of special protection' or 'rare and endangered' and are more vulnerable on land fragmented by or zoned for subdivision.

The City requires a management plan for the protection and/or relocation of flora or fauna "In need of 'Special Protection' and 'Rare and Endangered' categories, where bushland containing such fauna is rezoned for any level of development.

For existing land zoned for future development, The City will recommend to the Western Australian Planning Commission that existing zonings have conditions placed on land containing 'In Need of Special Protection' or 'Rare and Endangered' species. This will require a management and/or relocation plan to be prepared to the satisfaction of the Department of Environment Regulation, Department of Parks and Wildlife and Council.

### Procedure:

#### Originating Section:

Environmental Services

#### Relevant Legislation:

- *Planning and Development Act 2005*
- *Local Government Act 1995*

#### Reviewer:

Manager Environmental Services

#### Delegated Authority:

#### Approved:

Minute G.23/12/01, 12 December 2001  
Minute G.57/2/12, 28 February 2012  
Minute G.35/2/15, 24 February 2015

#### Other References:

Previous reference – SD-08

# BUSHLAND CONSERVATION AND MANAGEMENT

## POLICY

POL-EVM 02

### Objective:

The City of Mandurah (the 'City') recognises the value of effectively managing local bushland reserves for biodiversity and conservation outcomes for our community.

This Policy provides a broad direction for which the City will ensure bushland under the responsibility of the City is managed in a way that complies with federal and state environmental legislation and regulations; and enhances conservation and biodiversity outcomes beyond that which are achieved through existing planning and development processes.

### Statement:

The scope of this policy is for bushland under the management control of the City and is defined as:

*Land that contains significant coverage of remnant native vegetation. Significant coverage meaning vegetation that would classify as a minimum of good under the Keighery vegetation condition scale; remnant meaning of a size large enough that could be reasonably considered to retain environmental values into the future; and native vegetation meaning vegetation communities of local provenance that have not been replanted or directly seeded within the previous 10 years.*

The City aims to implement the following measures to achieve the objectives of this policy:

#### 1. Identification and Assessment of Local Bushland

The City will identify and prioritise areas of bushland for management and protection through the creation and revision of a Biodiversity strategy. The biodiversity strategy will be used to help guide decision making processes around the placement of future infrastructure including community facilities, recreation grounds and landscaping, to avoid negative impacts on environmental values.

#### 2. Management of Council Controlled Bushland

The City is frequently required to undertake clearing of native vegetation on its managed land for the provision of infrastructure as well as mitigation of bushfire risk. These actions may trigger requirements for approvals under State and Commonwealth legislation.

The City acknowledges that it is an offence to clear native vegetation without the authority of a permit from the Department of Water and Environmental Regulation or an exemption. It also understands that actions that have, or are likely to have, a significant impact on a matter of national environmental significance require approval from the Australian Government Minister for the Environment (the Minister).

In both cases there may be times where environmental offsets are also required as a part of the approvals process.

In meeting the legislative requirements outlined above, the City will create and regularly revise the *Environmental Planning Strategy – Clearing Permits and Environmental Offsets* focusing on potential future projects where there is a high likelihood of the City requiring a clearing approval and where a requirement to provide environmental offsets is likely. The strategy will seek to plan for all of the City's clearing approval and offset requirements and ensure that anticipated offsets are

reserved for projects planned to commence in the longer term.

The City and the State do not support private access and use of crown reserves or private encroachments onto crown reserves. Where historical encroachments exist, the City will put in place appropriate measures for their removal.

To help ensure this, all City officers are encouraged to identify any projects requiring the clearing of native vegetation and refer these to Environmental Services for assessment prior to the project commencing in order to determine appropriate site selection and inform the clearing permit process. Adequate details on the project such as the location, size and extent of the anticipated clearing footprint are required to facilitate this assessment. Environmental Services will subsequently liaise with the relevant regulatory agency/ies where referrals from City officers require clearing approvals, and will also assist with the preparation of offset proposals where required.

The City will not pursue clearing approvals or undertake clearing of bushland as defined in this policy for the purposes of reducing Bushfire Attack Levels (BAL) on other properties.

### 3. Purchase of bushland

The City will establish an environmental reserve fund. This will be used for the purchase of local bushland where appropriate, for conservation purposes. Potential bushland purchases will be identified and prioritised under the City's *Property Strategy – Future Land Purchases* using the following conditions for assessment:

Priority criteria for bushland purchases:

- Example of regional vegetation type that is threatened through a lack of management or future development;
- A site that supports a population of declared rare flora;
- Vegetation in good condition or better;
- Bushland preferred as future public open space, for conservation purposes;
- Wetlands of local significance or in a relatively pristine state

General criteria for bushland purchases:

- Suitable for passive recreation or has the potential for scientific or educational study;
- Having cultural heritage values of local significance;
- Regular shape is desirable unless the area functions as a significant corridor between two areas of bushland;
- An area of vegetation capable of regeneration;
- Bushland which has a reasonable degree of local community recognition.

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<b>Responsible Directorate:</b>	Environmental Services
<b>Reviewer:</b>	Manager Arts, Culture and Environment
<b>Creation date:</b>	Minute G.23/12/01, 12 December 2001
<b>Amendments:</b>	Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015

**Related Documentation:**

- *Planning and Development Act 2005*
- *Local Government Act 1995*
- *Environmental Protection Act 1986 (WA)*
- *Environmental Protection and Biodiversity Conservation Act 1999*
- *City of Mandurah Property Strategy*
- *City of Mandurah Environmental Planning Strategy*

PROPOSED



POL-PBH 03

## POLICY

### SPECIAL EVENTS

#### Policy Objective:

To successfully manage the undertaking of special events throughout the City of Mandurah (the 'City').

#### Definitions

##### Internal Special Events

Community events managed by the City (eg. Christmas Festivities)

##### External Special Event

Events conducted by community and sporting groups and associations

##### Major Special Event

Any single, one-off event, either indoor or outdoor fitting one or more of the following:

- a) It involves 300 or more people gathering for a common purpose such as sporting, entertainment or community purposes.
- b) The event will require permits or approvals from more than one department within the City;
- c) The event is a one-off, irregular occurrence outside normal activities of an organisation (e.g. sports carnival)

##### Minor Special Event

Any event, either indoor or outdoor where less than 300 people gather for sporting, entertainment or community purposes.

#### Policy

Charity, community and commercial special event operators may submit applications for approval to conduct minor or major special events within the City of Mandurah. The City will endeavour to:

- (a) promote and encourage special events that enhance leisure and entertainment opportunities to residents and visitors to the City;
- (b) protect the health and safety of persons attending special events;
- (c) protect the amenity of areas in which special events are staged; and
- (d) regulate the conduct of special events.

The City will assess the application for the conduct of a special event in accordance with its Recreation Services procedures.

<b>Procedure:</b> CS – R15 Special Events	
<b>Originating Section:</b> Recreation Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Coordinator Recreation Services Manager Recreation Centre's and Services	<b>Delegated Authority:</b>
<b>Approved:</b> Minute G.31/11/06, 21 November 2006  <b>Reviewed:</b> Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	<b>Other References:</b> Previous reference – CS-RS 06

TO BE REVOKED





POL-RCS 05

## POLICY

### EVENTS WITHIN THE CITY OF MANDURAH

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#### Policy Objective:

The City of Mandurah (the 'City') aims to:

- 1) support the planning, development and delivery of events throughout the City;
- 2) Acknowledge the significant social, economic and community capacity building benefits of events;
- 3) Provide a decision making framework that delivers an equitable and transparent process in which to assess and provide support to internal and external events.

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Deleted: implementation of externally run community, tourism and sporting events

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#### Definitions:

##### Event

An occurrence proposed to be held within the City on private or public land, either indoor or outdoor by a person(s)/incorporated group/organization/business, or by the City, where people assemble at a given time and place for entertainment, recreation or community purposes and shall include but is not limited to:

- Music and Entertainment
- Arts and Culture
- Sport and Recreation
- Food and Wine
- Festivals
- Community Events
- Civic Events
- Business Events and Conferences
- Environmental

Deleted: Concerts

Deleted: ing Events

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Deleted: Exhibitions

Deleted: Rally's or parades.

##### Major Event

Any single, one-off event, either indoor or outdoor, fitting one or more of the following:

- Audience and/or participation of more than 5,000 people;
- Includes significant social or community issues which require consideration

Deleted: <#>is run by a professional event management organisation with a long-term business plan; ¶  
<#>brings significant economic and social benefits to the Mandurah and Peel Region;¶

(e.g. noise, road closures, safety impacts).

#### Large Event

Any single, one-off event, either indoor or outdoor, fitting one or more of the following:

- Audience and/or participation of less than 5,000 and more than 1,000 people;
- Brings significant economic and social benefits to the Mandurah Region;
- Has significant temporary infrastructure installed (ie stage, large marquee etc)

#### Medium Event

Any single, one-off event, either indoor or outdoor, fitting one or more of the following:

- Audience and/or participation of less than 1,000 and more than 100 people;
- does not involve loud noise impacts or significant road closures;
- has community benefit and may have some tourism and/or economic benefit;
- possible commercial elements to the activity but must be incidental to the event;
- primarily for community and/or recreational benefit and is consistent with the accepted use of the reserve or facility.

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#### Small Event

Any single, one-off event, either indoor or outdoor, fitting one or more of the following:

- Audience and/or participation of less than 100 people;
- community run event;
- provides for social and cultural wellbeing of the community;
- primarily for community benefit and is consistent with the accepted use of the reserve or facility.

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#### **Policy:**

The City is committed to encouraging and supporting events within Mandurah and recognises that events provide a range of benefits to the local community and its visitors.

Events in the region generally contribute to a strong sense of community, cultural identity and pride. As well as those organised by the City, many festivals are run by dedicated volunteer committee members who work to provide the Mandurah community with a range of creative and unique experiences. Events contribute significantly to areas of community building, lifestyle and leisure enhancement, artistic and cultural development, increased tourism promotions and visitation, volunteer participation, fundraising, infrastructure and economic development.

Deleted: festive occasions

The City supports a number of sporting events and aims to promote Mandurah as a destination known for its water based and other sporting events.

The City has a role as a supporter, partner, assister, funder, provider and/or promoter of community celebrations that promote the natural assets of Mandjar Bay, Peel Inlet, local beaches, the close proximity and accessibility to Perth and recognises the

Deleted: (through the Community Event Support Grant (Recreation Events)) and

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regional identity.

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#### Principles:

#### What the City will do:

The City will support and encourage events that:

1. Provide for the wider community, including tourism events benefitting the wider community;
2. Develop and maintain public spaces that enable the community to come together and celebrate diversity;
3. Are of local, regional, state and/or national/international significance, contributing to the local economic development of Mandurah and that promote Mandurah as a leading events destination;
4. Encourage all abilities participation by residents, groups and visitors;
5. Make use of Mandurah's natural assets while respecting them;
6. Are complementary to the annual events calendar and do not adversely conflict with other events;
7. Are complementary to the goals and objectives of the Local Tourism Office;
8. Are supported, where possible, by partner funding through sponsorship, grants, participant fees or significant in-kind contributions;
9. For major sporting events, is aligned to an accredited peak body and has their approval.

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#### What the City will not do:

1. Coordinate or support events that are proposed by unincorporated groups or individuals without the auspices of an incorporated group or organisation; or commercial operations that do not have appropriate experience and insurance for event management.
2. Coordinate or support major events that the City does not have the capacity to adequately deliver from either a financial, resource, insufficient timing or human resource basis.
3. Coordinate or support major events that have not been presented for consideration in writing and have not been appropriately assessed by officers for consideration of approval.
4. Coordinate or support events that do not comply with relevant legislations and policies; or pose an unmitigated risk to the safety of the Community.

Deleted: to the Chief Executive Officer

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#### Procedure:

Event Application Process

#### Originating Section:

Sport, Recreation and Events

#### Relevant Legislation:

Deleted: Community and Social Development

#### Reviewer:

Manager Sport, Recreation and Events

#### Delegated Authority:

Deleted: Community and Social Development

**Approved:**

Minute: G.22/7/13, 23 July 2013

Minute G.35/2/15, 24 February 2015

**Other References:**

Deleted: City of Mandurah Events Strategy 2013 - 2016

PROPOSED

	POLICY No	POLICY TITLE	RATIONALE IN SUPPORT OF POLICY REVOCATION
1	CMS 01	Libraries and Learning	Content describes what the City is required to do which is already governed by the <i>Library Board of WA Act 1951</i> . Policy is also procedural in nature.
2	CMS 02	Access and Inclusion	The <i>Disability Services Act 1993</i> requires all local governments to develop a Disability Access and Inclusion Plan (DAIP) and for this to be reviewed at least every 5 years, however there is no requirement to develop a separate policy. The City of Mandurah's Access and Inclusion Plan 2015-2020 incorporates a policy statement.
3	CMS 03	Closed Circuit Television	City has a Community Safety and Crime Prevention Strategy 2017-2022 which references CCTV and the development of a CCTV Master Plan by 2019/2020. City's website additionally has a dedicated page to Community Safety Initiatives including information similar to that in the policy.
4	CNP 03	Lease Fee Charges	Policy has been in existence since prior to 2001. Council sets the fees and charges for lease fees thereby making a policy statement redundant.
5	CNP 04	Recreation Facilities Usage	Policy has been in existence since prior to 2001. Considered to be administrative/procedural in nature and simply how the City does business. Policy statement not required.
6	CNP 05	Recreation Facility Development	Content considered to be administrative/procedural in nature and simply how the City does business. Policy statement not required.
7	CNP 08	Mandurah Bridge – Use of Feature Lighting	Policy is considered to be administrative/procedural in nature and all information contained within the Policy, including the booking process, is detailed on the City's website.
8	DBC 01	Construction Management for Commercial and Industrial Development	Policy statement contains standard operating procedures and includes items that are already required to be considered in making a planning decision under the scheme and/or forming standard conditions for approval.
9	DBC 02	Fencing of Construction Sites Abutting Reserves and Waterways	Due to improved surveillance of sites this Policy is considered unnecessary as appropriate, less prescriptive management measures are available to provide a suitable outcome. Further, construction management plans can be requested at approval to allow a detailed assessment of this issue that may include fencing.
10	ECD 01	Economic Development	Contents of the newly adopted (October 2018) strategy "Mandurah and Murray: a shared Economic Future" has left this policy redundant.
11	EVM 01	Coastal Management	The State Planning Policy (SPP) 2.6 has recently been updated and includes comprehensive guidance as to how to determine appropriate setbacks for coastal development and development of Coastal Hazard Risk Management and Adaptation Planning (CHRMAP). The City, primarily through the Peron Naturaliste Partnership, has consulted frequently with Department of Planning to help influence the shape of the new SPP 2.6. As a consequence the new SPP 2.6 has left this Policy largely redundant.
12	EVM 05	Removal of Nuisance Animals	Policy statement not required on this matter. Contents partially covered by City's Animals & Nuisance Local Law.
13	FCM 01	Bank Guarantees / Bonds	Policy has been in existence since prior to 2001. Standard commercial practices in place to govern this matter therefore making a policy statement redundant.

14	FCM 04	Specified Area Rates for Canals and Waterways	Policy considered redundant as rates are adopted as part of the budget process with the Local Government Act 1995 stipulating how they are managed.
15	GVN 01	Confidential Items – Designation and Release	Policy has been in existence since prior to 2001. Considered procedural in nature with information already determined by the Local Government Act 1995. Internal processes include a confidential register maintained which outlines details such as the conditions and time for release.
16	HRM 01	Human Resource Management	Content duplicated in the Workforce Plan 2018-2022 adopted by Council July 2018 therefore policy statement considered redundant.
17	HRM 02	Equal Opportunity in Employment	As above
18	HRM 07	Fitness for Work	Content has an internal/employee focus and already exists as an Approved Operating Practice. Policy statement therefore redundant.
19	LUP 01	Restrictive Covenants	Policy has been in existence since prior to 2001. Scheme provisions now in place to cover this issue if a conflict arises therefore policy statement redundant.
20	LUP 04	Car Parking Cash in Lieu	Policy has been in existence since prior to 2001. Applies to areas outside of the City Centre and there are no locations where cash in lieu will be accepted. Local Planning Scheme proposes reducing the minimum parking requirements together with State Planning Policy 4.2. The City's approach is to accept lower parking rates in appropriate locations rather than payment of cash in lieu. Policy therefore redundant.
21	LUP 05	Land Assets	Policy updated April 2018 in support of the Mandurah Property Strategy which was adopted as a guiding document for the use, development and/or disposal of the City's freehold land. Strategy largely covers all information (land classifications etc) contained within policy therefore making it redundant.
22	PKR 02	Parks and Reserves	Content considered to be administrative/procedural in nature and simply how the City does business. City's Corporate Business Plan 2018-2021 also includes content as key programs/outcomes. Policy statement not required.
23	PKR 03	Designing out Crime	Policy content largely covered in state planning policy. City additionally has a Community Safety and Crime Prevention Strategy 2017-2022 which includes a number of key focus areas involving Crime Prevention through Environmental Design. Policy statement considered redundant.
24	PBH 02	Public Health Prosecutions	Policy has been in existence since prior to 2001. Prosecutions are considered on a case by case basis depending on the seriousness of the public health breach with officers authorised under legislation to undertake prosecutions. Cases are however more likely to be referred to Council if legal action was to be undertaken. Policy statement considered unnecessary.
25	RCS 02	Street Activity	Policy has been in existence since prior to 2001. Sections of content is covered by the City's Local Government Property and Public Places Local Law 2016. Officers are additionally developing guidelines to cover this matter in a similar form to Trading Permits therefore making policy statement redundant.
26	RCS 03	Mary Street Lagoon	Policy has been in existence since prior to 2001. Policy only required to highlight that Mary St Lagoon is not for commercial watercraft. City's Pen Licence Terms and Conditions (clause 17.3 – Commercial Use) to be updated to state that approval will not be given for commercial mooring at this location therefore making policy statement redundant.
27	RDS 01	Approval to Construct Works in a Street	Policy has been in existence since prior to 2001 and is largely procedural in nature. Policy statement not required.

28	RDS 02	Crossovers	Policy has been in existence since prior to 2001 and is largely procedural in nature. Content is covered by a very detailed/descriptive 'Specifications' document and 'Application to Claim Crossover'. Policy statement considered redundant.
29	RDS 03	Walkability – Footpaths and Shared Paths	Policy content largely covered by the City's Walkability Plan 2017 with a few sections additionally covered under the City of Mandurah Property and Public Places Local Law 2016 therefore policy statement considered redundant.
30	RDS 05	Street and Public Area Lighting	Policy has been in existence since prior to 2001. Content considered procedural in nature and does not add value therefore policy statement not required.
31	RDS 08	Subdivision	Policy has been in existence since prior to 2001. Content largely covered by Subdivision Guidelines that are endorsed by the WAPC therefore policy statement considered redundant.
32	TFT 01	Bus Shelters and Bench Seating	Content considered procedural in nature or does not add value therefore policy statements not required.
33	TFT 02	Local Area Traffic Management	
34	TFT 03	Mandurah's Road Safety Structure	
35	TFT 04	Traffic Management of Works within the Road Reserve	Policy has been in existence since prior to 2001. Content is covered by other statutory and agency requirements (ie MRWA) therefore policy statement not required.



POL-CMS 01

# POLICY

## LIBRARIES AND LEARNING

**Policy Objective:**

To demonstrate commitment to the provision of free and accessible library services and learning opportunities.

**Policy:**

The City of Mandurah (the 'City') is committed to providing library services and fostering learning opportunities that encourage creativity and growth.

Through libraries and learning programs, the City will provide high quality services to inform the community and support lifelong learning. The City is committed to developing its libraries as centres of community activity and places where people and ideas are brought together in a free and tolerant environment.

Public library services in Mandurah are provided with the support of State Government, therefore the City is committed to working with other parties to ensure efficient and relevant services for the local community.

Through library and learning initiatives in Mandurah, the City aims to offer:

- Quality content and digital services
- Ease of access for all users
- Equality of service for all
- Well trained, committed staff who are courteous and helpful
- A fair and impartial service that ensures privacy
- Welcoming and safe facilities
- Appropriate technology that enhances services
- Continuous improvement in services

**Procedure:**

CS LS - 01

**Originating Section:**

Community and Social Development

**Relevant Legislation:**

*Library Board of WA Act 1951* and associated Regulations

**Reviewer:**

Manager Library, Learning, Arts and Culture

**Delegated Authority:**



<b>Approved:</b> Minute G.45/8/01, 21 August 2001 <b>Reviewed:</b> Minute G.31/11/06, 21 November 2006 Minute G.43/12/09, 15 December 2009 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	<b>Other References:</b> Previous reference – CS-LS 01
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TO BE REVOKED



POL-CMS 02

# POLICY

## ACCESS AND INCLUSION

### Policy Objective:

The City of Mandurah is committed to ensuring that the community is accessible for, and inclusive of, people with a disability and our aging population, their families and carers.

### Policy:

The City of Mandurah (the 'City') interprets an accessible and inclusive community as one in which all Council functions, facilities and services (both in-house and contracted) are open, available and accessible to people with a disability and our aging population (including people of all ages and abilities), providing them with the same opportunities, rights and responsibilities as other people in the community.

### The City:

- recognises that people with a disability are valued members of the community who make a variety of contributions to local life in social, economic and cultural sectors;
- believes that a community that recognises its diversity and supports the participation and inclusion of all its members makes for a richer community life;
- believes that people with a disability, their families and carers should be supported to remain in and connected to the community;
- is committed to consulting with people with a disability, their families and carers and disability organisations in addressing barriers to access and inclusion;
- requires use of an independent access auditor for all significant new and upgraded facilities (over \$1M) or any projects that will be of significance to people with disability;
- will ensure its agents and contractors take all practical measures to implement desired outcomes of the Access and Inclusion Plan (AIP);
- is committed to supporting local community groups and businesses to provide access and inclusion of people with a disability;
- will ensure that recruitment policies, procedures and practices actively encourage and include people with a disability.

<p>The City is committed to achieving the seven outcomes of its AIP. These are:</p> <ol style="list-style-type: none"> <li>1. People with a disability have the same opportunities as other people to access the services of, and any events organised by the City.</li> <li>2. People with a disability have the same opportunities as other people to access the buildings and other facilities of the City.</li> <li>3. People with a disability receive information from the City in a format that enables them to access the information as readily as other people.</li> <li>4. People with a disability will receive the same level and quality of service from the City and its employees as other people receive.</li> <li>5. People with a disability have the same opportunities as other people to make complaints to the City.</li> <li>6. People with a disability have the same opportunities as other people to participate in any public consultation by the City.</li> <li>7. People with a disability have the same opportunities as other people to obtain and maintain employment with the City.</li> </ol>	
<p><b>Procedure:</b></p>	
<p><b>Originating Section:</b> Community and Social Development</p>	<p><b>Relevant Legislation:</b></p> <ul style="list-style-type: none"> <li>• <i>Disability Services Act 1993</i></li> <li>• <i>The Equal Opportunity Act 1984</i></li> <li>• <i>Commonwealth Disability Discrimination Act 1992</i></li> <li>• Building Codes Australia – Access for People with Disabilities</li> </ul>
<p><b>Reviewer:</b> Manager Community and Social Development</p>	<p><b>Delegated Authority:</b></p>
<p><b>Approved:</b> Minute G.21/8/11, 23 August 2011 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015 Minute G.27/11/15, 10 November 2015</p>	<p><b>Other References:</b></p>



POL-CMS 03

## POLICY

### CLOSED CIRCUIT TELEVISION

**Policy Objective:**

- To provide Closed Circuit Television (CCTV) to assist the safety of residents, visitors and staff whilst in the City of Mandurah

**Policy:**

The City provide CCTV in buildings, facilities and public areas where determined by the City as necessary. The aim is to protect assets, deter offences against persons and property and provide video recordings/evidence to events or incidents which may have occurred in the area of use. Images or records will be captured, accessed and stored in accordance with the City of Mandurah Record Management Policy and the *Freedom of Information Act 1992*.

**Procedure:**

PRO – CMS 01 - Closed Circuit Television.

**Originating Section:**

Community and Social Development

**Relevant Legislation:**

- State Records Act 2000*
- Freedom of Information Act 1992*
- Evidence Act 1906*

**Reviewer:**

Director People and Communities

**Delegated Authority:****Approved:**

Minute G.26/3/12, 27 March 2012  
Minute G.35/2/15, 24 February 2015

**Other References:**



POL-CNP 03

## POLICY

### LEASE FEE CHARGES

**Policy Objective:**

To control and manage the establishment of lease fee charges for sporting and community groups.

**Policy:**

Lease fee charges for sporting and community groups for lease of Council freehold or vested land shall be based on the area of lease in accordance with the City's Fees and Charges Schedule. The City of Mandurah supports and encourages the establishment of local sporting and recreational clubs for the benefit of the community. In setting the lease fee, the City shall set a price per square metre of the leased area, which shall be applied to all sport and community leases, commercial leases excluded.

**Procedure:****Originating Section:**

Land Management Services

**Relevant Legislation:****Reviewer:**

Coordinator Land Management

**Delegated Authority:****Approved:**

Minute G.45/08/01, 21 August 2001

**Reviewed:**

Minute G.31/11/06, 21 November 2006

Minute G.43/12/09, 15 December 2009

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Other References:**

Previous reference – LC 02



POL-CNP 04

# POLICY

## COMMUNITY FACILITY USAGE

### Policy Objective:

To provide the community with access to a range of facilities and reserves for a variety of functions, events and activities.

### Policy:

The City will manage its facilities and reserves in a fair and equitable manner whilst maximising community use.

Any club, group or individual making application to use a Council recreation facility will be processed in accordance with Recreation Services Assessment of Applications procedures.

Seasonal and Regular Hire allocation periods are subject to final approval by the Manager Recreation Centres and Services. Usage by multiple groups is managed in accordance with the application procedures outlined in the allocation package as well as the Active Reserve Load Management Guidelines.

Booking applications will attract a bond and hire fee in accordance with the City's schedule of fees and charges. Fees and charges are reviewed annually prior to being adopted by Council.

The City will consider applications for a fee reduction or waiver in accordance with the Recreation Pricing Procedure.

### Definitions

For the purpose of this policy and accompanying procedures, Council's recreation facilities include the following: -

#### **Public Open Space / Passive Reserve**

Any parcel of public land owned by the City or within trustee of the City and zoned as public open space, active recreation or passive recreation. Public Open space includes parks, passive open space, playgrounds, beaches and foreshore recreation reserves.

