



## **NOTICE OF MEETING**

## **ORDINARY COUNCIL**

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

**Tuesday 28 May 2019  
at 5.30pm**

**MARK R NEWMAN**  
Chief Executive Officer  
22 May 2019

## **AGENDA:**

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

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. ATTENDANCE AND APOLOGIES**

Councillor Lynn Rodgers – leave of Absence

**4. IMPORTANT NOTE:**

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

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

**6. PUBLIC QUESTION TIME**

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

**7. PUBLIC STATEMENT TIME**

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

**8. LEAVE OF ABSENCE REQUESTS****9. PETITIONS****10. PRESENTATIONS****11. DEPUTATIONS**

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

**12. CONFIRMATION OF MINUTES:**

12.1 Ordinary Council Meeting: 30 April 2019 (attached)

12.2 Special Council Meeting: 14 May 2019 (attached)

**13. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)****14. DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**

**15. QUESTIONS FROM ELECTED MEMBERS (WITHOUT DISCUSSION)**

15.1 Questions of which due notice has been given

15.2 Questions of which notice has not been given

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

17.1 Adoption of Recommendations of Committee of Council Meeting: 14 May 2019 (Green pages)

<i>Item</i>		<i>Page No</i>	<i>Interests Declared / Additional Information</i>
CC.5/5/19	Proposed Subdivision: Lot 2002 Marina Quay Drive Erskine	5 & 6	
CC.6/5/19	Yalgorup National Park: Recreation Master Plan	7	Additional Information
CC.7/5/19	Management of Boundary Island	7 & 8	
CC.8/5/19	Sublease: 187 Breakwater Parade Mandurah Westmen Investments Pty Ltd	8	
CC.10/5/19	Mandurah Aquatic and Recreation Centre: Operating Hours Review	10	
CC.11/5/19	Confidential: Land Acquisition	11	

17.2 Adoption of Recommendations of Executive Committee Meeting: 20 May 2019 (Pink pages)

<i>Item</i>		<i>Page No</i>	<i>Interests Declared / Additional Information</i>
EX.3/5/19	Chief Executive Officer KPI Results Quarter 3	2 & 3	

17.4 Adoption of Recommendations of Strategy Committee Meeting: 21 May 2019 (Buff pages)

<i>Item</i>		<i>Page No</i>	<i>Interests Declared / Additional Information</i>
S.4/5/19	City of Mandurah Event Strategy 2019 - 2023	4	
S.5/5/19	North Mandurah Waste Water Reuse Study	5 & 6	

**18. REPORTS (Yellow Pages):**

<i>Item</i>	<i>Page No</i>
1 Financial Report April 2019	1 - 20
2 Fencing Amendment Local Law 2018	21 – 22
3 Animals, Environment & Nuisance Local Law 2019	23 - 37
4 Appointment of Port Mandurah Canal Waterways Advisory Group Representative	38 – 39
5 Rivers Regional council Proposed Future Structure	40 – 74
6 Murrayfield Airport Redevelopment	75 - 85

**19. ADOPTION OF RECOMMENDATIONS NOT WITHDRAWN FOR FURTHER DISCUSSION****20. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN****21. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING****22. LATE AND URGENT BUSINESS ITEMS****23. CONFIDENTIAL ITEMS**

23.1 Proposed Operating Model

**24. CLOSE OF MEETING**

**COMMITTEE OF COUNCIL: 14 MAY 2019**

**CC.6/5/19      YALGORUP NATIONAL PARK: RECREATION MASTER PLAN (TB)  
(REPORT 1)**

Councillor Knight requested this item be presented to the Mandurah Environmental Advisory Group with their comments provided to the May Council meeting.

*Response:*

*MEAG support the Committee recommendation being:*

*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.*

*MEAG also request that there be an indigenous involvement in the Yalgorup National Park Recreation Master Plan.*

*MEAG request to be kept informed of the process/progress of the Yalgorup National Park Recreation Master Plan, and that the item is referred back to MEAG at Management Plan stage.*



## **MINUTES OF COUNCIL MEETING**

**HELD ON**

**TUESDAY 30 APRIL 2019**

**AT 5.30PM**

**IN COUNCIL CHAMBERS  
CIVIC CENTRE  
MANDURAH TERRACE MANDURAH**

### ***PRESENT:***

MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT [DEPUTY MAYOR]	NORTH WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	D LEE	EAST WARD
COUNCILLOR	L RODGERS	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	B INGLE	MANAGER STATUTORY SERVICES
MRS	L SLAYFORD	MINUTE OFFICER

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

The Mayor declared the meeting open at 5.31pm. Attendance by Peel Chamber of Commerce and Industry representatives Pauline Bright and Jane Jamieson was acknowledged.

**ACKNOWLEDGEMENT OF COUNTRY [AGENDA ITEM 2]**

Mayor Williams acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid his respect to their Elders past and present.

**APOLOGIES [AGENDA ITEM 3]**

Councillor Shane Jones.

**DISCLAIMER [AGENDA ITEM 4]**

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

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

**ANSWERS TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 5]**

Officers provided responses to questions taken on notice at the Council meeting held on Tuesday, 26 March 2019.

**G.3/3/19 R GENT: MERRIVALE STREET ROADWORKS**

Mr Gent asked when he would receive the name of the Elected Member who attended a meeting with City officers (Refer previous question submitted), and also if the former Corporate Lawyer had provided information to the Chief Executive Officer regarding boxing out levels and what the Chief Executive Officer was doing in regard to those levels.

**Response:**

1. *This question has been answered in a letter dated 30 January 2019. The Elected Member is referred to as a "Councillor" in a letter from the independent surveyor. The City's records do not identify a specific person.*
2. *As previously notified in the same letter, Merrivale Street is now at its previous level. The issue of boxing out does not arise.*

**PUBLIC QUESTION TIME [AGENDA ITEM 6] [OPENED AT 5.32PM CLOSED AT 5.34PM]****G.1/4/19 MR R GENT: COUNCIL MINUTES 26 MARCH 2019**

1. Mr Gent directed his questions to the Mayor requesting that the Minutes of 26 March, 2019 not be approved as, in his view, details were omitted.
2. Mr Gent questioned if the Minute Officer could be directed to surrender the draft meeting minutes, unchanged, to himself and that the March 26, 2019 minutes not be approved until they were reviewed.
3. Mr Gent spoke of photos he had received in the mail anonymously some time ago showing Councillors, officers and himself at a meeting and asked why they had been sent to him.

Response:

1. *Mayor Williams advised that approval of the minutes was a collective decision of Council and not his sole responsibility. Council would consider the minutes and Mr Gent's comments accordingly.*
2. *Refer Minute G.6/4/19.*
3. *The Chief Executive Officer advised he was unaware of who or why the photos were sent. This question was taken on notice for the Chief Executive Officer to review.*

**G.2/4/19 MR M O'BRIAN: HOUSEBOAT: NAIRNS FORESHORE**

Mr O'Brian submitted the following questions to Council.

1. Has the letter that was being prepared by the Legal department been sent to the owner of the houseboat, and on what date?
2. What deadline has been set for the houseboat to be removed?
3. As the houseboat owner attended both the relevant Council meetings on 12 and 26 February, he is well aware that, without specific permission to the contrary, there is a four hour time limit for any vessel to moor at a Council facility. How many infringement notices have been issued since Council voted 10/2 for this item G.24/2/19 two months ago?
4. Are there any further developments in this matter that are delaying the removal of the houseboat?

Response:

*The Chief Executive Officer advised this issue was a current legal matter and it was not appropriate to discuss the legal process in a public meeting. The Chief Executive Officer further advised he would correspond with Mr O'Brian and provide the information requested.*

**PUBLIC STATEMENT TIME [AGENDA ITEM 7]**

Nil.



**LEAVE OF ABSENCE REQUESTS [AGENDA ITEM 8]****G.3/4/19 LEAVE OF ABSENCE: COUNCILLOR LYNN RODGERS – 9 – 31 MAY, 2019 INCLUSIVE**

MOTION: F Riebeling / Matt Rogers

**That leave of absence be granted to Councillor Lynn Rodgers from 9 – 31 May, 2019 inclusive.**

CARRIED UNANIMOUSLY: 12/0

**G.4/4/19 LEAVE OF ABSENCE: COUNCILLOR WORTLEY – 17 JUNE TO 22 JULY, 2019 INCLUSIVE**

MOTION: D Lee / D Schumacher

**That leave of absence be granted to Councillor Wortley from 17 June to 22 July, 2019 inclusive.**

CARRIED UNANIMOUSLY: 12/0

**PETITIONS [AGENDA ITEM 9]**

Nil.

**PRESENTATIONS [AGENDA ITEM 10]**

Nil.

**DEPUTATIONS [AGENDA ITEM 11]****G.5/4/19 M BLAIR: MADORA BAY PUMP TRACK**

Mrs Blair withdrew her request to make a deputation as there was no opposition to the recommendation. Mrs Blair congratulated Council on its proactive approach in accepting the report recommendation and providing an activity space in Madora Bay.

**CONFIRMATION OF MINUTES [AGENDA ITEM 12]****G.6/4/19 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 26 MARCH 2019**

Councillor Lee moved the motion to accept the minutes which was seconded by Hon. Councillor Riebeling.

Councillors requested clarification in regard to the public question raised regarding content that may not have been included in the minutes. The Chief Executive Officer advised that meeting minutes were not verbatim and preamble leading up to a question is considered a public statement so therefore not included under the agenda item of Public Question Time. Further clarification concerning the public question time request for draft minutes was provided by the Chief Executive Officer advising that City officers were dealing with this request via the Freedom of Information process.

MOTION: D Lee / F Riebeling

**That the Minutes of Council Meeting held on Tuesday, 26 March 2019 be confirmed.**

CARRIED UNANIMOUSLY: 12/0

**G.7/4/19 ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]**

- Councillor Wortley attended Ella's House Community Fete on 6 April which he advised was a remarkable facility in Greenfields that offered support services for persons suffering ailments such as Alzheimer's Disease.
- Councillor Jackson recounted the Blessing of the Roads 2019 conducted at Christ's Church Anglican parish of Mandurah on 14 April.
- Councillor Peter Rogers informed Council of the five categories open to West Australian entrants in the Mandurah Portrait and Landscape Awards event which was held on 27 April. Artworks entered could be viewed at the Mandurah Performing Arts Centre at present.
- Deputy Mayor Councillor Knight congratulated students involved in the Junior Council elections held on April 4 which she attended along with Councillor Lee and Mayor Williams. Lilly Richards was elected Junior Mayor with Penelope Stone as Deputy Mayor.
- ANZAC Day services held at Dawesville and Mandurah were acknowledged by the Mayor. All services were well attended with approximately 8,000 persons across the District attending throughout the day.
- The Mayor updated the meeting to Minister Tinley's visit on 13 April for the launch of WA Youth Week.
- Mayor Williams recognised the April 2019 Local Legend, Dee Freitag, who is CEO and founder of Halo Team Inc. established in 2014. Halo Team is a local charitable organisation offering a range of services including food, clothing, household items, furniture, transitional accommodation, outreach support, blankets, hygiene and chemo care packs to persons within the Peel Region.

**G.8/4/19          DECLARATION OF INTERESTS [AGENDA ITEM 14]**

- Councillor Lynn Rodgers declared a financial interest in Minute G.24/4/19 - Demolition: Lot 503 (60) Peel Street, Mandurah due to her position as Chief Executive Officer at WestAus Crisis and Welfare Services who current lease the property being discussed. Councillor Lynn Rodgers would not be participating in discussion or voting on this item.
- Councillor Tahlia Jones declared an impartiality interest in Minute G.12/4/19 - Murrayfield Airport Redevelopment: Contributions Toward Business Case due to her employment with Peel Development Commission who are a key partner and funding provider for the business case pertaining to this item. Councillor Tahlia Jones would not be participating in discussion or voting on this item if it was to be withdrawn for discussion.

**QUESTIONS FROM ELECTED MEMBERS [AGENDA ITEM 15]****Questions of which due notice has been given****G.9/4/19          HON COUNCILLOR RIEBELING: STAFFING LEVELS**

- 1 What was the FTE level of the City in the financial year 2017/18? What is the FTE level of the City in the 2018/19 financial year? What is the current FTE levels as at 4 April 2019?

Response:

2017/18 FTE	505.0
2018/19 FTE	517.3
4 April 2019	507.5

- 2 How many City employees are employed:
  - 2.1 Part Time;
  - 2.2 Full Time;
  - 2.3 Casual?

Response:

Part Time	199
Full Time	371
Casual	107

- 3 For the periods set out in question 1, how many FTE's are allocated to the Mandurah Aquatic and Recreation Centre and the Halls Head Recreation Centre?

Response:

2017/18	67.20
2018/19	66.7
4th April	65.6

- 4 For the periods set out in questing 1, how are the staffing levels made up at the Mandurah Aquatic and Recreation Centre, in terms of:
  - 4.1 Part Time;
  - 4.2 Full Time;
  - 4.3 Casual?

Response:

	<i>Full Time</i>	<i>Part Time</i>	<i>Casual</i>
2017/18 FTE	10.8	32.8	23.6
2018/19 FTE	10	30	26.7
4 April 2019	7.2	41.7	16.7

- 5 What is the percentage of the City's budget that is currently paid in wages and allowances?

