



## **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 14 May 2019  
at 5.30pm**

**MARK R NEWMAN**

Chief Executive Officer  
8 May 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**

Councillors Lynn Rodgers and Schumacher

**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 3723 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 3723 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: 16 APRIL 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 | Yalgorup National Park: Recreation Master Plan                       | 1 - 5   |
| 2 | Management of Boundary Island  | 6 - 10  |
| 3 | Sublease: 187 Breakwater Parade Mandurah Westmen Investments Pty Ltd | 11 - 14 |
| 4 | Proposed Change of Use: Lot 9201 & 2001 Marina Quay Drive Erskine    | 15 - 22 |
| 5 | Proposed Subdivision: Lot 2002 Marina Quay Drive Erskine             | 23 - 34 |
| 6 | Mandurah Aquatic and Recreation Centre: Operating Hours Review       | 35 - 39 |

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

- 14.1   Land Acquisition

**15     CLOSE OF MEETING**

1	<b>SUBJECT:</b> Yalgorup National Park Recreation Master Plan <b>CONTACT OFFICER:</b> Adam Denniss <b>AUTHOR:</b> Tim Bateman
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## Summary

Since Council's decision in 2012 to seek National and eventual World Heritage listing of Lake Clifton and the Yalgorup Lakes System, the City has undertaken various initiatives to ensure the ongoing protection and conservation of Yalgorup National Park. One of these proposed measures is nature-based tourism.

The City's new economic development strategy '*Mandurah and Murray: A Shared Economic Future*', developed in partnership with the Shire of Murray, was adopted by Council in October 2018. The strategy currently contains six broad programs and eight inter-related projects across Mandurah and Murray. One of these projects is 'Peel-Yalgorup Wetlands Trails', which in turn is comprised of two inter-related sub-projects:

- Yalgorup National Park;
- Peel-Harvey Estuary Trails.

These sub-projects aim to develop a range of environmentally sustainable trails, attractions and accommodation within Yalgorup National Park and the Peel-Harvey Estuary.

In February, the City wrote to the Director General of the Department of Biodiversity, Conservation and Attractions (DBCA), seeking a partnership to prepare a Recreation Master Plan for Yalgorup National Park. The Director General responded in March, advising of the Department's willingness to work with the City to develop the recreation master plan.

Also in March, the City's Environmental Services section reported to Council on the outcomes of its Yalgorup National Park National Heritage listing stakeholder engagement. The report advised that strong community support existed for National Heritage listing of Yalgorup, with 96% of respondents in support of its nomination. Council subsequently resolved to support the nomination of Yalgorup National Park for National Heritage listing without an intensive community engagement campaign.

City officers have since met with DBCA officers, and are currently preparing an agreement that will formalise the recreation master plan partnership. The partnership will commence early in the new financial year, and is anticipated to be completed within 12 months.

Council is requested to note progress made to date on '*Mandurah and Murray: A Shared Economic Future*', including the City's intention to undertake and provide funding for the Yalgorup National Park Recreation Master Plan, in partnership with the Department of Biodiversity, Conservation and Attractions.

## Disclosure of Interest

N/A

## Previous Relevant Documentation

- G16/03/19    26/03/2019    Council acknowledged the update on the proposed National Heritage listing of Yalgorup National Park, including the results of the community engagement campaign, and supported the park's nomination for National Heritage listing without an intensive and ongoing community engagement campaign.
- G.20/10/18    23/10/2018    Council adopted '*Mandurah and Murray: A Shared Economic Future*' as the City's new economic development strategy. Council also endorsed programs and projects contained within the strategy for further development and implementation, and committed to a program of

advocacy that ensures State and Federal Government support and investment in projects resulting from the strategy.

## **Background**

In 2012, Council resolved to nominate Yalgorup National Park for National Heritage listing, and to subsequently seek World Heritage listing. In April 2017, Council agreed to undertake community consultation to assess the level of support for Yalgorup's nomination for National Heritage listing. The resultant community engagement process was overwhelmingly positive, with 96% of respondents supportive of National Heritage listing. As a result, Council resolved in March 2019 to support the nomination of Yalgorup National Park for National Heritage listing without an intensive and ongoing community engagement campaign.

In October 2018, Council adopted *'Mandurah and Murray: A Shared Economic Future'*, the City of Mandurah and Shire of Murray's new collaborative economic development strategy. The strategy is a 'living' document, designed to change and evolve according to Mandurah and Murray's changing environment, priorities and opportunities. The strategy contains six broad programs; Water Economy, Daytrip Capital, Arts, Culture and Sport, City Centre, Food and Agri-Business, Resources and Energy. Within the programs are eight inter-related projects across Mandurah and Murray, including several with a tourism focus. One of these is 'Peel-Yalgorup Wetlands Trails'.

As part of the strategy's Peel-Yalgorup Wetlands Trails project (Yalgorup National Park), in 2018 officers undertook extensive stakeholder engagement with DBCA and other agencies. Feedback from DBCA has been positive, and culminated in written notification from the department's Director General in March of its willingness to jointly develop a Recreation Master Plan for Yalgorup National Park. The City will provide funding to undertake the recreation master plan, with funds currently allocated within the Economic Development Budget.

## **Comment**

The Peel-Yalgorup Wetland System - which incorporates Yalgorup National Park – was RAMSAR-listed in 1990 as a Wetland of International Importance. The system contains more than 13 lakes, three rivers and the Peel-Harvey Estuary. It is home to the largest reef of living Thrombolites in the Southern Hemisphere, and also supports more than 20,000 migratory waterbirds. The system is also the home of the threatened Western Ringtail Possum and endangered Cockatoo, and it contains WA's largest remaining stand of threatened Tuart woodland trees.

However, the wetland system is under threat from a range of activities, including land development, industrial agriculture, climate change and inappropriate access. The traditional approach of 'lock-and-leave' Yalgorup National Park has had only limited success in protecting it. Therefore, it is considered that a new approach is required, that of 'sustainable activation'.

Examining Yalgorup National Park's suitability for sustainable nature-based tourism is considered important to its future sustainability, while also exploring opportunities to enhance Mandurah's tourism product and creating new jobs. However, this must be undertaken in a thoroughly planned and research manner to avoid causing further harm to the national park. For this reason, a recreation master plan will be undertaken for Yalgorup National Park.

The Department of Biodiversity, Conservation and Attractions is broadly supportive of sustainable tourism expansion within Yalgorup National Park. This is partly in response to the State Government's renewed push to grow WA's nature-based tourism and camping sector, and partly in response to the department's desire to improve community education and environmental protection of Yalgorup National Park.

As a result, the department has indicated its broad support for the expansion of sustainable tourism within Yalgorup National Park, to complement its existing trails (Lakeside Loop, Lake Pollard and Lake Preston Walk Trails), the Lake Clifton Thrombolites and the Martins Tank Campground. Martins Tank has proven

increasingly popular since its redevelopment in 2013, with more than 20,000 camping and caravanning visitors recorded in 2014/15.

Due to its proximity to Perth, Martins Tank is also a popular location for 'introduction to camping' families, as well as 'first-in, last-out' international campers. The latter refers to international visitors who undertake budget camping holidays in Western Australia e.g. 'Wicked Campers' and 'Whizzbangers'. These visitors usually spend their first and/or last night in Western Australia in a designated campsite in close proximity to Perth, such as Yanchep National Park, Lane Poole National Park or Yalgorup National Park, before returning to Perth.

The Yalgorup recreation master plan will include a pre-feasibility study component, which will identify and outline potential sustainable tourism opportunities for Yalgorup National Park and its adjacent beach routes, Tims Thicket, Whitehills and Preston Beach. The study will provide a shortlist of potential trails, activities, services and infrastructure options that, if implemented, would enable Yalgorup National Park to deliver new tourism and recreation offerings that align with DBCA's education and environmental goals while enhancing Mandurah's day-trip and short-stay tourism destination appeal and achieving economic growth.

The recreation master plan will subsequently identify and map suitable new tourism activities and infrastructure within Yalgorup National Park. Upon successful completion of the recreation master plan, DBCA will be enabled to seek expressions of interest from private-sector operators to establish appropriate sustainable tourism enterprises within Yalgorup National Park.

In June 2018, consultants Common Ground Trails released the preliminary results from its draft *Peel Regional Trails Strategy*. The strategy documents included a survey analysis report, based on a survey of 761 respondents, which sought to gain an understanding of current trends in trail use and trail user groups. The survey was undertaken in May 2018, utilising websites, social media, newsletters, newspapers and word-of-mouth. Around 44% of respondents resided in the Peel Region. It found that walking and hiking were the most popular trail activities in the Peel Region, followed by trailbike riding, mountain biking and four-wheel driving, with horse riding also a popular trail use.

In January, Common Ground Trails released an updated preliminary draft strategy for stakeholder feedback. The strategy's main objective is to identify and develop a high-quality trails network within the Peel Region for a broad range of outdoor adventure trail users. The strategy outlined a range of existing and proposed local and regional trails in each Peel local government area.

The final draft of the Peel Regional Trails Strategy was released in April. The strategy contained the following proposed new regional trails and tourism facilities within Mandurah:

- Round the Estuary Trail (shared-use trail around Peel Inlet and Harvey Estuary);
- Mandurah to Dwellingup Shared-use Path (multi-purpose trail from Mandurah to Dwellingup);
- Paddler Campsites (infrastructure to support multi-day paddle trips within Peel-Harvey Estuary);
- Coastal Trail – Extension (continuous trail from Yanchep National Park to Yalgorup National Park);
- Mountain Bike Trail – Mandurah to Paganoni (connect the city centre to a network of trails around Paganoni Swamp Conservation Park);
- Halls Head Loop (provide a 30km accessible off-road cycle loop for local community fitness and recreation);
- 4WD Coastal Trail (formalise beach access between Tims Thicket and Preston Beach to promote beginner 4WD beach experiences).