#### **Community Halls and Pavilions**

Those buildings owned or managed by the City for the purpose of community use.

#### **Active Reserve Load Management Guidelines**

Guidelines adopted by Council that recommend weekly maximum use of active reserves in order to manage the impact of sporting activities on the condition of the reserves.

#### **Casual User**

Users of the City's recreation facilities that hire for a one-off specific event or irregular meetings to a maximum of 11 times per calendar year.

**Regular Hirer**

Users of the City's recreation facilities that hire the City's facilities on an on-going basis, which results in more than 11 sessions per calendar year.

**Seasonal Hirer**

Sporting groups and associations that hire the City's facilities for the duration of their sporting season:

- *Winter – 2<sup>nd</sup> Saturday in April to last Sunday in September*
- *Summer – 2<sup>nd</sup> Saturday in October to last Sunday in March*

This policy does not cover: -

- a) Any facility throughout the City currently under a lease agreement;
- b) Hire of facilities to conduct Swapmeets and Markets – which are covered under the Street Activity policy;
- c) Hire of facilities for Busking – which is covered under the Street Activity policy;
- d) Hire of facilities for Fundraising and Non-Commercial Information purposes – which are covered under the Street Activity policy; and
- e) Hire of facilities to conduct Special Events – which are covered under the Special Events Policy and Procedures.

**Procedure:**

- CS – R05 Hire of Recreation Facilities
- CS – R02 Active Reserves Usage
- CS – R09 Recreation Pricing

<b>Originating Section:</b> Recreation Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Coordinator Recreation Services Manager Recreation Centre's and Services	<b>Delegated Authority:</b>
<b>Approved:</b> Minute G.45/08/01, 21 August 2001  <b>Reviewed:</b> Minute G.31/08/04, 17 August 2004 Minute G.31/11/06, 21 November 2006 Minute G.43/12/09, 15 December 2009 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	<b>Other References:</b> Previous reference – CS-RS 01



POL-CNP 05

## POLICY

### RECREATION FACILITY DEVELOPMENT

**Policy Objective:**

To provide community groups within the City of Mandurah with the opportunity to seek approval for upgrade and development of new and existing community sport and recreation facilities.

**Policy:**

Community groups and associations will have the opportunity to seek approval for the development of sport and recreation facilities suitable to their needs.

Community groups will have the opportunity to apply for financial assistance from the City to assist in the development of such facilities.

The City will be able to manage the development of sport and recreation facilities to ensure that they meet the needs of their users without adversely impacting on the general community.

Applications for approval to develop sport and recreation facilities and for financial assistance will be assessed in accordance with the City's sport and recreation facility development procedures.

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

**Procedure:**

CS – R04 Sport and Recreation Facility Development

**Originating Section:**

Recreation Services

**Relevant Legislation:****Reviewer:**

Coordinator Recreation Services

Manager Recreation Centre's and Services

**Delegated Authority:****Approved:****Other References:**



G.31/11/06, 21 November 2006 <b>Reviewed:</b> Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	Previous reference – CS-RS 04
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TO BE REVOKED

# MANDURAH BRIDGE – USE OF FEATURE LIGHTING

## POLICY

POL-CNP 08

### Objective:

To provide direction to the City of Mandurah for the daily feature lighting of the Mandurah Bridge.

The aim is to:

1. Enhance the City's visual appearance and sense of vitality through the lighting of the Mandurah Bridge.
2. Utilise the lighting to assist approved charitable and non-profit organisations in raising awareness of significant events or appeals.
3. Utilise the lighting for significant City of Mandurah events.

### Statement:

#### 1. Policy Principles

- 1.1 This policy will apply to the colour change on the Mandurah Bridge.
- 1.2 The City will light the Mandurah Bridge each evening with a different colour from 10 minutes before sunset to sunrise.
- 1.3 The City will on Friday and Saturday evenings play a programmed light show at 7pm in the winter and 8pm in the summer.
- 1.4 Bookings will be accepted from charitable and not for profit organisations promoting a significant event or appeal:
  - 1.4.1 If the organisation is recognised within the state of Western Australia;
  - 1.4.2 May be of significance to Mandurah and Western Australia;
  - 1.4.3 Is recognised nationally or internationally.
- 1.5 Bookings will not be accepted from individuals for their own purposes.
- 1.6 Bookings will not be accepted that relate to commercial advertising purposes.

#### 2. Applications/Bookings

- 2.1 The lights will be booked on a first come first served basis.
- 2.2 The sites may be booked for one night only.
- 2.3 Bookings may be made one year in advance.
- 2.4 Applications will be accepted for the bridge to be lit in one or more colours of significance to the event or the appeal.
- 2.5 The City reserves the right to recoup costs incurred for any application requesting more than one colour or that requires program changes that incur a cost to the City.
- 2.6 Applications will **not** be accepted for the following days or periods:
  - 2.6.1 Australia Day
  - 2.6.2 ANZAC Day
  - 2.6.3 Christmas from 12 December to the 7 January
  - 2.6.4 New Year
  - 2.6.5 Crab Fest

- 2.6.6 Easter
- 2.6.7 NAIDOC
- 2.6.8 Stretch
- 2.6.9 Wearable Art Mandurah
- 2.6.10 Remembrance Day
- 2.6.11 Children's Festival
- 2.6.12 Or other dates prescribed by the City.

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### Procedure:

1. Dates can be requested through the Application Form.
  2. Applicants will be informed promptly if they are successful.
  3. The colour will be programed into the system and the lights will be on show from 10 minutes before sunset to sunrise.
  4. A calendar will be kept which will be managed by the Director People and Communities
- 

**Responsible Directorate:** People and Communities

**Reviewer:**

**Creation date:** Minute G.10/5/18, 22 May 2018

**Amendments:**

**Related Documentation:**



POL-DBC 01

## POLICY

# CONSTRUCTION MANAGEMENT FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT

### Policy Objective:

To ensure development works carried out on commercial and industrial properties have adequate construction management measures in place during the course of construction activity.

### Policy:

The City of Mandurah (the 'City') requires that any Planning Application for significant commercial or industrial development be conditioned that a Construction Management plan be submitted and approved by the City prior to the submission of a Building Permit Application.

The construction management plan is required to satisfy the City and address the criteria outlined by the City's Construction Management Guide. The request for a construction management plan will be at the discretion of the City.

Smaller commercial or industrial developments will be subject to the provisions of the City of Mandurah Animals, Environment and Nuisance Local Law 2010, and where deemed appropriate a construction management specification provided by the City. Such specifications will form part of the approved documents issued with a building licence.

Building owners are required to comply with the construction management plan or construction management specification and all relevant local laws during the period that the development is being constructed.

### Procedure:

#### Originating Section:

Development Compliance Services

#### Relevant Legislation:

#### Reviewer:

Coordinator Building and Development  
Compliance Services

Manager Planning and Land Services

#### Delegated Authority:

#### Approved:

Minute G: 34/2/11, 22 February 2011

#### Other References:

City of Mandurah Animals, Environment and

Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	Nuisance Local Law 2010
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TO BE REVOKED



POL-DBC 02

# POLICY

## FENCING OF CONSTRUCTION SITES ABUTTING RESERVES AND WATERWAYS

**Policy Objective:**

To ensure development sites have adequate measures in place to protect reserves and waterways from litter and building rubble during construction.

**Policy:**

The City requires that any development abutting a reserve or waterway is to be provided with a barrier during the course of construction that will minimise the spread of litter, dust and building materials into reserves and waterways.

The minimum barrier is to consist of a minimum 1.8 meter high construction fence, suitably stabilised, consisting of metal posts and wire fabric, clad with shade cloth or solid timber or metal sheet panels.

The barrier is to be placed on the boundaries between the development and a reserve or waterway at the direction of the City of Mandurah.

Conditions requiring the minimum standards outlined above will be included on building licences issued for such developments.

**Procedure:****Originating Section:**

Development Compliance Services

**Relevant Legislation:****Reviewer:**

Coordinator Building and Development Services

**Delegated Authority:****Approved:**

Minute. G.34/2/11, 22 February 2011

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Other References:**



POL-ECD 01

## POLICY

### ECONOMIC DEVELOPMENT

#### Policy Objective:

To facilitate and stimulate the economic growth and sustainability of Mandurah and the broader Peel Region; specifically to:

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

#### Policy:

In collaboration with business and industry, federal, state and local government, the education and training sector, industry representative groups and other stakeholders, the City will seek to:

- Position and promote Mandurah as a desirable location to invest, work and live;
- Position and promote Mandurah as an iconic 'waterways-based' tourism destination;
- Promote, facilitate and support small business growth, innovation and entrepreneurship;
- Facilitate growth and diversification of Mandurah and the broader region's economy;
- Engage, advocate and collaborate with regional partners to ensure the delivery of 'Transform Peel';
- Facilitate and promote comprehensive redevelopment of the Mandurah City Centre;
- Attract private and public investment;
- Enhance local education and training outcomes;
- Facilitate a reduction in local unemployment;
- Provide opportunities for lifelong learning;
- Engage in research and development partnerships with universities and private-sector institutions;
- Facilitate and advocate for the provision of infrastructure and services that enhance Mandurah's economy;
- Engage in intra-regional and inter-regional partnerships that benefit Mandurah's economy;
- Ensure that Mandurah's economic development is not at the expense of environmental or social outcomes (triple-bottom-line development).

**Procedure:** In October 2018, the City of Mandurah Council adopted '*Mandurah and Murray: a Shared Economic Future*' as the City's new Economic Development Strategy. The new strategy was created in partnership with the Shire of Murray, and is a 'living' document that will change according to Mandurah and Murray's changing objectives, priorities and opportunities.

The new strategy aims to stimulate increased local and regional economic activity, which in turn will lead to an increase in gross regional product, improved employment, education and training outcomes and enhanced employment self-sufficiency. The strategy contains six programs, broadly focusing on the water economy, tourism, arts, culture and sport, city centre activation and

<p>redevelopment, food and agribusiness, and resources and energy. Within these programs are a number of projects across Mandurah and Murray, specifically focussing on Internet of Things (IOT) data networks, water science, Foreshore redevelopment, eco and trails tourism, agri-innovation, and transport infrastructure.</p>	
<p><b>Originating Section:</b> Chief Executive Officer's Directorate</p>	<p><b>Relevant Legislation:</b> N/A</p>
<p><b>Reviewer:</b> Manager Economic Development and Projects</p>	<p><b>Delegated Authority:</b></p>
<p><b>Approved:</b> G.31/11/06, 21 November 2006</p> <p><b>Reviewed:</b> Minute G.43/12/09, 15 December 2009 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015</p>	<p><b>Other References:</b> Previous reference – CS-ED 01</p>

TO BE REVOKED





POL-EVM 01

# POLICY

## COASTAL MANAGEMENT

### Policy Objective:

The City of Mandurah (the 'City') recognises that the beach and coastal areas are highly regarded by both the local community and visitors as two of Mandurah's most valued assets. The City aims to:

1. Protect, conserve and enhance coastal reserves and marine environments;
2. Encourage orderly and balanced development on and adjacent to the coast, consistent with the protection of coastal reserves; and
3. Facilitate public access to and use of the coast, consistent with the protection of coastal resources.

### Policy:

1. This policy will apply to an area parallel to and not less than 500 metres from the high water mark of the Indian Ocean, including existing reserves and private land within and abutting the 'Coastal Management Area' along the entire length of the coastline within the district, including the Peel Inlet.
2. When making a decision relative to development within the coastal area, the City will take into account policies, studies (including a cultural map) and advice from any relevant stakeholder groups.
3. When making decisions relative to development within the Coastal Area, the City will take into account the following matters;
  - a) Protection of features of natural, scientific and/or cultural significance;
  - b) The adequacy of foreshore development setbacks and the foreshore reserve width, having regard for potential sea level rise, the stability of both the shoreline and sand dune areas, visual amenity, recreational requirement and 'sense of place';
  - c) The need for conservation of biodiversity (flora and fauna) within the coastal area and protection of foreshore vegetation; and fauna, including the retention and enhancement of green corridors;
  - d) The appropriate height and form of buildings within or adjacent to the foreshore reserve and the impact of such on the coastal landscape and/or cultural character of the area;
  - e) Protection and/or enhancement of views within the coastal management area. Particular attention should be given to coastal areas visible from the major vantage points, such as ridgelines, scenic routes and pathways, public recreation areas and coastal waters;
  - f) Utilisation of landscaping to minimise the impact of development and to maintain, where possible, the coastal landscape character in the foreshore reserve and adjacent areas;
  - g) Ensuring that developments on the foreshore and adjacent coastal reserves are in harmony with the coastal landscape through appropriate siting, design and use of materials;
  - h) Provision of access to the coast through the exclusion of residential lots immediately adjacent to foreshore reserves;

- i) The need for conservation of biodiversity (flora and fauna) within the coastal area and protection of foreshore vegetation; and fauna, including the retention and enhancement of green corridors;
  - j) Provisions for fire control and management.
4. The City will apply this policy when considering the requirements for its planning and management of coastal areas, and when imposing conditions on planning applications for sites adjacent to the coast.
5. When planning approval [including re-zoning] is sought within the coastal area and the proposal has an impact, or is likely to have an impact, on the coastal area, through increased recreational use or otherwise, the City may require the applicant prepare and implement a Foreshore Management Plan (FMP) in respect of the subject land. The FMP will be prepared in accordance with the principles of this policy and will include considerations such as:
- a) Resource Planning and Management;
  - b) Coastal Protection;
  - c) Marine and Terrestrial Environment;
  - d) Cultural Environment;
  - e) Recreation and Tourism;
  - f) Coastal Settlement;
  - g) Inclusion of an implementation framework that sets out a staging schedule, budgeting requirement [including contingency], responsibility and independent audit; and
  - h) Acknowledgement that the developer is responsible for the implementation of the plan and ongoing management of the foreshore area for a period of not less than three (3) years following practical completion of works. Completion date to be determined by the City following the receipt of an independent audit of the works confirming the completion of works in accordance with the approved FMP.
6. When planning approval [including re-zoning] is sought within the coastal area and the proposal is not immediately adjacent to the coastal reserve but the proposal has an impact, or is likely to have an impact, on the Coastal Area, through increased recreational use or otherwise, the City may require the applicant to contribute towards the management, maintenance or upgrading of the Coastal Area in accordance with the principles outlined in this policy.

**Procedure:**

Coastal Management

**Originating Section:**

Eco-Services

**Relevant Legislation:**

- *Planning and Development Act 2005*
- WAPC Policy – DC 6.1 Country Coastal Planning Policy
- Statement of Planning Policy 2.6 – State Coastal Planning Policy, 2003 + Amendment No. 1, 2006 [*subsection 5.3 building heights limits*]
- City of Mandurah Town Planning Scheme No. 3
- *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*

	- <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
<b>Reviewer:</b> Manager Environmental Services Manager Marina and Waterways	<b>Delegated Authority:</b>
<b>Approved:</b> Minute: G.26/3/07, 20 March 2007 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	<b>Other References:</b>

TO BE REVOKED



POL-EVM 05

## POLICY

### REMOVAL OF NUISANCE ANIMALS

**Policy Objective:**

To protect the health and biodiversity of the City's natural habitat, water bodies and conservation reserves.

**Policy:**

The City of Mandurah (the 'City') understands that on occasions, wildlife can be a nuisance and cause damage to infrastructure and habitat. The City is active in reducing problems associated with nuisance animals and will remove the following:

- Feral Koi/Carp where they are known to exist in water bodies contained within public open space.
- Domestic ducks and geese in Reserves and Public Open Space where they are proven to be a nuisance.
- Other animals including foxes, feral cats, rats, rabbits, pigeons, european bees and non endemic species that deter and limit natural breeding and behaviours that would normally occur without impact from foreign species where they are proven to be a nuisance.

In removing the above, the City will utilise its own resources and/or contractors as required.

**Procedure:****Originating Section:**

Technical Services

**Relevant Legislation:****Reviewer:**

Manager Technical Services  
Director Works and Services

**Delegated Authority:****Approved:**

Minute G.43/12/09, 15 December 2009  
Minute G.57/2/12, 28 February 2012  
Minute G.35/2/15, 24 February 2015

**Other References:**

TO BE REVOKED



POL-FCM 01

## POLICY

### BANK GUARANTEES / BONDS

#### Policy Objectives:

- a) To secure enforcement of development approval conditions and the performance of the developer, particularly where default on the part of the developer has implications for the City in having to complete or rectify work outstanding or satisfy a requirement.
- b) To secure the City's interests where guarantees are substituted for bonds in relation to matters such as rental guarantees, tender guarantees and other such matters requiring lodgement of a bond or guarantee.

#### Policy:

A Bank Guarantee / Bond shall be provided by the applicant or other party in those cases where there is a requirement to fulfil specific conditions as required and determined by Council. The following shall apply;

1. The amount of the Bank Guarantee / Bond shall be assessed on the estimated cost of the works which are subject of planning conditions, in the event of Council itself having to carry out the work, or the value of rental or other requirement.
2. The Bank Guarantee / Bond shall not be constrained by an expiry date as its termination is dependent on the relevant planning condition(s) being satisfied.
3. Stamp Duty must be paid on the Bank Guarantee to validate it prior to its acceptance by the City.
4. A specimen copy is required from the applicant to ensure the City's concerns are adequately addressed prior to its acceptance.
5. The Bank Guarantee shall be accepted by the City prior to the issue of any licences, approvals or contracts.
6. The progressive review of a Bank Guarantee can be made in accordance with the relevant condition(s) being progressed or satisfied as considered appropriate by the City.
7. If the City is required to undertake the work where the applicant is in default, Council shall be indemnified against any claim for compensation by the applicant or a third party by means of either a clause written into a legal agreement for the project as a whole, or another form of indemnity. The right of Council to enter onto the property will also need to be established prior to commencement of the work.
8. The City shall not undertake work where the applicant is in default until after successful legal action has been undertaken against the applicant for failure to comply with a planning condition or provision of a Legal Agreement.
9. All Bank Guarantees / Bonds for which the condition(s) have been satisfied shall be returned directly to the issuing institution.

10. The City will accept Bank Guarantees in lieu of cash bonds from any Australian licensed deposit taking institution.

**Procedure:**

**Originating Section:**

Financial Services

**Relevant Legislation:**

*Local Government Act 1995*

**Reviewer:**

Manager Financial Services

**Delegated Authority:**

**Approved:**

Minute G.45/8/01, 21 August 2001

**Reviewed:**

Minute G.43/12/09, 15 December 2009

Minute G.35/2/15, 24 February 2015

**Other References:**

Previous reference – FS-11



POL-FCM 04

## POLICY

# SPECIFIED AREA RATES FOR CANALS AND WATERWAYS

### Policy Objectives:

The City of Mandurah (the 'City') will:

- a) ensure that payment is made for planned and reactive maintenance of relevant areas in accordance with the City's Canal Management Guidelines;
- b) recover debt service costs in respect of major maintenance or asset replacement items which are the responsibility of residents;
- c) ensure that management of funds is conducted in an open and transparent manner.

### Policy:

1. The City may contribute to Canal & Waterway costs to reflect:
  - costs attributable to areas under the direct control of the City; and/or
  - costs attributable to public usage the level of which is agreed between the City and the residents' representatives.
2. Each year the City will provide residents with:
  - A statement of the budget for that year together with details of how the specified area rate was calculated.
  - A statement of expenditure against budget for the previous year.
3. The City will not create reserve accounts for specified area rates unless one of both the following events apply:
  - There is a specific asset management plan which defines outcomes and costs associated with asset replacement programmes.
  - There is the need to transfer an under-utilisation of specified area rate receipts from one year to another.

### Procedure:

#### Originating Section:

Financial Services

#### Relevant Legislation:

*Local Government Act 1995 s6.37*



<b>Reviewer:</b> Manager Financial Services	<b>Delegated Authority:</b>
<b>Approved:</b> Minute G.48/6/09, 16 June 2009 <b>Reviewed:</b> Minute G.43/12/09, 15 December 2009 Minute G.35/2/15, 24 February 2015	<b>Other References:</b> Previous reference – FS-12

TO BE REVOKED



POL-GVN 01

# POLICY

## CONFIDENTIAL ITEMS – DESIGNATION AND RELEASE

### Policy Objective:

To control and outline guidelines with respect to confidential items to meet legislative requirements, and maintain individual right to privacy.

### Policy:

Documents issued under confidential cover to members of Council remain confidential until such time as Council resolves to release the document for public information. The Chief Executive Officer in assigning the “confidential” status designation shall do so judiciously in circumstances deemed to be in the public interest and/or the best interest of Council. The report shall include a reference to the legislation pursuant to which it is designated as confidential and the following guidelines will apply:

1. An item designated as confidential with the clear purpose of preserving confidentiality for a limited period of time, the expiry date and reason for confidentiality shall be clearly and succinctly stated.
2. Confidential items are to be included on a “bring forward” system, and when appropriate, an officer report is to be prepared containing a recommendation that the item be released for public information. An absolute majority (as defined under s1.4 of the *Local Government Act 1995*) decision is required in this regard.
3. All other reports relating to discussion in accordance with the provisions of section 5.23(2) of the *Local Government Act 1995* remain confidential until Council resolves by absolute majority to release the documents for public information.
4. Confidential Committee items referred to Ordinary Council meetings continue to form part of the items passed en bloc by Council if not withdrawn, but that the index for the meeting clearly highlight such item as being a “confidential” item.

### Procedure:

#### Originating Section:

Legal and Governance Services

#### Relevant Legislation:

*r.6 Local Government (Rules of Conduct) Regulations 2007*

*Local Government Act 1995*

#### Reviewer:

Corporate Lawyer

#### Delegated Authority:

<b>Approved:</b> Minute: G.26/3/07, 20 March 2007 <b>Reviewed:</b> Minute G.43/12/09, 15 December 2009 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	<b>Other References:</b> Previous reference – M 04
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TO BE REVOKED



POL-HRM 01

# POLICY

## HUMAN RESOURCES MANAGEMENT

### Policy Objective:

To put in place human resource practices that support the City of Mandurah Strategic Community Plan and the Strategic Human Resource Plan.

### Policy:

The City of Mandurah (the 'City') will implement Human Resources practices and procedures that will:

- build and retain a skilled, motivated and healthy workforce;
- encourage personal growth and development;
- create an organisational climate of accountability and performance excellence;
- build organisational commitment to the City's values of Trust, Respect, Integrity, and Confidence;
- reflect the diversity within the community;
- recognise that compliance with employment legislation is a minimum requirement of Human Resources management;
- attract competent employees to the City;
- ensure that all Human Resources management activities meet high ethical standards;
- develop and support leadership capacity within the organisation and community;
- foster positive workforce relations through the achievement of a constructive workplace culture.

### CHIEF EXECUTIVE OFFICER

The Chief Executive Officer (CEO) is to:

- ensure practices that support this policy are designed, implemented and reviewed;
- ensure the City has a strategic Human Resources Plan that will be aligned to the overall strategic direction of the City; and
- encourage others to apply the highest standards in human resource management and hold managers accountable for performance in human resource management.

### LINE MANAGERS:

Day to day responsibility for ensuring the compliance with this Policy rests with Line Managers.

**HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT:**

The role of the Human Resources and Organisational Development team is to:

- provide guidance to the CEO who has authority over all matters of HR management in relation to City of Mandurah employees.
- have human resource practices that support the City of Mandurah Strategic Community Plan;
- recognise the CEO's authority under the *Local Government Act 1995* to make decisions on all employment matters and where appropriate, the delegation of that authority; and
- foster a workplace culture that focuses on constructive behaviours and leadership styles.

**Procedure:**

<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i>
<b>Reviewer:</b> Executive Manager Strategy and Business Performance	<b>Delegated Authority:</b>
<b>Approved:</b> Minute: G.26/3/07, 20 March 2007  <b>Reviewed:</b> Minute G.43/12/09, 15 December 2009 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	<b>Other References:</b> Previous reference – OD-01



POL-HRM 02

## POLICY

# EQUAL OPPORTUNITY IN EMPLOYMENT

**Policy Objective:**

To ensure City of Mandurah workplaces are free from unlawful discrimination, free from harassment and provide equal employment opportunity to diverse groups.

**Policy:**

1. The City will actively promote Equal Employment Opportunity (EEO) and Diversity within a comprehensive staff equity & diversity framework, which recognises the value a diverse and multi-talented workforce can bring to the delivery of organisational outcomes.
2. The EEO goals of the City are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
3. All employees will receive fair and equitable treatment in the work place.
4. Employment decisions will be based on skills, talents and business needs.
5. The City will not tolerate any form of discrimination or harassment within its workplace.
6. The City is committed to ensuring that any complaint made under this policy is investigated thoroughly and the appropriate actions are taken. Should the complaint be found to be justified, after having regard to the seriousness of the offence and the expectation of the victim, the matter will be dealt with in a serious manner.
- 7.

**Procedure:****Originating Section:**

Human Resources

**Relevant Legislation:***Local Government Act 1995**Equal Opportunity Act 1984***Reviewer:**

Executive Manager Strategy and Business Performance

**Delegated Authority:****Approved:**

Minute G.43/12/09 15 December 2009

**Reviewed:**

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Other References:**



POL-HRM 07

## POLICY

### FITNESS FOR WORK

#### **Policy Objective:**

To provide a safe, healthy and productive workplace through effective management of anyone attending the City of Mandurah's work areas while not fit for work.

#### **Policy:**

The City of Mandurah, as an employer, is committed to providing a safe and healthy place for its workers and approved visitors at its workplaces in accordance with the *Occupational Safety and Health Act 1984*.

This policy applies to all workers (a worker includes employees, apprentices, trainees, cadets, interns, work experience student, contractors, sub-contractors, consultants and volunteers) employed or engaged by the City of Mandurah at any of its workplaces, events and functions and also applies to approved visitors when attending a City of Mandurah workplace.

City of Mandurah line managers and any other worker charged by the City of Mandurah to supervise other workers and approved visitors at any of the City of Mandurah's workplaces are expected to abide by and enforce this Policy at all times.

City of Mandurah workers are required to attend fit for work to ensure duties are performed in a safe, efficient and productive manner. Workers should be aware that many factors may affect fitness for work, and these can often interact with each other.

These may include:

- General health and fitness;
- Secondary employment or volunteer activities;
- Recreational activities and sport;
- Medications;
- Insufficient sleep;
- Fatigue;
- Excessive work hours or demands;
- Injury or illness – work or non-work related;
- Consumption of alcohol or other drugs; and

- Personal factors – psychological, psychiatric issues, family issues or illnesses.