Response:

28% of the City's total expenditure

- 6 Given the expansion of FTE's across the City, what (if any) controls are in place to review the expansion?

Response:

*The City has controls over new FTE's in each budget period. Requests for any new FTE's are accompanied with a business case explaining the need as part of the draft budget process and are presented to Executive in the first instance for consideration. The final list is included as part of the budget for Council.*

*For the MARC, controls are put in place through the budgeted salaried figures, however, the centre is required to have a certain level of flexibility regarding FTE's within that budget to maintain operations of the centre. Recreation Centres have recently implemented rostering software and will be able to closely track labour costs.*

**Questions of which notice has not been given**

Nil.

**BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 16]**

Nil.

**RECOMMENDATIONS OF COMMITTEES [AGENDA ITEM 17]**

**NOTE: Council adopted en bloc (moved by Councillor Schumacher and seconded by Councillor Tahlia Jones), the recommendation of the Strategy Committee meeting of Tuesday, 9 April 2019.**

**G.10/4/19            MANDURAH MATTERS STRATEGY AND OUTCOMES (REPORT 1)**  
**(S.3/4/19)**

At the Council Meeting on the 24 July 2018, Mayor Rhys Williams proposed a notice of motion to;

- establish a framework for facilitating a City-wide community engagement campaign aimed at establishing a clear, citizen-led vision for Mandurah's future;

- as part of the campaign, convene the Future of Mandurah Summit for the purpose of engaging closely with local stakeholders and community members to consider priorities for the future, and to define the desired 'story' for Mandurah in the decades ahead;
- engage closely with Elected Members on the design and implementation of the campaign;
- use the findings of this process as a foundation for reviewing the City of Mandurah Strategic Community Plan, and associated strategic priorities.

This resulted in the establishment of the 'Mandurah Matters' project, an extensive community engagement process which commenced in October 2018 and culminated in a one-day summit held on the 23 February 2019. Throughout the campaign, the community has embraced the opportunity to be involved in leading the development of a future vision for Mandurah and taken ownership of the process.

Council is requested to note the progress of the Mandurah Matters campaign to date, acknowledge and celebrate the valuable contribution that the Community has played in the process and note the next steps in finalising the vision. Council is also asked to note that the Mandurah Matters project has constituted a major review of the City's Strategic Community Plan approve the revised timeline.

MOTION: D Schumacher / Tahlia Jones

**That Council:**

1. **Notes the progress of the Mandurah Matters campaign to date and the outcomes as detailed in the Summit Report.**
2. **Acknowledges and celebrate the valuable contribution that the community has played in the process and the ownership they have taken in leading Mandurah's future vision.**
3. **Notes that the next step in the process is to finalise the community's vision for Mandurah and that a process for achieving this is being developed.**
4. **Notes that the Mandurah Matters project constituted a major review of the City's Strategic Community Plan which was not scheduled for a major review until 2021.**
5. **Approves the revised timeline for the Strategic Community Plan (August – December 2019) major review.**

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

**NOTE: Council adopted en bloc (moved by Councillor Schumacher and seconded by Councillor Tahlia Jones), the recommendations of the Committee of Council meeting of Tuesday, 16 April 2019 with the exception of items CC.4/4/19, CC.6/4/19, CC.10/4/19 and CC.17/4/19 which was dealt with separately.**

**G.11/4/19      TRADING PERMIT GUIDELINES - UPDATE AND REVIEW (NL)  
(CC.4/4/19)**

This report seeks to review the effectiveness of the Trading Permits Guidelines adopted in February 2018, and provide recommendations for changes to improve customer service and reduce red tape.

Over the past 12 month period, the City has received no complaints in relation to commercial and aquatic operators' and one complaint in relation to mobile food vendors, with the submitter seeking a time limit restriction of 2 hours in any one location for mobile traders.

As a part of this review, officers have:

- reconsidered the stated objectives of the document;
- considered possible modifications to the regulatory provisions relating to the locations of trade and the length of time spent in any one trading location;
- considered the inclusion of provisions relating to semi-permanent space activation and markets;
- the initiation of the 'expression of interest' process for key waterfront locations; and
- undertaken a review of the fee structure.

Council is recommended to support the proposed modifications to the stated objectives of the Trading Permits Guidelines, in addition to the modifications to the Schedule of Fees and Charges for 2019/2020.

In March 2019, Council resolved to defer the review of the Trading Permit Guidelines to April 2019 to ensure that all the impacts of the changes are clearly identified and understood by Council before making a decision.

Additional information has been included within this report, relating to the following:

- Restricting trading commencement times;
- Duration of trading hour restrictions;
- Appropriateness of 400m trading distance;
- Appropriateness of Mandurah Terrace, Silver Sands Reserve trading location;
- Set-up time requirements for mobile traders;
- Monetary and staff costs in amending commencement trading times from 7am to 9am.

Additions from the March 2019 report have been identified as italicised text.

MOTION:            R Wortley / F Riebeling

**That Council:**

- 1. Maintains the current Trading Permit Guidelines as an agreed position on how traders may operate from Council land, subject to the following modifications:**

**(a) Modify Section 1.1 of the Trading Permit Guidelines to read**

**(a) *"Encourage the use of parks and reserves by commercial and aquatic operators and mobile traders, as a means of enhancing the vibrancy and community activity that flows from this activation of our public spaces, whilst managing the competing needs and interests of pedestrians, consumers and local business proprietors;***

***(b) To facilitate enjoyable, interesting, unique and convenient leisure and recreational options for residents, families and other members of the community to experience in their local area;***

***(c) Encourage and provide entrepreneurial, place-making and tourism opportunities that contribute to the well-being of residents, to the overall experience of visitors to Mandurah and to the growth of small businesses;***

***(d) Provide guidelines and assessment criteria for the consistent decision making of applications for trading permits applications on public land."***

**(b) Approves modifications that identify the semi-permanent/pop-up style activities from the approved City Centre Waterfront Precinct Concept Plans are included in the 'City Centre Waterfront Trading Locations' and are subject to the expression of interest process outlined in Section 2.8 of the Guidelines.**

**2. Notes the introduction of a quarterly fee of \$650 for mobile traders to the Schedule of Fees and Charges for 2019/2020 and an update to the fee structure within the guidelines;**

**3. Notes the introduction of a monthly fee of \$100 for commercial and aquatic operators to the Schedule of Fees and Charges for 2019/2020 and an update to the fee structure within the guidelines.**

CARRIED: 11/1

FOR: Mayor Williams, Councillors Tahlia Jones, Matt Rogers, P Jackson, Peter Rogers, C Knight, R Wortley, Lynn Rodgers, M Darcy, D Le and Hon. Councillor Riebeling

AGAINST: Councillor Schumacher

#### **G.12/4/19 MURRAYFIELD AIRPORT REDEVELOPMENT: CONTRIBUTIONS TOWARD BUSINESS CASE (TB) (CC.5/4/19)**

During discussions held between the City of Mandurah and Shire of Murray Chief Executive Officers in February 2019, the Shire of Murray advised that it was preparing a business case on the proposed redevelopment of Murrayfield Airport, located approximately 15km north of Pinjarra. Funding of \$100,000 will be allocated for the business case, with \$25,000 to be provided by the PDC, \$25,000 by Brooks Hire Service, \$20,000 by the Shire of Murray and \$10,000 by the Royal Aero Club of WA. The Shire of Murray requested the City of Mandurah to contribute the final \$20,000 towards the business case.

Council is therefore requested to approve the allocation of \$20,000 from the Chief Executive Officer's Budget towards a business case for proposed redevelopment of Murrayfield Airport

#### **Report Recommendation**

*That Council approves the allocation of \$20,000 from the Chief Executive Officer's budget towards a business case for the proposed redevelopment of Murrayfield Airport.*

MOTION: D Schumacher / Tahlia Jones

**That Council defer consideration of the Murrayfield Airport Redevelopment: Contributions Toward Business Case to the Council meeting in May with an Elected Member briefing to be held prior to consideration of the item.**

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

#### **G.13/4/19 CODE OF CONDUCT AMENDMENTS (DP) (CC.6/4/19)**

The City has three Codes of Conduct covering Elected Members, Committee Members and Employees. Each of these has a procedure for dealing with complaints which require a submission to be made to the Corporate Lawyer. At the moment, this position is not currently within the organisation structure. It is necessary to amend each of the Codes to provide for an alternative.

Council is requested to approve an interim amendment to each of the Codes to provide for complaints to be made to the Director Corporate Services.

Councillor Peter Rogers moved the recommendation contained within the additional information which was seconded by Councillor Tahlia Jones. Clarification was requested as to whether people whom a complaint was made against would be advised of who the complainant was. The Chief Executive Officer advised that as per due process this information would be provided.

MOTION: Peter Rogers / Tahlia Jones

**That Council approves the replacement of Section 4.3 of the Codes of Conduct for Elected Members, Committee Members and Employees with the following:**

#### **4.3 Procedure for dealing with complaint**

- (1) Where a completed complaint form is received by the Director Corporate Services the matter will be notified to the CEO and/or the Mayor.**
- (2) The CEO and/or Mayor will be responsible for the investigation of allegations of breaches of the Code and must either:**
  - (a) where deemed possible and appropriate by the CEO and/or Mayor try and resolve the issue through discussions with the parties;**
  - (b) investigate the alleged breach; or**
  - (c) engage an independent person to investigate the allegation, noting that where the alleged breach involves the Mayor and/or CEO, an independent investigator will be required.**
- (3) Any investigation will follow the rules of procedural fairness. The investigator must:**
  - (a) inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them;**
  - (b) provide the person/s with a reasonable opportunity to put their case;**



- (c) hear all parties to a matter and consider submissions;**
- (d) make reasonable enquiries before making a decision; and**
- (e) ensure that no person is involved in enquiries in which they have a direct interest.**

**(4) Wherever reasonably practical parties will meet with the intent of resolving the issue.**

**(5) Wherever reasonably practical investigations will be kept confidential.**

CARRIED UNANIMOUSLY: 12/0

**G.14/4/19          COMMERCIAL SPONSORSHIP MERLIN STREET PAVILION (WM) (CC.7/4/19)**

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

The Halls Head Football Club is a long term seasonal hirer of the Merlin Street Reserve and Pavilion in Halls Head. In 2013, the Club approached the City with a proposal to extend the existing facility and construct a function / social space at their cost. Since the completion of the project, the Club has attracted a couple of significant corporate sponsors including Hardcourts Mandurah and Elite Air-Conditioning.

This year the Club has used an innovative method to replace the naming rights sponsor for the venue. The club has sold 60 raffle tickets at \$250, totalling \$15,000. Each ticket entitled the business an entry into the draw to become the naming rights sponsor for 12 months.

Spartan Security and Data were the winners of the raffle and earned the right to become the Club's naming rights partner in 2019.

Whilst the City is supportive of the Club's ability to attract valuable sponsorship dollars, formal approval is required. The City has received the Club's formal application and is now seeking approval from Council. Provisional approval has been granted to the Club in order to service their sponsor from the commencement of the 2019 season (commencing on 6 April).

Council is requested to provide approval for the Halls Head Football Club to enter into a corporate sponsorship arrangement with Spartan Security and Data for the Merlin Street Pavilion; approve the Club to advertise the reserve and pavilion as "Spartan Stadium" for promotional purposes and note the additional conditions that will be associated with this approval.

MOTION:            D Schumacher / Tahlia Jones

**That Council:**

- 1.    Approve the Halls Head Football Club to enter into a corporate sponsorship arrangement with Spartan Security and Data for the Merlin Street Pavilion.**
- 2.    Approve the Halls Head Football Club to advertise the reserve and pavilion as "Spartan Stadium" for promotional purposes.**
- 3.    Note the additional conditions that will be associated with this approval:**

- 3.1 Only one external facing sign on the northern side of the pavilion and internal facing signage will be permitted.**
- 3.2 The Halls Head Football Club will be permitted to advertise the reserve and pavilion as “Spartan Stadium” for Club promotional purposes only. The City will continue to refer to the facility as the Merlin Street Pavilion / Reserve and will book and hire the facilities under this title.**
- 3.3 The seasonal hirer of the Merlin Street Pavilion will be given priority access to signage space. If a commercial sponsorship or naming rights proposal is received by another regular hirer (i.e. Peel Diamond Sports), the Halls Head Football Club will only be permitted to erect the approved signage for the duration of their sports season (1 April – 1 October each year).**
- 3.4 The Halls Head Football Club is to inform the City of Mandurah in February each year of any changes to the Sponsorship agreement, including changes to sponsor details and signage.**

CARRIED UNANIMOUSLY: 12/0

*(This item was adopted en bloc)*

#### **G.15/4/19 FALCON RESERVE ACTIVATION PLAN (JD) (CC.8/4/19)**

The City is currently undertaking a number of projects at Falcon Reserve that considers the provision of appropriate changing facilities (including the growth of female sports participation), the provision of netball facilities for the Peel Netball and Football League and a timely upgrade to the Falcon Skate and BMX Park. As a result, the City has taken the opportunity to review the Reserve in its entirety with the intent to revitalise and activate the site.