The next step in the strategy is to conduct detailed trail audits of proposed new trails across the Peel Region to determine their suitability for development. The City's Recreation Services and Economic Development teams are currently working with Common Ground Trails to achieve this. The *Peel Regional Trails Strategy* will also help inform the Peel-Yalgorup Wetlands Trails project, including the Yalgorup National Park recreation master plan.

It is considered that enhancing Yalgorup National Park's sustainable tourism product will help ensure both the park's long-term sustainability and Mandurah's tourism growth. The recreation master plan will identify and map appropriate recreational and tourism land uses within Yalgorup National Park, such as trails, attractions, tours and accommodation options. On completion of the master plan, DBCA will be in a position to call for expressions of interest from private-sector operators to establish appropriate nature-based tourism enterprises within Yalgorup.

Creation of a master plan will help achieve DBCA's education and environmental goals for Yalgorup National Park, as well as the City's tourism and economic growth goals. To this end, the City will partner with DBCA in the development of a recreation master plan for Yalgorup National Park, and Council is requested to endorse this partnership. Funding of approximately \$30,000 is currently allocated within the Economic Development budget for the Yalgorup National Park Recreation Master Plan.

### **Consultation**

To date consultation has taken place with targeted stakeholders, including MAPTO, DBCA, Peel CCI, Shires of Murray, Waroona and Boddington, and the Peel Development Commission. Once under way, the recreation master plan will include both targeted stakeholder and broader community consultation.

### **Statutory Environment**

N/A

### **Policy Implications**

*'Mandurah and Murray: A Shared Economic Future'* aligns with the City's Economic Development Policy aims, including:

- Position and promote Mandurah as an iconic international tourist destination;
- Promote, encourage and support business growth;
- Attract private and public investment;
- Develop appropriate levels of hard and soft infrastructure for sustainable economic development.

### **Economic Implications**

Council and the broader Mandurah community have identified that growing Mandurah's economy is a priority. The City's new economic development strategy *'Mandurah and Murray: A Shared Economic Future'* aims to facilitate economic growth, with a strong emphasis on delivering tourism growth, including in eco and trails tourism. The City's Economic Development budget has allocated approximately \$30,000 to undertake the Yalgorup National Park Recreation Master Plan.

### **Risk Analysis**

If the Yalgorup National Park recreation master plan is not undertaken, the following risks apply:

- Environmental risk – Yalgorup National Park's sustainability will continue to be threatened by unauthorised access and insufficient management and conservation resourcing; If the park remains under-utilised and therefore largely unknown, its eventual bid for National Heritage listing may be unsuccessful.
- Economic risk – without an iconic nature-based tourism attraction, Mandurah's sustainable tourism potential may not be realised.

### **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.

Social:

- Provide opportunities, services and activities that engage our young people;
- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

Economic:

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

Infrastructure:

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

Identity:

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

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.

## **Conclusion**

Following Council's earlier decision to seek National Heritage listing of Yalgorup National Park, and in response to the community's prioritisation of economic growth, officers have renewed their efforts to deliver both environmental and economic outcomes for Mandurah. This has resulted in a strengthened focus on Yalgorup National Park and the Peel-Yalgorup Wetlands as a potentially significant sustainable tourism destination.

The City's engagement with the Department of Biodiversity, Conservation and Attractions has outlined the need for a recreation master plan to be developed for Yalgorup National Park. This in turn will pave the way for the DBCA to invite expressions of interest from private-sector operators to establish suitable sustainable tourism enterprises within Yalgorup.

Council is requested to endorse the City's intention to undertake and provide funding for the Yalgorup National Park Recreation Master Plan, in partnership with the Department of Biodiversity, Conservation and Attractions.

## **RECOMMENDATION**

**That Council endorses the City's intention to partner with the Department of Biodiversity, Conservation and Attractions to undertake the Yalgorup National Park Recreation Master Plan.**



<b>2</b>	<b>SUBJECT:</b>	Management of Boundary Island
	<b>CONTACT OFFICER:</b>	Ben Dreckow
	<b>AUTHOR:</b>	Lesley Petchell

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### **Summary**

A local business operator has contacted the City requesting consideration be given to the future potential and possible use of Boundary Island as a unique tourist attraction to Mandurah and the Peel region.

The commercial proposal outlined could see boating and crabbing tours, together with fishing, bird watching and other non-motorised water sports, while acknowledging the environmental impacts need appropriate management.

Boundary Island is currently managed by the State Government, and is known as Unallocated Crown Land (UCL) as such the City does not control and manage the site, and therefore cannot approve any change to the current operation of the site.

Due to the unresolved Native Title Claim (NTC), the Department of Planning, Land and Heritage are unable to progress any requests for management of UCL land until the NTC is resolved. The Department have however advised that regardless of the status of the tenure, they will not support a lease or full commercial operation being run from Boundary Island, as the site is used and will remain for community purposes.

Should the City wish to take on the management of Boundary Island, consideration needs to be given not only to the financial costs but also assess the infrastructure and human resources required to undertake the care and management which would be required to ensure an acceptable level of service is provided, as per community expectation. At this time, no specific investigations into these ongoing costs have been established.

Council is requested to endorse the Mayor writing to the local members of parliament, requesting that the Department of Biodiversity Conservation and Attractions (DBCA), take on the management of Boundary Island, with in part a focus on eco-tourism.

### **Disclosure of Interest**

Nil

## Location



## Previous Relevant Documentation

Nil

## Background

Boundary Island was created from dredge soil deposits from the land development within the region approximately 30 years ago. In 2003/04 the State entered into discussions with the then Conservation and Land Management (CALM) regarding taking on the management of the island for conservation purposes. Discussions stalled, but not before a jetty was constructed by the Department of Transport (DoT), and with no party taking on the management of the island, the jetty remains the responsibility of the DoT.

The island currently remains unallocated crown land, with the State being responsible for its care and maintenance, with the community utilising the site for recreational purposes for boating and crabbing.

## Comment

A local commercial operator has contacted the City requesting consideration be given to the future potential and possible use of Boundary Island as a unique tourist attraction to Mandurah and the Peel region.

The commercial proposal outlined could see boating and crabbing tours, together with fishing, bird watching and other non-motorised water sports, noting the conservation benefits of the site need consideration.

Due to the unresolved Native Title Claim (NTC), the Department of Planning, Land & Heritage are unable to progress any requests for management of UCL land, until the NTC is resolved. The Department have however advised that regardless of the status of the tenure, they will not support a lease or full commercial operation to be run from Boundary Island, as the site is used for community purposes.

While the island is not officially managed all responsibilities remain with the State, the Department of Biodiversity Conservation and Attractions currently undertake basic clean up requests with the assistance of local volunteers who undertake basic weed control and rubbish removal.

#### Environmental Consideration

DBCA officers confirm the site holds conservation value with the shallow water being a haven for migratory bird feeding. Boundary and surrounding islands connect the corridor from Len Howard Reserve, and Creery wetlands, as such officers from DBCA have prepared a report for the Department of Lands regarding the island's conservation value, and their possible interest in the management of the island.

A Peel Harvey Catchment Council representative acknowledged that although the island was created from dredge soil a valuable eco system has developed over the years that lends the island to bird breeding. They acknowledged that the island is currently disrupted through the summer months with recreational boating and crabbing activities being a major draw for the community. This could be better managed if management of the island was handed to a body whose objectives are to support a balance between both commercial and conservation values.

#### Costs and Resources

The jetty which was constructed on the island, remains unlicensed with all maintenance, repairs and jetty disputes falling to the DoT.

The DoT undertake only basic repairs, they are awaiting a governing body to take on the management of the island which would allow the licence of the jetty to be transferred. DoT receive general complaints from the public regarding house boats utilising the jetty for extended periods which requires DoT to undertake patrols to manage disputes over the jetty use. Dredging of the channel which ensures access to the jetty is currently undertaken by DoT, this would also be transferred to the new jetty licence holder.

If the City were to service Boundary Island, the following additional resources would be necessary;

- Weekly rubbish collection via a barge;
- Weed control and environmental management;
- Jetty repairs, management of disputes and dredging would all fall to the City;
- Specialist Rangers and a vessel to regularly patrol the site;

The City continues to remain supportive of tourism development within the region however after consideration of the following points:

- The Department of Planning Lands and Heritage cannot, at this time, grant management to any authority, nor will they support a commercial operation over the site, due to its community benefit;
- The conservation value and possible environmental impacts a commercial operation may have;
- The City does not have the infrastructure, nor human resources to take on the management of Boundary Island

Therefore officers consider it cost prohibitive to take on the management of Boundary Island.

It is acknowledged that the island should be managed by a suitable body, who will ensure the conservation value is retained and protected, therefore officers recommend the City request the State Government support the Department of Biodiversity, Conservation and Attractions being granted the management of Boundary Island, via our local members of parliament.

If any commercial operator wish to develop the site beyond current expectations they are encouraged to liaise directly with the Department of Lands and the Department of Transport regarding options for non-exclusive access to the site.

Should the status quo remain over the site, there remains no loss of amenity to the community as access to the island will remain for recreational purposes.

### **MEAG/MCCAG Comment**

This item was considered by the Mandurah Environmental Advisory Group and the members supports the recommendation to:

1. *Lobby the State Government for the Department of Biodiversity, Conservation and Attractions to take on the management of Boundary Island;*
2. *Advise commercial operators wishing to gain access to the site non-exclusively, to liaise directly with the Department of Planning, Land and Heritage and the Department of Transport.*

MEAG also:

- *Supports ecotourism that promotes the wise use principle of the Ramsar Convention; and*
- *that Boundary Island is totally protected from any commercial activity to minimise disturbance for the resident birds' benefit.*

### **Consultation**

Department of Planning, Lands and Heritage – following the settlement of the Native Title Claim, the department will support transferring the management of the site, to a suitable body.