A worker, or approved visitor, who attends any City of Mandurah workplace in an unfit manner is operating outside the City of Mandurah's Policy and may be subjected to counselling, disciplinary action, or eviction from the workplace

In managing this Policy, the City of Mandurah will ensure, whenever possible, that confidentiality is maintained at all times.

meet the Policy objective the City of Mandurah will:

- Aim to provide a safe and healthy working environment free of work-related injury or illness;
- Minimise the risk of workers, or approved visitors to the workplace, entering the workplace, presenting for work or conducting work while impaired;
- Establish appropriate steps to manage workers, or approved visitors to the workplace, who are not fit for work;
- Encourage workers who are not fit for work for any reason to independently seek assistance;
- Maintain appropriate health and fitness standards for its workers and provide encouragement for workers to sustain their fitness for work;
- Promote and assist the physical, psychological health of workers so that they can safely and efficiently sustain their work requirements;
- Provide the resources necessary to allow for monitoring, testing, education and counselling services within the workplace; and

Encourage behaviour and attitudes that are conducive to a healthy and safe workplace.

#### **Procedure**

Approved Operating Practice - Fit for Work

#### **Originating Section:**

Human Resources &  
Organisational Development

#### **Relevant Legislation:**

*Occupational Safety and Health Act 1984*  
*Occupational Safety and Health Regulations 1996*

#### **Reviewer:**

Executive Manager Strategy &  
Business Performance

#### **Delegated Authority:**

#### **Approved:**

Minute G.28/9/16, 27 September  
2016

#### **Other References:**





POL-LUP 01

## POLICY

# RESTRICTIVE COVENANTS

**Policy Objective:**

To provide clarity regarding the enforcement of restrictive covenants placed on titles by developers.

**Policy:**

The City of Mandurah (the 'City') will not undertake the enforcement of restrictive covenants unless the restrictive covenants have been noted on the title by and for the benefit of the City.

The enforcement of restrictive covenants is a matter of contract and is distinct from the City's statutory duty in regard to the issuing of planning approvals under the Town Planning Scheme No 3 and building licenses under the *Building Act 2011*.

*Note: The owners of land who claim the benefit of a covenant have the right to enforce it. It is open to them to take further action for an injunction if they consider they are sufficiently affected.*

**Procedure:****Originating Section:**

Planning and Projects

**Relevant Legislation:**

*Planning and Development Act 2005*

*Town Planning Scheme No 3 – Clause 9.8*

*Building Act 2011*

**Reviewer:**

Manager Planning and Land Services

**Delegated Authority:****Approved:**

Minute: G.26/3/07, 20 March 2007

**Reviewed:**

Minute G.28/2/10, 23 February 2010

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Other References:**

Previous reference – SD-02



POL-LUP 04

## POLICY

### CAR PARKING CASH IN LIEU

#### Policy Objective:

To provide for a formula where the cash in lieu provisions for car parking have been provided for in any planning application, outside of the City Centre zone.

#### Policy:

The City of Mandurah (the 'City') may require cash in lieu for car parking, not including the City Centre zone of Town Planning Scheme No 3, at its discretion, where the City:

- (a) has developed or has plans to develop a car parking reserve in close proximity to the development paying the cash in lieu;
- (b) has exceptionally good reason for wanting the development to proceed;
- (c) considers a much needed facility or service to the locality will be provided;
- (d) the development will act as a catalyst for other new development to occur in a locality thereby encouraging redevelopment and upgrading of an area.

The cash in lieu payment is discretionary and the City may decide to require full provision of car parking in accordance with Scheme standards if, in its opinion, the amenity of the area may in any way be adversely affected.

Should a cash in lieu payment be considered appropriate, such payment shall be calculated in accordance with the following:

- A construction component cost assessed at the time of development being charged plus 10%.
- A land value component be charged plus 10%, based on the following:-  
 $(29\text{m}^2) \times (\text{land value per m}^2) \times (\text{number of parking bays required})$ ;
- The land value per square metre is to be determined from a valuation by a licensed Valuer appointed by the City, with all costs incurred in obtaining the valuation borne by the applicant proposing a cash in lieu contribution of car parking;
- The cash in lieu payments collected by the City are to be paid into the appropriate Reserve Fund.

The cash in lieu payment is to be made prior to the occupancy of the building or commencement of use.

#### Procedure:

<b>Originating Section:</b> Planning and Land Services	<b>Relevant Legislation:</b> <i>Planning and Development Act 2005</i> City of Mandurah Town Planning Scheme No 3
<b>Reviewer:</b> Manager Planning and Land Services	<b>Delegated Authority:</b>
<b>Approved:</b> Minute G.23/12/01, 12 December 2001  <b>Reviewed:</b> Minute G.28/2/10, 23 February 2010 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	<b>Other References:</b> Previous reference – SD-05

TO BE REVOKED



POL-LUP 05

# POLICY

## LAND ASSETS

### Policy Objective:

- a) To outline the classifications to be assigned to the City of Mandurah (the 'City') freehold property and strategic Crown land holdings in Mandurah.
- b) To provide an outline of the practices to be employed by the City in the management of these land holdings.

### Policy:

The City plays a vital role in the economic wellbeing of the district through the provision of leadership, development planning, regulatory and other services which support every aspect of sustainable development in the City.

This involves, among other things, managing its land assets in a manner that will maximise the City's level of income and wealth to enable it to distribute that wealth to the community through projects aligned with the City's Strategic Community Plan.

The City recognises that the quality and diversity of services provided will increasingly determine its competitive advantage to provide the best infrastructure that will satisfy present residents and attract new residents and investors to enjoy quality of life.

The City recognises that its economic development focus aims to improve the economy and overall welfare of the community and therefore deals with wider issues than purely economic growth.

### 1. Property used for City Growth Purposes

*This category includes land acquired and held for the purposes of securing strategic urban development objectives such as town centre projects, car parking, transportation, acquisition of strategic parcels for the purposes of facilitating specific economic development objectives, and property held in pursuit of the City's planning objectives.*

The City will:

- Review each property regularly to ensure it remains consistent with its proposed future use;
- As appropriate, explore opportunities to obtain rental income pending utilisation for its proposed future use;
- Where practicable seek opportunities to combine strategic development and investment objectives, but in general a commercial rate of return is not expected from properties held for City growth purposes.

- Identify and acquire land for City Centre Growth in accordance with City's Property Strategy.

## **2. Property Used for Investment Purposes**

*The City recognises that funding community needs and aspirations is an important and fundamental issue through which the City's land assets can assist.*

Where appropriate, the City will:

- Examine its existing freehold properties and identify those where the potential exists to create an ongoing and enduring income stream for the City;
- Apply the proceeds of conversion of land held for social purposes to Crown Reserves to acquire property to be held for investment purposes where appropriate;
- Increase over time the City's portfolio of income producing properties to supplement its income;
- Ultimately seek a commercial rate of return for properties held for investment purposes. As the majority of properties held by the City in this category are vacant land, their development will occur over time, with the aim of achieving ongoing and enduring income.

## **3. Property used for Social and Community Facilities**

*The City provides a typical range of facilities for community and not-for-profit groups to use and enjoy such as community centres, libraries and recreation centres.*

In terms of the property required to support these facilities, the City will:

- Where appropriate locate community facilities on Crown Reserves and public open space in preference to freehold land owned by the City;
- Where possible seek to convert City owned freehold land containing social and community facilities to a Crown Reserve in exchange for State owned land of a comparative value, which will become City freehold land;
- Generally not seek a full commercial return on investment for land held for social or community purposes;
- Evaluate the most cost-effective means of providing support to local groups and organisations in providing community development programmes, covering issues such as:
  - The relative merits of ownership versus leasing of buildings;
  - Ensuring wherever practicable that community facilities are available for multiple users, and
  - Co-locating facilities wherever possible so that parts where exclusive use is not required, such as office accommodation, car parks, can be shared.
  - Encourage short term non-exclusive licenses where practical.
- Seek opportunities to achieve cost savings by co-locating social and community service functions with those of other agencies.

<p><b>4. Property used for Bushland/Public Open Space Purposes</b></p> <p><i>The City recognises the need for suitable areas of Public Open Space for bushland, conservation and recreational purposes.</i></p> <p>As well as applying its powers under its Local Planning Scheme to have areas set aside for these purposes, wherever appropriate, the City will:</p> <ul style="list-style-type: none"> <li>• Continue to identify and acquire land for conservation and bushland in accordance with its draft Bushland Protection Strategy;</li> <li>• Explore opportunities to protect the City's freehold land which has conservation value, by converting it to Crown Reserve by exchanging the selected land for other State owned land, the latter will then become City freehold land.</li> </ul>	
<p><b>Procedure:</b></p>	
<p><b>Originating Section:</b></p> <p>Sustainable Development</p>	<p><b>Relevant Legislation:</b></p> <p><i>Local Government Act 1995 s3.58, 3.59, 3.60 and 6.21(2)</i></p>
<p><b>Reviewer:</b></p> <p>Director Sustainable Development</p>	<p><b>Delegated Authority:</b></p>
<p><b>Approved:</b></p> <p>Minute G.47/7/10, 27 July 2010</p> <p><b>Reviewed:</b></p> <p>Minute G.57/2/12, 28 February 2012</p> <p>Minute G.35/2/15, 24 February 2015</p> <p>Minute G.26/4/18, 24 April 2018</p>	<p><b>Other References:</b></p>



POL-PBH 02

## POLICY

# PUBLIC HEALTH PROSECUTIONS

**Policy Objective:**

To ensure compliance with the provisions of all Environmental Health legislation.

**Policy:**

The City of Mandurah, in dealing with breaches of the *Health Act 1911* or *Food Act 2008*, will require the offending person/s, as the circumstances dictate, to provide a written explanation within 14 days showing cause why legal action should not be instigated.

The responsible Environmental Health Officer shall seek to resolve the matter of the offence with the person concerned and the Principal Environmental Health Officer shall assist in the event that agreement on compliance with the provisions of the *Health Act 1911* or *Food Act 2008* are not reached.

Should the Principal Environmental Health Officer determine that legal action is warranted, a report shall be submitted to Council recommending that legal action be initiated, and the report shall include details of fines and daily penalties for which a defendant may be liable. Environmental Health Officers by virtue of their office are provided powers under section 358(2) of the *Health Act 1911* to institute and carry on legal proceedings without the express consent of the local government, and this option can be considered in extreme circumstances.

**Procedure:****Originating Section:**

Environmental Health

**Relevant Legislation:***Health Act 1911**Food Act 2008*

Australian Food Standards Code

**Reviewer:**

Manager Statutory Services

**Delegated Authority:****Approved:****Reviewed:**

Minute G.43/12/09, 15 December 2009

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Other References:**

Previous reference – CS-EH 01

TO BE REVOKED





POL-PKR 02

## POLICY

# PARKS 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.

### Policy:

For the purpose of this policy, parks and reserves include reticulated and non reticulated active and passive parks, developed and undeveloped recreation reserves and conservation reserves under the care and control of the City.

The following principles will be applied by the City:

- Parks and reserves will be managed and effectively maintained to acceptable industry standards.
- Park and reserve management practice will be environmentally sensitive and will apply careful consideration to local landscape character and existing site conditions.
- Parks and reserves will be functional, accessible to all groups in the community and safe to use.
- The broad community will be consulted regarding matters of significance to parks and reserves.
- Facilities and services will be provided to enhance visitor experience of Parks and Reserves.

This policy does not cover parks and reserves developed and maintained by residential land developers as part of the sub-divisional process. This is covered under the Subdivision Policy POL-RDS 08.

### Procedure:

#### Originating Section:

Technical Services

#### Relevant Legislation:

#### Reviewer:

Coordinator Landscape Services  
Director Works and Services

#### Delegated Authority:

<p><b>Approved:</b> Minute G.26/3/07, 20 March 2007</p> <p><b>Reviewed:</b> Minute G.43/12/09, 15 December 2009 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015</p>	<p><b>Other References:</b></p> <ul style="list-style-type: none"><li>• Previous reference – WS-09</li><li>• Parks and Reserves Strategic Plan</li><li>• City Parks Operations Maintenance Manual</li><li>• IPWEA (WA) Subdivisional Development Guidelines</li></ul>
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TO BE REVOKED



POL-PKR 03

## POLICY

### DESIGNING OUT CRIME

**Policy Objective:**

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The City of Mandurah (the 'City') is committed to minimising the incidence of crime and the fear of crime in our community through its community, planning and design processes.

**Policy:**

The City will:

1. Incorporate principles set out in the Designing Out Crime Planning Guidelines (June 2006 prepared by the Western Australian Planning Commission) for Crime Prevention through Environmental Design into all public realm design, maintenance and decision making processes
2. Encourage Community Awareness/Education Programme on crime prevention in consultation with the Western Australia Police Service and all other agencies dealing with community safety and security issues.

**Procedure:****Originating Section:**

Planning and Projects

**Relevant Legislation:**

- Town Planning Scheme No. 3
- *Local Government Act 1995*

**Reviewer:**

Manager Planning and Land Services

**Delegated Authority:****Approved:**

PCDS.27/4/07, 3 April 2007

**Reviewed:**

Minute G.28/2/10, 23 February 2010

Minute G.57/2/12, 28 February 2012

**Other References:**

- Designing Out Crime Planning Guidelines (June 2006 prepared by the Western Australian Planning Commission)
- Previous Reference – SD-12

Minute G.35/2/15, 24 February 2015	
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TO BE REVOKED



POL-RCS 02

## POLICY

### STREET ACTIVITY

**Policy Objective:**

To manage community street activities conducted throughout the City of Mandurah (the 'City').

**Policy:**

The City aims to carefully manage requests for street activity to ensure equity and fairness is shown to not only the applicant, but to the existing retail/commercial sector, City users, and residents.

Any group or individual wishing to occupy a position in a public area in which to conduct any of the following activities must seek approval from the City:

- Busking / street performance
- Fundraising / Information stall
- Raffle
- Street Appeal
- Market and Swapmeet

The above practices are subject to the terms and conditions outlined in the City's application form and subsequent Public Entertainment and Busking procedures. Markets and Swap meets will be assessed in accordance with the associated Recreation Services Procedure.

**Procedure:**

- CS – R13
- CS – R14
- CS – R16

**Originating Section:**

Recreation Services

**Relevant Legislation:****Reviewer:**

Manager Recreation Centre's and Services

**Delegated Authority:****Approved:**

Minute G.45/08/01, 21 August 2001

**Reviewed:**

Minute G.31/08/04, 17 August 2004

Minute G.31/11/06, 21 November 2006

Minute G.43/12/09, 15 December 2009

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Other References:**

Previous reference – CS-RS 05

TO BE REVOKED



POL-RCS 03

## POLICY

### MARY STREET LAGOON

**Policy Objective:**

To enhance the aquatic environment by providing a marina facility for non-commercial watercraft.

**Policy:**

A safe storage for non-commercial watercraft with ease of access to the main waterway channel is to be provided.

Guidelines for the mooring of watercraft are to be provided in a clear and unambiguous manner.

**Procedure:****Originating Section:**

Works and Services

**Relevant Legislation:****Reviewer:**

Manager Marina and Waterways

**Delegated Authority:****Approved:**

Minute G.45/8/01, 21 August 2001

**Reviewed:**

Minute G.43/12/09, 15 December 2009

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Other References:**

- Previous reference – WS-17
- Pen Licence Terms and Conditions



POL-RDS 01

## POLICY

# APPROVAL TO CONSTRUCT WORKS IN A STREET

### Policy Objective:

To control and manage works in the road reserve, ensure reinstatements are completed to a satisfactory standard, and that resident and traffic safety concerns are addressed.

### Policy:

#### Requirements

Approval is required for the following types of work in an existing street:

1. Installation of public utilities services except where installed by the Public Utility and their contractors itself;
2. Construction of works prescribed by the City as conditions of approval of development;
3. Construction of works prescribed by the City as conditions of approval of subdivision; and
4. Construction of works for an approved verge development by the adjacent landowners.

### Procedure:

Utilities Providers – Codes of Practice & IPWEA Local Government Subdivision Guidelines

### Originating Section:

Technical Services

### Relevant Legislation:

### Reviewer:

Manager Technical Services  
Director Works and Services

### Delegated Authority:

### Approved:

Minute G.45/8/01, 21 August 2001

### Reviewed:

Minute G.43/12/09, 15 December 2009  
Minute G.57/2/12, 28 February 2012  
Minute G.35/2/15, 24 February 2015

### Other References:

Previous reference – WS-03  
IPWEA WA Subdivisional Guidelines



TO BE REVOKED



POL-RDS 02

# POLICY

## CROSSOVERS

**Policy Objective:**

To define the City of Mandurah's (the 'City') requirements for the construction of crossovers located in the road reserve.

**Policy:**

- The construction of all crossovers may be undertaken privately, however must conform to the City's specifications relating to the location, size, level, grade and standards of construction.
- The City will contribute toward the cost of the first brick paved, concrete or bitumen crossover or an approved equivalent provided it is constructed in accordance with the specifications.
- The application to the City for a crossover subsidy should be submitted prior to commencement of works to ensure applicant is aware of the specification requirements.
- During construction, the existing street trees reticulation, landscaping, footpaths, infrastructure and associated brick paved areas within the road reserve shall be protected and/or re-instated to the satisfaction of the City in the event of any damage occurring.

**Procedure:**
**Originating Section:**

Operation Services

**Relevant Legislation:**

*Local Government Act 1995 – Schedule 9.1*

**Reviewer:**

Manager Technical Services

**Delegated Authority:**
**Approved:**

Minute G.45/8/01, 21 August 2001

**Reviewed:**

Minute G.43/12/09, 15 December 2009

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Other References:**

- Previous reference – WS-07
- Specification for the construction of standard type concrete or bitumen paved vehicle crossings.
- Specification for the construction of standard type brick paved vehicle crossings.
- Application for repair of crossover.
- Application for brick paved crossover subsidy.
- Application for concrete and bitumen crossover subsidy.
- IPWEA Subdivisional Guidelines

# WALKABILITY - FOOTPATHS AND SHARED PATHS

## POLICY

POL-RDS 03

### Objective:

To provide a pedestrian transport network that meets the community's needs in terms of safety and user comfort, with appropriate provision for the requirements of special needs groups

### Statement:

The City of Mandurah (the 'City') will:

- Provide a comprehensive path network that includes:
  - A priority on path connections within 800 metres of key activity attractors.
  - A regional path network with a priority on multiple functions such as recreation, heritage, culture, art and tourism.
- Consult with user groups and stakeholders on path planning work.
- Prepare ten year forward works programs to inform financial planning and to guide the preparation of the annual budgets.
- Give pedestrian access priority on the road verge.
  - Paths that cross driveways should show a preference towards pedestrian use rather than vehicle use. Path construction will be uniform and continuous through the various material types encountered in property access crossovers.
  - Along road verges with no formed path, pedestrian access will be provided with a minimum 1.0 metre wide and 2.0 metre high clear zone through landscaping and infrastructure.
  - Along any formed path, pedestrian access will be provided with a clear zone to the full width of the path and 2.0 metres high, excluding authorised bollards and access controls.
  - Construction works that necessitate preventing access to the road verge will provide safe alternative routes for pedestrians with a minimum 1.0 metre wide and 2.0 metre high clear zone.
- Select the location of new paths within any street or reserve with consideration of:
  - pedestrian safety and security,
  - lighting,
  - reducing proximity to vehicles,
  - reducing conflict with vehicles,
  - logical and efficient access for pedestrians,
  - site constraints such as excessive slope, utilities or drainage, and
  - protection of the natural environment, heritage and amenity.
- Ensure paths comply with City of Mandurah Technical Standards and specifications.

- Any path that reaches a road shall have a pram ramp installed in accordance with the City of Mandurah Technical Standards.
- Tactile Ground Surface Indicators (TGSI) and hand rails will be installed if recommended as a result of risk and needs analyses.
- Paths constructed on an Arterial, Integrator, or Neighbourhood Connector A road shall be located as close as possible to the boundary line.
- Paths that are intended to be Shared Paths, such that permitted use of the path includes adult cyclists, will be designed, signed and linemarked to the City of Mandurah Technical Standard.
  - The path geometry (shape, alignment, sight lines, width and so on) shall be suited to both cyclists and pedestrians.
  - The path will be designed to minimise pedestrian and cyclist conflict, and expand the functionality of the path for effective cycling use while not limiting the function for pedestrian use.
- Inspect and maintain paths to provide a stable, uniform, non-slip surface free of trip hazards and debris.
  - Condition inspections shall be undertaken every three years. Paths that are considered to be beyond reasonable repair will be listed for renewal.
  - Defects inspections shall be undertaken at a frequency relative to the category and risk of the path segment.
  - Maintenance and repairs shall be undertaken in accordance with the agreed level of service.
  - Where paths are damaged by vehicles or machinery, the City will attempt to identify the responsible party, and the responsible party will be required to repair the paths.

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## Procedure:

Shared Path Management

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**Responsible Directorate:**

Technical Services

**Reviewer:**

Director Works and Services

**Creation date:**

Minute G.45/8/01, 21 August 2001

**Amendments:**

Minute G.43/12/09, 15 December 2009

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

Minute G.25/8/18, 28 August 2018

**Related Documentation:**

- City of Mandurah Walkability Plan 2017
- Road Traffic Act 2000
- A Disability Services Act 1993 (amended 2004)

TO BE REVOKED



POL-RDS 05

## POLICY

# STREET AND PUBLIC AREA LIGHTING

**Policy Objective:**

To provide street and public area lighting to assist in the safe night time passage of pedestrians, cyclists and motorists in the City of Mandurah (the 'City').

**Policy:**

The City provides lighting to streets, public transport stops, major pedestrian and bicycle routes and public areas that are well used at night to assist in the safe passage of pedestrians, cyclists and motorists.

Lighting in new developments will be compliant with the requirements of the current edition of the Institution of Public Works Engineering Australia WA Division Subdivisional Guidelines (IPWEA Subdivisional Guidelines) and energized when a minimum of 10% of lots are occupied in an individual street.

All decorative street lighting will be selected from Western Power's approved Street Vision Decorative Lighting series, and should reflect the amenity of the adjacent streets where practical to do so.

Lighting upgrades in developed areas will be prioritised to address community need taking into account industry guidelines, safety, usage, crime prevention, cost and local amenity.

The City promptly repairs faults to lighting in its ownership and provides notification of faults to street lighting owned by Western Power.

**Procedure:**

Street and Public Area Lighting Approved Operating Practice

**Originating Section:**

Technical Services  
Infrastructure Management

**Relevant Legislation:****Reviewer:**

Director Works and Services

**Delegated Authority:****Approved:**

Minute G.45/8/01, 21 August 2001

**Reviewed:**

Minute G.43/12/09, 15 December 2009

Minute G.57/2/12, 28 February 2012

Minute G.35/2/15, 24 February 2015

**Other References:**

- Previous reference – WS-05
- IPWEA (WA) Subdivisional Guidelines
- AS 1158 Series



POL-RDS 08

# POLICY

## SUBDIVISION

**Policy Objective:**

To ensure all works associated with the subdivision and development of land within the City of Mandurah (the 'City') comply with the minimum standards specified in the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivision Development and the City of Mandurah Addendum to the subdivision guidelines publication current edition.

**Policy:**

In ensuring that all land within the City is developed in a manner that is sensitive to the environment and consistent with the needs and expectations of the community, the City aims to adhere to the aforementioned Guidelines which prescribe the minimum standards applicable to the design and construction of roads, stormwater systems, paths, canals and public open space, and set out provisions for the control of dust and noise pollution from development sites.

**Procedure:**

- Institute of Public Works Engineering Australia Local Government Guidelines for Subdivision Development
- City of Mandurah Subdivision Guidelines Addendum

**Originating Section:**

Technical Services

**Relevant Legislation:**
**Reviewer:**

Manager Technical Services  
Director Works and Services

**Delegated Authority:**
**Approved:**

Minute G.45/8/01, 21 August 2001

**Reviewed:**

Minute G.42/2/04, 17 February 2004  
Minute G.43/12/09, 15 December 2009  
Minute G.57/2/12, 28 February 2012  
Minute G.35/2/15, 24 February 2015

**Other References:**

Previous reference – WS-16



POL-TFT 01

## POLICY

# BUS SHELTERS AND BENCH SEATING

**Policy Objective:**

To use the City's best endeavours to meet the public transport facility needs of the community.

**Policy:**

In considering the provision of infrastructure such as bus shelters and bench seating, the City will:

- place bus shelters only on school bus routes and public transport routes, and prioritise these in accordance with available funding and qualifying criteria;
- place bench seating in the road reserve on school bus or public transport routes, and only locate these at bus stops.
- Ensure new bus stop layouts provide access for people who are able bodied and those with special needs and comply with the Public Transport Authority (PTA) Public Transport Bus Stop Site Layout Guidelines.

**Procedure:**

Bus Shelter and Seating Replacement and Installation

**Originating Section:**

Technical Services

**Relevant Legislation:**

*Disability Services Act 1993*

**Reviewer:**

Manager Technical Services  
Director Works and Services

**Delegated Authority:****Approved:**

Minute G.29/11/07, 20 November 2007

**Reviewed:**

Minute G.43/12/09, 15 December 2009  
Minute G.57/2/12, 28 February 2012  
Minute G.35/2/15, 24 February 2015

**Other References:**

- Previous reference – WS-12
- Public Transport Bust Stop Site Layout Guidelines



TO BE REVOKED



POL-TFT 02

## POLICY

### LOCAL AREA TRAFFIC MANAGEMENT

**Policy Objective:**

To use its best endeavours to control and manage a traffic crash free environment, eliminate traffic speeding and congestion, and to eliminate non-residential through traffic from local streets.

**Policy:**

The City of Mandurah (the 'City') will aim to:

- develop a traffic management plan for local areas prior to any modifications to the road network;
- advise residents and visitors of car parking facilities, and ensure those facilities are readily accessible.
- work with local communities to facilitate sound traffic management in local areas and streets using recognised guidelines with the express purpose of achieving a level of traffic safety acceptable to those communities and the City of Mandurah.