Due to the size, location and function of Falcon Reserve and the number of buildings and structures already insitu, planning to activate the site is largely focused around creating linkages between current infrastructure, the provision of additional passive recreation opportunities such as playgrounds and shelters, improving traffic movements in and around the facilities and implementing strategies that may increase a sense of security process at the reserve.

Stage 1 of the Community Engagement process was carried out in April 2018. This included consultation with resident sports clubs of Falcon Reserve and the regular hirers of the Falcon Pavilion of which the City received very positive feedback on the objectives of the plan and its approach.

In May 2018 the City sought support from Council to carry out wider community engagement for the Falcon Reserve Activation Plan and was given approval to do so with an additional request to carry out focused workshops for the design of the Falcon Skate Park Upgrade.

Between November 2018 and February 2019 the City delivered a comprehensive engagement program to inform the design of the Falcon Skate Park Upgrade. Skate Sculpture were engaged by the City to facilitate the design sessions and deliver both the conceptual and detailed plans for the upgrade.

Simultaneously, the City provided further opportunity for the wider community to provide feedback into the draft Falcon Reserve Activation Plan which once again received a very positive response from the community.

The City now seek Council endorsement of the final Falcon Reserve Activation Plan and the Falcon Skate Park Concept Plan.

MOTION: D Schumacher / Tahlia Jones

**That Council:**

1. **Note the engagement process carried out for the Falcon Reserve Activation Plan.**
2. **Endorse the Falcon Reserve Activation Plan as a guiding document to the delivery of capital upgrades at Falcon Reserve.**
3. **Endorse the concept plan for the Falcon Skate Park upgrade.**
4. **Note the 2019/20 draft capital budget includes a request for \$620,000 for the delivery of the Falcon Skate Park Upgrade and stage 1 of the district play space.**
5. **Note future stages of the Falcon Reserve Activation Plan implementation will be put forward for consideration as part of the City's annual budget process.**

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

**G.16/4/19 MADORA BAY PUMP TRACK (HM/PM) (CC.9/4/19)**

The City of Mandurah is committed to creating an active and vibrant city through providing a choice of leisure activities that contribute to the health and wellbeing of the community. In 2017, the City of Mandurah received funding from the State Government to install a pump track at Coote Reserve, Madora Bay.

In March 2018, City officers undertook a high level consultation process in conjunction with the Madora Bay Community Association in regards to the proposed installation of a pump track at Coote Reserve. Whilst the feedback indicated a level of support for the project, there was some negative feedback regarding the Coote Reserve site, in particular for neighbouring residents.

In February 2019, City officers completed a comprehensive community engagement process which included seeking feedback on the original location at Coote Reserve plus the option of two other potential locations: Lord Hobart Drive Reserve and McLennan Reserve.

Council is requested to endorse the community engagement process undertaken identifying McLennan Park as the preferred location for the pump track and approve installation at the site.

MOTION: D Schumacher / Tahlia Jones

**That Council:**

- 1. Acknowledge the community consultation process and the results used to determine the preferred pump track location.**
- 2. Approve the installation of the pump track at McLennan Reserve, Madora Bay.**

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

**G.17/4/19 SMART STREET UPGRADE – FINAL APPROVAL OF CONCEPT PLAN (RB)  
(CC.10/4/19)**

Guided by direction from the Smart Street Working Group (established in October 2017) and feedback from stakeholders and the Community on three advertised options, a final concept design to facilitate the upgrade of Smart Street has been prepared.

In doing so, however, it should be acknowledged that the design and upgrade is one part of ensuring that Smart Street is seen as a 'successful place'. In reviewing the ingredients for a successful place, the vehicle or pedestrian options are considered secondary concerns when considering:

- Quality of the landscape (infrastructure) treatment;
- Movement of people (in vehicles, by foot or bicycle);
- Tenant mix and quality of storefronts; and
- Activity and activation.

A complete infrastructure upgrade is proposed with the primary focus being to create an adaptable, pedestrian focused, activated street.

Council is requested to adopt the Smart Street Precinct Upgrade Concept (Final), Drawing LAN0356-1819-CO – 1/B Feb 2019 and contribute \$2.5 million capital funding over the next two financial years to implement the plan proposals.

MOTION: D Schumacher / F Riebeling

**That Council:**

- 1. Adopts the following Concept Plan for the upgrade of Smart Street Precincts as the basis of proceeding with detail design and construction documentation:  
LAN0356--1819-CO – 1/B Feb 2019 - Smart Street Precinct Upgrade Concept (Final).**
- 2. Acknowledges that \$1.5 million is likely to be required in the 2019-20 budget and \$1 million in the 2020-21 budget to implement the proposed upgrade.**
- 3. Thank working group members for their contribution.**
- 4. Communicate the final concept to the community.**

CARRIED UNANIMOUSLY: 12/0

**G.18/4/19          PROPOSED MODIFICATIONS TO LOCAL PLANNING SCHEME NO.12  
AND LOCAL PLANNING STRATEGY (AH) (CC.11/4/19)**

In July 2013, Council resolved to prepare a new local planning scheme and in March 2014 Council adopted a draft Scheme (under the heading 'Mandurah Planning Scheme').

The following year, the *Planning and Development (Local Planning Scheme) Regulations 2015* ('LPS Regulations') were prepared, advertised and gazetted and became operative in October 2015. The LPS Regulations resulted in significant changes to the format and operation of local planning schemes requiring the draft Scheme to be rewritten and reformatted.

The revised format Scheme, entitled *City of Mandurah Local Planning Scheme No 12* ('Scheme 12') was adopted by Council at its meeting of 24 January 2017.

In September 2018, the City received advice that the Commission had determined the Scheme was suitable to be advertised in accordance with the Regulations subject to modifications. However, prior to advertising, the documents were required to be referred to the Environmental Protection (EPA) for consideration pursuant to Section 82 of the Planning and Development Act 2005 ('P&D Act').

Scheme 12 was subsequently forwarded to the EPA. Additional information was sought by the EPA and a meeting was held to discuss the key concerns of the EPA with specific reference to:

- The zoning change proposed for Lot 10 Pinjarra Road, Greenfields from 'Tourist' and 'Rural' to 'Urban Development'.
- Lots 2 Old Coast Road and Lots 20 and 21 Estuary Road, Bouvard;
- The zoning change of a number of lots with the Southern Rural Structure Plan area from 'Rural' to 'Rural Residential'.

Officers of the EPA have indicated that the changes in zoning proposed may result in a requirement for a formal environmental assessment of Scheme 12 in its entirety in order for the environmental implications of these changes to be explored in more detail. This could cause significant delays to the Scheme.

The zoning changes proposed relate to a small number of properties, and rather than further delay the progress of the entirety of Scheme 12, it is proposed to amend Scheme 12 to address the concerns of the EPA. The appropriateness of the zoning of the subject properties could then be further explored as a separate process.

It is therefore recommended that the proposed changes be adopted by Council.

MOTION:            D Schumacher / Tahlia Jones

**That:**

1. **In accordance with Section 72 of the *Planning and Development Act 2005* and Regulation 21(1) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, Council adopts the modified draft *City of Mandurah Local Planning Scheme No 12 Scheme* (Scheme Text and Scheme Maps dated January 2019), and forward to the Western Australian Planning Commission seeking consent to the advertise the Scheme noting the following modifications from the Scheme Text and Scheme Maps dated January 2017:**

- (a) The zoning Lot 10 Pinjarra Road, Greenfields being modified from 'Urban Development' to 'Tourist' and 'Rural' consistent with the zoning under Town Planning Scheme No. 3;
  - (b) The zoning of the following sites being modified from Rural Residential and Rural Smallholdings to Rural consistent with the zoning under Town Planning Scheme No. 3:
    - Lot 74 Old Coast Road, Bouvard;
    - Lot 20 Dalton Road, Herron;
    - Lot 7 Dalton Road, Herron;
    - Lot 21 Southern Estuary Road, Herron; and
    - Lot 101 Southern Estuary Road, Herron.
2. In accordance with Section 81 of the Planning and Development Act 2005, the modified draft *City of Mandurah Local Planning Scheme No 12* be forwarded to the Environmental Protection Authority for its assessment under the provisions of the Environmental Protection Act 1986.
3. Council modifies the draft Local Planning Strategy (dated June 2018) by highlighting the requirement for any significant proposal on the following sites to be referred to the Environmental Protection Authority under s38 of the Environmental Protection Act 1986 under Section 2.3 (Environment and Biodiversity):
  - (a) Lot 10 Pinjarra Road, Greenfields; and
  - (b) the 'Panorama; Development Site located at Lots 20 and 21 Estuary Road Dawesville and Lot 2 Old Coast Road, Bouvard.

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

#### **G.19/4/19 BUSHFIRE PREVENTION AND CONTROL (BI) (CC.12/4/19)**

This report provides information as requested by a Notice of Motion at the Council Meeting of 26 February relating to the City's application of its Bushfire Prevention and Control Policy. The information reviews compliance rates and opportunities to improve voluntary compliance in bushfire preparedness.

The report also undertakes a review of the content of the City's Bushfire Prevention and Control Policy. A number of changes have been recommended that will simplify requirements and reduce administration. The major recommended change requires properties that are under 4000m<sup>2</sup> to slash their properties rather than install firebreaks. The requirement to fully slash properties is currently in place for all properties under 2023m<sup>2</sup>.

There are currently approximately 712 properties that are within the proposed new size range between 2023m<sup>2</sup> and 4000m<sup>2</sup>. It is important to note that of these properties a small number will be required to undertake additional work.

The change aligns clearing and burning permit lot sizes and simplifies the requirement which assists communication with the community. The change would also remove the need for many firebreak variations that are currently issued. It is anticipated this will substantially reduce the administration burden for property owners and the City.

Other changes to the Policy are recommended relating to the recognition of Fire Management Plans within the Policy and altered terminology to assist in its implementation.

The purpose of this report is to request Councils endorsement of the modifications to Council Policy POL – EMS 01- Bushfire Prevention and Control.

MOTION: D Schumacher / Tahlia Jones

**That Council:**

1. **Notes modifications to its Bushfire Act 1954 inspection regime to commence inspections in areas outside bushfire prone areas on 4 November with direct advisory correspondence provided to land owners at the time of inspection for properties that would likely be non-compliant.**
2. **Approves modifications to Council Policy POL – EMS 01- Bushfire Prevention and Control at noted within *Attachment 1* which will be reflected in the City's 2019/20 Fire Notice.**
3. **That at the conclusion of the 2019/20 Bushfire season a report be provided to Council detailing the rate of compliance achieved.**

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

**G.20/4/19 MURDOCH UNIVERSITY RESEARCH PARTNERSHIP PROPOSAL –  
URBAN WILDFIRE MANAGEMENT (BBR) (CC.13/4/19)**

The City of Mandurah has a long history of partnering with Murdoch University on environmental research. In 2016, the City entered into a three-year partnership with Murdoch to investigate how bandicoots contribute to healthy urban bushland. This project, titled *Backyard Bandicoots*, concludes in October 2019. It has been highly effective in both engaging the local community and increasing the City's knowledge and capacity to manage urban bushland.

To build on the success of the Backyard Bandicoots project, the City of Mandurah, the Department of Biodiversity, Conservation and Attractions and Murdoch University have developed a new research project proposal, titled *Urban Wildlife Management: Manual Fuel Load Reduction for Biodiversity*.

This three-year project aims to address the important issue of managing fire risk in urban bushland in a way that has minimal impact on plants and wildlife. This also addresses an important problem for the City (and local government more broadly) because managing bushfire risk is fundamental for the protection of property and lives. The aim of this project is to identify how this work can be achieved in a way that also preserves the amenity and biodiversity values of these important remnants of native vegetation, which are vital habitat for urban wildlife. In addition, the project aims to involve the community in the mitigation of bushfire risk in urban bushland, therefore providing valuable educational and capacity building opportunities that can be utilised by landholders on private land. The objectives of this research partnership are to:

- Develop tools for protection of human lives and property in urban landscapes.
- Identify the impacts of manual fuel load reduction on biodiversity values such as tree health, soil condition, community perception and habitat for fauna.

- Address community values for urban bushland and increase manageability for emergency services.

The scientific, community and management outcomes of this project are:

- Greater confidence and engagement with wildfire management strategies.
- More urban residents engaged with conservation of their local urban bushland and urban wildlife.
- Long-term monitoring and conservation action.

Murdoch University have requested \$50,000 per annum for the three-year project, in addition to in-kind support in the form of officer time. The remainder of the project funding will be requested through an Australian Research Council Linkage Grant.

MOTION: D Schumacher / Tahlia Jones

**That Council:**

- 1. Endorses the submission of a joint application for an Australian Research Council Linkage Project grant with Murdoch University.**
- 2. Supports the provision of \$50,000 per year for three years towards the Urban Wildfire Management research partnership commencing in 2019/20, subject to the Council Budget approval and successful Australian Research Council application.**
- 3. Authorises the Chief Executive Officer to enter into a funding agreement with Murdoch University.**

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

#### **G.21/4/19 EMBRACE A SPACE PROGRAM (TR/VA) (CC.14/4/19)**

At the meeting in April 2018, Council resolved that the City considers an Embrace a Space Program to enable the community to adopt and participate in the management of public spaces in Mandurah. In response to this, a community-led Embrace a Space Program has been developed which will operate alongside existing environmental volunteer groups and be supported through the Mandurah Environmental Volunteer Action Committee (MEVAC).