Department of Transport - await the appointment of a managing body, and will transfer the jetty licence and all obligations regarding access and maintenance at that time.

Department of Biodiversity Conservation and Attractions – currently undertake basic clean up and weed control, local officers have compiled a report for the Department Lands highlighting an interest in managing Boundary Island, noting funding may restrict their ability to commit to the long term management of the site.

Peel Harvey Catchment Council – acknowledge its conservation and community value, noting a balance between the two needs consideration by an appropriate authority managing the site.

### **Statutory Environment**

*Land Administration Act 1997* – Section 41 Reserving Crown land, Minister's power as to – the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.

### **Policy Implications**

Nil

### **Risk Implications**

The current status of the land carries no risk for the City, as responsibilities over the site fall to the State.

### **Economic Implications**

The current tenure arrangement results in no financial impact on the City. Taking over the management of Boundary Island would require the City to purchase a vessel to allow regular inspections by Rangers, and a barge for rubbish collection and maintenance, together with dredging costs associated with the management of the jetty.

A rental return for the City for a commercial operation from the site would be minimal considering only non-exclusive access would be supported by the State, and no exclusivity over the jetty.

### **Strategic Implications**

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

#### Environment:

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

#### Social:

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

#### Economic:

- Develop a strong and sustainable tourism industry.

#### Organisational Excellence:

- Deliver excellent governance and financial management.

### **Conclusion**

Following an assessment relating to the benefits and challenges for the City considering the management of Boundary Island. Officers consider the maintenance costs and impact on staffing resources cost prohibitive at this time.

Officers recommend that the Mayor write to the local members of parliament, requesting that the Department of Biodiversity, Conservation and Attractions is granted the management of Boundary Island, with a focus on eco-tourism, in the event that Boundary Island isn't part of the Native Title Claim solution.

Furthermore any commercial operator who wish to access Boundary Island beyond current expectations are encouraged to liaise directly with the Department of Lands and the Department of Transport in regard to gaining non-exclusive access to the site.

### **RECOMMENDATION**

#### **That Council:**

1. **Endorses the Mayor writing to the Member for Mandurah and the Member for Dawesville requesting the State Government grant the management and responsibility to the Department of Biodiversity, Conservation and Attractions for Boundary Island, and that the request include the Council's desire that eco-tourism be permitted, acknowledging that any such decision cannot be made until the Native Title Claim is finalised;**
2. **Requests that the City advise commercial operators wishing to gain non-exclusive access, to liaise directly with the Department of Planning, Lands and Heritage and the Department of Transport, until such time as a managing body is appointed management over Boundary Island.**

<b>3</b>	<b>SUBJECT:</b>	Sublease: Reserve 48150 Lot 22 (No. 187) Breakwater Parade Mandurah Westmen Investments Pty Ltd
	<b>CONTACT OFFICER/S:</b>	Ben Dreckow
	<b>AUTHOR:</b>	Lesley Petchell/Rachelle Love

### 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, such as marine maintenance, repairs and chandlery.

Westmen approached officers in March 2019 requesting approval to enter into a new sub-lease, which will offer the services of marine trimming, upholstery manufacturing and sales over Unit 5, 187 Breakwater Parade Mandurah for a proposed term of two years with a three year renewal term option (2+3 years).

Council is requested to approve the sub-lease between Westmen Investments Pty Ltd and Cowan & Grundy Marine Covers Pty Ltd as the Trustee for the Cowan & Grundy Trust, trading as Breakwater Marine Covers, over a portion of Reserve 48150, Unit 5, 187 Breakwater Parade Mandurah for a term of two years with a three year renewal term option (2+3 years), subject to the approval of the Minister for Lands.

### Disclosure of Interest

Nil

### Location



Unit 5 identified in **yellow** of the above aerial

### Previous Relevant Documentation

- 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 approached the City in March 2019 requesting approval to enter into a new sub-lease with Cowan & Grundy Marine Covers Pty Ltd, as trustee for the Cowan & Grundy Trust trading as Breakwater Marine Covers, over Unit 5, 187 Breakwater Parade Mandurah, for the supply of services being marine trimming, upholstery manufacturing and sales.

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

The consent of a 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 the head lessee.

Council is requested to approve the sub-lease between Westmen Investments Pty Ltd and Cowan & Grundy Marine Covers Pty Ltd, as trustee for the Cowan & Grundy Trust trading as Breakwater Marine Covers over a portion of Reserve 48150, Unit 5, 187 Breakwater Parade Mandurah for a term of two years with a three year renewal term option (2+3 years), subject to the approval of the Minister for Lands.

### **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 dispose of, whether absolutely or not.

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

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

*Commercial Tenancy (Retail Shops) Agreements Act 1985 – Sect 14B* – A landlord under a retail shop lease is not able to claim from any person (including the tenant) the landlord's legal or other expenses relating to the negotiation, preparation or execution of the lease, a renewal of the lease, an extension of the lease, obtaining the consent of a mortgagee to the lease, the landlord's compliance with this Act.

### **Policy Implications**

Nil

### **Risk Implications**

Nil

### **Economic Implications**

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

### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are 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 to enter into a new sub-lease agreement with Cowan & Grundy Marine Covers Pty Ltd over Unit 5, 187 Breakwater Parade, Mandurah.

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

Council is requested to approve the sub-lease between Westmen Investments Pty Ltd and Cowan & Grundy Marine Covers Pty Ltd as the Trustee for the Cowan & Grundy Trust trading as Breakwater Marine Covers, over a portion of Reserve 48150, Unit 5, 187 Breakwater Parade, Mandurah for a term of two years with a three year renewal term option (2+3 years), subject to the approval of the Minister for Lands.

### **RECOMMENDATION**

#### **That Council:**

1. **Approves the sub-lease between Westmen Investments Pty Ltd and Cowan & Grundy Marine Covers Pty Ltd, as trustee for the Cowan & Grundy Trust trading as Breakwater Marine Covers over Unit 5, 187 Breakwater Parade, Mandurah with the following terms and conditions;**
  - 1.1 **Term of approximately two years to commence on or after the Minister for Lands consent;**



- 1.3 Further term of approximately three years, expiring in March 2024;**
- 1.4 Subject to the Minister for Lands consent;**
- 2. Acknowledge all legal costs associated with the preparation of the sub-lease are to be borne by the head-lessee;**
- 3. Acknowledges the City is only consenting to the agreement and not party to the sub-lease.**

<b>4. SUBJECT:</b>	Proposed Change of Use (to 'Residential Dwellings') Lot 9201 and 2001 (No 40) Marina Quay Drive, Erskine
<b>CONTACT OFFICER:</b>	Ben Dreckow
<b>AUTHOR:</b>	Tom Foulds
<b>FILE NO:</b>	DA9182

## Summary

Council is requested to consider a development application seeking a change of use from 'short stay accommodation' to 'residential dwellings' at the above mentioned site.

Town Planning Scheme No 3 (Scheme 3) identifies the site as being zoned 'Tourist'. Residential development is not the preferred outcome within this zone, however Scheme 3 states that Council may permit residential development to a density of R40, and that Council may require a Structure Plan prior to any development approved by Council or subdivision approval by the WAPC.

The City's Local Tourism Planning Strategy identifies the broader site as being within a "*Strategic Tourism Location*", and acknowledges the opportunity for a high class tourism accommodation experience, contemplating a range of tourism uses (activities and accommodation) and the potential for a multi-storey component.

It is recommended that Council refuse the proposal on the grounds that the proposal is inconsistent with the intent of the zone and that a Structure Plan has not been prepared over the site.

## Disclosure of Interest

Nil

## Location



## Property Details

Applicant:	Rowe Group
Owner:	Russkar Pty Ltd
Scheme No 3 Zoning:	Tourist
Peel Region Scheme Zoning:	Urban

Lot Size: 6271m<sup>2</sup>  
Topography: Flat  
Land Use: Tourist Resort

### **Previous Relevant Documentation**

Nil

### **Background**

The subject site is bound by residential development, and the existing Mandurah Quay Resort restaurant and function centre to the east.

The site is currently approved as twenty-seven short stay accommodation units, which have access to communal facilities consisting of swimming pool, gym, tennis courts, and external courtyards / barbeque facilities.

### **Current Zoning**

Town Planning Scheme No. 3 (Scheme 3) identifies the site as being zoned 'Tourist', which is defined as:

*"to encourage the development of tourist facilities in the District and to promote and take advantage of the tourism and recreational assets of the Region. Where possible, Council will encourage the development of short term accommodation in preference to permanent residential development within the Zone."*

Residential development is not the preferred outcome within this zone, and is considered be inconsistent with the intent of the zone.

The Scheme notes a preference for tourist uses, however Clause 4.10.3.2 states that:

*"Council may permit residential development to an R40 density or mixed use development with a residential component to an R40 density in the Tourist Zone provided that it can be demonstrated that the proposal will contribute to the overall amenity of the area. In considering such proposals, Council shall have particular regard to measures taken to minimise any potential conflict between residential and non-residential uses. Residential development shall also comply with the provisions of the Scheme relating to the Residential Zone. Council may permit residential development to a density of R40, and that Council may require a Structure Plan prior to any development approved by Council or subdivision approval by the WAPC."*

Clause 4.10.3.4 then states that:

*Prior to any development approval by Council and any approval of a subdivision by the Western Australian Planning Commission, Council may require an Outline Development Plan and Technical Guidelines to be prepared and processed as set out in Clause 7.11."*

*[Note – by virtue of the Deemed Provisions for Local Planning Schemes this clause is now read as a Structure Plan prepared under Part 4 of the Deemed Provisions for Local Planning Schemes]*

Zoning Table 10, which sets out the permissibility of land uses within the Tourist Zone lists Dwelling (Single, Group, Multi) as an 'AA' use, meaning that it "may be developed after Council has granted planning approval. Council may advertise the proposal" and states that:

*"Dwellings will only be permitted for permanent occupation where it can be demonstrated that the proposal will contribute to the overall amenity of the area..."*

The submission of a Structure Plan is considered to be an appropriate course of action prior to the approval of the development application to retain the opportunity for tourism uses into the future for the broader area identified as the 'Strategic Tourism Location' as referenced in the Local Tourism Planning Strategy.