**Procedure:****Originating Section:**

Technical Services

**Relevant Legislation:****Reviewer:**

Manager Technical Services  
Director Works and Services

**Delegated Authority:****Approved:**

Minute G.45/8/01, 21 August 2001

**Reviewed:**

Minute G.43/12/09, 15 December 2009  
Minute G.57/2/12, 28 February 2012  
Minute G.35/2/15, 24 February 2015

**Other References:**

Previous reference – WS-14



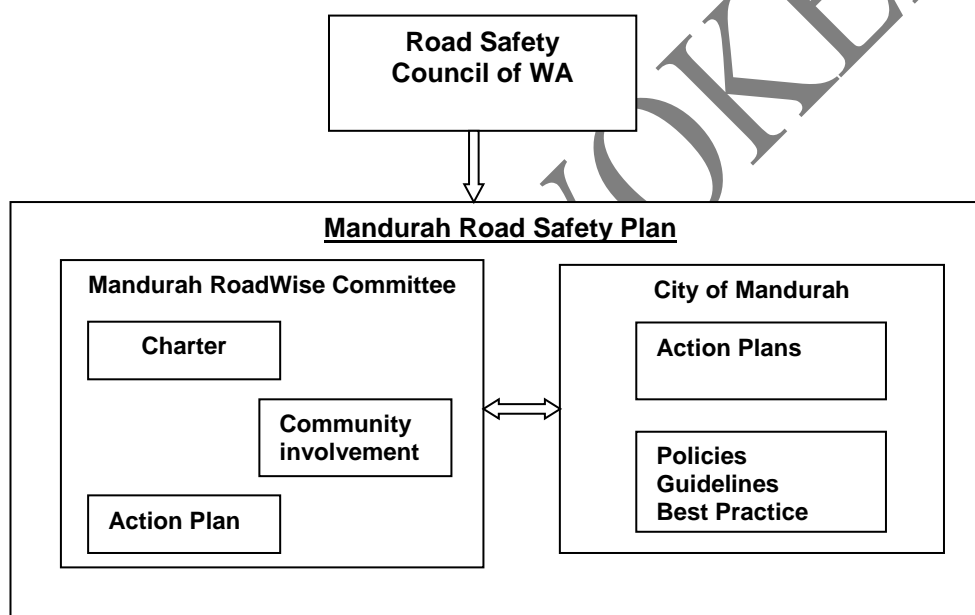
POL-TFT 03

# POLICY

## MANDURAH ROAD SAFETY STRUCTURE

**Policy Objective:**

To promote a road network meeting the community's needs in terms of road safety and the various alternative modes of transport.

**Policy:**


The City has a Road Safety Structure which will promote community involvement and education, and utilising its own resources and those of relevant government road safety agencies, investigate, plan and design road and transport system which considers the safety of all users including motorists, cyclists and pedestrians.

**Procedure:**
**Originating Section:**

Technical Services

**Relevant Legislation:**
**Reviewer:**

Manager Technical Services  
Director Works and Services

**Delegated Authority:**

<p><b>Approved:</b> Minute G.45/08/01, 21 August 2001</p> <p><b>Reviewed:</b> Minute G.43/12/09, 15 December 2009 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015</p>	<p><b>Other References:</b></p> <ul style="list-style-type: none"><li>• Previous reference – WS-21</li><li>• Mandurah's Road Safety Structure</li><li>• Towards Zero – Road Safety Strategy 2008-2020 (Road Safety Council)</li></ul>
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TO BE REVOKED



POL-TFT 04

# POLICY

## TRAFFIC MANAGEMENT OF WORKS WITHIN THE ROAD RESERVE

### Policy Objective:

To ensure that standardised procedures for traffic management are used at all works within the road reserve to provide for the safety of road users and workers and to minimise the disruption and inconvenience to road users.

### Policy:

The City of Mandurah (the 'City') will:

- a) Comply with the requirements of the latest amendment to the Main Roads Western Australia (MRWA) "Traffic Management for Works on Road Code of Practice" (referenced herein as the "Code of Practice") for all work within the road reserve undertaken by the City and its agents.
- b) Authorise other parties not subject to an instrument of authorisation with MRWA to work within the local government road reserve. It is a condition of this approval that traffic management at works within the road reserve be carried out in accordance with the "Code of Practice".
- c) Recognise that it has a duty of care under the *Occupational Safety and Health Act 1984* to provide a safe place of work for its employees and to ensure that persons who have access to the workplace are not exposed to hazards.
- d) Prepare or have prepared a traffic management plan for all works within the road reserve under its control.
- e) Keep a record of the traffic management plan and in particular the sign and device arrangement and any changes to such during the works for a period of seven (7) years from the date of completion of the works.
- f) Works within the road reserve traffic management tasks shall only be undertaken by persons who have successfully completed MRWA Traffic Management for Works on Roads - Basic Worksite Traffic Management.

### Procedure:

<b>Originating Section:</b> Operation Services	<b>Relevant Legislation:</b> Occupational Health and Safety Act 1984
<b>Reviewer:</b> Manager Technical Services	<b>Delegated Authority:</b>
<b>Approved:</b> Minute G.56/10/01, 16 October 2001 <b>Reviewed:</b> Minute G.43/12/09, 15 December 2009 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015	<b>Other References:</b> Previous reference – WS-26 Traffic Management for Works on Roads Code of Practice – Main Roads WA Australian Standard – AS1742.3 2009

TO BE REVOKED

POLICY No	POLICY TITLE
CMR 01	Coat of Arms and Logo
CMR 02	Honorary Freeman of the City
CMR 04	Promotion and Advertising
CMR 05	International Relations Policy
CMR 06	Sponsorship
CMR 07	Welcome to Country and Acknowledgment of Country
CMR 08	Aboriginal Connection to Country (Land)
CMR 09	Donations to Charitable & Not for profit Organisations
CMS 04	Families and Children
CPM 04	Infrastructure Asset Management
CPM 05	Service Complaints Handling
CPM 06	Authority to Execute Documents
CNP 01	Funeral Services in Community Halls & Public Open Space
CNP 07	Community and Recreation Facilities
EMS 01	Bush Fire Prevention and Control
EMS 02	Emergency Management
EVM 04	Ocean Sewerage Outfalls
EVM 06	Canal Waterways Management
FCM 02	Finance Investment
FCM 03	Loans to Sporting and Community Associations
FCM 05	Private and Other Third Party Works
FCM 06	Treatment of Annual Surpluses
FCM 07	Related Party Disclosures
GVN 02	Legal Representation for Elected Members, Committee Members and Employees
GVN 04	Elected Member Support and Development
GVN 05	Mayoral Vehicle Usage
HRM 03	Occupational Safety and Health
HRM 04	Payments to Employees
HRM 05	Senior Employees
HRM 06	Annual Performance Review – Chief Executive Officer
IMT 01	Records Management
LUP 02	Response to Appeals to State Administrative Tribunal
LUP 03	Unauthorised Clearing of Vegetation
LUP 06	Community Purpose Land
LUP 07	Street Numbering
PKR 01	Memorial Seats and Plaques in Reserves and Public Open Space
PKR 04	Naming of Community Infrastructure and Public Places
PBH 01	Burial Plots
PBH 04	Alcohol Management
RCS 04	Grants and Donations
RCS 05	City Events
RCS 06	Public Art
RKM 01	Risk Management
RDS 04	Roadside Memorials
RDS 06	Urban Tree Management
RDS 07	Water Sensitive Urban Design
TFT 05	Parking Permits

<b>6</b>	<b>SUBJECT:</b>	New Shared Parking and Training Facility - Bortolo Reserve
	<b>CONTACT OFFICER:</b>	Craig Johnson
	<b>AUTHOR:</b>	Craig Johnson / Paul Miller

### Summary

Bortolo Reserve in Greenfields is a district level sports facility comprising 2 multi-purpose ovals and a Clubroom / Pavilion with change room facilities. In 2018, the City of Mandurah installed new sports lighting to the northern oval through a \$200,000 grant as part of the State Government's Local Jobs Local Projects initiative. As a result, there has been increased usage of the northern oval leading to demand for additional parking to support the 45 existing bays that are situated at the southern end adjacent to the Clubroom / Pavilion.

With funding for the City Centre Waterfront Project now secure and planning underway for the redevelopment of the Western Foreshore, the City urgently needs to resolve the issue of relocating the current Fire Training and Competition Track facility.

Over the past 3 years, the City has considered a large number of alternative options, both in Mandurah and surrounding areas, of which none were deemed appropriated for a range of reasons. Officers have now identified an opportunity to develop a Shared Parking and Training Facility at Bortolo Reserve to service the newly lit northern oval as well as accommodate the relocation of the existing fire track from the Western Foreshore.

Council is requested to approve the proposal for the planned construction of a new Shared Parking and Training Facility at Bortolo Reserve to improve parking provisions and to accommodate the future training and competition facilities for the Mandurah Volunteer Fire and Rescue Service and note that a funding strategy will now need to be developed to enable the delivery of the project.

### Disclosure of Interest

Nil

### Location



Bortolo Reserve, Greenfields



## **Previous Relevant Documentation**

- G.9/3/16    8 March 2016      Council noted the concept plan for the relocation of the Mandurah Volunteer Fire and Rescue Service training and competition track to Coote Reserve, Madora Bay and requested officers to undertake a process of consulting the residents adjacent to Coote Reserve and the current user groups of the project and how it is to be implemented.
- G.10/8/16   9 August 2016      Council resolved that the City no longer considers Coote Reserve as an option for the relocation of the Mandurah Volunteer Fire & Rescue Service training and competition track. Council also noted that City Officers will investigate other potential sites for the relocation of the fire track from the Western Foreshore and report back to Council with recommendations.

## **Background**

### Bortolo Reserve

Bortolo Reserve is a district level sports facility designed primarily for the purpose of active sports participation. The reserve contains 2 multi-purpose ovals (Bortolo North and Bortolo South) and a Clubroom / Pavilion with change room facilities. The reserve and its facilities currently accommodate a wide range of community groups including the following sport and recreation clubs;

- Mandurah Bridge Club (lease agreement over part of the Pavilion)
- Peel District Little Athletics Club
- Peel United Soccer Club
- Peel Junior Soccer Association

In 2018, the City of Mandurah installed new sports lighting to the northern oval at Bortolo Reserve through a \$200,000 grant provided via the State Government's Local Jobs Local Projects initiative. As a result, there has been a significant increase in the activation of the Reserve, in particular the northern oval. This increased usage has now increased the demand for parking at Bortolo Reserve which is currently limited to approximately 45 bays directly adjacent to the Clubroom / Pavilion on Bortolo Drive.

### Mandurah Volunteer Fire & Rescue Service

The Mandurah Volunteer Fire and Rescue Service have two (2) primary purposes;

1. Volunteer community safety and support service
2. Sports competition (two senior and two junior teams currently)

The Mandurah Volunteer Fire & Rescue's Fire Station is situated on the corner Panton Road and Cumberland Drive in Greenfields with the Fire Training and Competition Track located on the Western Foreshore. Currently, the 'Fire Track' is used for a combination of both sports competition training (twice a week between August and April) and safety service drills and exercises (up to 3 times a month).

For a number of years now, the City has understood the need to relocate the Mandurah Volunteer Fire & Rescue Service's Training and Competition Track from its current location on the Western Foreshore. As part of the City Centre Waterfront Project, the Western Foreshore will undergo a significant redevelopment and as a result, a decision on where to relocate the current Fire Track facility is becoming urgent.

In March 2016, the City identified an opportunity for the potential relocation of the Mandurah Volunteer Fire and Rescue Service training and competition track from the Western Foreshore to Coote Reserve in Madora Bay.

Following a number of stakeholder meetings, the City conducted a public consultation session with local residents in late June 2016. The purpose of this engagement was to seek feedback on two draft concept plans for Coote Reserve if the fire track was to be relocated to this site. The public consultation highlighted

that there was only limited support for the relocation of the fire track to Coote Reserve as it would reduce the active reserve space and the majority of residents rejected the proposal.

At its meeting on the 9 August 2016, Council approved a recommendation that officers investigate other potential sites for the relocation of the fire track from the Western Foreshore and provide a briefing to Elected Members on the options available and report back to Council with recommendations.

Subsequent to that Council report, Officers have considered a large number of alternative options, both in Mandurah and surrounding areas, of which none were deemed appropriated for a range of different reasons. Those site considered include;

1. Coodanup Foreshore
2. McLarty Road Reserve
3. Peelwood Reserve (2 possible locations)
4. Lakelands District Open Space
5. Old Ravenswood Drag Strip (Shire of Murray)
6. Sir Ross McLarty Oval (Shire of Murray)

### **Comment**

City officers have now identified an opportunity to develop additional parking facilities at Bortolo Reserve that could not only service the recently lit northern oval, but also be designed to accommodate the training and competition needs of the Mandurah Volunteer Fire and Rescue Service. This option would greatly improve the parking infrastructure to service Bortolo Reserve now and into the future, as well as provide a suitable relocation alternative for the Fire Training and Competition Track from the Western Foreshore.

The draft plan proposes access to the shared parking and training facility from Lowden Road at the northern end of the reserve off the existing round-about. The area to be developed would measure approximately 190m x 13m providing provision for an additional 60 – 70 car parking bays.

In managing access and use of the parking and training facility, Officers are proposing the installation of bollards around the perimeter and vehicle access gates at the entry point. It is intended that the access gates would be locked every evening once formal sport and recreation activities are completed. For the specific occasions when the facility is being used for fire and rescue training, competition and safety drills, the Mandurah Volunteer Fire & Rescue group would be required to book the space through the City's Facility Hire / Booking process to ensure exclusive use for their planned activities.

The supporting infrastructure at Bortolo Reserve, namely the Pavilion / Clubroom facility, will also help enhance the delivery of activities for the Mandurah Volunteer Fire & Rescue group's members. Coupled with the close proximity of the reserve from the fire station in Panton Road, the new location for the proposed facility provides significant advantages for the Mandurah Volunteer Fire & Rescue group.

### **Consultation**

City officers have engaged with the Mandurah Volunteer Fire and Rescue Service to discuss the suitability of Bortolo Reserve for the future relocation of their training and competition facilities. The organisation is currently based on the corner Panton Road and Cumberland Drive in Greenfields making the proposed Bortolo Reserve facility within 2.5km of the Fire Station.

### **Statutory Environment**

N/A

## **Policy Implications**

### Policy CNP-07 Community and Recreation Facilities

To guide the City in the design, development and management of City owned community and recreational facilities. This policy applies to both existing and future facilities including refurbishments, in particular, where there is some form of tenure arrangement with a group or club, such as a lease, licence or preferred hire.

## **Economic Implications**

It is important to note that the initial cost estimate for the construction of the Shared Parking & Fire Training Facility at Bortolo Reserve would be \$300,000.

This project is not currently listed on the City's 10 year capital works plan and there is no funding allocated in the 2019/20 budget for the cost of relocating the Fire Training and Competition Track from the Western Foreshore.

To deliver this project, the City would need to develop a funding strategy. Whilst it may be possible for the City to identify project savings as part of the 2019/20 budget review process, it is most likely that the item will need to be listed for consideration as part of the 2020/21 draft budget process.

## **Risk Analysis**

Nil

## **Strategic Implications**

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

### Social:

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

### Infrastructure:

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

### Identity:

- Encourage active community participation and engagement.

## **Conclusion**

Bortolo Reserve is a district level sports facility designed primarily for the purpose of active sports participation. In 2018, the City of Mandurah installed new sports lighting to the northern oval which has resulted in an increase in the activation of the Reserve. Parking at Bortolo Reserve has long been a challenge with only 45 formal bays being available directly adjacent to the Clubroom / Pavilion.

Over the past 3 years, the City has investigated a number of potential sites for the relocation of the Mandurah Volunteer Fire & Rescue Service's Training and Competition Track from its current location on the Western Foreshore. With funding for the City Centre Waterfront Project now secure and planning underway for the redevelopment of the Western Foreshore, the need to relocate the current Fire Track facility is becoming urgent.

City officers have now identified an opportunity to increase the parking provision at Bortolo Reserve specifically to service the northern oval as well accommodate the relocation of the existing fire training and

competition track from the Western Foreshore to facilitate the delivery of the City Centre Waterfront project. The 'Shared Parking & Fire Training Facility' proposal is not currently funded. Council is being requested to approve the proposed plan to construct the facility, noting that the City still needs to develop a funding strategy to enable the delivery of the project.

**NOTE:**

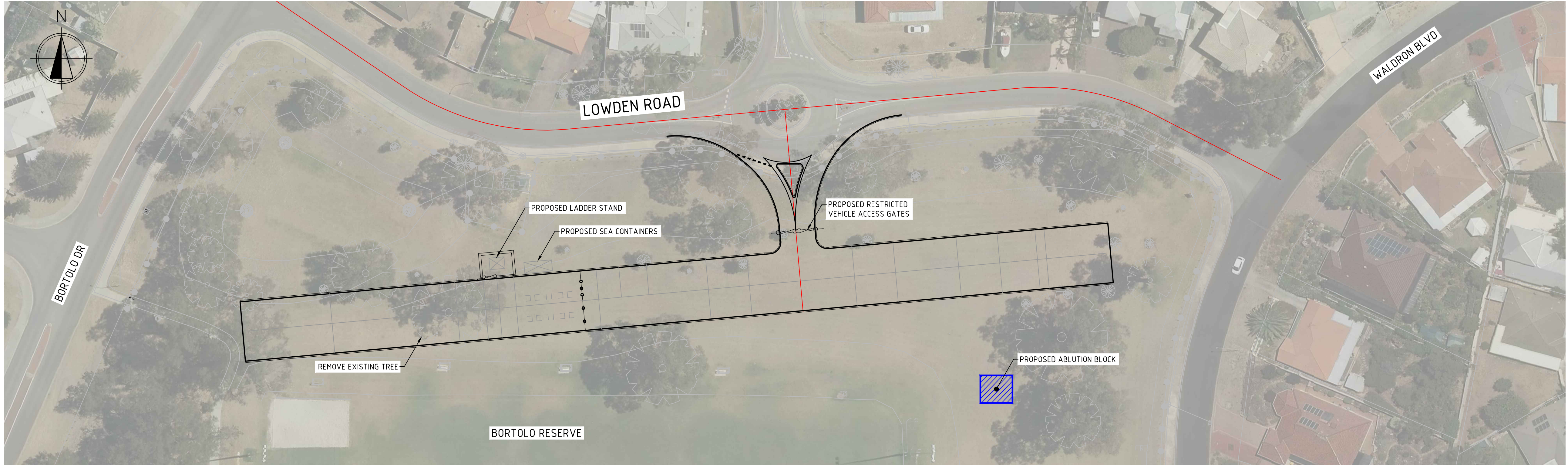
- Refer ***Attachment 1 Bortolo Reserve Shared Parking & Fire Training Facility Draft Plan***

**RECOMMENDATION**

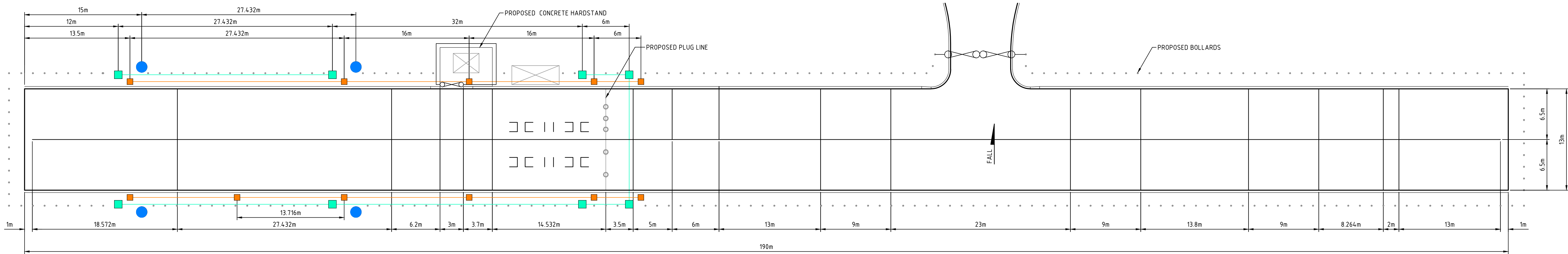
**That Council:**

1. **Approve the proposal for the planned construction of a new Shared Parking and Training Facility at Bortolo Reserve to improve parking provisions and to accommodate the future training and competition facilities for the Mandurah Volunteer Fire and Rescue Service.**
2. **Note that a funding strategy will now need to be developed to enable the delivery of the project.**

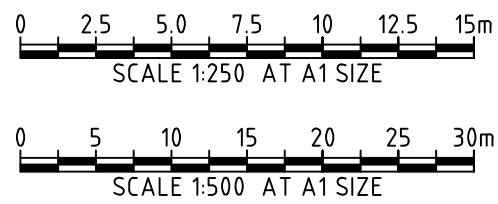





PLAN  
SCALE 1:500



DETAIL  
SCALE 1:250



SKETCH ONLY

	DATE	18/02/2019	PROJECT			LOWDEN ROAD - FIRE TRUCK AREA	
	SCALE	AS SHOWN	TITLE			LAYOUT PLAN	
	GRID	PCG94	DESIGNED			DESIGN OPTION 1	
	DESIGNED	MB	SHEET			CONCEPT PLAN	
SHEET 1			PROJECT No.		TBC	SKETCH No.	
						REV	
						A	



<b>7</b>	<b>SUBJECT:</b>	Jetty Licence: Quay Ventures Pty Ltd
	<b>CONTACT OFFICER/S:</b>	Ben Dreckow
	<b>AUTHOR:</b>	Lesley Petchell

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### **Summary**

Quay Ventures Pty Ltd currently hold three commercial jetty licenses with the City, two within the Boardwalk Precinct, adjacent to MPAC trading as Bouvard Cruises and Mandurah Ferry Cruises, with the third located in the Mandurah Ocean Marina, adjacent to the City's Marina Office, trading as Mandurah Dolphin Cruises.

All three licenses are due for expiry on the 12 October 2019, and as such Quay Ventures have requested renewal of the licenses which will all trade under the name Mandurah Cruises. As all licenses will commence on the same date and trade under the one name, Quay Ventures have requested support for one licence agreement which will identify the three separate licensed areas.

An independent valuation has been undertaken to determine fair market rent, the MPAC jetty has been valued at \$30,750 per annum (exc GST) being 82 linear metres for side A and side B, and the Mandurah Ocean Marina jetty is valued at \$6,375 per annum, for 17 linear metres. These rental rates reflect exclusive use of the jetties 7 days a week, during a fixed timeframe with no overnight stays.

Taking into consideration the request for one overarching licence, officers consider one agreement is appropriate which would cover the three separate sites. The term of the agreement should also reflect the City's standard practice for commercial leasing and licensing which is for a five year term with a five year renewal option (5+5 years). The starting rent for all three sites equates to \$37,125 (exc GST).

Council is therefore requested to support the advertising of and if no submissions received the disposal of an exclusive use jetty licence to Quay Ventures Pty Ltd trading Mandurah Cruises over 82 linear metres being side A and side B of the MPAC jetty and 17 linear metres of the jetty adjacent to the City's marina offices for an annual rent of \$37,125 (exc GST). The term of the licence being five years with a five year renewal option (5+5 years) with annual CPIs and market rent review to apply. The licence is also subject to the Minister for Lands and Department of Transport approval.

### **Disclosure of Interest**

Nil

## Location



## **Previous Relevant Documentation**

- G.26/10/16    25 October 2016    Council supported the assignment of all three licence agreements, and the variation of the expiry dates to ensure they align giving greater security to Quay Venture;
- G.40/4/11    27 April 2011    Council support was obtained for the non-exclusive jetty licence for Mandurah Dolphin Tours located at the jetty adjacent to the City's Marina Administration Office;
- G.48/6/11    28 June 2011    Council supported the assignment of the jetty licence from Emac Pty Ltd to Waterside Marine being portion (one side) of the MPAC jetty;
- G.24/10/09    26 October 2009    Bouvard Cruises and Mandurah Ferry Cruises received Council support for non-exclusive jetty licenses for a five year term with a five year renewal expiry being 12 October 2019;
- G.58/8/06    15 August 2006    Council supported the renewal of non-exclusive jetty licenses for Mandurah Ferry Cruises and Bouvard Cruises;
- G.67/8/02    22 August 2002    Council approved the installation of floating pontoons adjacent to MPAC, together with licences to Mandurah Ferry Cruises and Bouvard Cruises

## **Background**

In 2001, the City assumed the care, control and management of the boardwalk and jetty structures in the Boardwalk Precinct. At the time Bouvard Cruises and Mandurah Ferry Cruises were both operating passenger ferry services from the lower jetty in front of the Dome Café.

With the installation of floating jetties on either side of the MPAC jetty, in 2002 new arrangements were made for both businesses and a co-location, one on side A and the other on side B of the MPAC jetty. Only short term tenure was granted in 2002, and again in 2006, but by 2009 Council considered the large financial commitment outlaid by the commercial operators warranted longer secure tenure, and a 5+5 year agreement was approved by Council.

Mandurah Dolphin Tours commenced operations at Mandurah Marina in 2010 which provided a 'Quay to Quay' service (Dolphin Quay to Mandurah Quay) and boat tours that was not offered by other tour operators at the time.

In 2016, Quay Ventures purchased all three businesses, with Council supporting the assignment of the licenses and the alignment of the final expiry date being the 12 October 2019.

In the three years since Quay Ventures purchased the businesses, they have diversified and grown the tourism offering with the innovation of Wild Seafood Tours, Adventure Dolphin Tours and Indigenous Tours.

## **Comment**

Quay Ventures currently hold three jetty licenses, two over the jetty adjacent to MPAC in Mandjar Bay, trading as Bouvard Cruises and Mandurah Ferry Cruises. The third is located within the Mandurah Ocean Marina adjacent to the City's Marina Administration office.

All three licenses are due for expiry in October 2019, and as such Quay Ventures have requested support to enter into a new agreement over all three sites.



The current licenses are non-exclusive. In 2009 it was considered more appropriate to grant non-exclusivity to allow the public access to the jetties when not in use by the cruise operators. However over the last decade, as the businesses have grown, so has the presence of the cruise vessels, which results in the public rarely having access to the jetties during the commercial operators designated operational times.

The City engaged McGees Valuers to assess the current market rental value taking into consideration two scenarios the first being exclusive use of the jetties between 8.00am and 6.30pm 7 days per week with no mooring overnight. This scenario returned a rental return of \$375 per linear metre.

The second scenario assumed non-exclusive use of the jetties between 8.00am and 6.30pm 7 days per week with no mooring overnight. In this scenario commercial operators cannot stop the public from mooring their boats up to a maximum of 4 hours. This scenario returned a rental return of \$270 per linear metre.