The Embrace a Space Program encourages community members to adopt and contribute to the management and activation of their favourite public space. It aims to strengthen community connections by creating a positive sense of ownership in spaces across Mandurah.

The Embrace a Space Program will be delivered by community and supported by City staff. The program will include a facilitation Toolkit and Activity Plan. The Toolkit will enable residents and the local community to facilitate a community workshop, to develop a vision for their space and to identify volunteer opportunities for their group. This will result in an Activity Plan being developed by group members and presented to relevant City officers, to enable collaboration between community and City operational activities.

Minor expenditure is expected and can be accommodated via the existing Volunteer Support program. If successful, this budget will continue to be used to support the Embrace a Space program in the future.



Council is being requested to acknowledge the Embrace A Space program and support the implementation of the Embrace A Space toolkit.

This item was considered via agenda item 18 Reports, refer minute G.29/4/19.

**G.22/4/19            VARIATION OF LEASE EMACC PTY LTD HANS CAFE (LP) (CC.15/4/19)**

The directors of EMACC Pty Ltd (EMACC) have identified a proposal to expand their business beyond its current operation as an Asian Cuisine trading as Hans Café (Hans).

EMACC request Council support to redevelop the upstairs function area of the building into a small bar, to be known as Brew Vino. As this new enterprise would be independent of the lower floor tenancy, a separate entrance and emergency exit are required.

In order to facilitate the conversion, stairs and a lift would need to be constructed outside the current lease area. The additional land required to rationalise a new lease boundary equates to an extra 73 square meters of City owned and Crown reserved land into the current lease area.

The head lease would require a variation to reflect the new lease footprint, and a change of permitted use from Asian restaurant trading as Hans Café to restaurant and small bar, in order to provide additional flexibility regarding the use of the building.

The sublease between EMACC and Hans will also need a variation allowing the relinquishment of the top storey of the building from their sub-lease, together with Council support to allow a new sub-lease between EMACC and Brew Vino over the proposed new sublease area.

Council is requested to support the proposal by EMACC together with the necessary variances to the lease and sub-leases which are all subject to the Minister for Lands approval.

MOTION:            D Schumacher / Tahlia Jones

**That Council:**

- 1. Approves the advertising of and if no submission received the disposal of a further 73 square metres of lease area resulting in a total ground lease area of 473 square metres to EMACC Pty Ltd;**
- 2. Approves a variation of the head lease for the permitted purpose to change to restaurant and small bar;**
- 3. Approves the variation of the sublease between EMACC and TJD Sayoco Pty Ltd trading as Hans Café to reflect a reduction in their sublease area only;**
- 4. Approves a sublease between EMACC and Brew Vino over the top storey of the Hans Café building, stairs and lift areas with an expiry date on or before the 30 August 2026;**
- 5. Acknowledges all variations to agreements and the new sublease will be subject to the Minister for Lands approval;**

6. **Approves the Chief Executive Officer to finalise the variations of the head lease.**

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

**G.23/4/19 ROAD DEDICATION FAITH COURT, COODANUP (VK/LP) (CC.16/4/19)**

Lot 66 Faith Court, Coodanup is currently identified as a public Right of Way (ROW) but is constructed as a road with under the care, control and maintenance of the City, to provide the road access to Lots 288-291.

The road was constructed in 2001, and it was officially named and the lots addressed as Faith Court, however, the process to formally dedicate the ROW as road was not undertaken.

The irregularity was identified when the Local Government Road Inventory Data Declaration process was undertaken in 2018, and the irregular land tenure caused officers to query whose responsibility it was to maintain the ROW.

As Faith Court is a fully constructed and operational public road, which is currently being maintained by the City, the current land tenure is not correct and leads to confusion and risks such as funding being missed.

The Department of Planning, Lands & Heritage are able to dedicate the ROW, subject to a Council resolution indemnifying the Minister and confirmation that the ROW has been utilised by the public for over 10 years as a fully constructed road, which it has.

Council is, therefore, requested to approve the dedication of the Public Right of Way being Lot 66 on Diagram 70947, as road, pursuant to *Section 56 of the Land Administration Act 1997* (LAA); and to indemnify the Minister for Lands against any claims for compensation in respect of the road dedication.

MOTION: D Schumacher / Tahlia Jones

**That Council:**

1. **Requests the Minister for Lands to approve the dedication as road of the Public Right of Way, being Lot 66 on Diagram 70947, pursuant to Section 56 of the Land Administration Act 1997.**

**Indemnifies the Minister for Lands against any claims for compensation in respect of the road dedication pursuant to Section 56 of the Land Administration Act 1997.**

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

*Having declared an interest in the following item Councillor Lynn Rodgers left the Chamber at 5.58pm.*

**G.24/4/19          DEMOLITION: LOT 503 (60) PEEL STREET, MANDURAH (LP/DC)  
(CC.17/4/19)**

The current lease agreement with WestAus Crisis and Welfare Services Inc. (WestAus) over Lot 503 (60) Peel Street, Mandurah is due to expire on the 30 June 2019. The City has been advised by WestAus that they will be vacating at the end of the current lease term.

In 2016, Council resolved to dispose of the property at the end of this current term, as officers have raised concerns regarding the high risk associated with the ongoing management of residential housing.

The decline in the condition of the home, coupled with the City undertaking only basic repairs required as a residential landowner, the City would need to commit substantial funds to undertake the maintenance and repairs required to bring the property up to a residential rental standard, it is recommended that the demolition of buildings on site take place.

Council is requested to approve the demolition of the buildings on Lot 503 (60) Peel Street upon expiry of the current lease ending 30 June 2019 or at the time of the house being vacant by the existing tenant.

MOTION:            D Schumacher / D Lee

**That Council:**

1.    **Acknowledges that WestAus Crisis Care and Welfare Services Inc. will be vacating the property upon expiration of their current lease ending 30 June 2019.**
2.    **Authorises the demolition of the buildings on Lot 503 (No. 60) Peel Street, Mandurah upon expiry of the current lease ending 30 June 2019.**
3.    **Approves unbudgeted expenditure of up to \$30,000 for removal of buildings at 60 Peel Street.**

CARRIED ABSOLUTELY:    11/0

*Councillor Lynn Rodgers returned to the Chamber at 5.59pm.*

**REPORTS [AGENDA ITEM 18]****G.25/4/19          FINANCIAL REPORT MARCH 2019 (PB/DP) (REPORT 1)**

The Financial Report for March 2019 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Elected Members' consideration.

MOTION:            Tahlia Jones / F Riebeling

**That Council:**

- 1    **Receives the Financial Report for March 2019.**

- 2     **Receives the Schedule of Accounts for the following amounts:**

Total Municipal Fund	\$ 11,046,139.10
Total Trust Fund	<u>\$ 21,274.35</u>
	<u>\$ 11,067,413.45</u>
  
- 3     **Approves unbudgeted expenditure of \$128,700 for Halls Head Parade Resurfacing – No.38 to No.41:**
  - **Funded from Old Coast Road / Fistina Ramble resurfacing project \$128,700.**
  
- 4     **Approves unbudgeted expenditure of \$80,000 for Stewart Street Pump Upgrade:**
  - **Funded from Admiralty Crescent drainage project \$42,000;**
  - **Funded from Tindale Street drainage project \$38,000.**
  
- 5     **Approves unbudgeted expenditure of \$64,000 for Bortolo Reserve Sports Lighting:**
  - **Funded from Bortolo Oval Upgrade Sports Lighting \$16,000;**
  - **Funded Sports Lighting Replacement Program \$37,000;**
  - **Eastern Foreshore Seawall \$11,000.**
  
- 6     **Approves unbudgeted expenditure of \$65,000 for:**
  - **Self-bunding oil tank \$20,000;**
  - **Roadworks around the top shed \$30,000**
  - **Pedestrian paths and line markings \$15,000**

**To be funded from the Waste Oil Hardstand \$67,420**
  
- 7     **Approves unbudgeted expenditure of \$50,000 for Dredging Marina Entrance:**
  - **Funded from Dawesville Cut SE Side Fishing Platforms capital project \$20,000;**
  - **Funded from 2018/19 Sand Bypassing operating expenditure \$30,000.**

CARRIED UNANIMOUSLY: 12/0

#### **G.26/4/19            NATIONAL GENERAL ASSEMBLY 2019 CANBERRA (MN) (REPORT 2)**

Council is requested to consider the attendance of an Elected Member(s) at the Australian Local Government Association, National General Assembly 2019 ("NGA19") to be held in Canberra during 16 – 19 June, 2019.

The theme for the NGA19 event is 'Future Focussed', celebrating the NGA's 25<sup>th</sup> anniversary and acknowledging that change is constant. The 2019 Regional Cooperation and Development Forum on 16 June will focus on *Boom or Bust: the Regional Yo-Yo Diet* and *Connected Communities*.

One nomination was received from Mayor Williams to attend the NGA 19.

MOTION:            Tahlia Jones / C Knight

**That Council approves the attendance of Mayor Rhys Williams at the Australian Local Government Association's 2019 National General Assembly 2019 to be held in Canberra, 16 - 19 June 2019.**

CARRIED UNANIMOUSLY: 12/0

**G.27/4/19 JETTIES, WATERWAY AND MARINA AMENDMENT LOCAL LAW 2018 (SL) (REPORT 3)**

Following the statutory advertising period, the Jetties, Waterways & Marina Amendment Local Law 2018 is ready for final adoption.

As a legal requirement, all local laws are to have a purpose and effect, the following is proposed for the Jetties, Waterways & Marina Amendment Local Law 2018:

**PURPOSE:** to amend provisions within the City of Mandurah Jetties, Waterways and Marina Local Law 2010.

**EFFECT:** to ensure that the City of Mandurah Jetties, Waterways and Marina Local Law 2010 is as clear, concise and effective as possible.

Council is requested to adopt the proposed Jetties, Waterways & Marina Amendment Local Law 2018 in its final form.

**MOTION:** C Knight / M Darcy

**That Council:**

- 1 Adopt the Jetties, Waterways and Marina Amendment Local Law 2018; and**
- 2 Delete policy POL – EVM 03 Live-On Boards – Mandurah Ocean Marina.**

**CARRIED ABSOLUTELY:** 12/0

**G.28/4/19 WA POLICE MEMORANDUM OF UNDERSTANDING (TH) (REPORT 4)**

The City and the WA Police Force previously established a Memorandum of Understanding (MOU) that outlines the policy and procedures regarding the provision of City owned Closed Circuit Television (CCTV) footage and monitoring equipment being used by Police at the Mandurah Police Station. This MOU was first executed in 2011 and has been reviewed annually by both parties.

The City and Police work together on an ever increasing range of community issues and having an agreement that sets our clearer roles and responsibilities of each party assists in ensuring a collaborative approach. The existing agreement relates to just CCTV usage and it is imperative the existing MOU is broadened to include responses to wider operational issues and support. Police support an MOU and have provided the City with a template which they are also using with other Local Governments.

The objectives of an MOU are to provide clarity of the strategic priorities of each party relating to community safety, outlining roles and responsibilities and ensuring circumstances that information is shared is relevant and confidential. The report seeks Council's approval for entering into a new, broader MOU.

Elected Members acknowledged the benefits of the Memorandum and the efforts by both parties in establishing a strong and productive relationship which will assist businesses, the wider community and visitors to the area.

MOTION: D Schumacher / Tahlia Jones

**That Council approves the Memorandum of Understanding between the City of Mandurah and the Western Australia Police Force and authorises finalising of the agreement to the Chief Executive Officer.**

CARRIED UNANIMOUSLY: 12/0

#### **G.29/4/19 EMBRACE A SPACE PROGRAM (VA/) (REPORT 5)**

At the meeting in April 2018, Council resolved that the City considers an Embrace a Space Program to enable the community to adopt and participate in the management of public spaces in Mandurah. In response to this, a community-led Embrace a Space Program has been developed which will operate alongside existing environmental volunteer groups and be supported through the Mandurah Environmental Volunteer Action Committee (MEVAC).

The Embrace a Space Program encourages community members to adopt and contribute to the management and activation of their favourite public space. It aims to strengthen community connections by creating a positive sense of ownership in spaces across Mandurah.

The Embrace a Space Program will be delivered by community and supported by City staff. The program will include a facilitation Toolkit and Activity Plan. The Toolkit will enable residents and the local community to facilitate a community workshop, to develop a vision for their space and to identify volunteer opportunities for their group. This will result in an Activity Plan being developed by group members and presented to relevant City officers, to enable collaboration between community and City operational activities.

Minor expenditure is expected and can be accommodated via the existing Volunteer Support program. If successful, this budget will continue to be used to support the Embrace a Space program in the future. Infrastructure requests received through the program will be listed for consideration in the assessment of future priorities for reserve upgrades.

Council is being requested to acknowledge the Embrace A Space program and support the implementation of the Embrace A Space Community Toolkit.

Councillor Tahlia Jones moved the report recommendation which was seconded by Councillor Lynn Rodgers. Discussion ensued in relation to the history of development of the program, coordination and liaison established with CityParks and pilot programs undertaken. Elected Members acknowledged the success and benefits the program has the potential to deliver to many areas across Mandurah.