#### Local Planning Scheme 12

The subject site is identified as being zoned "Tourism" within Scheme 12, with the objective of promoting and providing tourism opportunities and encouraging the location of tourist facilities so that they benefit from natural features (i.e. Peel-Harvey Estuary).

A 'Single Dwelling' is an "X" use (not permitted) within the proposed Tourism zone, whilst 'Grouped Dwellings' and 'Multiple Dwellings' are "I" uses (incidental to the predominant use) within the zone. With this in mind, the development of dwellings are required to be limited and incidental to the predominant use of tourism.

Scheme 12 was adopted by the WAPC in August 2018 for advertising, however modifications were required following the assessment of the Environmental Protection Authority (EPA). Subsequently, required modifications were made and the Scheme was adopted by Council in April 2019, however the consent of the WAPC is now required before advertising can occur.

#### Local Tourism Planning Strategy

The City's Local Tourism Planning Strategy was endorsed by the Western Australian Planning Commission (WAPC) in December 2009. The Strategy identifies the site as being within a "Strategic Tourism Location".

It is relevant to note that the Council adopted Strategy identified the site as a "*Non Strategic Tourism Site*" where the site is protected by restricting residential development to a maximum of 25% of the site. However, the WAPC deemed the site to be appropriately identified as a "Strategic Tourism Location", and reflected this within the final document endorsed by the WAPC. The key difference was the requirement for some form of master planning (ie an Outline Development Plan or a Structure Plan to determine and confirm the preferred long term development outcome for the broader location.

The Strategy reinforces the preferred outcome of the site, and acknowledges the opportunity for a world class tourism accommodation experience, contemplating a range of tourism uses (activities and accommodation) and the potential for a multi-storey component.

It is important to note that the Strategy recommends that the location be subject to a Structure Plan process as required under the 'Tourist' zone of the Scheme. The purpose of the Structure Plan is primarily to identify preferred tourism uses within the site, and to guide the location and density of residential development.

#### **Comment**

##### Proposal

The application seeks to alter the existing land use from 'short stay accommodation' to 'permanent residential dwelling', and does not include changes to the external appearance of the existing building, associated parking or landscaping.

The existing buildings have been designed to accommodate a tourism function, and have been established alongside the Mandurah Quay Resort Restaurant and Function Centre which is located adjacent at Lot 2002 Marina Quay Drive. The proximity to the adjacent premises provides the amenity and facilities required to sustain tourism accommodation.

### Land Use Permissibility

A dwelling (i.e. single, grouped or multiple dwelling) is a use which may be approved within the zone, however Council may determine to advertise the proposal prior to making a decision ('AA' use). To date advertising of the proposal has not been undertaken.

As previously indicated, the proposed land use is considered to be inconsistent with the objectives and intent of the 'Tourist' zone of the Scheme.

### Assessment against Residential Design Codes

The Residential Design Codes (R-Codes) provide a basis for the control of residential development throughout Western Australia. The proposed Dwellings (Grouped/Multiple) achieve the lot size area requirements applicable to R40 lots.

The proposal does not provide the minimum number of car bays required by the R-Codes. Based on the size/type of dwellings proposed, a total of 46 bays are provided in lieu of 55 bays (which includes the provision of visitor bays as required at a rate of 1 bay per 4 dwellings).

In addition to the number of bays provided, existing bays are not covered which is often an undesirable parking outcome for residents. It is unknown whether the landowner intend to cover the existing parking bays.

The provision of enclosed, lockable storage areas accessible from outside the dwelling have not been specified within the proposal. The storage areas are required to provide a minimum dimension of 1.5m and an internal area of 4m<sup>2</sup> is required for each dwelling.

### Applicant's Justification

The applicant has highlighted that the Scheme notes:

*"dwellings will only be permitted for permanent occupation where it can be demonstrated that the proposal will contribute to the overall amenity of the area."*

The applicant is of the opinion that the application in its current form contributes positively to the overall amenity and character of the area, and provides the following justification:

#### *1. Amenity:*

The applicant notes that the proposal is consistent with the 'Urban' zoning under the provisions of the Peel Region Scheme, and notes that the proposal will contribute to the overall amenity of the area.

The applicant has highlighted the 'Tourism Planning Taskforce Report', a report from the Ministerial Taskforce to the former Minister for Planning and Infrastructure, which was endorsed by Cabinet in January 2006. The report investigates the relationship between permanent residential and tourism uses, and states:

*"The significance of the inclusion of a permanent residential component within a tourism development on the potential for conflict will in part depend on the design and location of the component within the site. The greatest conflict and detrimental impact arise where the residential component is in proximity to the tourism focus or recreation/entertainment facilities."*

The applicant highlights that the existing structures on the subject site are illustrative of the situation and concern contemplated by the Taskforce Report (as highlighted above).



Officers note that the units have been designed to address the centrally located communal facilities (i.e. pool area, gym, courtyards / barbeque facilities), whilst the perimeter of site is significantly softened through existing vegetation.



As indicated by the applicant, the site is likely to have few land use conflicts with the surrounding residential area if the site was utilised as permanent residential. Further, it is noted that in this location, the tourist development was developed prior to the surrounding residential subdivision(s).

## 2. *Character:*

The applicant highlights that the proposed use will provide the City with an alternative housing design and provides for a range of demographics due to its on-site facilities, as contemplated by the City's Urban Form and Housing Strategy and through its proposed community based design (i.e. availability of communal facilities).

## 3. *Urban Growth:*

As highlighted by the applicant, the proposal assists the City in achieving infill targets as set out by Perth and Peel @ 3.5 Million and State Planning Policy 3.0 – Urban Growth and Settlement.

The City's officers are confident that infill targets for dwellings are more than accommodated throughout Mandurah and the additional 27 dwellings in this precinct will have little, if any bearing on these targets.

#### 4. *'Rounding Out' of Urban Cell:*

The applicant notes that the proposed use will assist in the 'rounding out' of the surrounding urban cell. Given the site is bound by current residential development to the north, south and west, the applicant highlights that the proposed use is an appropriate and logical extension of the existing development area.

As stated above, in this location, residential development surrounding the site was developed after the establishment of this location as a tourist development site.

#### Requirement for a Structure Plan

Following an initial review of the proposal, Officers confirmed that in the absence of an approved Structure Plan, the City would not support the proposed application. Based on the justification listed above, the applicant does not agree with the City's position and does not consider the preparation of a Structure Plan to be necessary, requesting that the proposal be presented to Council for determination.

The applicant notes that the Scheme provisions requiring the preparation of a Structure Plan (formerly known as an Outline Development Plan) specify:

*"..Council may require an Outline Development Plan..".*

Officers consider the preparation of a Structure Plan to be necessarily, primarily based on the following:

- The 'Tourist' zoning identified by the Scheme suggests that a Structure Plan may be required prior to subdivision / development. Based on the site's importance as an identified tourism site by the Local Tourism Planning Strategy, a Structure Plan is required in order to guide future tourism uses and densities within the site.
- Residential dwellings within the 'Tourist' zone is not the preferred outcome. In order to consider whether residential dwellings are appropriate within the site, a Structure Plan is necessary ensure the tourist related objectives of the site are being met without being compromised by the residential use of the site.
- The City is not wholly against any permanent residential accommodation on-site, the proposed ratio is inconsistent with the objectives of the 'Tourist' zone and recommendations set out by the Local Tourism Planning Strategy.

The City acknowledges the provision of residential dwellings within the defined tourism site may be acceptable, however comprehensive planning has not been undertaken to determine to what extent residential development may be acceptable, and to determine the retention of opportunities for tourism accommodation and activity within this location.

#### **Consultation**

The community has limited ability to be involved at the assessment stage of a development application. This is not the City's preferred outcome, and as a result is recommending that a Structure Plan be submitted prior to the approval of any development by Council.

The City does have grounds to advertise the proposal given it represents an 'AA' use, which provides Council with the ability to advertise the proposal prior to making a determination.

#### **Statutory Environment**

Council is required to make a determination for an application for development approval under Part 9 of the Deemed Provisions for Local Planning Scheme. The information presented in the report outlines the

current and proposed Scheme provisions together with relevant policies and strategies of the Council and state, which are the matter to be considered when making a determination under Clause 67.

Clause 68(2) outlines that the local government may determine an application for development approval by:

- (a) *granting development approval without conditions; or*
- (b) *granting development approval with conditions; or*
- (c) *refusing to grant development approval.*

Should the applicant feel aggrieved by Council's determination, they have the right to make an appeal to the State Administrative Tribunal under Part 14 of the *Planning and Development Act 2005*. .

#### Option to Approve

Notwithstanding the elements raised above, and in the absence of a Structure Plan that addresses tourist development for the broader precinct, the option remains to Council to approve the proposal.

In this case, Council should support the concept of permanent residential land use on the site (i.e. the discretionary decision for the land use under the Scheme); and delegate to officers to issue the final approval due to detailed conditions that would need to be applied.