It should be noted that in both scenarios it is assumed that the commercial operators will have access to the main jetty and the floating jetties, operate between 8am – 6.30pm, relocate for special events if requested and will not be able to conduct repairs, maintenance, refilling or selling of tickets at the jetty. Consideration must also be given to extended trading hours over the summer season, through consultation with the City.

The summary of the rental valuation concludes a non-exclusive annual rental of \$26,730 per annum over all three sites, and for exclusive use the annual rent equates to \$37,125 per annum. Considering the large financial outlay by the cruise operator, and their commitment to continue to invest heavily in the growth of their business the offer of exclusive use, results in greater security of tenure for the commercial operation and an increase in rental revenue for the City. The cruise operators will continue to moor their vessels overnight at the Mandurah Ocean Marina.

Council is therefore requested to support the advertising of and if no submissions received the disposal of an exclusive use jetty licence to Quay Ventures Pty Ltd trading Mandurah Cruises over 82 linear metres being side A and side B of the MPAC Jetty No. LM 2305 and 17 linear metres of jetty No. LM3844 adjacent to the City's marina offices for an annual rent of \$37,125 (exc GST). The term of the licence being five years with a five year renewal option (5+5 years) with annual CPIs and market rent review to apply, and subject to the Minister for Lands and Department of Transport approval.

## **Consultation**

McGee Valuers (Rental Valuation)  
Directors – Quay Ventures  
Department of Transport

## **Statutory Environment**

Disposal of Property – Section 3.58 *Local Government Act 1995 (LGA)*

'Dispose' includes to sell, lease, or otherwise dispose of, whether absolutely or not.

In accordance with LGA Section 3.58(3) (a) Local Government can dispose of property if it gives local public notice (14 days) of the proposed disposition, describing the property and giving details of the disposition. Submissions will be invited to the Local Government before a date to be specified in the notice, and any submissions received will be reported to Council.

Should no submissions be received Council is requested to approve of the disposal via a jetty licence to Quay Ventures Pty Ltd.

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

## **Policy Implications**

None

## **Risk Implications**

Nil

## **Economic Implications**

The City will receive annual revenue totalling \$37,125 (excluding GST) with annual CPI to apply, and market rent review due at the end of the first term.

All costs associated with preparation of the licence, and administration fees due to the City will be paid by Quay Ventures Pty Ltd.

## **Strategic Implications**

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

### Social:

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

### Economic:

- Develop a strong and sustainable tourism industry.

## **Conclusion**

Quay Ventures have requested support for a renewal of their existing tenure over three jetty locations within the City. The licenses are due for expiry in October 2019, and Quay Ventures have requested tenure of 5 years with a 5 year renewal option (5+5 years) and acknowledged the annual rent will commence at \$37,125 (exc GST)

The licence agreement will include side A and B of jetty LM 2305 adjacent to MPAC totalling 82 linear metres and 17 linear metres of jetty LM 3844 at Mandurah Ocean Marina. The licence is proposed as exclusive use 7 days per week with set access times between 8.00am to 6.30 pm, no overnight stays, and possible relocation for special events. Consideration will also be given to extend trading hours through the summer season, in consultation with the City.

Council is therefore requested to support the advertising of and if no submissions received the disposal of an exclusive use jetty licence to Quay Ventures Pty Ltd trading as Mandurah Cruises over 82 linear metres being side A and side B of the MPAC Jetty No. LM 2305 and 17 linear metres of Jetty LM3844 adjacent to the City's marina offices for an annual rent of \$37,125 (exc GST). The term of the licence being five years with a five year renewal option (5+5 years) with annual CPIs and market rent review to apply, and subject to the Minister for Lands and Department of Transport approval.

## **RECOMMENDATION**

### **That Council:**

1. **Approves the advertising of, and if no submissions received, the disposal of an exclusive use jetty licence to Quay Ventures Pty Ltd trading as Mandurah Cruises over side A and side B of Jetty LM 2305 located adjacent to the Mandurah Performing Arts Centre for a total of 82 linear metres; and 17 linear metres of Jetty LM 3844 adjacent to the City's Marina Office, as delineated in this report, with the following conditions:**

- 1.1 A five year term with five year renewal option (5+5 years), commencing after Minister for Lands approval;
  - 1.2 A Rental rate of \$37,125 per annum excluding GST;
  - 1.3 Annual CPI to apply, with market rent review at end of the first term;
  - 1.4 Operational hours being 8am – 6.30pm 7 days per week;
  - 1.5 No overnight mooring being permitted;
  - 1.6 The relocation for Special Events if requested;
  - 1.7 The Minister for Lands and Department of Transport approval being granted.
2. Acknowledges all costs associated with the preparation of the licence will be borne by Quay Ventures;
3. Authorises the Chief Executive Officer to finalise the conditions of the licence.

<b>8</b>	<b>SUBJECT:</b>	Subleases: Reserve 48150 Lot 22 (No. 187) Breakwater Parade Mandurah Westmen Investments Pty Ltd
	<b>CONTACT OFFICER/S:</b>	Ben Dreckow
	<b>AUTHOR:</b>	Rachelle Love/Lesley Petchell

### Summary

Westmen Investments Pty Ltd (Westmen) have held a lease over a 15,323 square metre portion of Lot 22 (No. 187) Breakwater Parade Mandurah since January 2002. In 2003 Westmen constructed workshops and office accommodation over a portion of their lease area to facilitate the sub-letting of units to local business operators offering marine related services to the marina precinct.

In May 2019, Westmen requested approval to enter into two new sub-leases over Units 2 and 4 for proposed terms of two years with a three year renewal term options (2 + 3 years) that will support:

- a) A local marine business for the storage of food and beverage items to be used offsite in conjunction with the daily running of their tourism services within the Mandurah waterways for the local community and international visitors to the Peel region (Unit 2);
- b) A local caterer for the storage of food and beverage items to assist with their offsite Food Truck services providing the surrounding marine businesses and visitors with kiosk style take-away foods and beverages (Unit 4).

The head lease allows for operations over the site that relate to marine related activities and kiosk food of which both the new subleases align with.

Council is requested to approve the two subleases for 187 Breakwater Parade Mandurah with one being between Westmen Investments Pty Ltd and Quay Ventures Pty Ltd trading as Mandurah Cruises and the second being between Westmen Investments Pty Ltd and Paul Andrew Wynne trading as Platinum Service Catering. Both subleases are for a term of two years with a three year renewal (2+3 years) and subject to the approval of the Minister for Lands.

### Disclosure of Interest

Nil

## Location



Unit 2 identified in **blue** and Unit 4 in **orange** of the above aerial

## Previous Relevant Documentation

- CC.8/5/19 14 May 2019 Council approved Sub-lease between Head-Lessee and Breakwater Marine Covers over Unit 5 for a term of two years with a three year renewal option (2+3 years) and acknowledged the City is only consenting to the agreement and not party to the sub-lease.
- G.11/9/18 25 September 2018 Council approved that the renewal term can be exercised by the Lessee from the 31 October 2018 subject to the approval of the Minister for Lands;
- GI.8/10/13 8 October 2013 Council approved for the sub-leases of eight units as per terms and conditions of the head-lessee;
- G.24/7/08 15 July 2008 Mandurah Boat Stacking Yard – Assignment of sublease.

## Background

In August 2001, the City entered into an agreement with the Western Australian Land Authority (WALA) for the operation and management of the Mandurah Ocean Marina. The agreement provided that the City accept management of the marina precinct, subject to taking over as Head Lessor, of all lease agreements entered into between WALA and the lessees in the Mandurah Ocean Marina.

One such lease is held with Westmen for a 15,323 square metre portion of Lot 22 (No. 187) Breakwater Parade. Westmen entered into a lease agreement with WALA in January 2002 for a first term of 21 Years, due for expiry on 31 December 2022.

In mid-2018, Westmen contacted officers advising they were unable to offer secure sub tenancies of up to five years, as all sub leases must expire prior to the head lease which in this instance, expiry was due in December 2022.

The lease expiry restriction was becoming detrimental to business growth, and as such officers approached Council in September 2018, with a request to support early renewal of the further term, giving an expiry of December 2042. This was supported by Council, and now allows Westmen to offer longer secure tenure to sub tenants.

### **Comment**

Westmen have requested approval to enter into two new sub-leases with Quay Ventures Pty Ltd trading as Mandurah Cruises and Paul Andrew Wynne trading as Platinum Service Catering over Units 2 and 4, 187 Breakwater Parade Mandurah for the storage of food and beverage items in conjunction with their offsite businesses.

It needs to be noted that the City will not be party to either sub-lease agreements, a consent form will be required to be added to each sub-lease as an annexure acknowledging consent from the City and the Minister for Lands, which enables the sub-lease to be a valid agreement.

The consent of the sub-tenant, in no way deflects the responsibilities of the head lessee, who is required to ensure all sub-tenancies also comply with the conditions of the head lease. As such any default of a sub-tenant is considered a default of Westmen Investments and will need to be rectified by them as head lessee.

Council is requested to approve the two subleases the first for Unit 2 187 Breakwater Parade Mandurah between Westmen Investments Pty Ltd and Quay Ventures Pty Ltd trading as Mandurah Cruises. The second sublease is over Unit 4, 187 Breakwater Parade between Westmen Investments Pty Ltd and Paul Andrew Wynne trading as Platinum Service Catering. Both subleases are for a term of 2 years with a 3 year renewal (2+3 years) and subject to the approval of the Minister

### **Consultation**

Head Lessee appointed Solicitor – H. Kremer & Co. Barrister and Solicitor  
Head Lessee – Westmen Investments Pty Ltd  
Department of Planning, Lands and Heritage

### **Statutory Environment**

Comply with *S3.58 of the Local Government Act 1995* (LGA) – Disposal of Property 'Dispose' includes to sell, lease, or otherwise 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 transactions relation 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

### **Risk Implications**

Nil.

## **Economic Implications**

All legal costs associated with the preparation of the sub-leases are to be borne by the head-lessee

## **Strategic Implications**

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

### Organisational Excellence:

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

## **Conclusion**

Westmen have approached officers requesting support from Council to enter into two new sub-leases with Quay Ventures Pty Ltd trading as Mandurah Cruises and Paul Andrew Wynne trading as Platinum Service Catering over Unit 2 and Unit 4, 187 Breakwater Parade, Mandurah.

The City and the Minister for Lands are only required to grant consent to the subleases, with Westmen continuing as head lessee and therefore responsible for all terms and conditions under the head lease.

Council is requested to approve the two subleases the first for Unit 2 187 Breakwater Parade Mandurah between Westmen Investments Pty Ltd and Quay Ventures Pty Ltd trading as Mandurah Cruises. The second over Unit 4, 187 Breakwater Parade between Westmen Investments Pty Ltd and Paul Andrew Wynne trading as Platinum Service Catering. Both subleases are for a term of two years with a three year renewal (2+3 years) and subject to the approval of the Minister for Lands

## **RECOMMENDATION**

### **That Council:**

1. **Approves the sublease between Westmen Investments Pty Ltd and Quay Ventures Pty Ltd trading as Mandurah Cruises, over Unit 2, 187 Breakwater Parade, Mandurah for a term of two years with a three year option of renewal (2+3 years);**
2. **Approves the sublease between Westmen Investments Pty Ltd and Paul Andrew Wynne trading as Platinum Service Catering, over Unit 4, 187 Breakwater Parade Mandurah for a term of two years with a three year option of renewal (2+3 years);**
3. **Acknowledges the subleases will be subject to the approval of the Minister for Lands and all costs associated with the preparation of documentation to be borne by the head-lessee;**
4. **Acknowledges the City is only consenting to the agreement and not party to the sub-lease agreements.**

<b>9</b>	<b>SUBJECT:</b>	Transformative Cities Cooperative Research Centre: Request to Support/Partner
	<b>CONTACT OFFICER:</b>	Troy Davis
	<b>AUTHOR:</b>	Damien Slack/Natalie Lees

### Summary

The Cooperative Research Centre for Water Sensitive Cities (CRCWSC) is an Australian Research Centre that brings together many disciplines, subject matter experts, and industry leaders to revolutionise urban water management in both Australia and overseas. The City of Mandurah has been an active partner in the CRCWSC since its inception in 2012.

The CRCWSC period of operation is coming to a close and the City has been invited to join their submission to the Commonwealth Government's 21<sup>st</sup> CRC Selection Round to establish the new entity of *Transformative Cities CRC (Attachment 1)*. The City has benefited from CRCWSC partnership and research by utilising technical guidance documents, the facilitation of industry partnerships and training opportunities, as well as the use of tools such as the Water Sensitive Cities Index.

Ongoing research and collaboration is important as the City of Mandurah transitions towards becoming a Water Sensitive City. The *Transformative Cities CRC* bid would build around their strength in water as the core of their research, whilst acknowledging that sustainable, resilient, productive and liveable cities require greater integration and coordination with other city shaping elements. The City of Mandurah would benefit from being a partner in the *Transformative Cities CRC* as the focus will be on the adoption of the research outcomes and how to embed them into our organisation and on ground works programs.

Council is requested to approve its continuing support and involvement in the CRCWSC should its application for Commonwealth funding be successful.

### Disclosure of Interest

Nil

### Previous Relevant Documentation

- GI.9/9/12      18/09/2012      Cooperative Research Centre for Water Sensitive Cities: Request to Participate in Research Program
- G.13/2/17      23/05/2017      Water Sensitive Cities Index

### Background

#### CRCWSC Involvement

The City aims to be a leader in the areas of Water Sensitive Urban Design (WSUD), water efficiency and water quality. Participation in collaborative research and industry programs like the CRCWSC has helped the City achieve recognition in this space. In addition the Water Corporation and the Department of Water and Environmental Regulation (DWER), also CRCWSC partners, have updated their Waterwise Council Program to align with Water Sensitive City indicators developed by the CRCWSC. Waterwise Councils are now required to report against these indicators. Having been an active partner in the CRCWSC has enabled the City to exceed in this program, reaching Gold status each year and winning Waterwise Council of the Year in 2017.

The City has benefitted greatly from its now 10 year involvement in the CRCWSC as an active partner. Some of these benefits include free and unlimited access to the substantial knowledge base of the CRC including various modelling tools and research findings; free training events and workshops for staff including the biennial national conference for water sensitive cities; hosted internal training sessions for City on-ground staff; and networking opportunities with leading practitioners in the space of Water



Sensitive Urban Design across the country. The City has taken advantage of these opportunities which would otherwise have been realised with a fee for service from the CRCWSC.

The City has undertaken two key pieces of work from tools developed and facilitated by the CRCWSC. This includes the production of the Mandurah Water Sensitive Cities Visioning Statements (**Attachment 2**), and undertaking of the Water Sensitive Cities Index Benchmarking Process to compare our integrated water cycle management performance against other cities.

The Water Sensitive Cities Index Benchmarking Process outcome saw the City of Mandurah ranked third in Australia scoring 59% attainment of a Water Cycle City. This demonstrates that the City is helping to maintain our natural waterways and beginning to integrate our urban water management systems.

The City's involvement with the CRCWSC has primarily been facilitated by representation from Works and Services and Environmental Services. An internal working group, the Waterwise Mandurah Group, has also been created to provide the required multi-disciplinary support and collaboration across the organisation.

The City needs to strategically assess its future investment in WSUD infrastructure to remain a leader in this field and help achieve the goal of transitioning to a Water Sensitive City. The CRCWSC has developed a range of tools and guidelines that the City will be applying to undertake the upcoming *Strategic Prioritisation of Water Sensitive Urban Design (WSUD) in Mandurah* project. This project was a recommendation from the Water Sensitive Cities Index report and the City's Stormwater Management Plan (2008). Council has previously recognised the importance of this project by supporting funding for the position of Senior Drainage Engineer. Continuing involvement with the CRCWSC will be critical to undertaking this process.

#### Transformative Cities CRC – Future Bid

The CRCWSC will be reaching the end of its current commonwealth and partnership funding arrangements at the end of the 2019/2020 financial year. At the recent 4<sup>th</sup> Water Sensitive Cities Conference, attended by City officers, CEO Professor Tony Wong launched the new *Transformative Cities CRC* bid with the intention to apply to the Commonwealth's 21<sup>st</sup> CRC Round application in July 2019.

The CRC recently commissioned an independent assessment to quantify the impact of the CRCWSC program. Ernst and Young's impact assessment estimates benefit from the CRCWSC research programs, and work with partners, over a 15 year period. The report determined the CRC had an estimated benefit to cost ratio of 6.18 with the overall impact estimated at over \$600 million. The CRCWSC's successful delivery of research outputs is the main driver of increased value across all research programs, giving increasing confidence that estimated potential impacts will be achieved.

The largest focus of Transformative Cities CRC will be the mainstreaming of water sensitive practice programs into on ground outcomes. It will provide assistance to ensure water sensitive approaches become standard practice supported by technical capability and robust science developed from research performed under the CRCWSC. Other programs will also explore the water nexus across other elements including energy, waste, food, housing, transport and health. Fostering collaboration across organisations will be essential in meeting the aims and objectives of the Transformative Cities CRC.

The City has been approached to support a partner declaration to assist the bid to the Commonwealth by providing a ten year commitment totalling \$100,000. This will require an annual contribution of \$10,000 as well as the support of City officers from Works and Services and Environmental Services equivalent to 0.1FTE (two days per month). The declaration to partner in the future Transformative Cities CRC is subject to the mutual acceptance of the contractual agreement should the bid be successful. The City would be able to withdraw from this arrangement by giving one year's notice.

By becoming a participant of the Transformative Cities CRC, the City would benefit from:

- Cutting-edge research and tools to help develop new opportunities that address specific water management concerns.
- A high-level, direct return and the opportunity to attain a large collective return for a modest individual investment.
- Opportunities to collaborate with other government agencies, regulators and organisations in the water sector providing a holistic approach to water management issues.

A state based Regional Advisory Panel (RAP) comprised of state government, industry and local government CRC partners would guide the mainstreaming program in each state and would include a representative from the City.

### **Comment**

The City of Mandurah would greatly benefit from continuing its partnership in the new iteration of the Cooperative Research Centre Water Sensitive Cities (CRCWSC). The City needs to continue to embed water sensitive practices into its everyday operations to continue working toward the goal of becoming a Water Sensitive City. Partnering with the Transformative Cities CRC would provide the needed support to achieve this transition.

### **MEAG/MCCAG Comment**

The item will be referred to the Mandurah Environmental Advisory Group for their information at their June meeting.

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Economic Implications**

By committing to be a partner in the new Transformative Cities CRC a funding commitment of \$10,000 per year is required over the next ten years. This is a continuation of the current allocation to the Water Sensitive Cities CRC that was due to end after the 2019/2020 financial year. The commitment of 0.1 FTE staff in kind contribution is also required to partner the program.

### **Risk Analysis**

This report is consistent with and addresses some of the actions contained in the following Corporate Risk Action Plans:

- Corporate Risk No 4      Irrigation Water Supply
- Corporate Risk No 5      Estuary Water Quality

### **Strategic Implications**

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

#### Environment:

- Protect and ensure the health of our natural environment and waterways.
- Increase our scientific understanding and knowledge of the marine and estuarine environment.

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

Social:

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

Economic:

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

Infrastructure:

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

Organisational Excellence:

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

## **Conclusion**

The City has previously committed seven years' worth of financial support and direct involvement with the CRCWSC, including attendance at national conferences. Two key achievements include the undertaking of a Water Sensitive Cities Benchmarking Index process and production of Water Sensitive City Mandurah Visioning Statements.

The City's involvement has led to the formation of an active working group, the Waterwise Mandurah Group, to provide the required multi-disciplinary collaboration across the organisation that will assist in achieving the goal of becoming a Water Sensitive City. Council has previously recognised the importance of Water Sensitive Urban Design (WSUD) by supporting funding for the position of Senior Drainage Engineer to assist in delivering water sensitive on ground outcomes.

The continuation of partnering with the CRC under the proposed *Transformative Cities CRC* banner will greatly assist in the adoption of innovative research outcomes that will continue to promote the City of Mandurah as a national leader in this space.

**NOTE:**

- Refer ***Attachment 1 Transformative Cities Cooperative Research Centre Prospectus***  
***Attachment 2 Water Sensitive City Mandurah Visioning Statements***

## **RECOMMENDATION**

**That Council:**

1. **Supports the Transformative Cities Cooperative Research Centre (CRC) application for continued funding.**
2. **Acknowledge the funding commitment of \$10,000 per year for the next ten years (totalling \$100,000) being required should the application to the Commonwealth Government's 21<sup>st</sup> CRC Selection Round application be successful.**

3. **Authorises the Chief Executive Officer to sign the Cooperative Research Centres Partner Declaration.**

The Transformative Cities Cooperative Research Centre

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# Transformative Cities CRC

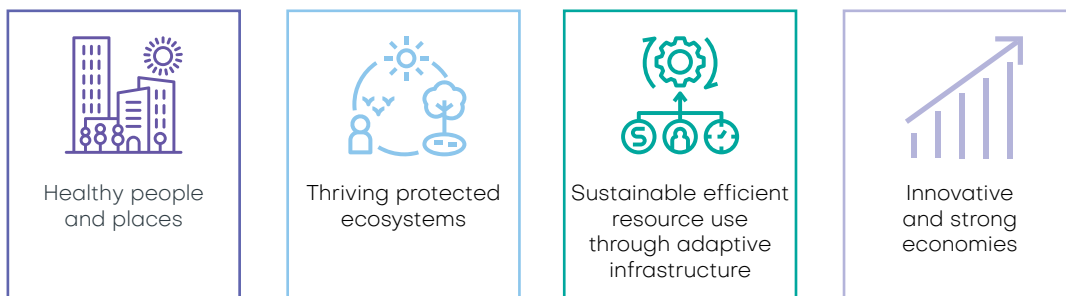
Harnessing the power of water



## Prospectus

# Water enables healthy and thriving cities

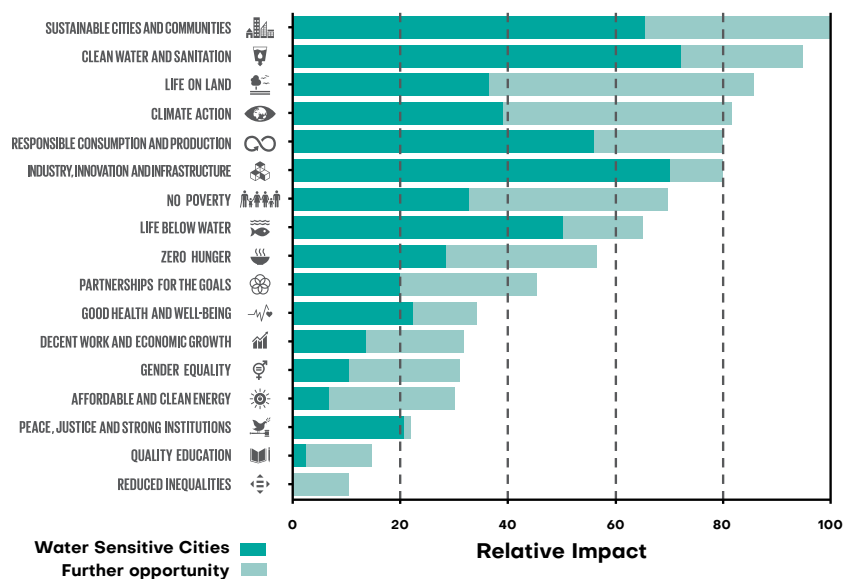
Our stakeholders have told us their aspirations for future cities:



Water is integral to almost every feature of the urban landscape. A water sensitive approach transforms cities into water supply catchments, providing a range of water sources to meet different uses. These cities provide healthy natural environments, that support social, ecological and economic benefits. And citizens have the knowledge and desire to make wise water choices, and are actively involved in decision making.

Mapping the attributes of a water sensitive city against the 169 targets of the Sustainable Development Goals (SDGs) highlights water's role as an enabler of more productive, liveable, sustainable and resilient cities.

**Water sensitive practices can help achieve about half of SDG targets, directly or indirectly**



**The four Cooks River Alliance Councils are helping to create innovative solutions to rehabilitate the Cooks River through water sensitive practices in the catchment. Being part of the Transformative Cities CRC will help us build community's capacity for grassroots leadership, solution development and co-governance.**

— Sue Burton, Chief Executive Officer, Cooks River Alliance

# Let's work together to unlock the full potential of Australian cities and towns

**We want to help you realise your stakeholders' aspirations of healthy and thriving cities.**

We must work together to develop integrated technical, business and servicing solutions that ensure the liveability of Australia's cities and towns as they face the challenges of the 21st century.



**We will drive innovations in resilient infrastructure and communities**

by harnessing technological breakthroughs and the power of engaged citizens to effectively plan for and respond to climate change.

*The Reserve Bank of Australia has highlighted how vulnerable our economies are to climate change.<sup>1</sup> Recent droughts, heat events, storms and floods are constant reminders of how climate change is affecting Australian cities and towns.*

**We will facilitate sustainable and efficient resource use**

via circular economies that integrate water and other urban systems, particularly in waste, transport, energy, housing, food and health systems.

*Environmental and ecological degradation shows we can't keep relying on finite natural resources to meet our growing needs. We must make the most of all our resources, through integrated reuse and recycling. One sector's waste must become another sector's primary ingredient.*

**We will unlock new partnerships for funding**

to deliver the investment required to keep our cities among the world's most liveable.

*"Australia's infrastructure needs cannot be funded by public investment alone. Expanding private sector engagement in infrastructure delivery and operation is critical if we are to avoid the forecast shortfall in capacity and service levels. Government should focus on private sector contributions enhancing public funding commitments." Stephen Walters, AICD Chief Economist<sup>2</sup>*



# Our cities need urgent changes

Australia's population is expected to nearly double by 2066, and 80% of these people will choose to live in cities and towns.<sup>3</sup> This urban intensification is challenging how our cities and towns look, feel and function.