MOTION: Tahlia Jones / Lynn Rodgers

**That Council acknowledges the Embrace a Space Program and supports the implementation of the Embrace a Space Community Toolkit and Activity Plan.**

CARRIED UNANIMOUSLY: 12/0

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN [AGENDA ITEM 20]****G.30/4/19            HON COUNCILLOR RIEBELING: ACTIVATION OF LIGHT INDUSTRIAL AREAS**

The reason for this Motion is over the last few years Council has seen a number of businesses close in light industrial areas, such as the old Bunnings site. Initiatives to see what support can be provided to assist in the regeneration of these areas, and the viability of the businesses that are operating in these localities, should be fully investigated.

Hon. Councillor Riebeling moved, Councillor Peter Rogers seconded the notice of motion submitted. Elected Members discussed the cyclic and structural struggles across Western Australia and Australia at present along with areas and organisations that should be consulted for inclusion in any future report on this matter.

MOTION:            F Riebeling / Peter Rogers

**That Council requests officers to present a report setting out information on the measures that can be taken to activate light industrial areas that are under pressure, including tools that can be used to enhance business in those areas and incentives that could be introduced.**

CARRIED UNANIMOUSLY: 12/0

**G.31/4/19            HON COUNCILLOR RIEBELING: IN-HOUSE ROAD CONSTRUCTION WORKS**

The reason for this Motion is to provide information that should be required in preparing this upcoming budget and future budgets.

Hon Councillor Riebeling moved the notice of motion stating this aspect was a large capital expense in the annual budget and also held a social impacted for both staff and small businesses associated with road construction. There was a duty to confirm that money was being spent well and was enabling best value to be achieved. Councillor Darcy seconded the motion.

MOTION:            F Riebeling / M Darcy

**That Council requests officers to present a report on the viability of maintaining the City's capacity to build roads in-house. This report should examine the social impact of any change to the structure, and capital costs (including when the requirement for significant capital injection will be required). There should also be a comparison with the private sector per kilometre.**

CARRIED UNANIMOUSLY: 12/0

**G.32/4/19            COUNCILLORS TAHLIA JONES AND DARCY: LOCALISED APPROACH TO OFF ROAD MOTOR BIKES**

The reason for this Motion is a number of community members have contacted us with their concerns about the problem of off road motor bikes.

Councillor Tahlia Jones moved and Councillor Darcy seconded the motion with the inclusion of the words 'and motorised scooters' to point 2. Elected Members sought clarification as to off-road vehicle facilities within the District. The Manager Statutory Services advised there were no reserves in the City's control that could be utilised for such activity. Discussions have been undertaken in regard to utilisation of sites within Keralup however locally off-road vehicle use is limited.

MOTION: Tahlia Jones / M Darcy

**That Council:**

1. **Request officers to review and advise the number of complaints received from the community relating to off-road motor bikes during the 2018/2019 financial year;**
2. **Request the City to investigate the development of a localised approach to target off road motor bikes and motorised scooters in known hot spots across Mandurah;**
3. **Request the City to develop an engagement plan to improve incident reporting to both the City of Mandurah Rangers and the Mandurah Police.**
4. **Request the City to develop a community 'toolkit', giving people information on how they can help the City and the Police tackle the issue.**

CARRIED UNANIMOUSLY: 12/0

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

Nil.

**LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 22]**

Nil.

**CONFIDENTIAL ITEMS [AGENDA ITEM 23]**

Nil.

**CLOSE OF MEETING [AGENDA ITEM 24]**

There being no further business, the Mayor declared the meeting closed at 6.30pm.

CONFIRMED ..... (MAYOR)





## **MINUTES OF SPECIAL COUNCIL MEETING**

**HELD ON**

**TUESDAY, 14 MAY 2019**

**AT 6.45PM**

**IN COUNCIL CHAMBERS  
CIVIC CENTRE  
MANDURAH TERRACE MANDURAH**

### ***PRESENT:***

MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT [DEPUTY MAYOR]	NORTH WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	D LEE	EAST WARD
COUNCILLOR	S JONES	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	P ROGERS	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MRS	L SLAYFORD	MINUTE OFFICER

### **OPENING OF MEETING [AGENDA ITEM 1]**

The Mayor declared the meeting open at 6.45pm.

### **ACKNOWLEDGEMENT OF COUNTRY [AGENDA ITEM 2]**

Mayor Williams acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid his respect to their Elders past and present.

**APOLOGIES [AGENDA ITEM 2]**

Councillor Lynn Rodgers on leave of absence, Councillor Schumacher an apology.

**DISCLAIMER [AGENDA ITEM 4]**

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

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

**PUBLIC QUESTION TIME [AGENDA ITEM 5]**

Nil.

**DEPUTATIONS [AGENDA ITEM 6]**

Nil.

**DECLARATION OF INTERESTS [AGENDA ITEM 7]**

Nil.

**CONFIDENTIAL BUSINESS [AGENDA ITEM 8]**

RESOLVED: F Riebeling / P Jackson

**That the meeting proceeds with closed doors at 6.46pm in accordance with Section 5.23(2)(c) of the Local Government Act 1995, to allow for the discussion of confidential items concerning contractual negotiations and a matter affecting an employee.**

CARRIED UNANIMOUSLY: 10/0

*The Minute Officer remained with the Chief Executive Officer.*

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.46PM

**SP.1/5/19            CONFIDENTIAL ITEM: EMPLOYMENT CONTRACT**

Confidential discussion ensued regarding this issue.

RESOLVED:     F Riebeling / Shane Jones

**That:**

- 1    Council adopts the course of action agreed.**
- 2    That the report and recommendation remain confidential until the proposed employee has agreed the contract.**

CARRIED UNANIMOUSLY: 10/0

**SP.2/5/19**

MOTION:            C Knight / R Wortley

**That the meeting proceeds with open doors.**

CARRIED UNANIMOUSLY: 10/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.58PM

**SP.3/5/19**

MOTION:            D Lee / P Jackson

**That Council endorses the resolutions taken with closed doors.**

CARRIED UNANIMOUSLY: 10/0

***CLOSE OF MEETING [AGENDA ITEM 9]***

There being no further business the Mayor declared the meeting closed at 6.58pm.

CONFIRMED ..... (MAYOR)



**MINUTES OF**

**COMMITTEE OF COUNCIL MEETING**

**HELD ON**

**Tuesday 14 May 2019**

**AT 5.30 PM**

**IN COUNCIL CHAMBERS - 83 MANDURAH TERRACE  
MANDURAH**

***PRESENT:***

COUNCILLOR	D LEE [CHAIRMAN]	EAST WARD
MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	R WORTLEY [5.37PM]	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	S JONES	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	P ROGERS [6.03PM]	TOWN WARD

***OFFICERS IN ATTENDANCE:***

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE AND GOVERNANCE
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY AND BUSINESS PERFORMANCE
MR	B DRECKOW	MANAGER PLANNING AND LAND SERVICES
MR	A DENNISS	MANAGER ECONOMIC DEVELOPMENT
MR	C JOHNSON	EXECUTIVE MANAGER STRATEGY, RECREATION AND EVENTS
MRS	L SLAYFORD	MINUTE OFFICER

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

The Chairman declared the meeting open at 5.32pm.

**APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 2]**

Councillor Lynn Rodgers is on leave of absence, Councillor Schumacher is an apology.

**DISCLAIMER [AGENDA ITEM 3]**

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

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**RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 4]**

Nil.

**PUBLIC QUESTION TIME [AGENDA ITEM 5]**

Nil.

**PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]**

Nil.

**DEPUTATIONS [AGENDA ITEM 7]**

**CC.1/5/19            MR G ROWE: PROPOSED SUBDIVISION: LOT 2002 MARINA QUAY  
DRIVE ERSKINE**

Mr Rowe sought confirmation from the Chairperson that formal withdrawal of Report 4, Proposed Change of Use: Lot 9201 and 2001 Marina Quay Drive Erskine had been received and that there would be no debate on the item. The Chairperson, Councillor Lee, confirmed that the item had been withdrawn and would not be debated at this meeting.

Mr Rowe presented a deputation as the representative of the landowner Mr G Murray, speaking in opposition to the report recommendation.

*Councillor Wortley entered the Chamber.*

Mr Rowe outlined that the Western Australian Planning Commission was the determining authority in regard to this item and that support from the City of Mandurah was sought via its submission to the Western Australian Planning Commission. Mr Rowe provided an overview of requirements under the 2014 Planning Commission's guidelines informing the meeting that a structure plan is not required prior to approval. A summary pertaining to creation and ownership of Lot 2002 and how it differs to most applications was also provided. The applications consistency with land zoning and density was highlighted along with sound outcomes for the site and the City of Mandurah.

**CC.2/5/19            MR L BAKER: PROPOSED SUBDIVISION: LOT 2002 MARINA QUAY  
DRIVE ERSKINE**

Mr Baker represented the Mandurah Quay Home Owner's Association and spoke in support of the report recommendation. Mr Baker advised support for a housing development consistent with existing development ensuring:

- Consistency in block sizes;
- Architectural consistency;
- Covenants on new lots as per existing lots within Mandurah Quay precinct; and
- Submission of a Structure Plan with formal consultation with the Mandurah quays Home Owner's Association.

**CC.3/5/19            MS B BERTRAM: PROPOSED SUBDIVISION: LOT 2002 MARINA QUAY  
DRIVE ERSKINE**

Ms Bertram spoke in support of the report recommendation representing Mandurah Quay resident Mr Cliff Brown. Ms Bertram outlined possible impact concerns pertaining to the subdivision including:

- Traffic congestion, particularly Sticks Boulevard;
- Variable lot sizes to current established lots;
- Possible lot servicing impacts e.g. rubbish removal; and
- Environmental impact including loss of wetland, tree removal and loss of public open space.

**CONFIRMATION OF MINUTES [AGENDA ITEM 8]**

**CC.4/5/19          CONFIRMATION OF MINUTES**

RESOLVED:      Tahlia Jones / Shane Jones

**That the Minutes of the Committee of Council meeting of Tuesday 16 April 2019 be confirmed.**

CARRIED UNANIMOUSLY: 9/0

***DECLARATION OF INTERESTS [AGENDA ITEM 9]***

Nil.

**QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION [AGENDA ITEM 10]**

**Questions of which due notice has been given**

Nil.

**Questions of which notice has not been given**

Nil.

**BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 11]**

Nil.

**REPORTS [AGENDA ITEM 12]**

At this juncture of the meeting, in view of the number of interested parties in the public gallery, the Chairman suggested that with the consensus of Committee Members, the order of the agenda be changed and Report 5 be considered next relating to the proposed subdivision of Lot 2002 Mandurah Quay Drive, Erskine.

MOTION:          C Knight / F Riebeling

**That the order of the agenda be changed and the report relating to the proposed subdivision of Lot 2002 Mandurah Quay Drive, Erskine be now considered.**

CARRIED UNANIMOUSLY: 9/0

**CC.5/5/19            PROPOSED SUBDIVISION: LOT 2002 MARINA QUAY DRIVE ERSKINE  
(TF) (REPORT 5)**

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.

Hon. Councillor Riebeling moved the report recommendation which was seconded by Mayor Williams. Discussion ensued in relation to public consultation pertaining to changes to the site and formal requirements for a structure plan to accompany the application, both with the City of Mandurah and Western Australian Planning Commission. The Manager Planning and Land Services outlined policies and regulations in place with the Planning Commission and City of Mandurah that suggest such plans may be required but not specifically stipulated requirements.

Questions concerning approval by the Western Australian Planning Commission and its ability to include conditions were responded to by the Manager Planning and Land Services.

**RESOLVED TO RECOMMEND: F Riebeling / R Williams**

**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;**
- 5.    Ongoing management and access to the boat ramp, jetties and water body;  
and**



**6. Provides for a period of public advertising.**

CARRIED UNANIMOUSLY: 9/0

*Councillor Peter Rogers entered the Chamber.*

**CC.6/5/19 YALGORUP NATIONAL PARK: RECREATION MASTER PLAN (TB)  
(REPORT 1)**

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.

The report recommendation was moved by Hon Councillor Riebeling, seconded by Councillor Tahlia Jones. Questions relating to industry engagement and contributions to the masterplan were responded to by the Manager Economic Development. Councillor Knight requested this item be presented to the Mandurah Environmental Advisory Group with their comments provided to the May Council meeting.

RESOLVED TO RECOMMEND: F Riebeling / Tahlia Jones

**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.**

CARRIED UNANIMOUSLY: 10/0

#### **CC.7/5/19 MANAGEMENT OF BOUNDARY ISLAND (LP) (REPORT 2)**

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.

RESOLVED TO RECOMMEND: R Wortley / F Riebeling

**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.

CARRIED UNANIMOUSLY: 10/0

**CC.8/5/19 SUBLEASE: RESERVE 48150 LOT 22 (187) BREAKWATER PARADE  
MANDURAH WESTMEN INVESTMENTS PTY LTD (LP/RL) (REPORT 3)**

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.

RESOLVED TO RECOMMEND: C Knight / Shane Jones

**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;
  - 1.2 Further term of approximately three years, expiring in March 2024;
  - 1.3 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.