#### **Policy Implications**

The Local Tourism Planning Strategy is a strategic planning document which provides direction on tourism development within the City. The proposal is not considered to be consistent with the aims and objectives of the Strategy, given it seeks the creation of entirely permanent residential accommodation.

#### **Economic Implications**

Nil

#### **Risk Analysis**

The submission and assessment of a potential future Structure Plan is likely to revive concerns previously raised by the existing community during the assessment of the previous Structure Plan.

#### **Strategic Implications**

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

##### Economic:

- Develop a strong and sustainable tourism industry.

#### **Conclusion**

In the absence of an approved Structure Plan over the site, the City does not support the proposal for entirely permanent residential accommodation.

Based on the 'Tourist' zoning of the site under the Scheme, the preferred outcome for the site (as identified in current Strategy) is tourist based uses (accommodation and activities). The proposal restricts the ability to achieve the objectives set out by the Local Tourism Planning Strategy by removing all tourist accommodation from the site.

The existing buildings have been design with tourism use in mind, and whilst the sites occupancy may not be currently performing from a business perspective, it does provide an important tourism accommodation function in this location.



The applicant highlights that the removal of tourist based uses from the site will contribute to the amenity of the area by removing potential conflict between land uses, and provides consistency with surrounding residential uses. However, whilst the City is not wholly against any permanent residential accommodation on-site being contemplated, the proposed ratio is inconsistent with the objectives of the 'Tourist' zone and recommendations set out by the Local Tourism Planning Strategy. Furthermore, the City consider further comprehensive planning should be undertaken prior to the determination of the proposal.

It is recommended that Council do not support the proposal, primarily due to the absence of an approved Structure Plan.

## **RECOMMENDATION**

**That in accordance with Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions for Local Planning Schemes), that Council refuse development approval for a proposed change of use from 'short stay accommodation' to 'residential dwellings' at Lot 9201 and 2001 Marina Quay Drive, Erskine (DA9182) subject to the following reasons:**

- 1. Pursuant to clause 4.10.1 of Town Planning Scheme No. 3, the provision of entirely 'residential dwellings' is inconsistent with the objectives of the 'Tourist' zone, given the purpose of the zone is to encourage short term accommodation.**
- 2. Pursuant to clause 4.10.3.2 of Town Planning Scheme No. 3, it has not been demonstrated that the proposal will contribute to the overall amenity of the area.**
- 3. Pursuant to clause 4.10.3.4.1 of Town Planning Scheme No. 3, a Structure Plan has not been prepared and approved for the subject site as recommended in Council's Local Tourism Planning Strategy (as adopted by the Western Australian Planning Commission in December 2009).**

<b>5</b>	<b>SUBJECT:</b>	Proposed Subdivision: Lot 2002 Marina Quay Drive Erskine
	<b>CONTACT OFFICER:</b>	Ben Dreckow
	<b>AUTHOR:</b>	Tom Foulds
	<b>FILE NO:</b>	(Sub 2836) WAPC 157905

## Summary

Council is requested to consider a subdivision proposal over Lot 2002 Marina Quay Drive, Erskine that has been referred to the City for comment from the Western Australian Planning Commission that proposes 40 residential lots and one commercial lot.

The site is zoned 'Tourist' in Town Planning Scheme No 3 (Scheme 3) and residential development is not the preferred outcome within this zone. Scheme 3 states that Council may permit residential development to a density of R40, and that Council may require a Structure Plan prior to any development approved by Council or subdivision approval by the WAPC.

Further, the City's Local Tourism Planning Strategy identifies the site as being within a 'Strategic Tourism Location', and acknowledges the opportunity for a high quality tourism accommodation experience, contemplating a range of tourism uses (activities and accommodation) and the potential for a multi-storey component. The Strategy recommends that a Structure Plan process that determines the tourist development opportunities and the form of development that should occur on the site is required.

In the absence of a determination of the tourist development opportunities on this site and the location in general, it is recommended that Council endorse this report as its referral response to the WAPC to not support the subdivision as presented.

## Disclosure of Interest

Nil

## Location



## Property Details

Applicant:	Rowe Group
Owner:	Gemplanet Pty Ltd
Scheme No 3 Zoning:	Tourist
Peel Region Scheme Zoning:	Urban
Lot Size:	1.717 hectares
Topography:	Flat
Land Use:	Function centre and parking; vacant land

## Previous Relevant Documentation

- G.25/3/12 25 March 2012 Council refused a proposed Mandurah Quay ODP and Building Heights Plan.

## Background

The subject site is located adjacent to an artificial inlet to east and the Peel-Harvey Estuary to the south. The Mandurah Quay Resort building is located on-site which consists of resort reception, cafe'/restaurant, function centre and associated parking.

## Current Zoning

Town Planning Scheme No. 3 (the Scheme) identifies the site as being zoned 'Tourist', which is defined as:

*"to encourage the development of tourist facilities in the District and to promote and take advantage of the tourism and recreational assets of the Region. Where possible, Council will encourage the development of short term accommodation in preference to permanent residential development within the Zone."*

Residential development is not the preferred outcome within this zone, and is considered be inconsistent with the intent of the zone.

The Scheme notes a preference for tourist uses, however Clause 4.10.3.2 states that:

*"Council may permit residential development to an R40 density or mixed use development with a residential component to an R40 density in the Tourist Zone provided that it can be demonstrated that the proposal will contribute to the overall amenity of the area. In considering such proposals, Council shall have particular regard to measures taken to minimise any potential conflict between residential and non-residential uses. Residential development shall also comply with the provisions of the Scheme relating to the Residential Zone. Council may permit residential development to a density of R40, and that Council may require a Structure Plan prior to any development approved by Council or subdivision approval by the WAPC."*

Clause 4.10.3.4 then states that:

*Prior to any development approval by Council and any approval of a subdivision by the Western Australian Planning Commission, Council may require an Outline Development Plan and Technical Guidelines to be prepared and processed as set out in Clause 7.11."*

*[Note – by virtue of the Deemed Provisions for Local Planning Schemes this clause is now read as a Structure Plan prepared under Part 4 of the Deemed Provisions for Local Planning Schemes]*

The submission of a Structure Plan is considered to be the appropriate course of action prior to the approval of the subdivision.

Zoning Table 10, which sets out the permissibility of land uses within the Tourist Zone lists Dwelling (Single, Group, Multi) as an 'AA' use, meaning that it "may be developed after Council has granted planning approval. Council may advertise the proposal" and states that:

*"Dwellings will only be permitted for permanent occupation where it can be demonstrated that the proposal will contribute to the overall amenity of the area..."*

Based on the assumption that the predominant land use will either be single, grouped or multiple dwelling, a development application would be required for each lot given that these uses are discretionary uses ('AA' uses) within the zone. The assessment of up to forty development applications is not considered to be a desirable outcome.

The current zoning results in a maximum building height of 12m (i.e. three storeys) as being applicable to the subdivision area.

#### Local Planning Scheme 12

The subject site is identified as "Special Use No 2" within Scheme 12, which specifies acceptable land uses that are commercial or tourist based; if residential development is proposed requires the preparation of a Local Development Plan (LDP) that would need to consider specific requirements within Scheme 12 and be subject to public consultation.

Scheme 12 was adopted by the WAPC in August 2018 for advertising, however modifications were required following the assessment of the Environmental Protection Authority (EPA). Subsequently, required modifications were made and the Scheme was adopted by Council in April 2019, however the consent of the WAPC is now required before advertising can occur.

#### Local Tourism Planning Strategy

The City's Local Tourism Planning Strategy was prepared in accordance with Planning Bulletin 83: Planning for Tourism, and was endorsed by the Western Australian Planning Commission (WAPC) in December 2009. The Strategy identifies the site as being within a "Strategic Tourism Location".

The Council adopted Strategy identified the site as a "*Non-Strategic Tourism Site*" where the site is protected by restricting residential development to a maximum of 25% of the site. However, the WAPC deemed the site to be identified as a "Strategic Tourism Location", and reflected this within the final document endorsed by the WAPC.

The key difference was the requirement for some form of master planning (ie an Outline Development Plan or a Structure Plan to determine and confirm the preferred long term development outcome for the broader location.

The Strategy reinforces the preferred outcome of the site, and acknowledges the opportunity for a world class tourism accommodation experience, contemplating a range of tourism uses (activities and accommodation) and the potential for a multi-storey component.

The Strategy recommends that the location be subject to a Structure Plan process as required under the 'Tourist' zone of the Scheme. The purpose of the Structure Plan is primarily to identify preferred tourism uses within the site, and to guide the location and density of residential development.

#### Local Planning Strategy

The WAPC endorsed the City's Local Planning Strategy in August 2018 for advertising purposes, however advertising will be undertaken concurrently with Scheme 12.

The Strategy recommends that the subject site be designated as “Special Use – Marina” within Local Planning Scheme 12 (Scheme 12) and incorporate provisions requiring further detailed planning prior to the development of the site to confirm the scale and degree of tourist development in this location.

The primary implementation mechanism for the Strategy is through the Local Planning Scheme, therefore requires finalisation of Scheme 12 prior to the above recommendation being implemented.

#### Previous Structure Plan

Following the endorsement of the Local Tourism Planning Strategy in 2009, a Structure Plan (formerly known as an Outline Development Plan) was submitted over the site. Given the density and height proposed was not consistent with the ‘Tourist’ zoning of the site (i.e. in excess of R40 density and greater than 3 storeys in height), the site was required to be rezoned to ‘Urban Development’.

The proposals generated significant interest from community members concerned with the height, density and land uses proposed.

The proposed ODP identified a range of uses including short stay accommodation, retirement village, residential apartments, and commercial / retail uses; maximum development heights of eight storeys, and maximum residential density in excess of R60.