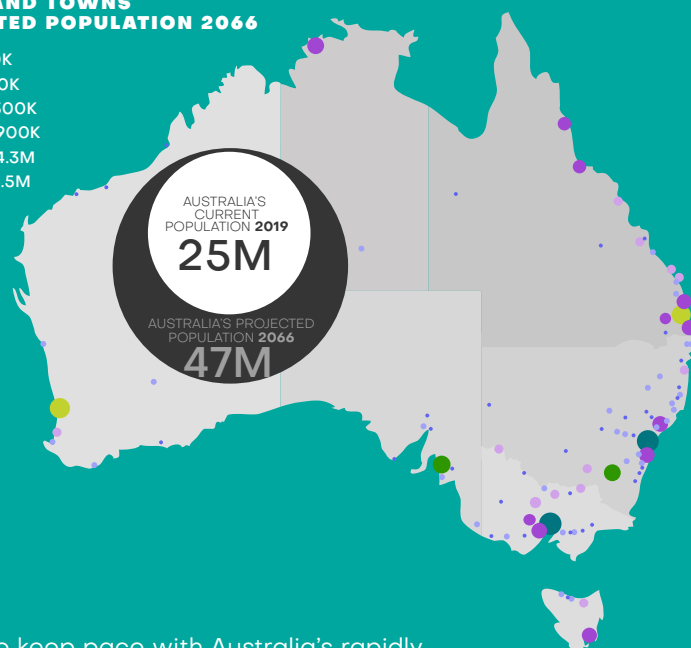
Climate change and economic constraints amplify this challenge. Recent extreme weather events have heightened public expectations for improved climate resilience and adaptation.

The Senate Standing Committees on Environment and Communications estimated the total financial cost of extreme weather events in Australia ranged from \$0.9B to \$4B.<sup>4</sup>

We need around \$500 billion worth of urban developments, to keep pace with Australia's rapidly growing population.<sup>5</sup> And we need another \$1.7 trillion of infrastructure investment over the next 20 years, including \$80 billion of urban water infrastructure.<sup>6</sup> But, infrastructure investment projections suggest a significant funding gap.<sup>7</sup>

## CITIES AND TOWNS PROJECTED POPULATION 2066

- 10K - 30K
- 30K - 100K
- 100K - 300K
- 300K - 900K
- 900K - 4.3M
- 4.3M - 8.5M
- > 8.5M



**Nine of the 10 warmest years on record** in Australia have occurred since 2005<sup>10</sup>

**Victoria's 2009 heatwave** led to **374 excess deaths**, more than double the deaths from the Black Saturday bushfires<sup>11</sup>

2010-11 Brisbane cost **\$14.1B** – \$6.7B in tangible impacts and **\$7.4B** in intangible impacts<sup>9</sup>

**Heat stress** cost the Australian economy nearly **\$7B** through productivity losses in 2013-14<sup>8</sup>

“

... the need for adaptation to extreme weather conditions is not a theoretical exercise or something to be considered in a few decades time. Extreme weather events occur now and all too frequently cause damage to an increasingly brittle built environment.

– Insurance Council of Australia<sup>12</sup>



# We envision cities that harness and accelerate opportunities for transformation

## We put water at the centre of this vision

**Imagine cities that have the drive and the capability to keep innovating and adapting as circumstances change. These cities harness the power of water to catalyse opportunities for greater urban liveability, sustainability, productivity and resilience.**

Imagine people are connected to place and community. Communities embrace growth and have the knowledge and opportunity to shape their neighbourhoods.

Imagine water sensitive practices are ubiquitous, guided by comprehensive policy, regulation, standards and technical guidance. Knowledgeable and skilled practitioners apply integrated practice safely and consistently. Investment funding routinely flows towards water sensitive technologies and infrastructures. And through water sensitive practices, we catalyse greater integration with other urban services.

Imagine governments, utilities, councils, developers and citizens use collaborative processes and smart tools to co-create projects, and provide services that communities want and can afford. The resulting urban services—like water, energy, food and waste—are efficient, integrated and flexible, and deliver outcomes seamlessly and reliably to the community. Infrastructure systems are agile, and managed in real time.

Imagine public–private–community co-investments are business as usual, and organisations share benefits, costs and risks fairly.

## Hybrid systems are the key to realising this vision.

Cities are hybrid social-technical environments, which are themselves serviced by hybrid systems. These hybrid systems combine critical existing infrastructure with flexible decentralised local solutions. They merge conventional engineering with nature-based solutions. They can be integrated with urban systems for energy, waste, transport, housing and food. And they can be co-created with community and delivered through private-public or whole-of-government co-investment schemes. The results are fit-for-purpose urban services, and cool green places that also provide a host of broader liveability, ecological and community health benefits.

These flexible modular solutions can respond quickly to changing future circumstances and development timing and patterns. They are also efficient, effective and value driven. Changing the scale and scope of investments may create opportunities for innovative business models, which allow for more multi-sectoral and public-private partnerships.

# Our four programs will address industry priorities and needs

Research and adoption are integral elements of each program

1

The **MAINSTREAMING WATER SENSITIVE PRACTICE** program will help cities ensure water sensitive approaches become standard practice, supported by strong community demand, robust science, technical capability, sufficient funding and supportive governance.

We will support urban policy, planning, development and servicing to embed water sensitive principles and practice. We will work with cities, supporting and guiding their water sensitive city transition through tailored research and adoption activities that address local priorities for learning and scaling. The program will incorporate local water science, modelling applications, economic analysis and business case development, stakeholder processes, advocacy and capacity building. We will learn from cities' experiences to develop new knowledge about the process of mainstreaming and share it through knowledge platforms and databases.

#### Our partners will benefit from:

- direct investments in local research and adoption approaches for mainstreaming
- evidence-based guidance on how to mainstream water sensitive practices
- learning from the knowledge and experiences of other cities.

2

The **INTEGRATED URBAN SYSTEMS** program will help cities manage water, energy and food resources as part of a circular economy. Using new technologies and contemporary urban planning and design practices, cities will adapt to climatic extremes and achieve density in way that supports attractive, healthy environments and community wellbeing.

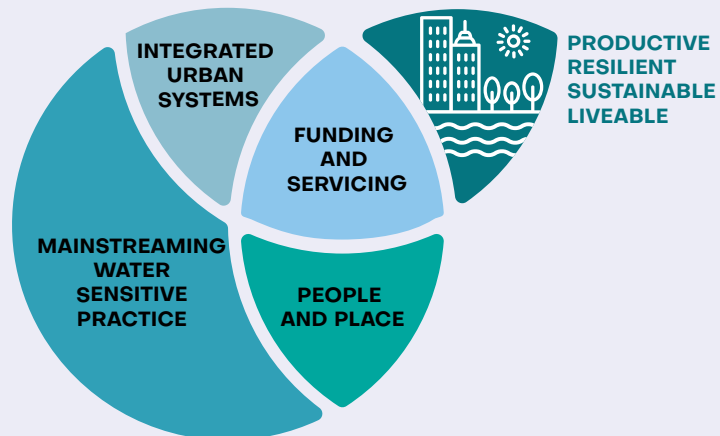
We will examine and quantify synergies and tradeoffs, to provide agile and responsive urban solutions between water, health, energy, food, waste, housing and transport. We will develop interactive system models that harness innovation in digital technologies, real-time information on system operation and human behaviour, and Internet of Things capacities to evaluate and prioritise solutions, and operate integrated systems, across time, scales and competing objectives. We will work with industry to develop and trial new technologies at the water-energy-food-waste nexus that achieve better outcomes for urban infill developments.

#### Our partners will benefit from:

- urban systems that deliver maximum community value across sectors
- being able to provide agile and responsive urban planning and servicing solutions
- accessing an expanded portfolio of hybrid solutions to deliver integrated outcomes.

USING KEY GLOBAL TRENDS  
AS ACCELERATORS FOR  
CITY TRANSFORMATION

- URBAN  
INTENSIFICATION
- TECHNOLOGICAL  
BREAKTHROUGHS
- COLLABORATION  
AND PARTICIPATION
- CLIMATE CHANGE  
ADAPTATION



3

The **PEOPLE AND PLACE** program will foster collaboration across organisations, sectors and communities to develop and deliver urban services that create inclusive, attractive, resilient places that reflect local community values.

We will develop innovative tools, frameworks and collaborative processes, that stakeholders can use to expand their water sensitive vision beyond water, and foster transformative actions. We will explore how Traditional Custodian knowledge and values on water and place can support transformative cities. We will develop and trial solutions for engaging Australia's diverse communities to empower their participation in city shaping, water governance and climate resilience initiatives.

**Our partners will benefit from:**

- strong interpersonal relationships with diverse stakeholders
- increased ability to integrate diverse knowledge and values in decision making
- increased community capability for participation, leadership and personal action.

4

The **FUNDING AND SERVICING** program will help foster new partnerships, to unlock private investment in urban infrastructure. New financing and service models will share the risks, costs and benefits of integrated systems among stakeholders, and promote innovative hybrid solutions that deliver multiple outcomes.

We will examine and quantify the true distribution of costs, benefits and risks of water and related urban system services. This activity will take place across time, locations, scales and stakeholders. We will develop and trial governance frameworks that make innovation easier and faster. We will develop and trial business and servicing models that support market-based solutions, and innovative financing and risk allocation. We will examine the lifecycle of hybrid solutions to guide their management for maximum value.

**Our partners will benefit from:**

- increased ability to identify opportunities and build business cases for hybrid solutions
- insight, experience and guidance on transformative governance arrangements
- increased capacity to access new funding sources for integrated systems.

# We propose a collaborative place-based model that will deliver value from day 1



## Collaboration is at the core of our delivery model.

No single discipline or institution can solve the challenges facing our cities and towns, and we have the experience in using true collaboration to solve wicked problems. The Transformative Cities CRC will bring together diverse industry participants to undertake interdisciplinary research, deliver proofs-of-concept and synthesise research insights into practical, cost effective solutions. We will act as an honest broker to catalyse innovation and facilitate the application of new solutions from concept through to completion. To expand our reach, we will foster alliances and collaboration with centres of excellence and industry partners beyond water.

**Our cities and towns need solutions that address local priorities, climatic conditions and institutional arrangements.** We will establish state-based hubs, each with a regional manager. These hubs will work in partnership with existing mechanisms to deliver locally driven research and adoption activities. The composition, size and delivery of the Mainstreaming Water Sensitive Practice program in each state will be guided by its hub and will reflect participant priorities and contributions.

**This state-based action will also lead to national learning, multiplying the impact and efficiency of each investment.** We will harvest lessons from each location to facilitate cross-city learning, advancing scientific knowledge and practical experience nationally. Sharing lessons across cities will also foster nationally-compatible policy and delivery, and help build momentum for change across the country.

We will also explore international hubs that:

- create commercial opportunities for Australian participants
- provide proofs-of-concept and large scale applications of innovation
- build experience and expertise that can be applied in Australia.





**We encourage both cash and in-kind contributions from participants to operate the Transformative Cities CRC.** Current trends indicate Commonwealth Government investment matches participants' cash contributions, dollar for dollar. But, we also value in-kind contributions of staff and resources. Sharing staff, for example, ensures continued and direct connection between partner organisations and CRC activities.

We will direct the majority of state-based participants' cash contributions to fund the Mainstreaming Water Sensitive Practice program in their region, with each state-based hub advising how to distribute investments.

**Our participants expect and deserve transparency, accountability and maximum benefit for their investment.** We propose a multi-tier structure. Core partners will underpin the CRC's financial and operational stability, and will have greater influence over its governance. Other key elements of future governance arrangements include:

- a skills-based board
- engaged state hubs, which are open to all state and national participants and provide an active channel for reporting and prioritisation; state hub chair positions will be skills based
- a national advisory committee, which will include the chair of each state hub and internationally renowned research leaders.

**Our Transformative Cities CRC, if successful, will commence operation in July 2020. Participants can expect us to deliver value from day 1.** We will do this by delivering the final year's activities of the CRC for Water Sensitive Cities while establishing the new program of the Transformative Cities CRC.

We will build on existing partnerships involved in the CRC for Water Sensitive Cities, which include:

- an established national network of capacity building organisations
- established Regional Advisory Panels and communities of practice comprising state and local governments, developers, large and small private sector consultants, and water utilities
- partnerships with respected research institutes, industry associations, international multi-lateral banks and agencies, and not-for-profit organisations
- established international relationships
- a significant body of knowledge, tools and real world experience generated.

We will also form partnerships and alliances with research centres of excellence to unlock the nexus opportunities between water and other city services, such as energy, waste and transport. Our collaboration with these centres and their industry partners will include joint research investments, participation in each other's projects, and alliances in knowledge sharing and industry engagement.

# Together, we have achieved an enviable track record

As an interdisciplinary research centre, the CRC for Water Sensitive Cities has brought together world renowned subject matter experts and industry thought leaders who want to revolutionise urban water management.

Working with our 80+ partners, the CRC for Water Sensitive Cities has delivered all that we promised and more:

- We have tools, techniques, knowledge and experience, to deliver bespoke site-specific water sensitive solutions, at a range of scales.
- We have project level proof that a water sensitive approach can deliver significant cost savings, even in the most challenging circumstances.
- We have helped create the multi-sectoral collaborations necessary to develop and deliver water sensitive solutions.

An independent assessment by EY shows achievements to date would yield a return on investment of over \$5 for every dollar invested, when projected over 15 years from 2013.



## To date, the CRC for Water Sensitive Cities has delivered:

### Research

**6...**

WATER SENSITIVE CITIES  
TRANSITION STRATEGIES

**1K+**

RESEARCH OUTPUTS

INC. 230 PEER REVIEWED  
JOURNAL ARTICLES



NATIONAL AND INTERNATIONAL  
AWARDS FOR RESEARCH  
EXCELLENCE AND INNOVATION

**4**

NATIONAL CRCWSC  
CONFERENCES WITH OVER  
**1000** ATTENDEES

### Synthesise

**30**



APPLICATIONS OF THE  
WSC INDEX TO BENCHMARK  
CURRENT WATER SENSITIVE  
CITY STATUS



**25**

IDEAS FOR  
SYNTHESIS PROJECTS



USEFUL TOOLS AND  
PRODUCTS TESTED VIA

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# This is how we make our shared vision a reality

## We will apply for funding in the 21st CRC selection round, which is expected to open in June 2019:

- We will submit our stage 1 CRC bid in July 2019.
- If shortlisted, we will submit our stage 2 CRC bid in October/November 2019.
- We expect outcomes will be announced in March 2020.
- If successful, we expect funding and operations to commence in July 2020.

## We need to receive your formal notification of commitment to join the Transformative Cities CRC by **31 May 2019**.

You will need to specify the amount of your annual contribution to the CRC's operations.

Your contribution would normally be a combination of cash and in-kind. The table below sets out the minimum annual cash contribution required.



## We propose a multi-level partnership model for cash contributions, to accommodate diverse potential participants:

• Small to Medium Enterprise annual contribution (based on size) <sup>13</sup>	<b>\$2,500-\$25,000</b>
• Local government annual contribution	<b>\$10,000+</b>
• Water utilities, state-owned enterprises, government departments and agencies, and private sector organisations with more than 200 employees annual contribution	<b>\$50,000+</b>
• Core Partners annual contribution	<b>\$100,000+</b>

In early June 2019, we will hold a workshop with participants who have signed up, to finalise the bid and proposed governance arrangements.

If you have any questions or want more information, please contact us:

### Professor Tony Wong

CEO, CRC for Water Sensitive Cities

Email: [transformativecities@crcwsc.com.au](mailto:transformativecities@crcwsc.com.au)

Phone: 03 9902 4985

You can find more information on the CRC for Water Sensitive Cities website by scanning the QR code.





**To me the aim to achieve a useful outcome is for all parties to join the journey, knowing that the research outcomes and initiatives have been assessed in terms of risk and optimal value, and are suitable for industry partners to go forward and innovate.**

— Rory Costello, Executive Director, Villawood Properties



The organisations above have provided early indication of their intention to join the Transformative Cities CRC. The extent of their contributions is to be determined.

# Transformative Cities CRC

Harnessing the power of water





FOUNDRY

FORCE AHEAD

# Visioning A Water Sensitive Mandurah

## Summary Report

## 2 Visioning a Water Sensitive Mandurah

### Overview

After undertaking Water Sensitive City (WSC) benchmarking activities in May 2017, the City of Mandurah decided to create a vision to guide actions towards a potential future as a Water Sensitive City.

The visioning process involved reviewing existing strategic documents, mapping themes from current strategic documents to Greater Perth's themes and outcomes, and a workshop to define areas of alignment and focus for the City of Mandurah.

This summary report details the benefits of a WSC approach, summary discussions from the alignment workshops and final vision statements.

## 3 Visioning a Water Sensitive Mandurah

# City of Mandurah Water Sensitive City Visioning Statements



## 1. Fostering stewardship of the system

- a. The community values and takes pride in different forms of green space and the amenity it provides.
- b. People appreciate their individual connection to the whole water cycle and the collective benefits it offers to the community.
- c. Mandurah recognises the need to incorporate cultural values, particularly Indigenous values, in its evolving water story.
- d. Water-related decision making is conducted through an open and inclusive process where communities are empowered and engaged early.



## 2. Protecting and enhancing the wellbeing of people and the environment

- a. An accessible, green, cool environment contributes to the community's sense of identity and connects people to nature.
- b. Water is managed with respect for the interdependent and dynamic relationship between people and the environment.
- c. Mandurah's coast, estuary, rivers and wetlands are protected and enhanced for future generations.



## 3. Integrating and engaging with the built and natural landscape

- a. Mandurah conducts net positive development to minimise human impact on the water cycle.
- b. Equitable access to diverse, well-designed and high-quality spaces is enhanced by effective water management.
- c. Water is considered in building design and buildings are harmonious with the environment and reflect Mandurah's identity and unique character.



## 4. Sustaining the long-term use of Mandurah's resources

- a. Mandurah's approach to water management is characterised by the courage to embrace innovation and celebrate industry leadership.
- b. An adaptive, integrated and diverse water system allows Mandurah to respond early to changes and continuously improve.
- c. Water is valued as an essential resource where use is balanced between social, environmental and intergenerational needs.



January 2018



## 4 Visioning a Water Sensitive Mandurah

### Why strive to be a Water Sensitive City?

The Government of Western Australia has recently begun to align itself with Water Sensitive Cities thinking and practice. After the endorsement of the Vision for Greater Perth by the (now former) Water Minister, several initiatives have taken place across government to support this approach. These include: aligning the Waterwise Councils Program with the WSC Index goals; WSC synthesis work applied to the Bentley development; and the announcement by the Chair of the Water Corporation that they seek to make Perth a leading Water Sensitive City within five years.

WSCs provide a broad range of benefits to communities, government and businesses. They facilitate cost-effective and efficient use of water and infrastructure, protect people and infrastructure from climate extremes such as flood and drought and promote community wellbeing and improved environmental outcomes. They also encourage adoption of best practice approaches to managing water, fostering innovation and cross-sector collaboration. Specific benefits of a water sensitive approach include:

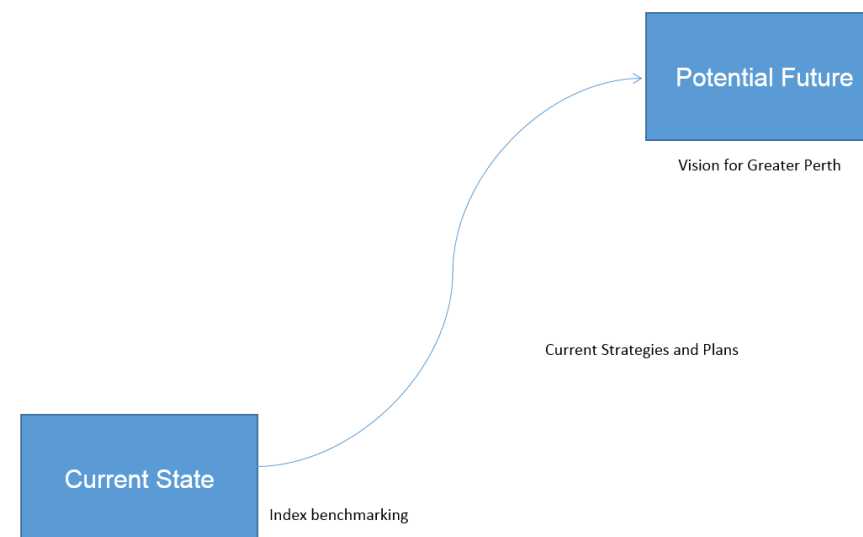


## 5 Visioning a Water Sensitive Mandurah

### Approach

The City of Mandurah undertook a Water Sensitive City benchmarking exercise in May 2017 to understand where Mandurah stands as a WSC, areas of high performance, and areas requiring more focus. While the benchmarking provides clarity around the current position, it is desirable to develop a vision for the future to guide and inform future initiatives.

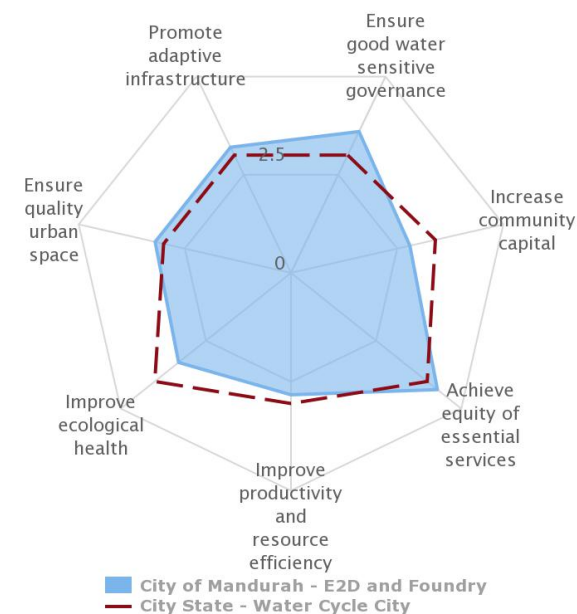
In moving from the current state documented in the benchmarking exercise to a future potential state, the City of Mandurah aims to build on existing strategies and plans while ensuring alignment with the Greater Perth vision. This approach increases regional alignment, leverages the extensive investment that went into developing Perth's vision, and enables Mandurah to develop their own bespoke vision in a way that reinforces their existing strategies and plans.



**Figure 1: Approach to visioning**

## Current state

Based on the benchmarking exercise in May 2017, it was revealed that the city is performing strongly compared to other cities in Australia, specifically in the areas of water sensitive governance, equity of essential services, adaptive infrastructure (in particular activating connective green and blue spaces). Areas for improvement included increased community capital, improve ecological health (in particular, vegetation cover).



**Figure 2: The City of Mandurah's WSC Index Benchmarking results. The outer perimeter represents a full WSC state, while the blue portion represents the City of Mandurah's current status. The dotted lines show the comparison between Mandurah's state and the Water Cycle City State.**

## Potential Future

In 2015, participants from the Greater Perth Region undertook an extensive participatory process to develop a vision and strategic transition framework to guide the city's transition to a Water Sensitive City.

The City of Mandurah can leverage the extensive investment in producing the Greater Perth vision by ensuring their own vision aligns with and provides a collaborative, supportive and synergistic localized vision.



## 7 Visioning a Water Sensitive Mandurah

## A WATER SENSITIVE PERTH IN 2065



Figure 3: Greater Perth's vision for a Water Sensitive City in 2065. (Source: Rogers et al., 2015)

## 8 Visioning a Water Sensitive Mandurah

### Current strategies

The City of Mandurah is already undertaking a number of strategies and initiatives to move the municipality towards a Water Sensitive City.

A stocktake of current programs and policies have been mapped to document what the city is already doing and match current policies and programs to the Greater Perth vision.

The main City of Mandurah documents that relate to the Perth vision are:

#### 1. **Fostering stewardship of the system**

- Waterwise Council Annual Report
- Risk Action Plan
- Social Infrastructure Plan

#### 2. **Protecting and enhancing the wellbeing of people and the environment**

- Lake Condition Reports
- Urban Lakes Quarterly Health Check Reports
- Waterwise Council Annual Report
- City of Mandurah's Water Operating Strategy
- Stormwater Management Plan
- Landscaping and Public Open Space Guidelines
- Mandurah Planning Strategy

#### 3. **Integrating and engaging with the built and natural landscape**

- Lake Condition Reports
- Waterwise Council Annual Report
- City of Mandurah's Water Operating Strategy
- Risk Action Plan
- Water Operating Strategy
- Social Infrastructure Plan



## 9 Visioning a Water Sensitive Mandurah

- Landscaping and Public Open Space Guidelines
- Parks and Reserves Policy

### 4. Sustaining the long-term use of Perth's resources

- Waterwise Council Annual Report
- City of Mandurah's Water Operating Strategy
- Risk Action Plan
- Groudwater Conservation Plan
- Water Operating Strategy
- Stormwater Management Plan
- Water Efficiency Action Plan

A comprehensive spreadsheet detailing all the documents recorded in the strategic mapping exercise is included Appendix 1.

## Notes from the Alignment Workshop

Representatives from a wide range of council functions including (Nat please advise) attended a two hour workshop to canvass views, pull out relevant themes and understand how these relate to the City of Mandurah's vision.

The following themes emerged from the process and were used to create the draft vision statements:

### 1. Fostering stewardship of the system

- Culture of retaining green trees
- Value different kinds of green
- Value different kinds of amenity and use "not just lawn"
- Collective benefit
- Big picture and small picture
- Appreciate native bush - whole system value
- Beautification

## 10 Visioning a Water Sensitive Mandurah

- Using unused space
- Investment in community; ownership and pride
- All on board, shared commitment, own actions
- Education
- Now and future
- From Perth visioning statement:
  - People understand the need to adapt
  - Water story – creation of the estuary (Indigenous)
  - Open and inclusive processes and engage from the start

### 2. Protecting and enhancing the wellbeing of people and the environment

- Sustainable use of resources, responsible stewardship
- Recreation “nature relatedness”
- Native, natural environment
- Sense of place
- Accessible so people can use it (People’s connection to the environment)
- Coast estuary, rivers, wetland protected and enhanced
- Resilient – inundation - housing public infrastructure
- Development managed for environmental impact

### 3. Integrating and engaging with the built and natural landscape

- Equity
- Net positive development - minimising impact of development on the natural water cycle – buildings, cityscape harmonious with the environment, unique character
- Pride and identity
  - Across the whole city
  - Promote less used areas
- Develop locations to minimise footprint
- From Perth visioning statement
  - A network of beautiful places that are diverse and loved

## 11 Visioning a Water Sensitive Mandurah

### 4. Sustaining the long-term use of Mandurah's resources

- Intergenerational equity
- Recharging aquifers
- Water for environment and recreation
- Courage – safe to fail and take on reasonable risks
- Continuous learning
- Leadership and celebration are number one
- Water is appropriately valued in terms of dollars
- Respond early to changes
- From Perth visioning statement
  - Equity in meeting needs of people and environment
  - Innovative water cycle management

## 12 Visioning a Water Sensitive Mandurah

### References

Rogers, B.C., Hammer, K., Werbeloff, L., Chesterfield, C. (2015). Shaping Perth as a Water Sensitive City: Outcomes of a participatory process to develop a vision and strategic transition framework. Melbourne, Australia: Cooperative Research Centre for Water Sensitive Cities.