CARRIED UNANIMOUSLY: 10/0

**CC.9/5/19            PROPOSED CHANGE OF USE: LOT 9201 AND 2001 MARINA QUAY  
DRIVE ERSKINE (TF) (REPORT 4)**

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.

Report 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).*

The Chairperson advised the meeting that the applicant has withdrawn the change of use application and this item is no longer required to be considered by Council.

**CC.10/5/19            MANDURAH AQUATIC AND RECREATION CENTRE: OPERATING  
HOURS REVIEW (AT) (REPORT 6)**

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.

Councillor Shane Jones moved, Councillor Wortley seconded the report recommendation. Committee members discussed avenues for containing costs and membership increases generated within and by the extended operating hours. The Executive Manager Strategy, Recreation and Events advised impact on membership is difficult to measure but appears to have had been minimal however pressures on morning aquatic requirements had lessened with the implementation of extended hours.

RESOLVED TO RECOMMEND: Shane Jones / R Wortley

**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.**

CARRIED UNANIMOUSLY: 10/0

#### **LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 14]**

Nil.

#### **CONFIDENTIAL ITEMS [AGENDA ITEM 15]**

RESOLVED: Tahlia Jones / P Jackson

**That the meeting proceeds with closed doors at 6.18pm in accordance with Section 5.23(2)(e) of the Local Government Act 1995, for discussion of a confidential item.**

CARRIED UNANIMOUSLY: 10/0

*Members of the media, non-senior employees and persons in the gallery left the meeting at this point. The Minute Officer and Manager Planning and Land Services remained with Senior Officers.*

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.18PM

**CC.11/5/19      CONFIDENTIAL ITEM: LAND ACQUISITION (VK/LP) (CONFIDENTIAL REPORT 1)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND:      C Knight / R Wortley

- 1    That Council adopts the course of action agreed.**
- 2    That the report and resolution remain confidential until after settlement of the property.**

CARRIED UNANIMOUSLY: 10/0

**CC.12/5/19**

MOTION:      Shane Jones / R Wortley

**That the meeting proceeds with open doors.**

CARRIED UNANIMOUSLY: 10/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.25PM

**CC.13/5/19**

MOTION:      P Jackson / Shane Jones

**That Council endorses the resolutions taken with closed doors.**

CARRIED UNANIMOUSLY: 10/0

**CLOSE OF MEETING [AGENDA ITEM 16]**

There being no further business, the Chairman declared the meeting closed at 6.25pm.

CONFIRMED: .....[CHAIRMAN]



**MINUTES OF**

**STRATEGY COMMITTEE**

**HELD ON**

**TUESDAY 21 MAY 2019**

**AT 5.30 PM**

**IN COUNCIL CHAMBERS - 83 MANDURAH TERRACE MANDURAH**

***PRESENT:***

COUNCILLOR	T JONES [CHAIRPERSON]	COASTAL WARD
MAYOR	R WILLIAMS	
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	R WORTLEY	NORTH WARD

***OFFICERS IN ATTENDANCE:***

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS AND SERVICES
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE AND GOVERNANCE
MR	C JOHNSON	EXECUTIVE MANAGER STRATEGY, RECREATION AND EVENTS
MRS	L SLAYFORD	MINUTES OFFICER

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

The Chairman declared the meeting open at 5.30pm.

**APOLOGIES [AGENDA ITEM 2]**

Councillor Lynn Rodgers on leave of absence, apologies from Councillors Lee, Schumacher and Shane Jones



**DISCLAIMER**

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**ANSWERS TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 3]**

Nil.

**PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 4]****S.1/5/19 SHIRE OF MURRAY: MURRAYFIELD AIRPORT**

David Arkwright from the Shire of Murray delivered a visual presentation on this item. Mr Arkwright gave an overview of the Murrayfield land ownership and zonings along with adjoining property ownerships and zonings, noting the potential for acquiring further State controlled land holdings to assist with the airfield redevelopment. An overview of potential airfield uses, industry development, service requirements and employment opportunities was also outlined.

Murrayfield currently supports single engine aircraft use but could be easily adapted to be utilised by twin engine aircraft. This improvement could potentially open opportunities for a dedicated regional freight facility in Western Australia along with potential to operate as a regional airport attracting both commercial, industrial and tourism investment and employment. The Shire of Murray will be seeking support and funding from both State and Federal governments along with private investment following development of the business plan, it is not envisaged that further monetary support will be required from the City of Mandurah apart from a requested contribution of \$15,000 towards the costs of preparing a business plan.

**CONFIRMATION OF MINUTES [AGENDA ITEM 5]****S.2/5/19 CONFIRMATION OF MINUTES**

RESOLVED: F Riebeling / R Wortley

**That the Minutes of the Strategy Committee held on Tuesday 9 April 2019 be confirmed.**

CARRIED UNANIMOUSLY: 8/0



**DECLARATION OF INTERESTS [AGENDA ITEM 6]**

Nil.

**SUSPENSION OF STANDING ORDERS [AGENDA ITEM 7]****S.3/5/19                   SUSPENSION OF CITY'S STANDING ORDERS 8.5 AND 8.6**

RESOLVED: F Riebeling / Matt Rogers

**That the City's Standing Orders 8.5 and 8.6 be suspended at 6.05pm in order to facilitate debate.**

CARRIED UNANIMOUSLY: 8/0

**QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION [AGENDA ITEM 8]**

**Questions of which due notice has been given**

Nil.

**Questions of which notice has not been given**

Nil.

**REPORTS [AGENDA ITEM 9]****S.4/5/19                   CITY OF MANDURAH EVENTS STRATEGY 2019 - 2023 (CT) (REPORT 1)**

The City of Mandurah is currently involved in varying capacities with events, including the design, coordination and delivery of five major City owned events (Mandurah Crab Fest, Mandurah Children's Festival, New Year's Eve, Christmas Pageant and Australia Day), providing events support to other internal teams and advising and supporting external groups holding events in Mandurah.

In 2013 Council endorsed a 4 year City Events Strategy and Policy (2013-2016) which outlined the strategic direction of events. This Strategy and the City's current events function underwent a review by an independent consultant from September 2018 to January 2019 and a Discussion Paper was presented to City of Mandurah Elected Members in February 2019.

This review focused on the events the City of Mandurah currently run, identifying improvements in their delivery and management, and the City's potential to attract diverse and high profile externally delivered events.

The City of Mandurah Events Strategy 2019-2023 has been compiled in line with the findings and subsequent recommendations from this review and serves to set the future vision and direction for events within Mandurah for the next 5 years. The Strategy is based around five key strategic objectives;

- Major Event Attraction
- Increase Local Supply Opportunities
- Build Community Capacity
- Key Performance Measures
- Define Event Objectives

Council is requested to endorse the City of Mandurah Events Strategy 2019-2023, noting that an implementation plan will be developed to facilitate delivery and that the Strategy will be reviewed annually to ensure alignment with the City's vision and objectives.

Mayor Williams moved the report recommendation which was seconded by Councillor Wortley. The Committee discussed event branding and financial capacity to host events. The Executive Manager Strategy and Business Performance and Executive Manager Strategy, Recreation and Events responded to all aspects particularly in relation to positioning the City of Mandurah as a host site for events thereby reducing financial impact to the City whilst assisting to provide premier events for the community.

RESOLVED TO RECOMMEND: R Williams / R Wortley

**That Council:**

- 1. Endorse the City of Mandurah Events Strategy 2019-2023 as a guiding document in the future development of events;**
- 2. Note that further work will be undertaken to determine what improvements can be made in the areas of sponsorship, volunteer management and the communication of events.**

CARRIED UNANIMOUSLY: 8/0

#### **S.5/5/19                      NORTH MANDURAH WASTEWATER REUSE STUDY (AC/DR) (REPORT 2)**

The City of Mandurah has initiated a project researching possible water source alternatives for irrigating public open space areas in the Mandurah North area. The demand on the local aquifers (native groundwater) is approaching the point at which their sustainable yield is fully allocated. Alternative water sources are therefore required to meet the future needs in the City's public open space irrigation demand.

A study is underway investigating the potential to formalise and extend the indirect treated wastewater reuse scheme associated with the Gordon Road Wastewater Treatment Plant (WWTP), to provide an alternative source of water that can be used to irrigate existing and future public open space in the Mandurah North area.

The study includes a methodology across three stages to deliver this work, these stages are:

- Stage 1: Data acquisition and review
- Stage 2: Optioneering and conceptual design
- Stage 2B: Hydrogeological Assessment – Managed Aquifer Recharge (MAR)
- Stage 3: Recommended Model. Implementation planning, costing and business plan.

In June 2018, Council approved the progression of the study to the phase which involved a drilling program to validate and identify the underlying extent of water beneath the Gordon Road WWTP.

The drilling program has now been completed and the results indicate:

- Groundwater infiltration is extensive throughout the North Mandurah Study Area
- Sufficient water volume exists for this area to be successfully watered for the long term
- Water quality is more than satisfactory
- Extent of freshwater layer has increased
- Low nitrogen and phosphorous levels.

Given the results, there is a strong case for the City to be granted a Managed Aquifer Recharge (MAR) licence from the Department of Water and Environmental Regulation (DWER) which would allow the abstraction of 2GL/year for the use of irrigation and aquifer storage.

Additionally, the results indicate that a scheme implementation proposal would reduce in cost from \$28M to \$10M (estimates only) and the project could be staged in its delivery.

The study has been completed up to Stage 2B with the final stage (Stage 3) to progress the preferred water reuse option and preparation of an implementation plan, final configuration/design of the North Mandurah Wastewater Reuse Scheme, costing and business plan.

Council is requested to approve progressing the North Mandurah Wastewater Reuse Scheme study implementation planning and final configuration/design stage (Stage 3).

*Councillor Matt Rogers left the Chamber at 6.19pm, returning at 6.22 pm.*

The Director Works and Services delivered a visual presentation in relation to this item providing an overview of water reserves created via the waste water treatment plant (WWTP). Information was provided regarding the City's current and future water requirements, current sources of supply and proposals to utilise the hydraulic mound supplies created by the WWTP infiltration. It was noted that approvals are only required from the Department Water and Environmental Regulation (DWER) in regard to water source usage. Discussions are scheduled to be conducted in the coming week between the City and DWER in regard to possibly altering the water supply for some playing fields in the Mandurah locale. This has the potential to divert water demand from the Leederville Aquifer to the hydraulic mound. There is the potential for financial savings to the City through this proposal and will also assist in maintaining acceptable water levels within the hydraulic mound. A business plan which will identify the required capital investment and operating costs will be prepared as part of Stage 3.

Councillor Matt Rogers moved, Councillor Knight seconded the report recommendation. Discussion ensued in regard to the City's current water usage and supply sources at specific sites. The Director Works and Services provided responses to matters raised. The Chief Executive Officer outlined the extent to which the WWTP infiltration mound could supply water within the Peel region.

RESOLVED TO RECOMMEND: Matt Rogers / C Knight

**That Council:**

- 1. Notes the results of Stage 2B Hydrogeological Assessment.**

2. **Agrees to progress to Stage 3, which will include a recommended scheme, implementation planning, costing and business case.**
3. **Requests the Stage 3 project report to be presented to Council for consideration.**

CARRIED UNANIMOUSLY: 8/0

**LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 10]**

Nil.

**CONFIDENTIAL ITEMS [AGENDA ITEM 14]**

Nil.

**CLOSE OF MEETING [AGENDA ITEM 11]**

There being no further business, the Chairman declared the meeting closed at 6.39pm.

CONFIRMED: .....[CHAIRMAN]

**1 SUBJECT:** Financial Report April 2019  
**CONTACT OFFICER/S:** David Prattent /Jarred King  
**AUTHOR:** Paul Bates

## Summary

The Financial Report for April 2019 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Elected Members' consideration.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- SP.3/7/18 02/07/2018 2018/19 Budget Adoption

## Comment

## Financial Summary

Operating Summary	YTD Actuals '000's	YTD Budget '000s	YTD Variance '000s	2018/19 Current Budget '000s	2018/19 Forecast '000s
<b>Operating Revenue</b>	108,511	107,360	-1,151	111,332	111,209
<b>Operating expenditure</b>					
Direct Labour	41,085	41,946	861	51,817	50,909
Allocation of Administration Expenses	-7,318	-8,699	-1,381	-10,440	-10,440
Operating Costs	40,899	45,258	4,359	53,832	54,685
<b>Total Operating expenditure</b>	<b>74,666</b>	<b>78,505</b>	<b>3,839</b>	<b>95,209</b>	<b>95,153</b>
<b>Operating (surplus)/ deficit before depreciation</b>	<b>-33,845</b>	<b>-28,855</b>	<b>4,991</b>	<b>-16,123</b>	<b>-16,056</b>
Depreciation	25,053	25,048	-4	30,063	30,063
<b>Operating (surplus)/ deficit</b>	<b>-8,793</b>	<b>-3,807</b>	<b>4,986</b>	<b>13,940</b>	<b>14,007</b>
<b>Other Inflows</b>					
Grants & Contributions	3,983	5,803	1,820	6,965	6,309
Capital Revenue	17,429	17,083	-347	26,840	23,368
<i>Surplus (deficit) brought forward</i>				3,826	3,826
<b>Other outflows</b>					
Capital Expenditure	19,680	29,943	10,263	40,494	-44,450
Repayment of debt	2,734	2,734		5,052	5,052
Transfer to reserve	1,100	1,100		1,132	1,100
Profit Sale	165	165		165	165
<b>Total outflows</b>				<b>46,843</b>	<b>6,273</b>
<b>(Surplus)/ Deficit</b>				<b>-2</b>	<b>-37,033</b>

YTD Operating revenue is \$1.15 million higher than budgeted, this is due to rates and refuse collection revenue received in the beginning of the year.