Maximum development heights were not considered to be in keeping with the existing character of the Mandurah Quay locality, and as such, Council was requested to grant final approval of the ODP subject to the reduction of building heights. If approved, a revised Building Heights Plan provided the planning framework for a portion of the site to be development to a maximum height of 6 storeys, with the remainder of the site including portions up to 4 storeys and 2-3 storeys.

In March 2012, Council refused the ODP and Building Heights Plan due to the adverse impact on the existing character and amenity of Mandurah Quay, and its community. Furthermore, Council specifically identified inconsistency with surrounding land uses; insufficient car parking; impacts on traffic safety, the natural environment, and noise and visual amenity as grounds for refusal.

The applicant appealed Council’s decision via the State Administrative Tribunal, however the appeal was later withdrawn by the landowner and the proposal has not been progressed.

#### Previous Subdivision

In July 2018, the WAPC approved a subdivision proposal over the subject site creating three lots:

- Lot 1 (5343m<sup>2</sup>) located to the northern end of the site, containing parking and access to a private boat ramp;
- Lot 2 (3792m<sup>2</sup>) located centrally and contains the existing Mandurah Quay Resort building and associated parking; and
- Lot 3 (8035m<sup>2</sup>) located to the southern end of the site, vacant land adjacent to the Estuary.

The subdivision approval remains valid subject to the clearance of conditions.

#### **Comment**

#### Proposed Subdivision

The proposal seeks the creation of 40 residential lots and 1 commercial lot in order to retain the Mandurah Quay Resort building site. The applicant has prepared the proposal with reference to the Residential Design Codes (R-Codes) and Liveable Neighbourhoods:

### *Density*

Proposed residential lot sizes range between 184m<sup>2</sup> and 318m<sup>2</sup>, which is consistent with the R40 minimum and average lot size requirements of the R-Codes. As a result, the proposal provides a mix of lot product. Liveable Neighbourhoods require 22 dwellings per residential site hectare for new subdivision areas, the application proposes approximately 42 dwellings per residential site hectare.

### *Lot Design*

In the absence of further design detail (or a Local Development Plan), it is unclear how a number of future dwellings will be orientated given the narrow lot widths proposed. For proposed lots with a width of less than 10m, it would be expected that the dwelling entry addresses the opposite way, however this is unclear given lots facing the canal (Lots 15-22) must navigate a level difference in order to accommodate pedestrian entry whilst Lots 6-13 about a private lot (Lot 14).

It is likely that future residents will want double garages, creating the possibility of garages dominating the streetscape which is an undesirable outcome. It is acknowledged that a number of lots are accessed via laneway, however lots less than 12m in width are proposed to be accessed from the 10m wide road to the south which if developed with double garages may result in an undesirable streetscape outcome (i.e. garage domination, dwelling not addressing the street).

Lots adjacent to the foreshore reserve require increased setbacks as per the City's Local Planning Policy No. 1 (i.e. 6m enclosed building setback).

Any fencing adjacent to the foreshore reserve shall be uniform, visually permeable fencing so as to provide surveillance of the regional open space, and to provide an appropriate separation between private and public space.

Officers have concerns regarding the servicing of waste bins and the ability for future residents to participate in verge collections. This is particularly applicable to lots 35-41 given the limited opportunity for servicing vehicles to manoeuvre.

### *Pedestrian Access Way*

The applicant previously agreed to the ceding of land to provide continuous access between Waterford Retreat and the existing pedestrian access way boardwalk which runs adjacent to the site providing access to the foreshore. The ceding of land to the Crown was conditioned via the previous subdivision approval (WAPC ref: 156341).

The proposal does not consider this connection despite being a condition of the previous subdivision approval. The connection is important in providing access adjacent to the Marina and Estuary.

### *Environment*

The tree preservation provisions of the Scheme apply to the site by virtue of its current size. The subject site contains large tuart trees which the City consider to be worthy of retention. The proposed plan of subdivision does not make an effort to retain these trees.

The southernmost portion of the site is identified as a conservation category wetland.

### *Coastal Planning*

The site is located in an area which is likely to be affected by coastal hazards in a 100 year planning timeframe, as determined by State Planning Policy 2.6: State Coastal Planning Policy (SPP2.6). In the consideration of the previous subdivision, the report to the WAPC's Statutory Planning Committee notes that site specific analysis had not been undertaken, however should be undertaken at either the

development stage or prior to further subdivision. The applicant has now proposed further subdivision, however a site specific analysis has not been submitted with the current subdivision application.

As part of the Structure Plan considered by Council in March 2012, the applicant had engaged MP Rogers and Associates to prepare a Climate Change Vulnerability Assessment which confirmed the following:

- The recommended setback distance of future development from the maintained seawall should be a minimum of 15m (the existing minimum setback distance from the seawall to the subject site is 18m).
- The seawall is the main defence to future sea level rise. The existing seawall has sufficient elevation to cope with the next 100 years of projected sea level rise.

Subsequently, the Assessment was peer reviewed which determined two key issues that needed to be further addressed by the applicant: protection of the sea (estuary) wall, and impact of sea level rise on future drainage.

As a result of the peer review, the Structure Plan was modified to include the requirement for the following additional information / infrastructure prior to the issue of any future development approval within the Structure Plan area:

- provision of a certified, engineered seawall design which has the structural integrity to withstand height and hydraulic loads of future sea level rise, wind and wave action for a 100 year life span, consistent with Australian Standards requirements;
- provision of a protective structure (i.e. revetment) adjacent to and east of the existing wall to the satisfaction of the City
- provision of a drainage study prepared by a civil engineer investigating requirement for drainage infrastructure to address future sea level rise, extreme rainfall and storm surge.

The proposal does not contemplate additional information / infrastructure required prior to the development of the site.

#### *Public Open Space*

The proposal does not provide additional public open space on the basis that the required 10% allocation has been provided as part of the original subdivision of the locality. This was acknowledged by the Department of Planning, Lands and Heritage in their report to the WAPC's Statutory Planning Commission in the consideration of the sites most recent subdivision.

The City notes that the original 'Mandurah Quay' estate was subdivided by two separate landowners, essentially separated by Sirrocco Drive. Given that the southern portion contained portions of 'Tourist' zoned land (which does not require the provision of public open space), this is reflected in the absence of a public open space allocation south of Sirrocco Drive.

Given that the initial assessment was based on the site being zoned 'Tourist', the City questions the WAPC whether a public open space contribution should now be applied given the proposal is for a residential subdivision.

The majority of existing public open space within the 'Mandurah Quay' estate is not considered to be useable given it is in the form of either retained bushland or water body.

#### Local Tourism Planning Strategy

At a strategic level, the location has been identified as a key tourism location offering an alternative to suburban housing adjacent to the Peel-Harvey Estuary. The Strategy identifies the location of the site to be an opportunity to provide a World class tourism accommodation experience, given the proximity to the



adjacent internationally significant Ramsar-listed Estuary. In terms of context, Australia currently has 65 Ramsar-listed wetlands, with 12 being located within Western Australia.

The Strategy identifies the following “Strategic Tourism Location Criteria” which is effectively a third tier of priority and recommends that the final tourism elements are required to be determined through further investigation culminating a Structure Plan. Notwithstanding, the following criteria were provided as determining factors for the sites suitability for tourist development:

<b>Sustainability</b>	✓ Sites have potential for development providing tourism opportunities while not detrimental to natural or cultural resources
<b>Planning Context</b>	✓ Identified in <i>Inner Peel Region Structure Plan</i> and Halls Head Overall Development Plan for tourism purposes, and currently zoned ‘Tourist’
<b>Accessibility</b>	✓ Access via Sticks Boulevard to the highway, or public jetty for limited boat access
<b>Uniqueness</b>	✓ Few similar sites adjacent to Estuary and artificial inlet within Mandurah or region
<b>Setting</b>	✓ High quality amenity for visitors with close proximity to supporting activities and attractions, with parts of sites having direct water frontage
<b>Tourism Activities and Amenities</b>	✓ Existing 24 short-stay apartments, pool, public jetty, restaurant and conference facilities with opportunities for additional tourism growth in activities
<b>Alternative Sites</b>	✓ Limited opportunities for accommodation in such a setting remaining or available in Mandurah
<b>Suitability</b>	✓ Measures needed to ensure ongoing growth does not impact on neighbour amenity, however no detrimental effects identified to date
<b>Capability</b>	✓ Vacant land capable of further development, with several proposals discussed with City in the past
<b>Size</b>	✓ Remaining land parcel considered appropriate for tourism growth
<b>Function</b>	- Ability for use by conferences, general use by visitors to Mandurah

Notably, Council’s endorsed Strategy had the site identified as a Non-Strategic Tourism Site (which is effectively the second tier of importance), with specific requirements for 75% of the site being used for tourist purposes (or maximum 25% for residential purposes). The WAPC, in adopting the Strategy changed the designation and at the time advised:

*“When this matter was previously reported to the Commission, it was mentioned that Council and Tourism WA had a strong preference for this site to remain classified as a ‘non-strategic site’. However, a ‘strategic tourism location’ designation was considered to be a reasonable classification for the subject land given that Council has determined, in its discretion, that future development of the subject land warrants the preparation of an Outline Development Plan (ODP).”*

*The possibility of developing tourist accommodation on the subject lots is a matter that can be investigated through the ODP process. Given that the subject land is zoned tourist under Town Planning Scheme 3 and is recognised as a ‘strategic tourism location’ the City is provided with reasonable grounds upon which to request the proponent to either incorporate tourism accommodation units into the ODP or demonstrate, to Council’s satisfaction, why such units are not justified at this location.*

*Although the reclassification of the subject land as a ‘strategic tourism location’ means that it is no longer necessary for at least 75% of the units to be developed for tourist accommodation purposes, Council is not obliged to accept an ODP that involves 100% permanent residential accommodation. The option still exists for Council to reject and proposed ODP that it considers to be inappropriate.”*



If the subdivision was approved as currently submitted, the ability to provide tourist accommodation and tourist uses within this location would be significantly limited.