**10**      **SUBJECT:**                      Arboricultural Assessment of Street Trees: Cox Bay Falcon  
         **CONTACT OFFICER/S:**      Fiona Kenyon  
         **AUTHOR:**                      Fiona Kenyon

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### Summary

A number of residents of Cox Bay, Falcon have raised concerns about the impact Norfolk Island Pine trees are having on verges within the estate and have requested they be removed.

The removal of an established streetscape has community and financial implications therefore an independent arborist was engaged to assess 65 trees within Cox Bay to make recommendations for the ongoing management and retention or removal of each tree.

Council is requested to consider the outcomes and recommendations of the street tree investigation.

### Disclosure of Interest

Nil

### Location

Cox Bay Development (light purple) in Falcon, primarily Sulina Rise (red), Contest Avenue (orange), Perseverance Boulevard (light blue), Enterprise Avenue (yellow) and Governor Drive (light green), Devonshire Retreat (Brown), Occator Way (pink), Zendora Court (dark purple), Flinders Street (dark blue) and Alert Place (dark green).



## Previous Relevant Documentation

- G.47/1/12      31 January 2012      Council approved the removal of one Norfolk Island Pine tree from the verge at 17 Dongara Vista, Dawesville and that the tree be relocated to another area.
- G.30/6/04      15 June 2004      Suitability and use of Norfolk Island Pine trees for street and park planting.
- G.41/4/03      15 April 2003      Landscape Strategy – Old Coast Road and Pinjarra Road, Mandurah.
- G.45/8/01      21 August 2001      Street Trees: The adoption of this policy document resolves to allow the use of Norfolk Island Pine trees for coastal planting except under powerlines.

## Background

The first stage of the Cox Bay subdivision development commenced in 1995. The initial stages of the development included a portion of Governor Drive and Enterprise Avenue and the full length of Perseverance Boulevard. Norfolk Island Pine street trees were planted as part of the streetscape, a process which followed in subsequent stages. The trees were not planted throughout the entire estate which was principally based on the developer selectively choosing the locations to suit the development.

The Norfolk Island Pine was chosen for the streetscape as the trees are stable and predictable in their growth, they live anywhere between 120 and 140 years and as they mature their growth rate slows and they stabilise. Their root system is not known to be aggressive nor are they known for having growth or root problems greater than any other street tree species. Like most trees, they need a minimum 1.5 metre setback from crossovers to allow for the basal swelling as the tree trunk expands and matures.

In the 20 plus years since the commencement of the development, the trees have grown and residents are becoming increasingly concerned over damage this growth is doing to crossovers, footpaths, road pavement and kerbing.

In order to ensure consistency of dealing with individual queries, the City has developed Tree Management Technical Guidelines that detail circumstances that warrant removal and maintenance of the City's street trees. Each resident query is assessed in accordance with these guidelines which allow for tree removal in the following circumstances:

- the tree is diseased, or dying and beyond remedial treatment, or is dead;
- the tree is structurally weak, or dangerous and places the public at an unreasonable risk;
- the tree is causing substantial damage, or interference to infrastructure, cross-overs, or property that cannot be overcome by remedial works;
- the tree species is considered inappropriate by the City; and/or
- the tree is hazardous to motorists or pedestrians due to interference in sightlines that cannot be rectified by pruning.

The guidelines clearly state that removal of healthy, stable and viable trees will not be approved and that they will not be removed where they cause minor damage to infrastructure, crossovers or property which may be rectified by remedial works.

Since 2018, the City has been contacted by a number of residents who continue to raise issues related to the impact the trees are having on the infrastructure in the verge space.

Inspections of the streets within this development have revealed a large portion of the Norfolk Island Pine trees planted as part of the development remain in place however due to the increasing volume of resident concerns, an independent arborist was engaged to assess the trees. The Assessment and Appraisal Summary is included as **Attachment 1** with a copy of the full detailed report available in the Councillors Lounge.

In summary:

- 65 trees were assessed.
- The health of all trees is high.
- The majority of trees were structurally good however, 3 were assessed as fair and 7 poor.
- The report recommended 19 trees be considered for removal, however 16 of those are due to proximity to infrastructure such as fences, kerbs and footpaths.
- Three trees were to be considered for removal due to poor structure, with a further 4 trees identified with poor structure to be considered for removal due to proximity to infrastructure, not because the poor structure constituted a risk.

## **Comment**

The City is currently working on both an Urban Canopy Strategy and a Locality Street Tree Masterplan to show a commitment to maintain and strengthen the urban tree canopy. On average, a street tree contributes to community wellness with about \$117,000 benefit over its lifespan. Retention of mature trees is integral and identified as one of the four key objectives of the Urban Canopy Strategy.

In liaising with residents concerned about trees throughout Mandurah, city officers have observed that the majority of residents are not concerned about their street trees until they reach at least ten years of age. At that point, it seems that the leaf, nut and flower litter, the height and size and damage caused by the roots of the tree have reached a point where they are no longer willing to accept it and they request it be removed. It should be noted that these requests are not isolated to any particular species.

Norfolk Island Pine trees are a widely accepted, reliable and low maintenance tree in coastal communities, suited for street and park use. However, the tree can become a dominant feature of the urban landscape. For this reason its use needs careful consideration. Australian native trees can be used to similar effect. Trees are living organisms and all trees naturally shed leaves, bark, twigs and there will always be some level of nuisance, however this is outweighed by the significant community benefits street trees provide.

The Norfolk Island Pine trees planted in the earliest stages of the Cox Bay Development are now over 20 years old and are approaching maturity. Any damage to infrastructure is monitored and repaired and tree roots trimmed and treated appropriately to reduce further damage. It is difficult to replace a tree of this age and maturity and, if replaced with a smaller tree we will not have received the full benefit of the 120 year life span of the tree. Remote sensing data undertaken as part of the Urban Canopy Strategy has identified Falcon having an average urban canopy cover of 15.8% (as at 2016) but very little of that (total 1.6%) consists of mature trees, greater than 15m in height.

With any request to remove a tree, the site and tree is inspected to assess the location, type and state of the tree to determine whether the tree meets the criteria for removal. All reasonable measures are taken to ensure tree retention, however in some circumstances residents do not agree that the tree be retained and an arboriculturalist is engaged to complete an independent assessment. With the increasing community concern with regard to Cox Bay, the arboriculturalist was requested to assess a total of 65 trees, to determine a value of the tree, their current state and recommend any remedial works required.

Each of the 65 trees assessed were found to be in good health with the majority also having good structure. Seven were found to have poor structure and of those, three have been recommended for removal. A further 16 were to be considered for removal due to proximity to infrastructure such as kerbs, crossovers and footpaths. However all streets that have had trees assessed are access streets which have not had damage sufficient enough to affect the form or function of the road. Where the report indicates 'consider for removal', it is proposed the officers will liaise with the residents and arrange for appropriate maintenance works for the infrastructure that has been affected by the trees.

The report also recommends further works where tree retention is desired close to infrastructure, however the Arborist cautions that constant trenching and root loss within the structural zone of the tree does have the potential to compromise the stability of the tree. Overall it was concluded that the majority of the trees had the capacity to maintain or improve their current conditions and deliver a long life expectancy.



It is noted that a large portion of the concerned residents live in Governor Drive and only one tree in this street was assessed as being of poor structure and consideration for removal recommended. The residents of Governor Drive consist of less than 20% of the residents who have Norfolk Island Pines within their streetscape. In many instances where the growth of the trees are affecting crossovers, the crossover has been built closer to the tree than the minimum distance specified by the City's crossover specifications (1.5m). Some examples of this are provided below:



There are four options that can be considered:

- Option 1 Retain all trees as they are – considering 3 trees within the aboricultural report have been identified as having structural concerns and were identified for removal. There is a risk that any damage resulting from failure of these trees will be the responsibility of the City.
- Option 2 Remove and replace the 3 trees identified for removal due to structural issues and continue to monitor the remaining 16 trees, repairing infrastructure, placing root barriers and trimming as necessary.
- Option 3 Remove and replace all 19 trees identified for consideration for removal at an estimated cost of \$25,245. Removing trees due to narrow verges and damage to infrastructure is not in accordance with the City's Tree Management Guidelines which specifically states that a tree should only be considered for removal where there is substantial damage to infrastructure.
- Option 4 Remove and replace all Norfolk Island Pines within the Cox Bay estate at an estimated cost of \$96,525. Given the large number of trees that are in good health and structure and a low percentage of the residents wish the trees to be removed, this is a substantial outlay for the City and results in an overall reduction in the community and environmental benefit these trees would provide if left in place.



It is recommended that Option 2 be endorsed which is:

- a) Remove three trees
  - 23 Enterprise Avenue, west tree
  - Perseverance Boulevard carpark, central tree; and
  - 9 Governor Drive, west tree.
- b) Continue to monitor the remaining 16 trees which have been considered for removal.

The continue to monitor component would include making good the infrastructure repairs required to allow the trees to remain healthy. Officers would liaise and work with the property owners to undertake the required remedial works.

## **Consultation**

Bowden Tree Consultancy

## **Statutory Environment**

Nil

## **Policy Implications**

Nil, the recommendation is in line with POL-RDS-06 – Urban Tree Management

## **Economic Implications**

Each tree has an estimated value which is calculated using established methodology. The 65 trees investigated has an individual value ranging from \$345 to \$32,737. The total estimated value of the trees is \$802,300.

Considering the options outlined within the report, the following economic implications apply:

1. Retain all trees as they are – Nil financial outlay to the City, however there may be some longer term implications given the risk of retaining some trees.
2. Remove and replace the two trees identified for removal due to structural issues. Estimated cost of removal and replacement with an alternative species is \$2,805 which can be covered within the budget allocated for Verge Tree Replacement Requests.
3. Remove and replace all 19 trees identified for consideration for removal. Estimated cost is \$25,245 and funding will need to be approved by Council.
4. Remove and replace all Norfolk Island Pines within the Cox Bay estate. Estimated cost is \$96,525 funding will need to be approved by Council.

Please note that it has been assumed that any tree removed will have a replacement tree planted in order to assist in maintaining our urban tree canopy into the future. The costs detailed above, include tree removal and replacement only, so the actual costs when verge reinstatement is included will result in a higher cost.

## **Risk Analysis**

Leaving street trees in place that have been recommended for removal is a significant risk to the City as it leaves the City open to liability claims resulting from any damage that tree may cause. When those trees are identified as unhealthy or of poor structure, the risk is significantly higher than healthy trees with a good structure.

Where trees cause a significant impact on infrastructure they can be removed in accordance with the tree management guidelines however, removing them due to age, leaf litter or because a resident does not like the species is against the tree management guidelines and is likely to impact other areas like Northport, Eastport and Port Mandurah where Norfolk Island Pine trees have also been used as street trees.

A street tree contributes to community wellness with about \$117,000 benefit over its lifespan. Given the majority of the trees within Cox Bay have only reached 15% of their potential age, the loss of community benefit is \$99,450 per tree.

The Urban Canopy Strategy and Locality Street Tree Masterplan show a commitment to maintain and strengthen the City's urban tree canopy. Falcon is an area identified as having a low coverage of mature trees. Removing these trees undermines one of the key objectives of the draft Urban Tree Canopy Strategy.

### **Strategic Implications**

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

#### Environment:

- Protect and ensure the health of our natural environment and waterways.
- Encourage and enable our community to take ownership of our natural assets, and to adopt behaviours that assist in achieving our environmental targets.

#### Infrastructure:

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

### **Conclusion**

From site inspections it appears that the majority of residents within Cox Bay are coexisting reasonably well with the Norfolk Island Pines. Tree growth has impacted some infrastructure such as kerbing, footpaths and crossovers however, that impact is being managed in accordance with the City's Street Tree Management Guidelines and is not sufficient that it affects the form or function of that infrastructure.

Removing all Norfolk Island Pines will have significant financial impacts as well as impacting the community benefits of mature trees and undermines a key objective of our draft Urban Tree Canopy Strategy, not to mention the wider impact this may have on other estates with Norfolk Island Pines including Northport, Eastport and Port Mandurah. However it cannot be denied there are also risks in retaining trees with identified structural concerns, which should be removed.

It is recommended that Council approve the removal of three trees, retains the remainder trees and endorses officers to provide every assistance to residents to undertake the required remedial work to ensure that a healthy streetscape can be retained.

#### **NOTE:**

- Refer **Attachment 1 Assessment and Appraisal Summary**

*A copy of the full detailed Arboricultural Assessment Report is available in the Councillors Lounge.*

### **RECOMMENDATION**

#### **That Council:**

1. **Acknowledges that it continues to support its commitment to maintain and strengthen the urban tree canopy wherever it can whilst appreciating that residents will have concerns that tree roots will cause maintenance issues to crossovers, kerbing and road pavements from time to time.**

2. Approves the Norfolk Island Pines at 23 Enterprise Avenue, 9 Governor Drive and Perseverance Boulevard carpark being removed and replaced with new street trees in accordance with the City's Locality Street Tree Masterplan.
3. Acknowledges that there are a number of Norfolk Island Pines that will require remedial works in order to maintain them in good condition.
4. Requests officers liaise with the property owners to ensure that every assistance is given to undertake the remedial works required.

## 2.1 Assessment & Appraisal Summary

Tree #	Location	Structure	Amenity Value \$	Recommendations
1	23 Enterprise Ave, east tree	Good	10,238	Retain tree with works
2	23 Enterprise Ave, west tree	Poor	6,029	Consider removal
3	8 Sulina Rise, east of crossover	Good	6,588	Consider removal
4	8 Sulina Rise, west of crossover	Good	18,517	Consider removal
5	14 Sulina Rise	Fair	5,481	Retain tree with works
6	18 Sulina Rise	Good	17,822	Retain tree with works
7	South side of intersection with Old Coast Road adjacent 17 Devonshire Retreat	Good	16,037	Consider removal
8	North side of intersection with Old Coast Road adjacent 30 Sulina Rise (northern tree)	Good	23,384	Retain tree with works
9	North side of intersection with Old Coast Road adjacent 30 Sulina Rise (southern tree)	Good	7,647	Retain tree with works
10	1 Contest Avenue, first tree south of roundabout	Good	32,737	Consider removal
11	1 Contest Avenue, second tree south of roundabout	Good	11,186	Consider removal
12	2 Occator Way, second tree north of intersection	Good	18,883	Consider removal
13	2 Occator Way, first tree north of intersection	Good	19,908	Consider removal
14	1 Occator Way, first tree south of intersection	Good	23,826	Retain tree with works
15	1 Occator Way, second tree south of intersection	Good	17,822	Consider removal
16	Corner Square Lane/ Perseverance Blvd first tree south of intersection	Good	13,588	Consider removal
17	12C Governor Drive southernmost tree (Perseverance Blvd verge)	Good	16,985	Consider removal
18	12C Governor Drive third tree from the south (Perseverance Blvd verge)	Fair	18,328	Consider removal

19	6 Zendora Court	Good	7,252	Retain tree with works
20	4 Zendora Court	Good	3,626	Retain tree with works
21	55 Enterprise Avenue, northern tree	Good	2,630	Retain tree with works
22	55 Enterprise Avenue, southern tree	Good	3,626	Retain tree with works
23	84 Flinders Street	Good	7,892	Retain tree with works
24	Perseverance Boulevard parking area at southern end, northern tree	Good	7,347	Retain tree with works
25	Perseverance Boulevard parking area at southern end, central tree	Poor	1,709	Consider removal
26	Perseverance Boulevard parking area at southern end, southern tree	Poor	345	Consider removal
27	1 Governor Drive, north tree	Good	20,856	Retain tree with works
28	1 Governor Drive, south tree	Good	14,125	Retain tree with works
29	3 Governor Drive, north tree	Poor	4,370	Retain tree with works
30	3 Governor Drive, south tree	Good	18,865	Retain tree with works
31	5 Governor Drive	Good	14,931	Retain tree with works
32	7 Governor Drive	Good	5,735	Retain tree with works
33	9 Governor Drive, west tree	Poor	5,422	Consider removal
34	13 Governor Drive	Good	9,622	Retain tree with works
35	22 Governor Drive	Poor	2,070	Consider removal
36	16 Governor Drive	Good	8,389	Retain tree with works
37	14 Governor Drive	Good	16,827	No works at present
38	10 Governor Drive, south tree	Good	8,389	Retain tree with works
39	10 Governor Drive, north tree	Good	10,191	Retain tree with works
40	6 Governor Drive	Good	12,561	Retain tree with works
41	4 Governor Drive	Good	14,125	Retain tree with works
42	6 Enterprise Avenue, south tree	Good	12,561	No works at present
43	6 Enterprise Avenue	Good	13,366	No works at present
44	3 Enterprise Avenue, south tree	Good	22,088	Consider removal
45	3 Enterprise Avenue, north tree	TBA	28,203	Retain tree with works
46	7 Enterprise Avenue, south tree	TBA	28,203	Retain tree with works
47	7 Enterprise Avenue, north tree	Good	16,495	Retain tree with works
48	9 Enterprise Avenue	Good	10,191	Retain tree with works
49	13 Enterprise Avenue	Good	29,482	Retain tree with works

50	17 Enterprise Avenue	Good	32,706	Retain tree with works
51	21 Enterprise Avenue	Good	12,561	Retain tree with works
52	23 Enterprise Avenue	TBA	12,561	Consider removal
53	3 Alert Place	Good	13,366	Retain tree with works
54	1 Alert Place	Good	11,755	Retain tree with works
55	1 Alert Place (Enterprise Avenue)	Good	18,865	Retain tree with works
56	1 Governor Drive	Good	18,865	Retain tree with works
57	6 Enterprise Avenue	TBA	8,174	Consider removal
58	3 Contest Avenue	Good	10,996	Retain tree with works
59	5 Contest Avenue	Good	1,943	No works at present
60	13 Contest Avenue	Fair	1,374	Retain tree with works
61	15 Contest Avenue	Good	1,943	Retain tree with works
62	20 Contest Avenue	Poor	4,370	Retain tree with works
63	16 Contest Avenue	Good	3,033	No works at present
64	14 Contest Avenue	Good	4,408	Retain tree with works
65	2 Contest Avenue	Good	3,934	No works at present

**Table 1. Summary of tree condition, amenity value and remedial options for the 65 trees with the specific details of pruning and/ or other works located in the recommendations section for each individual tree.**

**11 SUBJECT:** Tender Number 02-2019 - Supply of Materials Testing and Analysis Reporting  
**CONTACT OFFICER/S:** Matthew Hall /  
**AUTHOR:** Colin Price / Erin Johnson  
**FILE NO:** F0000183294

### Summary

The City of Mandurah invited tenders for the Supply of Materials Testing and Analysis Reporting. This service is utilised in the provision of road construction and maintenance activities. During the qualitative evaluation process, before price was considered, it was established that there was no suitable tenderers to perform the services.

Council approval is sought to decline to accept all tenders and note that the City will review the tender specification before undertaking a quotation process within six months, under the provisions of the *Local Government (Functions and General) Regulations 1996 Clause 11 (c)(i)*.

### Disclosure of Interest

Nil.

### Previous Relevant Documentation

Nil

### Background

The Request for Tender sought the provision of the required services for a period of two years with one option to extend for a further one year.

### Comment

The tender closed at 2:00pm on Thursday 11 April 2019. Submissions were received in accordance with Regulation 18 (1), with no tenders received after the closing deadline. Submissions were received from the following:

1.	Civitest Pty Ltd	Bunbury WA
2.	Mark Rolfe ta Aggregate Services WA	Kardinya WA

Civitest Pty Ltd's submission was set aside from evaluation process as they were deemed non-conforming in accordance with the Request for Tender clauses 9. Rejection of Tenders and 13. Evaluation Process.

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

Relevant Experience	20%
Key Personnel Skills and Experience	20%
Tenderers Resources	10%

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

An evaluation panel, comprising of officers from the Works and Services, individually assessed the submission against the weighted qualitative criteria submitted by each tenderer.

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

As a result of the evaluation process, City officers are requesting Council to approve the recommendation to decline to accept all tenders. Officers will review the specification and pricing schedules prior to the quotation process being conducted.

### **Consultation**

A financial assessment and/or a credit check was undertaken by Financial Services

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

### **Statutory Environment**

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

### **Policy Implications**

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

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

### **Risk Analysis**

The risk of not appointing a tenderer at this point are minimal, currently the City procures these services as and when required, however, it is the intention to go back to the market.

### **Strategic Implications**

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

#### Organisational Excellence:

- Deliver excellent governance and financial management.

### **Conclusion**

Tenders for the Supply of Materials Testing and Analysis Reporting were recently invited. Two were received and one was assessed against the qualitative criteria but proceed to the assessment of price. The panel is recommending that Council resolve to not accept any tender and that the City will seek competitive quotations from other known suppliers performing these services.

#### **NOTE:**

- Refer ***Confidential Attachment***.

### **RECOMMENDATION**

#### **That Council:**

1. **Rejects tenders for T02-2019 Supply of Materials Testing and Analysis Reporting.**
2. **Notes the City will undertake a quotation process for the Supply of Material Testing and Analysis Reporting under the provisions of the *Local Government (Functions and General) Regulations 1996 Clause 11 (c) (i)*.**



<b>12</b>	<b>SUBJECT:</b>	Tender Number 03-2019 – Provision of Security Services
	<b>CONTACT OFFICER/S:</b>	Simon Hudson
	<b>AUTHOR:</b>	Vicki Lawrence / Lynn McArdle
	<b>FILE NO:</b>	F0000187752

## Summary

The City of Mandurah uses security services to provide vehicle patrols through the City Centre, Marina and various car parks throughout the municipality and an alarm response service to the City's owned or managed buildings, grounds and facilities.

Foot patrols and static guards are used to deter and detect unusual or suspicious activity as well as to safeguard people and property. Cash collection is required for various offices, facilities and City sponsored events to transfer revenues to the City's nominated bank.

Security crowd controllers and patrol officers are required for the six major events organised by the City to ensure assets and people are kept safe.

The City of Mandurah invited tenders for the Provision of Security Services and as a result of the evaluation of tendered submissions, Council is now requested to accept the following tenderers as the preferred tenderer:

1. Separable Portion One – Vehicle Patrols and Alarm Responses - Accord Security Pty Ltd
2. Separable Portion Two – Foot Patrols and Static Guards - Accord Security Pty Ltd
3. Separable Portion Three – Cash Collection - WestSure Group Pty Ltd
4. Separable Portion Four – Events Security - NPB Security Pty Ltd

## Disclosure of Interest

Nil

## Location

City-wide

## Previous Relevant Documentation

- G.23/12/13      17 December 2013      That Council awards Mandurah Industrial Guards Pty Ltd the contract under Tender 12-2013 for the Provision of Security Services for a period of three (3) years, commencing on 6 January 2014 and expiring on 5 January 2017, with one (1) option to extend for a further three (3) years subject to satisfactory performance, commencing on 6 January 2017 and expiring on 5 January 2020, at the schedule of rates offered with CPI increases at each twelve (12) month contract anniversary date.
- G.24/11/16      22 November 2016      That Council Awards JACMAH Enterprises Pty Ltd trading as X-Men Security Services the contract under Tender 14-2016 for Events Security for a period of three years, commencing on 15 December 2016 and expiring on 14 December 2019, at the schedule of rates offered with CPI increases at each twelve month contract anniversary date.

## Background

The current contract for Security Services, which included vehicle patrols and alarm responses, foot patrols and static guards and cash collection, was awarded to Mandurah Industrial Guards Pty Ltd for a period of three years with the option to extend for a further three years which commenced on 6 January 2014 and

was due to expire on 5 January 2020. The City was notified that Mandurah Industrial Guards Pty Ltd had gone into liquidation on 29 June 2018, and Wilson Security had acquired their resources and equipment. A new contract under the same terms and conditions as the previous contract was entered into with Wilson Security, to enable completion of a tender process. This expired on the 31 March 2019. Wilson Security chose not to tender for the services under this tender process, and upon completion of their contract proposed increased prices such that it no longer represented value for money to continue their engagement. A short term, interim contract was awarded to Accord Security following a competitive process to provide services until the current tender is awarded.

The contract for Security Services at City Events was awarded to X-Men Security commencing on 15 December 2016 and this contract was subsequently terminated by the City on 11 April 2018 due to breach of contract. City officers had obtained quotations for the 2018/2019 events season whilst the tender for all of the City's security requirements could be tendered together.

To provide continuation of the services a tender for the Provision of Security Services was advertised in the 13 March 2019 edition of the 'West Australian' newspaper, the 13 March 2019 edition of the Mandurah Mail and the 14 March 2019 edition of the Mandurah Coastal Times and was displayed on notice boards at the Administration Centre and the relevant Libraries.

The RFT seeks the provision of the required services for a period of three years, together with three options to extend the contract for a further one year subject to the successful completion of the set key performance indicators.

### Comment

The tender closed at 2:00pm on Tuesday 16 April 2019. Submissions were received from the following:

1.	Accord Security Pty Ltd	Rockingham
2.	Black Eye Security Team	Belmont
3.	RooForce Facility Services Pty Ltd	Mandurah
4.	Business Risks International Pty Ltd	Perth
5.	CTi5 PTY LTD trading as CTi Risk Management	O'Connor
6.	EEVE Security Services	Wandi
7.	Falcon Protective Services	Perth
8.	MA Services Group Pty Ltd	West Perth
9.	Major Security Services	Morley
10.	MCS Security Group Pty Ltd	Joondalup
11.	MCW Corporation Pty Ltd t/as Perth Security Services	Fremantle
12.	NPB Security Pty Ltd	Perth
13.	Oceanic Security Services	Queens Park
14.	Protectcorp Security WA Pty Ltd	Bassendean
15.	Southern Cross Protection Pty Ltd	Malaga
16.	WestSure Group Pty Ltd	Malaga
17.	Winsor Pty Ltd	Pinjarra

The submission from Falcon Protective Services was set aside from evaluation due to submitting an alternative tender without a conforming tender.

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

Relevant Experience and References	15%
Understanding of Specification	15%
Supervision and Resources	15%
Commonwealth Employment Services	15%
Price	40%

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

The evaluation panels were setup for each separable portion and comprised officers from Infrastructure Management, Development and Compliance, Community Development, Marina and Waterways, Sports, Recreation and Events and Facilities Management individually assessed each tender against the weighted qualitative criteria submitted by each tenderer.