YTD Operating expenditure is \$3.8 million underspent and this is in part a result of the timing of expenditure throughout the year. Expenditure on projects such as sand bypassing (\$1m) has not yet taken place and the final outcome of the underspend is expected to be substantially below \$3.8m.

## Key Operating Activities

The Financial report outlines 12 key areas which are important to understand how the City is performing throughout the year. These areas account for 94% of the operating budget for the City of Mandurah. Table 1.1 below outlines the key areas YTD position for the month of April.

**Table 1.1**

	YTD Actuals 000s	YTD Budgets 000s	YTD Variance 000s	YTD Variance %	Forecast 000s	Annual Budget 000s
<b>Expenditure</b>						
Building Services	1,616	1,649	33	-2%	2,014	2,014
City Centre Activation	465	673	207	-31%	1,107	1,107
City Events	1,756	1,763	7	0%	2,135	2,135
City Works	11,791	11,780	(11)	0%	14,237	14,237
Citybuild	13,753	13,910	157	-1%	16,759	16,759
Cityparks	19,127	19,451	324	-2%	23,608	23,608
Cultural Development	647	910	264	-29%	1,105	1,105
Economic Development	2,050	2,189	139	-6%	2,645	2,645
Environmental Services	1,549	1,874	325	-17%	2,276	2,276
HHCRC	806	911	105	-12%	1,090	1,090
Manager Libraries & Learning	3,612	3,848	236	-6%	4,691	4,691
MARC	5,879	5,930	51	-1%	7,195	7,195
Rates Section	1,749	1,756	7	0%	2,124	2,124
Waste Management	10,192	10,894	702	-6%	13,083	13,083
<b>Income</b>						
Building Services	(861)	(990)	(129)	-13%	(1,189)	(1,189)
City Events	(364)	(366)	(2)	-1%	(432)	(432)
City Works	(358)	(23)	335	1434%	(28)	(28)
Citybuild	(1,159)	(1,033)	126	12%	(1,240)	(1,240)
Cityparks	(750)	(767)	(18)	-2%	(921)	(921)
HHCRC	(285)	(340)	(55)	-16%	(380)	(380)
MARC	(3,736)	(3,853)	(116)	-3%	(4,729)	(4,729)
Rates Section	(79,447)	(78,784)	663	1%	(79,106)	(79,106)
Waste Management	(13,114)	(12,963)	150	1%	(13,372)	(13,372)

## **Expenditure**

### City Centre Activation

The City Centre Activation team is actively planning projects and developments. The city centre security patrols have continued in April. The first payment for the Shape Mandurah Agreement also been made In April with an additional payment to be made on completion of key milestones.

### Economic Development

Economic Development expenditure is tracking under budget due to timing of project expenditure.

### Environmental Services

The HVAC feasibility research project is at the procurement stage and will commence at the end of May. It is unlikely that the body of feasibility work will be fully completed by 30 June. All other projects are progressing as planned.

### Libraries

Libraries expenditure is tracking on budget.

### Works and Services

#### *City Build*

The City Build team is currently showing no significant variance.

#### *City Works*

The City Works team is currently showing no significant variance.

#### *City Parks*

The City Parks expenditure is no longer demonstrating a significant variance.

### *Waste Management*

The Waste Management operating expenditure is under budget by \$702,000. Underspend is attributable to a timing issue regarding an outstanding Waste Alliance invoice of \$700,000 for April.

## **Revenue**

### Building Services

Revenue is \$129,000 under budget as the applications for building licenses have not reached target for 2018-19.

### Rates Revenue

Interim rates revenue is \$514,000 over budget and associated charges such as interest and instalment fees are a further \$132,000 over.

### Recreation Centres

Revenue is under budget by \$116,000 primarily due to Café revenue as discussed in a prior report to council.

## Works and Services

### *City Works*

City Works revenue is on budget for April

### *City Build*

City Build are over budget by \$126,000 for the month of April. This is due to a timing difference with lease revenue being charged quarterly, and an increase in facility usage revenue.

## **Capital Projects**

The table below shows current forecast by asset class with asset class year-to-date under / overspend

<b>Job Type</b>	<b>YTD Actuals 000s</b>	<b>Forecast 000s</b>	<b>Annual Budget 000s</b>	<b>CMT 000s</b>	<b>% Complete</b>
1631 - Land	31	0	0	1	-
1632 - Buildings	4,775	8,498	9,901	2,026	48%
1634 - Bridges	203	228	1,080	25	19%
1635 - Parks	2,229	4,110	4,379	919	51%
1636 - Roads	5,116	8,500	9,301	1,728	55%
1637 - Drainage	418	1,538	1,665	150	25%
1639 - Coastal & Estuary	1,072	1,801	2,598	67	41%
1640 - Equipment	273	302	358	17	76%
1641 - Machinery	2,183	2,994	4,118	1,341	53%
1643 - Other Infrastructure	189	309	975	14	19%
1644 - Eastern Foreshore Seawall	134	319	319	133	42%
1646 - Lakelands DOS	3,058	4,000	5,801	340	53%
<b>Total</b>	<b>19,680</b>	<b>32,599</b>	<b>40,494</b>	<b>6,761</b>	<b>49%</b>

Attachment 3 outlines those projects that were carryover projects from 2017/18 or are projects that will be a carryover into 2019/20 Budget. The total amount of Carryover projects from 2017/18 was \$9.8 million, of this amount \$7.5 million is expected to be completed before the end of the year with the following projects to be a further carryover to 2019/20

- Solar Plane Phase 5 (\$300,993)
- Museum courtroom Interpretation (\$62,941)
- New Bridge Extension Walkway (\$239,190)
- Mandurah Bridge Artwork (\$495,220)
- Dower St –Pinjarra Rd Intersection (\$381,206)
- Tims Thicket Septage Ponds Upgrade (\$368,451)

Attachment 3 also outlines the 2018/19 Projects that are currently expected to be a carry over into 2019/20 financial year. The total budgeted amount for those projects is \$14.53 million. At the end of this financial year the level of expenditure on those projects is estimated to be \$8.78 million with the remaining \$5.75 million to be a carryover amount into 2019/20. The major expected carryover projects for 2019/20 are:

- Bush Fire brigade building (\$440,625)
- Waterfront design project(\$300,000)
- Mandjar Square Water Feature (\$199,325)



- Dower St (\$261,047)
- Pinjarra Rd Carpark (107,380)
- Lakelands DOS (\$1,800,957)

The table below outlines the forecast expenditure for those capital projects that will be finished by the end of the 2018/19 financial year. The forecast expenditure for those capital works projects are \$15,660,172. This is an expected savings on those projects of \$441,278.

<b>2018/19 Capital Work program - Forecast Completed Projects</b>				
Row Labels	Actuals	Current Budget	Forecast 2018/19	Forecast Variation
<b>2018/19 Projects</b>				
<b>Buildings</b>	1,503,810	2,660,256	2,500,065	(160,191)
<b>Bridges</b>	1,399	143,465	26,591	(116,874)
<b>Drainage</b>	433,715	1,534,280	1,407,358	(126,922)
<b>Equipment</b>	83,299	104,184	111,739	7,555
<b>Other Infrastructure</b>	176,011	193,751	196,011	2,260
<b>Parks</b>	2,113,703	3,575,505	3,538,352	(37,153)
<b>Plant</b>	1,240,348	1,439,471	1,446,738	7,267
<b>Roads</b>	4,042,549	5,028,825	4,985,561	(43,264)
<b>Waterways</b>	1,045,069	1,421,713	1,447,757	26,044
<b>2018/19 Projects Total</b>	<b>10,639,903</b>	<b>16,101,450</b>	<b>15,660,172</b>	<b>(441,278)</b>

#### Key Capital Projects

Project	2018/19		Comment
	Actuals Inc. CMT \$'000	Budget \$'000	
Lakelands District Open Space	3,390	5,800	<i>Project status: Water &amp; sewerage is 90% complete. Waiting on Water Corp approval. Fencing and kerbing to be completed mid-May. Landscaping nearly complete with 5 more trees to be planted in May.</i>
Port Bouvard Surf Life Saving Club	1,834	1,888	<i>Project status: Works are progressing as scheduled. Completion date 19 June 2019.</i>
Falcon Bay Seawall	751	734	<i>Project status: Seawall has been completed.</i>
Waste Management Centre walking floor	805	805	<i>Project status: Complete</i>
Mandjar Square	935	1,068	<i>Project status: Walling contract has been awarded and works commenced including ramp and walkway. Paving renewal works to continue following completion of these works.</i>

Report from **Chief Executive Officer**  
to **Council Meeting** of 28 May 2019

Gibson Street Upgrade	366	371	<i>Project status: Completed.</i>
Dower St Intersection	952	1,221	<i>Project status: Civil works commencing end of May. Agreement of action plan for traffic signals and crossings have been made with MRWA.</i>
Casuarina Drive	640	640	<i>Project status: Completed.</i>

A detailed attachment analysing capital projects expenditure and status has been supplied with the report.

Balance Sheet information:

	30 April 2019	30 April 2018
General Debtors		
<i>Debtors</i>	\$ 566,958	\$ 1,108,516
<i>Other Debtors*</i>	\$ 597,545	\$ 3,117,104
<b>Total</b>	<b>\$ 1,164,503</b>	<b>\$ 4,225,620</b>

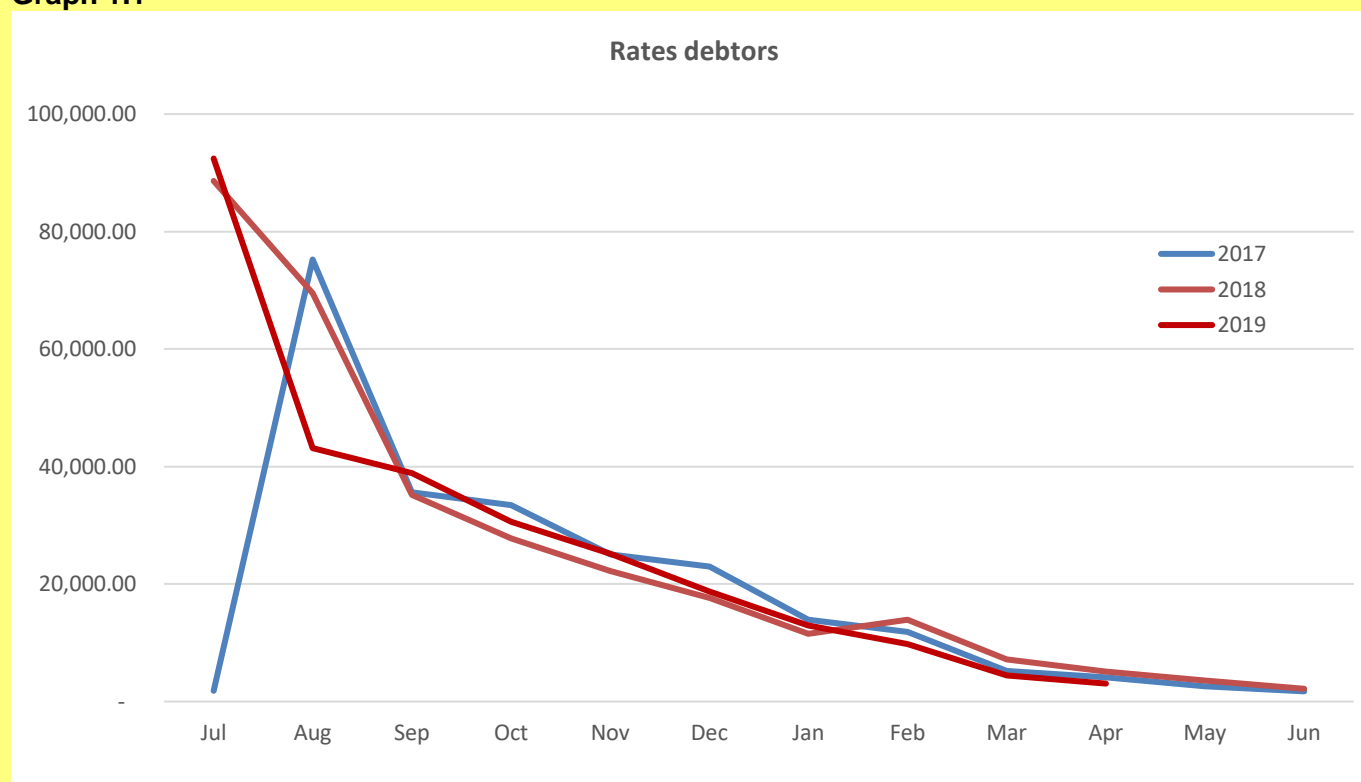
\*Includes *Grants & Contributions, Marina & ATO*.