### Local Planning Strategy

The site is identified within the Local Planning Strategy as a key tourism site due to its location adjacent to an established resort with facilities and amenities, and adjacent to the Estuary. In order to protect the tourism function of the site, a 'Special Use' zone will be applied to the site incorporating provisions requiring further detailed planning prior to the development of the site.

An LDP is required to be prepared if residential development is proposed. The LDP would need to consider specific requirements within Scheme 12 and may require consultation. As a minimum, this process should occur prior to the development / subdivision of the site.

The Strategy (clause 2.5.4, action 29) identifies that key tourism sites outside of activity centres shall be included within the 'Tourist' and 'Special Use' zone to ensure the long term protection of their tourism function.

### Requirement for Structure Plan

The applicant notes that the proposed residential lots contribute to the overall amenity of the area through increased passive surveillance to the Marina Quay, and "rounding out" the subdivision of this urban cell.

A Structure Plan is not considered necessary by the applicant as it is not mandated within the Scheme. The applicant notes that the proposal demonstrates a logical and coordinated subdivision, and considers that a Structure Plan is not required as a precursor to the subdivision of the site.

The applicant notes that a residential subdivision is consistent with the sites 'Urban' zoning (under the Peel Region Scheme) as it is considered to have fewer land use conflicts with the surrounding residential uses. In addition, the applicant suggests that the proposal will assist in providing an alternative residential housing choice achieving the objectives identified by the City in the Urban Form and Housing Strategy.

The City considers that the preparation of a Structure Plan is necessary, primarily based on the following:

- The 'Tourist' zoning identified by the Scheme suggests that a Structure Plan may be required prior to subdivision / development. Based on the sites importance as an identified tourism site by the Local Tourism Planning Strategy / Local Planning Strategy, a Structure Plan is required in order to guide future tourism uses and densities within the site.
- Residential dwellings within the 'Tourist' zone is not the preferred outcome. In order to consider whether residential dwellings are appropriate within the site, a Structure Plan is necessary ensure the tourist related objectives of the site are being met without being compromised by the residential subdivision of the site.
- The proposed plan of subdivision identifies forty residential lots which are unlikely to facilitate the development of tourist uses and associated parking.
- The Structure Planning process requires consultation to be undertaken with the surrounding community, however the current subdivision / development application assessment processes do not present an opportunity to involve the existing community.

### **Consultation**

The community has limited ability to be involved in the subdivision assessment process. This is not the City's preferred outcome, and as a result is recommending that a Structure Plan be submitted prior to the approval of any development by Council or subdivision by the WAPC.

The majority of community members are likely to only become aware of the subdivision proposal at the time that Council considers the proposal.

### **Statutory Environment**

In the case of subdivision proposals, the WAPC is the decision maker whereas the City acts as a referral body providing comment to the WAPC.

In the event that the applicant is aggrieved by the decision of the WAPC, they have the right to make an appeal to the State Administrative Tribunal.

### Option to Support

The option does however remain open to Council to support the subdivision, either in its current form or modified, and effectively make a determination that tourist development in this location is no longer required.

In supporting the subdivision however a number of detailed matters require further attention as raised above in regard to: lot design, the continuation of Pedestrian Access Way, environmental matters, coastal planning implications and provision of public open space.

In addition, the subdivision plan and design is lacking in detail or requires the following matters to be addressed:

- the proximity of the northern most laneway access with Marina Quay Drive with Navigator Loop;
- the 'elbow' design of south laneway is not an appropriate design outcome; and with the laneway being the sole access for some lots, in appropriate width for service vehicles and sight lines; further, access to proposed Lot 13; and servicing/accessing a number of lots will be problematic due to truncations, visibility or safety;
- lack of visitor parking for laneway lots;
- no provision, detail or strategy to deal with stormwater drainage and a *Local Water Management Strategy*; or *Urban Water Management Plan* are required. At this time, there is no provision for stormwater which could result in land being required to manage stormwater;
- ongoing access and management of the boat ramp, jetty structure and waterbody adjacent given previous agreements in place to manage these assets are based on one single owner of Lot 2002 and the linkages to the Mandurah Quay Home Owners Association set up to have access and/or manage a number of these elements;
- further review and details relating to existing (and if warranted) additional shared paths for the location, and the limited verge width available for footpath construction;
- a number of lots will have difficulty in access to waste services given the subdivision design.

Should Council support the subdivision, the City's officers will provide comments to this effect to the Western Australian Planning Commission that these matters require addressing prior to recommending conditions that should be provided with any approval.

### **Policy Implications**

The Local Tourism Planning Strategy is a strategic planning document which provides direction on tourism development within the City. The subdivision proposal is not considered to be entirely consistent with the aims and objectives of the Strategy, given it seeks the creation of residential lots.

## **Economic Implications**

Nil

## **Risk Analysis**

The submission and assessment of a Structure Plan is likely to revive concerns previously raised by the existing community during the assessment of the previous Structure Plan.

The preferred outcomes identified within the Local Tourism Planning Strategy are unlikely to be achieved in the event that the proposal is approved.

## **Strategic Implications**

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

### Economic:

- Develop a strong and sustainable tourism industry.

### Identity:

- Encourage active community participation and engagement.

## **Conclusion**

In the absence of an approved Structure Plan over the site, the City does not support the proposed plan of subdivision.

Based on the 'Tourist' zoning of the site under the Scheme, the preferred outcome for the site (as identified in current Strategy) is tourist based uses (accommodation and activities). The proposed plan of subdivision primarily seeks approval of residential lots which is likely to limit the ability to develop the site consistently with the Local Tourism Planning Strategy / Local Planning Strategy and its objectives.

The subdivision design presents streetscape and dwelling orientation concerns, whilst a site specific analysis has not been produced to consider the coastal planning requirements of SPP2.6.

In its report to the WAPC Statutory Planning Committee regarding the previous subdivision of the site, DPLH acknowledged that the Scheme contains provisions ensuring comprehensive planning is undertaken prior to any development of the site, and the proposal (which proposed three 'super lots') did not prejudice the potential for future tourism uses under the Scheme. The City does not consider the required comprehensive planning to have been undertaken, and consider the outcome to be detrimental to the provision of tourism uses in the future.

It is recommended that Council do not support the proposed subdivision in its current form, and endorse this report as its referral response to the WAPC.

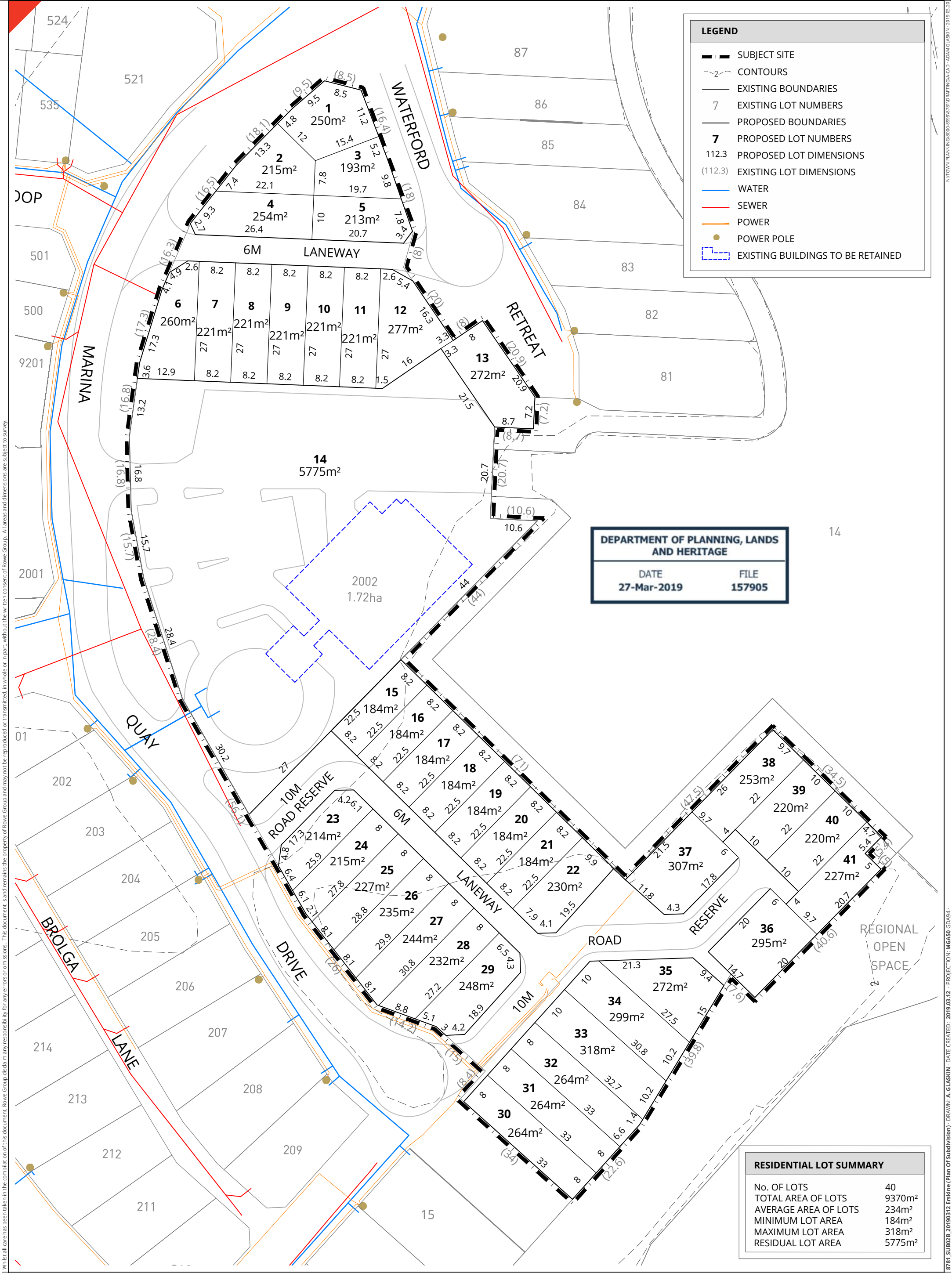
NOTE:

- Refer **Attachment 1** *Proposed plan of subdivision*

## **RECOMMENDATION**

**That Council provides this report to the Western Australian Planning Commission for the proposed subdivision of Lot 2002 Marina Quay Drive, Erskine (WAPC ref: 157905) recommending that the proposed subdivision should not be approved in the absence of a Local Structure Plan that addresses the following:**

1. The demand, scale and desirability for long term future tourist development at this location given recommendations of the Local Tourism Planning Strategy;
2. Considerations of State Planning Policy 2.6 in dealing with Coastal Planning;
3. The subdivision and development design (lot and street layout, built form, scale, height, appearance);
4. Existing trees and public open space in the location; and
5. Provides for a period of public advertising.