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

As a result, the tendered submissions from Accord Security Pty Ltd, WestSure Group Pty Ltd and NPB Security Pty Ltd were considered to be the most advantageous tenders and are therefore recommended as the preferred tenderers.

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

### **Consultation**

A non-mandatory tender briefing was held on Tuesday 26 March 2019 at the Mandurah Aquatic and Recreation Centre and was attended by 14 prospective tenderers.

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

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

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

### **Statutory Environment**

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

### **Policy Implications**

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

Policy POL-CPM 01 – *Buy "Local" Procurement*

### **Risk Analysis**

One risk to the City for these contracts relates to quality of services. In order to mitigate this risk, the City has introduced specific performance indicators to target both ongoing, and consistent provision of quality of services and those that address the underlying factors contributing to poor quality outcomes. The other short term risk is interruption to continuation of the services at the outset of the contracts during transition from the current incumbent to the preferred tenderers. This will be mitigated through the development of transition plans at the outset of the contracts.

### **Economic Implications**

The total cost of the services for the previous contract which incorporated separable portions 1, 2 and 3 for a period of five years was \$1,268,000, with an average cost of \$253,600 per annum. Based on previous

annual fees it is estimated the services will equate to approximately \$1,879,392 for the term of this six year contract and approximately \$313,232 per annum. A comparison of the schedule of rates between the former tender and this tender indicates an increase of approximately 23% per annum. It should be noted that, due to liquidation, the previous incumbent contractor was unable to complete the duration of the contract period

The total cost of the services for the 2018/2019 events season (from the quotations received) was \$96,177. For this tender, a potential six year contract, based on the previous events season, is estimated the services will equate to approximately \$106,416 per annum.

A comparison of the schedule of rates between the former quotations and this tender indicates an increase of approximately 10%.

The schedule of rates contract has a price basis that is variable in accordance with the special conditions of contract, allowing CPI increases at each twelve month contract anniversary date.

Provision has been made in various cost codes across the City's current financial budget for the service.

### **Strategic Implications**

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

#### Organisational Excellence:

- Deliver excellent governance and financial management.

### **Conclusion**

Tenders for the Provision of Security Services were recently invited. Seventeen were received and assessed against both qualitative criteria and price. The result was that the submissions from the following tenderers represented overall best value for money for the City and are recommended as the preferred tenderers:

1. Separable Portion One – Vehicle Patrols and Alarm Responses - Accord Security Pty Ltd
2. Separable Portion Two – Foot Patrols and Static Guards - Accord Security Pty Ltd
3. Separable Portion Three – Cash Collection - WestSure Group Pty Ltd
4. Separable Portion Four – Events Security - NPB Security Pty Ltd

#### **NOTE:**

- Refer ***Confidential Attachment***.

### **RECOMMENDATION**

#### **That Council:**

1. **Accepts Accord Security Pty Ltd as the preferred tenderer for Tender 03-2019 for the Provision of Security Services - Separable Portion One – Vehicle Patrols and Alarm Responses.**
2. **Accepts Accord Security Pty Ltd as the preferred tenderer for Tender 03-2019 for the Provision of Security Services - Separable Portion Two – Foot Patrols and Static Guards.**
3. **Accepts WestSure Group Pty Ltd as the preferred tenderer for Tender 03-2019 for the Provision of Security Services - Separable Portion Three – Cash Collection.**
4. **Accepts NPB Security Pty Ltd as the preferred tenderer for Tender 03-2019 for the Provision of Security Services - Separable Portion Four – Events Security.**

**13**      **SUBJECT:**                      Traffic Management Review: Coco Drive Falcon  
         **CONTACT OFFICER:**        Troy Davis  
         **AUTHOR:**                      Tom Carroll

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### Summary

In response to resident concerns regarding traffic speed in Coco Drive, Falcon, Council resolved to undertake a traffic management trial.

The City agreed to trial the installation of speed cushions at two locations on Coco Drive and to review the impact on traffic speeds. It was found that as the speed cushions were installed within the traffic lane, the gap created between the two speed cushions (each way lane installation) enticed vehicles to drive between the speed cushions. Vertical post delineators were subsequently installed to deter this action with resultant driver behaviour focused on smashing them.

Traffic counts including vehicle speed measurements were conducted before and after the traffic management intervention to assess the effectiveness in vehicle speed control. Analysis of the traffic data has shown that traffic volumes and the 85<sup>th</sup> percentile speeds have remained relatively unchanged throughout the duration of the trial period with consistent results captured on all three occasions.

Council is requested to consider the traffic management review outcomes and resolve a final solution.

### Disclosure of Interest

Nil

### Location



## Previous Relevant Documentation

- G. 47/6/17      27 June 2017      Council considered a report reviewing the value of the Bluerise Cove / Coco Drive road link connecting the Pleasant Grove and Coco C'Bay estates. The report included reviews of previous traffic and transport studies, consultation with residents and analysis of traffic counts

## Background

Council, at its meeting of 14 March 2017 received the following notice of motion.

*That City officers undertake a review of the vehicular link between Pleasant Grove and Coco C'Bay estates and report back to Council with consideration of the following:*

- *The recommendations of the Estuary Bridge to Dawesville Bridge Road and Land Use study.*
- *Traffic volumes and speed through the Coco C'Bay estates.*
- *Pedestrian and cyclist routes.*

During the Council meeting of 27 June 2017, City officers presented a report reviewing the value of the Bluerise Cove / Coco Drive road link connecting the Pleasant Grove and Coco C'Bay estates. The report included reviews of previous traffic and transport studies, consultation with residents and analysis of traffic counts.

The recommendation set out in the report by City officers was that Council:

1. *Based on the previous planning and traffic studies and the latest traffic data gathered, reaffirms its support for the link between the Coco C'Bay and Pleasant Grove estates.*
2. *Advise the residents of Coco C'Bay and Pleasant Grove estates of the decision.*

Having resolved to retain Coco Drive as a road connecting Pleasant Grove Estate to the commercial precinct of Falcon, residents agreed the following:

- There were no traffic calming devices or signage in the area advising motorists of the 50 km/h speed limit.
- Many living in the area were elderly, who struggled to cross the road safely because of the speed at which some vehicles travelled.
- Residents of Coco Drive had difficulty reversing vehicles safely from their driveways, as there was little time to observe oncoming traffic.

Subsequently, Council resolved the following actions being undertaken:

1. *Based on the previous planning and traffic studies and the latest traffic data gathered, Council reaffirms its support for the link between the Coco C'Bay and Pleasant Grove Estates.*
2. *Signage be introduced in the precinct advising motorists of the 50 km/h speed limit.*
3. *A plateau be introduced adjacent to the community centre.*
4. *The traffic situation continue to be monitored by officers, with a report being brought back to council if the measures set out are unsuccessful, providing details of what would be necessary for the introduction of a 40 km/h speed zone.*
5. *Officers advise the residents of Coco C'Bay and Pleasant Grove estates of Council's decision.*

Officers arranged the following:

- Installation of 50 km/h speed advisory signs.
- At grade plateau delineation at either end of the community centre. The plateaus were at grade due to the likely impact on stormwater drainage and resident crossovers.
- Installed line marking to create a central median island in an endeavour to keep vehicles within their allocated lane.

The residents were not supportive of the 'at grade' plateaus. In response, the City arranged the installation of raised speed cushions on a three month trial basis and continue to monitor traffic volume and speed and the effectiveness of the raised speed cushions.

During the trial period, it was brought to the City's attention that due to the pavement width at the western set of speed cushions, vehicles were avoiding the speed cushions by swerving between the speed cushions and travelling over the painted median island. This was addressed through the installation of a separation kerb and delineators on top of the painted median island.

Throughout the trial period, the City began to receive negative feedback from residents of Pleasant Grove questioning the justification of the treatment in light of previous reports that were presented to Council and did not highlight issues in regard to traffic speeds. This disapproval was also evident on social media platforms with residents discussing their anger at the City's decision to install further traffic calming on Coco Drive.

Following the installation of separation kerbing and delineators, there was evidence to suggest that vehicles were intentionally flattening and destroying the delineators. The City was unable to keep up with maintenance requirements as the delineators were being destroyed on a daily basis.

## **Comment**

### Traffic Count Data

Traffic data is gathered and compared with industry standards and State programmes for the type of streets within the City's road hierarchy. For example Coco Drive is a Neighbourhood Connector B Road under the Western Australian Planning Commission's Liveable Neighbourhoods and Council's adopted Road Hierarchy. The criteria for this type of road shows that it has the capacity to take a traffic volume of up to 3,000 vehicles per day (vpd).

The 85<sup>th</sup> percentile speed referred to within the City's traffic counts is an industry standard relating to 85 percent of traffic travelling at or below the speed limit. That is not to say that some drivers are not exceeding this speed but traffic management is not designed to cater for those excessive speeds within the 15% volumes exceeding the 85th percentile speed.

The locations of the traffic counts conducted on Coco Drive prior to the trial period were nearby to the sites where speed cushions were subsequently installed. During the trial period, traffic counts were conducted during three periods to analyse the effect of the traffic calming measures for vehicles travelling both eastbound and westbound. Traffic counts were conducted to coincide with the beginning of the trial period, the end of the trial period and during the trial extension after separation kerbing and delineators were installed between the western set of speed cushions.

The locations of these traffic counts can be seen below followed by a table with the results of the traffic counts.





Date	Description	Location	Direction	Volume (Vehicles per Day)	85th Percentile Speed Km/hr
8/11/2017	Pre Trial	No 27/29	East/West	1529	46.3
		No 9	East/West	1472	42.6
26/11/2018	Beginning of Trial	No 15	East	724	42.6
		No 17	West	716	41.8
11/03/2019	End of Trial	No 15	East	718	41.7
		No 17	West	698	42.0
23/04/2019	Trial Extension (Delineators Installed)	No 15	East	687	43.0
		No 17	West	690	42.0

Analysis of the traffic data has shown that traffic volumes and 85<sup>th</sup> percentile speeds have remained relatively unchanged throughout the duration of the trial period with very consistent results captured on all three occasions.

Comparison to the pre-trial traffic data indicates that there has been a minor reduction in 85<sup>th</sup> percentile speeds in the range of 3-4 km/h. Traffic volumes have remained relatively unchanged with daily volumes remaining in the range of 1400-1500 vehicles per day (both directions).

Based on the traffic data collected, the installation of speed cushions on Coco Drive has had minimal impact on the function of the road environment and vehicle speeds. Vehicle speeds are still shown to be well below the speed limit of 50 km/h.

The alignment of Coco Drive is narrow with curves and heavily landscaped median islands. Houses are close to the road with narrow frontages. The design of the road does not lend itself to high vehicle speeds and this is supported by historical traffic data along with the traffic data gathered during the trial period. Narrow road environments like Coco Drive can lend themselves to the perception that vehicle speeds are higher than they are in reality.

As part of the review, a Road Safety Audit (RSA) was undertaken by independent consultants. The objective was to identify any impediments to road safety and where these are identified, to recommend initiatives to improve these to allow for safe passage for all road users.



The findings from the Road Safety Audit are summarised as follows:

- Ensure street lighting is not obscured by trees and landscaping.
- Replace mountable kerbing with semi mountable kerbing. Mountable kerbing could allow an errant vehicle to mount the footpath and impact with a pedestrian thus causing serious injury.
- Speed cushions - remove them if they are not performing as required as an effective speed control measure
  - If to be retained, extend them full width between the kerbing.

After an extensive review period there is considered to be two options:

- Option 1 Remove the speed cushions and allow the road to operate without physical impediments. As there has been a small reduction in traffic speed, this could be justified.
- Option 2 Install speed humps across the full width of the road carriageway. The preferred profile would be a 'Watts profile' which is a little more forgiving when vehicles travel over it. The design of a Watts profile speed bump is included as **Attachment 1**.

Overall, given the perception by local residents that vehicle speed is an issue, and more importantly that a community centre abuts a portion of Coco Drive, the installation of a full width Watts profile speed hump – Option 2 is supported.

The road safety audit findings raised the possible corrective action of replacing the existing mountable kerb with semi mountable kerb. The impact on the shared path, verge and crossovers will need to be assessed and ultimately costed. This would be listed for consideration in the 2020/2021 draft budget.

### **Consultation**

Consultation letters were circulated to residents located adjacent to the proposed speed cushions on Coco Drive. Information regarding the proposed trial period was not circulated to the wider community. Consultation letters were accompanied by a plan indicating the proposed locations of the speed cushions along with an image of the speed cushions.

Over the course of the trial period, the City received feedback from residents of both Coco C'Bay and Pleasant Grove estates. Feedback has been in the form of CRMs, emails, site meetings and phone calls. This feedback forms part of the report as **Attachment 2**.

### **Statutory Environment**

Road Traffic Act

### **Policy Implications**

Nil

### **Economic Implications**

Funding would need to be obtained for alterations to the existing road environment.

Where the change to kerbing is involved, this would be a 2020/2021 draft budget consideration.

The construction of two speed humps as per the Watts profile is estimated to cost \$17,500. This may be funded through the discretionary traffic management account.

### **Risk Analysis**

A Road Safety Audit (RSA) was undertaken to assess potential impediments to road safety.

The aim of Safe System Findings is to focus the RSA process on considering safe speeds and by providing forgiving roads and roadsides. This is to be delivered through the RSA process by accepting that people will always make mistakes and by considering the known limits to crash forces the human body can tolerate. This is to be achieved by focusing the RSA on particular crash types that are known to result in higher severity outcomes at relatively lower speed environments to reduce the risk of fatal and serious injury crashes.

The additional annotation “IMPORTANT” is used to provide emphasis to any road safety audit finding that has the potential to result in fatal or serious injury or findings that are likely to result in the following crash types above the related speed environment: head-on (<70km/h), right angle (>50km/h), run off road impact object (>40 km/h), and crashes involving vulnerable road users (>30km/h), as these crash types are known to result in higher severity outcomes at relatively lower speed environments.

The exposure and likelihood of crash occurrence has been considered for all findings deemed “IMPORTANT” and evaluated based on the auditor’s professional judgement considering factors such as traffic volumes and movements, speed environment, crash history and the road environment. The likelihood of crash occurrence has been designated “VERY HIGH”, “HIGH”, “MODERATE” or “LOW” and this additional annotation has been displayed following the “IMPORTANT” annotation on applicable findings.

The RSA identified three actions as being IMPORTANT – MODERATE.

### **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:

- Listen to and engage with our community.
- Ensure the City has the capacity and capability to deliver appropriate services and facilities.
- Deliver excellent governance and financial management.

### **Conclusion**

Analysis of the traffic data collected before and during the trial period has shown a minor reduction in vehicle speeds along Coco Drive that was consistent throughout the duration of the trial. There was little to no effect on daily traffic volumes which remained consistent with those recorded prior to the trial period.

Throughout the duration of the trial period, the City received mixed feedback from residents of Coco C’Bay and Pleasant Grove in relation to the installation of the speed cushions and delineators. There was some positive feedback received from residents of Coco C’Bay in support of the installation matched by negative feedback from Pleasant Grove residents who were unable to see the justification for the installation of traffic calming and queried how the City arrived at this decision.

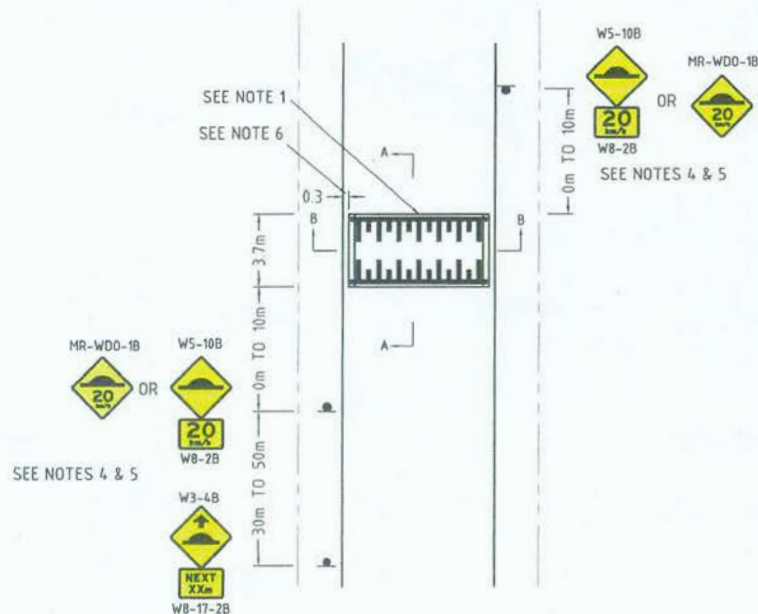
Recognising that pedestrian safety is a high priority and that a community centre is located adjacent to Coco Drive, it is recommended that Council support the installation of two full width speed humps in Coco Drive.

#### **NOTE:**

- Refer **Attachment 1 Residential Feedback**  
**Attachment 2 Road Hump – Watts Profile Design**

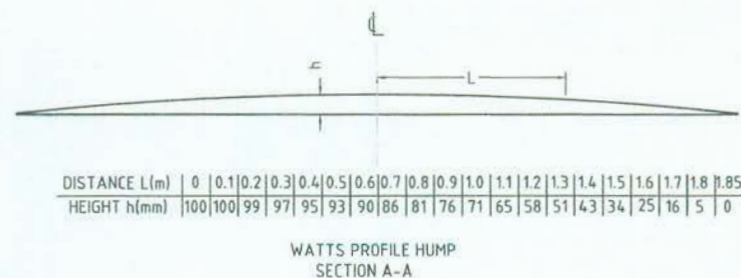
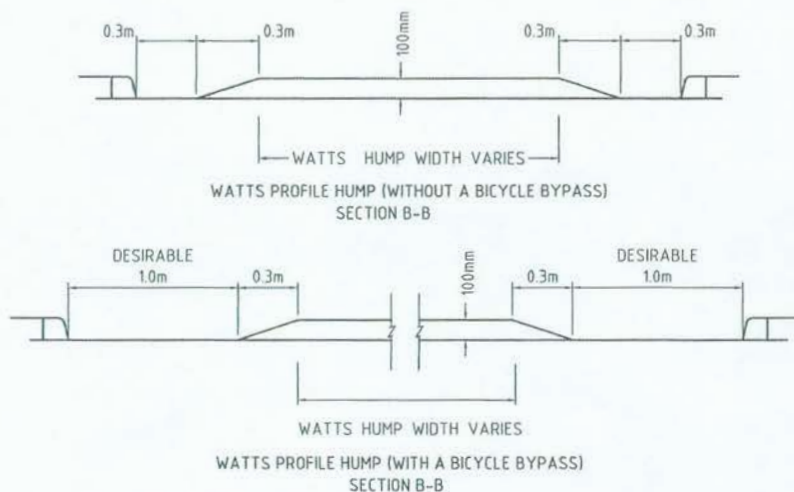
**RECOMMENDATION**

**That Council approves the installation of two full width Watts profile speed humps in Coco Drive.**



## NOTES:

- 1) PIANO MARKINGS ARE TO BE APPLIED ONTO THE RAMP AND NOT ONTO THE PRECEDING ASPHALT. (FOR FURTHER DETAILS REFER TO AS1742.13). PIANO MARKINGS SHOULD EXTEND ACROSS ENTIRE WIDTH.
- 2) RAMP PROFILE SHOWN IS SUITABLE FOR USE ON BUS ROUTES AND IS PREFERRED BY TRANSPERTH TO THE USE OF PLATEAU OR FLAT TOP TYPE ROAD HUMPS.
- 3) ALL STREET LIGHTING SHOULD BE DESIGNED AND INSTALLED IN ACCORDANCE WITH AS1158.
- 4) USE MR-WDO-1 IF POSTED SPEED  $\leq 50$  km/h. USE W5-10/W8-2 IF POSTED SPEED  $\geq 60$  km/h. SIGN ASSEMBLIES W5-10/W8-2 OR MR-WDO-1 AND W3-4/W8-17-2 ARE GENERALLY NOT REQUIRED WHEN THE DEVICE IS PART OF AN AREA WIDE SCHEME, OR IN SPEED ZONES  $\leq 40$  km/h. THE 20 km/h ADVISORY SPEED MAY NOT BE APPROPRIATE IF A DIFFERENT RAMP GRADE AND/OR RAMP LENGTH IS USED.
- 5) SIGN ASSEMBLY W3-4/W8-17-2 IS USED IN ADVANCE OF THE FIRST HUMP IN A SERIES. MR-WDO-1 OR W5-10/W8-2 MAY BE OMITTED IF THERE ARE NO SIDE ROADS OR IF THE SIDE ROADS HAVE SIGNAGE INSTALLED INDICATING THAT THERE ARE HUMPS ON THE INTERSECTING ROAD.
- 6) ON FLAT GRADES A 0.3m DRAINAGE CHANNEL MAY BE REQUIRED. ON BICYCLE ROUTES A "BYPASS" MAY BE REQUIRED.



NO.	DESCRIPTION	APPROVED & DATE	NO.	DESCRIPTION	APPROVED & DATE
1	DESIGN ADDED TO DRAWING		1	DESIGN ADDED TO DRAWING	
2	WATTS PROFILE HUMP (WITHOUT A BICYCLE BYPASS) SECTION B-B		2	WATTS PROFILE HUMP (WITHOUT A BICYCLE BYPASS) SECTION B-B	
3	WATTS PROFILE HUMP (WITH A BICYCLE BYPASS) SECTION B-B		3	WATTS PROFILE HUMP (WITH A BICYCLE BYPASS) SECTION B-B	
4	WATTS HUMP WIDTH VARIES		4	WATTS HUMP WIDTH VARIES	
5	WATTS HUMP WIDTH VARIES		5	WATTS HUMP WIDTH VARIES	
6	WATTS HUMP WIDTH VARIES		6	WATTS HUMP WIDTH VARIES	
7	WATTS HUMP WIDTH VARIES		7	WATTS HUMP WIDTH VARIES	
8	WATTS HUMP WIDTH VARIES		8	WATTS HUMP WIDTH VARIES	
9	WATTS HUMP WIDTH VARIES		9	WATTS HUMP WIDTH VARIES	
10	WATTS HUMP WIDTH VARIES		10	WATTS HUMP WIDTH VARIES	

DESIGNED D. LANDHARK 04/04	VERIFIED D. SULLIVAN 11/5/04
DRAWN N. PANGGABEAN 04/04	APPROVED R. GROVE 11/5/04
FILE NUMBER 67-08-69	DRAWING NUMBER 200331-128-5
TECHNOLOGY AND ENVIRONMENT ROAD AND TRAFFIC ENGINEERING WATERLOO CRESCENT Telephone (08) 323 4111	mainroads WESTERN AUSTRALIA EAST PERTH 6004 Fax (08) 923 4449

TYPICAL TREATMENT FOR ROAD HUMPS  
ROAD HUMP-WATTS PROFILE

LOCAL AUTHORITY

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Resident Feedback Summary		
Owner / Address	Submission	City of Mandurah Comment
1.M & D Mckain Coco Drive	<ul style="list-style-type: none"> <li>• Supports the speed cushion initiative.</li> <li>• Reports that some vehicles driving between the cushions.</li> <li>• Pedestrian safety is the key element.</li> </ul>	<p>City officers sent to investigate and witness vehicles travelling between the western set of speed cushions. Driver actions confirmed which resulted in the installation of separation kerbing and delineators between this set of speed cushions.</p> <p>Note the support for speed cushions.</p>
2.Abbie Hayes Pleasant Grove	<ul style="list-style-type: none"> <li>• Advised neighbourly feud between residents of Coco C'Bay and Pleasant Grove.</li> <li>• Speed humps have caused an inconvenience to many Pleasant Grove residents.</li> <li>• Believes the residents of Coco C'Bay are not calling for a reduced speed on the road - but to make the road inconvenient in hopes for less traffic. This road is a public road, and residents and the council alike should not be discriminatory regarding who can use it.</li> </ul>	<p>Resident notified that the treatment was installed as part of a trial period to monitor the effects of the devices on traffic speeds.</p> <p>Advised a report back to Council at the conclusion of the trial period with the results of the traffic counts.</p>
3.Abbie Hayes Pleasant Grove	<ul style="list-style-type: none"> <li>• The previous traffic monitoring showed no speeding, so why is this happening? The people there are not concerned about speed - they just want to cut down the amount of traffic and that's not our fault, nor fair! What about the health concerns and discomforts that the speed bumps on the elderly and disabled of Pleasant Grove?</li> </ul>	<p>Resident notified again that the treatment was installed as part of a trial period and that the future of traffic calming devices would be decided upon by Council. Notified that report would contain traffic count data along with feedback that had been received by the City during this trial period from residents of Coco C'Bay and Pleasant Grove.</p>
4.Amanda J Bath Branchfield Way	<ul style="list-style-type: none"> <li>• Believes residents from Coco Drive have initiated and their belligerence in their attempts to restrict traffic from PGC through to the shops.</li> <li>• The houses were built long after PGC and therefore they should have anticipated that the road</li> </ul>	<p>Resident notified that the treatment was installed as part of a trial period to monitor the effects of the devices on traffic speeds. Notified that the City would be reporting back to Council at the conclusion of</p>

	<p>would be used for one end of PGC as the access to the shops.</p> <ul style="list-style-type: none"> <li>• Excessive speed not evidenced and therefore should not have supported any council costs.</li> </ul>	the trial period with the results of the traffic counts.
5.Drew D Bathgate Honeytree Place	<ul style="list-style-type: none"> <li>• Believes the installation of speed humps in Coco drive in Falcon, was approved by Council or a subcommittee? Can you send me a copy of the meeting/s or links to it or them? Gratefully appreciate it.</li> <li>• Follow up email received requesting information on how much money had been spent on treatments and maintenance to date.</li> </ul>	<p>Response sent to resident</p> <p>Notified that the installation was for a trial period and that Council would be deciding on the future of the treatment.</p>
6.Resident Coco Drive	<ul style="list-style-type: none"> <li>• Resident called after the installation of the separation kerbing and delineators between the western set of speed cushions requesting alterations to the kerbing as it was interfering with access to their property to retrieve their boat.</li> </ul>	The City met on site with the resident and made the changes to the kerbing required to facilitate vehicle movements to retrieve the boat.
7.G Patten Coco Drive	<ul style="list-style-type: none"> <li>• Site meeting between City officers and Mr Patten where Mr Patten requested further alterations to the traffic calming measures to include speed humps covering the full width of the road surface.</li> </ul>	City officers indicated to Mr Patten that the trial period was drawing to a close and that a report would be presented to Council where the future of the traffic calming treatments would be decided.