**PLAN OF SUBDIVISION**  
LOT 2002 (No. 21) MARINA QUAY DRIVE  
ERSKINE



0 18.75 m  
SCALE @ A3: 1:750  
**8781-SUB-02-B**



**ROWE**  
GROUP



<b>6</b>	<b>SUBJECT:</b>	Mandurah Aquatic and Recreation Centre: Operating Hours Review
	<b>CONTACT OFFICER:</b>	Craig Johnson
	<b>AUTHOR:</b>	Adrian Timms

## Summary

In August 2018, Council approved a trial to change the weekend operating hours at the Mandurah Aquatic and Recreation Centre (MARC) over the 2018/19 summer period, with a report on the levels of attendance to be presented back to Council upon the conclusion of the trial period.

The trial was conducted from Saturday 3 November 2018 to Sunday 7 April 2019. Initially the trial was intended to conclude on Sunday 3 March 2019, however it was extended to Sunday 7 April, being the end of School Term 1/2019 and the conclusion of the competitive summer swimming calendar. The success, particularly on Saturdays, of the initiative was another reason to extend the trial to that date.

Following the conclusion of the trial, Council is requested to approve a change to the weekend operating hours at the MARC on an ongoing basis with opening times being 6.30am on Saturdays and remaining at 7.30am on Sundays commencing 28 September 2019, (the start of the next summer season).

This permanent change would take effect at the start of the next summer period to allow sufficient time to communicate the change to Centre users and the local community.

## Disclosure of Interest

Nil

## Location



Mandurah Aquatic & Recreation Centre  
303 Pinjarra Road, Mandurah

## Previous Relevant Documentation

G.19/8/18	28 August 2018	Council is requested to approve a change to the weekend operating hours at the MARC on a trial basis over the forthcoming summer period and note that a report on the levels of attendance will be presented back to Council upon the conclusion of the trial period.
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G.37/3/18    27 March 2018    Mandurah Aquatic and Recreation Centre. Council resolved that the Chief Executive Officer present a report on why weekend access to the City's gymnasium at the Mandurah Aquatic and Recreation Centre starts at 7.30am, but during the week, access is from 5.30 am.

## Background

The MARC has been fully operational for two years following its \$40 million, three year redevelopment program.

The facility delivers a wide range of programs and services to the Mandurah community focused primarily on aquatics, sports and health & fitness. In August 2018, Council endorsed a report extending the Centres' weekend operating hours on a trial basis during the 2018/19 summer period.

The trial was conducted from Saturday 3 November 2018 and concluded on Sunday 7 April 2019. The trial was initially intended to conclude on Sunday 3 March 2019, however was extended to Sunday 7 April to align with the end of the School Term (Term 1 / 2019), the conclusion of the competitive summer swimming calendar and due to the success thus far of the initiative, particularly on Saturdays.

The operating hours of the MARC prior to the trial period were;

Days	Opening & Closing Hours
Monday to Thursday	5.30am to 9.00pm
Friday	5.30am to 8.30pm
Saturday and Sunday	7.30am to 6.00pm

The operating hours of the MARC during the trial period, 3<sup>rd</sup> November 2018 to 7<sup>th</sup> April 2019 were;

Days	Opening & Closing Hours
Monday to Thursday	5.30am to 9.00pm
Friday	5.30am to 8.30pm
Saturday and Sunday	6.30am to 6.00pm

### Notes:

- *The opening and closing hours relate to the operations of the aquatic area and health & fitness (i.e. Gymnasium and group fitness) facilities.*
- *Closing times in the sports stadiums can vary depending on the various programs and events being held.*

## Comment

During the trial period (Saturday 3 November - Sunday 7 April) the average daily attendances were recorded for entry into the aquatic area and gymnasium facilities between the extended hours of 6.30am to 7.30am;

	Gymnasium	Aquatics	Total
Saturday	20	47	67
Sunday	11	32	43

Due to certain Memberships allowing for both gymnasium and aquatic entries there will be a few members that have accessed both facilities between 6.30am and 7.30am, however these would have been a minority and will not cause any major discrepancy in the overall average daily numbers.

A petition was received at the end of the trial period with 41 signatories, predominately gymnasium users requesting the MARC open on Saturdays from 6.30am on an ongoing basis.

The earlier opening on Saturdays has had a positive effect on congestion in the aquatic facilities as activities have been spread out allowing additional space for casual swimmers.

The MARC resident junior swimming clubs, Mandurah Swimming Club and Peel Aquatic Club, have supported the earlier Saturday opening with their training squads and have indicated that they would benefit from the aquatic facilities being available from 6.30am on Saturdays on a year round basis.

The current MARC weekend opening hours are based on historic operations. The City's general approach for change at the facility has been driven by customer demand for services. Since the completion of the MARC redevelopment two years ago, the City has only received a few comments from members / customers regarding the Centre's operating hours. The only formal request received was from the resident swimming clubs, for the pools to open earlier on a Saturday morning. However the trial over the recent summer period has proved to be successful with the community activating the earlier opening hours, particularly on Saturdays.

It is anticipated that if the extended opening on Saturdays was to continue throughout the year, there would be a drop off during the cooler months, however with the continued support from the swimming clubs, the impact of any decrease in the early patronage would be mitigated.

Below are some indicative cost estimates associated with an extension to the Saturday opening hours to 6.30am:

	<b>Gymnasium</b>	<b>Centre Operations</b>	<b>Aquatics</b>	<b>Total</b>
<b>6.30am Opening Time</b>				
Cost per week	\$45	\$90	\$135	\$270
Cost per annum	\$2,340	\$4,680	\$7,020	\$14,040

*Notes:*

- *The figures above only take into account increases in labour costs and do not include increases in utility costs or any potential revenues offset (it is not anticipated that such changes would have a significant positive impact on revenue and any increase would be difficult to quantify).*
- *The figures are based upon 52 weeks in operation.*
- *The proposed changes to MARC Saturday opening hours would increase the Recreation Centres Full Time Equivalent (FTE) by 0.16.*

Based on the Officer's recommendations, the proposed operating hours at the MARC from 28 September 2019 would become, as follows;

<b>Days</b>	<b>Opening &amp; Closing Times</b>
Monday to Thursday	5.30am to 9.00pm
Friday	5.30am to 8.30pm
Saturday	6.30am to 6.00pm
Sunday	7.30am to 6.00pm

## **Statutory Environment**

N/A

## **Policy Implications**

### DA-RCS 01

The Manager Recreation Centres and Services has delegated authority to amend or vary the opening hours or periods of closure of the City's Recreation Centres.



## **Risk Implications**

No risks have been identified in the development of this report.

## **Economic Implications**

Whilst it is difficult to be sure, there is no evidence that the extended operating hours generated any additional revenue either through new membership sales as a result of the increased access or through increased casual entries. Of those attendances that occurred between 6.30am and 7.30am, only 17% were casual entries into the aquatics area and less than 3% were casual entries into the gymnasium. Furthermore, it is likely that a majority of those people who did attend casually are regular attendees of the MARC who choose not to take out a membership for whatever reason and who took advantage of the earlier opening times.

The economic implications associated with the Officer recommendations within this report relate to the proposed change to the Saturday operating hours at the MARC on a permanent basis commencing Saturday 28 September 2019.

Based on indicative cost estimates for staff labour, this would result in additional expenditure of \$14,040 per annum not including any increases in facility utility costs (power, water, gas).

Commencing on 28 September 2019, the change on Saturdays to 6.30am would result in additional annual expenditure amount of \$10,800 (40 weeks) that has been accounted for in the City's 2019/20 draft operating budget.

## **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.

### Organisational Excellence:

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

## **Conclusion**

At the August 2018 Council meeting, proposed changes to the weekend operating hours at the MARC were agreed and a trial to open the facility at 6.30am on Saturdays and Sundays over the summer period (from 3 November 2018 to 3 March 2019, later extended to 7 April 2019) was successfully conducted.

The weekend operating hours trial has now concluded.

Council is requested to approve a change to the weekend operating hours at the MARC on an ongoing basis with opening times on Saturdays to start from 6.30am (an extension of one hour) commencing from 28 September 2019, with Sunday opening times remaining at 7.30am.

## **RECOMMENDATION**

**That Council approves a change to the weekend operating hours at the Mandurah Aquatic and Recreation Centre with the facility to open at 6.30am on Saturdays and 7.30am on Sundays on an ongoing basis commencing 28 September 2019.**