Rates Debtors – All**	\$ 4,269,095	\$ 6,128,689
Deferred Pensioner Rates	\$ (1,213,413)	\$ (1,061,604)
<b>Net rates collectible</b>	<b>\$ 3,055,682</b>	<b>\$ 5,067,085</b>

Rates Debtors are \$2.011 million less than the same time last year and is a result of several changes to the rates collection processes. The increase in the use of rates smoothing by ratepayers has helped to manage the outstanding rate balance. The rates receivable amount of \$3.055 million represents 4.02% of total rates revenue.

**\*\* Debtor value includes rubbish collection, ESL charges & debt recovery legal costs.**

**Graph 1.1**



Creditors*	30 Apr 2019	30 Apr 2018
	\$ 326,042	\$ 814,931

*\*Creditor values vary from month to month depending on the timing of weekly invoice payment processes*

**Bank Accounts**

	30 Apr 2019	30 Mar 2018
City's Current account	\$ 4,937,741	\$ 8,035,359
Bonds & Deposits	\$ 291,710	\$ 298,780
Visitors Centre	\$ 18,888	\$ 29,113
Marina	\$ 1,072	\$ 6,123
<b>Total</b>	<b>\$ 5,249,411</b>	<b>\$ 8,369,375</b>

### Schedule of accounts

A detailed schedule of accounts paid for the month has been placed in the Councillors' lounge for information and a copy will be entered into the minutes of this meeting. A summary of payments made for the month is:

Total Municipal Fund	\$	7,327,298.33
Total Trust Fund	\$	26,016.35
	\$	7,353,314.68

Remittances to creditors for the month of April were at normal levels except for:

Neo Infrastructure	\$ 517,985
Falcon Bay Seawall Stage 2 Claim # 2	

### Tender Exemptions

Listed below are Tender Exemptions authorised under Delegation DA-CPM04 for April 2019:

- RFQ10-2019 - Positioning Tracking and Monitoring System

*Supply, Installation and Implementation of a Global Positioning Tracking and Monitoring System for Plant – Expected Value \$ 50,000 capital and \$130,000 in operating budget over 3 years.*

### Cash Holdings

Market average int. rate - UBS Australian Bank Bill Index

	Rating	Allocation	Total Fund	Muni Fund	Bonds & Deposits	Reserves	Monthly Return (annualised rate)
		%	\$	\$	\$	\$	%
			000	000	000	000	%
<b>Investment Type: Fixed Term</b>							
Bankwest	AA-	31.29%	15,418	12,154	84	3,180	2.44%
Bendigo & Adelaide Bank	A-	2.08%	1,026	-	-	1,026	2.70%
Westpac	AA-	34.36%	16,929	3,826	3,329	9,775	2.48%
NAB	AA-	21.67%	10,678	9,131	-	1,547	2.58%
ANZ	AA-	0.06%	29	29	-	-	1.50%
<b>At Call</b>							
WA Treasury Corporation	AA+	0.52%	258	-	-	258	1.45%
Westpac	AA-	10.02%	4,938	4,938	-	-	0.94%
<b>Total investments</b>		100.00%	49,275	30,078	3,412	15,785	2.33%

Market average int. rate - UBS Australian Bank Bill Index

1.56%

(1) Other interest includes trading bank accounts, bonds & deposits, deferred rates.

The City's unrestricted investments are \$30.08 million, bonds and deposits \$3.41 million and reserve fund balances of \$15.79 million at the 30 April 2019. The City also has \$10.50 million in the loan offset account. This total of \$59.78 million is higher than the comparable time last year when \$55.99 million was held on investment.

### **Statutory Environment**

Local Government Act 1995 Section 6.4 Financial Report

Local Government (Financial Management) Regulations 1996 Part 4 Financial Reports

## Policy Implications

Nil

## Economic Implications

Nil

## Strategic Implications

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

### Organisational Excellence:

- Deliver excellent governance and financial management.

## Unbudgeted Expenditure

### Coolabah Avenue

The scope of Coolabah Avenue has been costed and requires an additional \$60,000 to allow for a road reconstruction instead of an overlay. The additional funds are requested to cover the extensive intersection works which are in close proximity to high risk services. This is requested to be funded from the drainage project, William/Betram Road, which is forecasted to be underspent.

### TM Spinaway Parade

Spinaway Parade was listed as a budget item in 2017-2018 to install speed cushions at regular spacing to reduce vehicle speeds. Works were put on hold pending public consultation and the budget was not carried forward to 2018-2019. As per the Council report in March, approval has been sought to install the traffic management devices. Therefore \$40,000 is requested to be reallocated from TM Philante Street (public consultation has shown this project is not required), to enable traffic management to be implemented in Spinaway Parade.

### PTA Bus Embayments

The Public Transport Authority have agreed to fund the construction for two bus embayments along Mandurah Road at the Mandurah Estuary Bridge. The PTA will be funding \$302,789 for bus stop 27636 and \$218,739 for bus stop 27635 and will be invoicing for these works on 30 June 2019.

### NOTE:

- Refer **Attachment 1** **Financial Schedule**  
**Attachment 2** **Carryover Expenditure**  
**Attachment 3** **Capital Expenditure Schedule**

## RECOMMENDATION

### That Council:

- 1 Receives the Financial Report for April 2019.
- 2 Receives the Schedule of Accounts for the following amounts:

Total Municipal Fund	\$ 7,327,298.33
Total Trust Fund	<u>\$ 26,016.35</u>
	<u>\$ 7,353,314.68</u>

- 3 Approves unbudgeted expenditure of \$60,000\* for Coolibah Avenue:
  - Funded from William/Betram Road project \$60,000\*.
- 4 Approves unbudgeted expenditure of \$40,000 for TM Spinaway Parade:
  - Funded from TM Philante Street project \$40,000\*
  -
- 5 Approves unbudgeted expenditure of \$521,528 for Bus Bay Embayments:
  - Funded by PTA reimbursement of \$521,528\*

**\*ABSOLUTE MAJORITY\***

## City of Mandurah Revenue April 2019

		YTD Actuals 000s	YTD Budget 000s	Forecast 000s	Annual Budget 000s	YTD Variance 000 s	YTD % Variance	
<b>Directorate Summary</b>								
Chief Executive Officer Total		(62)	(46)	(56)	(56)	16	35%	
Director Sustainable Development Total		(3,078)	(3,303)	(3,834)	(3,904)	(225)	-7%	
Director Works & Services Total		(18,434)	(17,494)	(18,721)	(18,809)	940	5%	
Executive Manager Finance & Governance Total		(82,065)	(81,665)	(82,729)	(82,669)	401	0%	
Executive Manager Strategy & BP Total		(4,723)	(4,852)	(5,869)	(5,895)	(129)	-3%	
<b>Total</b>		<b>(108,362)</b>	<b>(107,360)</b>	<b>(111,209)</b>	<b>(111,332)</b>	<b>1,002</b>	<b>1%</b>	
<b>Chief Executive Officer.</b>								
Chief Executive Officer		(0)	-	-	0	0	-	
Economic Development		(62)	(46)	(56)	(56)	16	34%	
<b>Chief Executive Officer Total</b>		<b>(62)</b>	<b>(46)</b>	<b>(56)</b>	<b>(56)</b>	<b>16</b>		
<b>Director Sustainable Development.</b>								
1	Building Services	(861)	(990)	(1,189)	(1,189)	(129)	-13%	
		(6)	-	-	-	6	-	
2	Community Development	(56)	(94)	(102)	(112)	(38)	-41%	
	Community Safety	(92)	(81)	(10)	(95)	11	13%	
3	Cultural Development	(83)	(111)	(145)	(134)	(29)	-26%	
	Emergency Management	(109)	(78)	(73)	(93)	32	41%	
	Environmental Health	(302)	(254)	(325)	(305)	48	19%	
4	Environmental Services	(11)	(23)	(27)	(27)	(12)	-52%	
	Land Administration	(27)	(18)	(18)	(21)	9	52%	
5	Manager Libraries & Learning	(147)	(211)	(253)	(253)	(64)	-30%	
6	Planning	(182)	(203)	(284)	(244)	(21)	-10%	
	Ranger Services	(835)	(816)	(953)	(933)	20	2%	
7	Seniors and Community Centre	(276)	(324)	(372)	(377)	(48)	-15%	
	Statutory Services	-	(1)	(2)	(2)	(1)	-100%	
	Youth Development	(91)	(100)	(82)	(121)	(9)	-9%	
<b>Director Sustainable Development Total</b>		<b>(3,078)</b>	<b>(3,303)</b>	<b>(3,834)</b>	<b>(3,904)</b>	<b>(225)</b>		
<b>Director Works &amp; Services.</b>								
	Asset Management	(2)	(2)	(2)	(2)	0	8%	
	Chalets	(637)	(625)	(750)	(750)	12	2%	
	City Works	(358)	(23)	(25)	(28)	335	>100%	
	Citybuild	(1,159)	(1,033)	(1,187)	(1,240)	126	12%	
	Cityfleet	(51)	(35)	(42)	(42)	16	44%	
	Cityparks	(750)	(767)	(884)	(921)	(18)	-2%	
	Design & Development Services	(7)	(9)	(11)	(11)	(2)	-25%	
	Director Works & Services	(2)	(2)	(2)	(2)	(0)	-3%	
	General Operations	(1)	(1)	(1)	(1)	(0)	-21%	
	Landscaping Services	(3)	(3)	(3)	(3)	0	11%	
	Marina & Waterways	(2,316)	(1,978)	(2,374)	(2,374)	338	17%	
	Project Management	(3)	(5)	(6)	(6)	(1)	-31%	
	Survey Services	(6)	(5)	(7)	(7)	1	14%	
8	Technical Services Manager	(25)	(42)	(50)	(50)	(16)	-39%	
	Waste Management	(13,114)	(12,963)	(13,377)	(13,372)	150	1%	
<b>Director Works &amp; Services Total</b>		<b>(18,434)</b>	<b>(17,494)</b>	<b>(18,721)</b>	<b>(18,809)</b>	<b>940</b>		
<b>Executive Manager Finance &amp; Governance.</b>								
	Financial Accounting	(4)	(1)	(1)	(1)	3	>100%	
	Financial Services	(2,599)	(2,858)	(3,535)	(3,535)	(258)	-9%	
	Legal Governance & Tenders	(15)	(22)	(26)	(26)	(6)	-29%	
	Rates Section	(79,447)	(78,784)	(79,166)	(79,106)	663	1%	
<b>Executive Manager Finance &amp; Governance Total</b>		<b>(82,065)</b>	<b>(81,665)</b>	<b>(82,729)</b>	<b>(82,669)</b>	<b>401</b>		
<b>Executive Manager Strategy &amp; BP.</b>								
	City Events	(364)	(366)	(432)	(432)	(2)	-1%	
	Customer Service	(36)	(37)	(45)	(45)	(2)	-5%	
	Elected Members	(2)	(1)	(1)	(1)	1	>100%	
9	HHCRC	(285)	(340)	(383)	(380)	(55)	-16%	
	Human Resources	(2)	-	-	-	2	-	
	MARC	(3,736)	(3,853)	(4,651)	(4,729)	(116)	-3%	
10	Organisational Development	(5)	(28)	(39)	(34)	(23)	-82%	
	Records Management	(2)	(1)	(1)	(1)	1	>100%	
	Recreation Services	(152)	(120)	(225)	(146)	31	26%	
	Strategy & Business Performance	(1)	-	-	-	1	-	
	Systems & Technology	(77)	(50)	(6)	(60)	27	54%	
	Visitor Centre	(63)	(55)	(87)	(67)	7	13%	
<b>Executive Manager Strategy &amp; BP Total</b>		<b>(4,723)</b>	<b>(4,852)</b>	<b>(5,869)</b>	<b>(5,895)</b>	<b>(129)</b>		



City of Mandurah Labour April 2019

	YTD Actuals 000s	YTD Budgets 000s	Forecast 000s	Annual Budget 000s	YTD Variance 000s	YTD % Variance	
<b>Directorate Summary</b>							
Chief Executive Officer Total	793	793	982	982	0	0%	
Director Sustainable Development Total	8,254	8,565	10,508	10,603	310	-4%	
Director Works & Services Total	14,640	15,183	18,691	18,786	543	-4%	
Executive Manager Finance & Governance Total	1,967	2,008	2,321	2,478	41	-2%	
Executive Manager Strategy & BP Total	9,688	9,990	11,838	12,319	302	-3%	
Total	35,342	36,539	44,339	45,168	1,197	-3%	
<b>Chief Executive Officer.</b>							
Chief Executive Officer	380	370	458	458	(10)	3%	
Economic Development	413	423	524	524	10	-2%	
Chief Executive Officer Total	793	793	982	982	0		
<b>Director Sustainable Development.</b>							
Building Services	782	825	1,010	1,021	43	-5%	
City Centre Activation	203	222	386	275	19	-9%	
Community Development	437	455	544	563	18	-4%	
Community Safety	235	220	238	273	(14)	7%	
Cultural Development	301	334	353	413	33	-10%	
Director People & Communities	-	8	-	0	8	-100%	
Director Sustainable Development	267	265	300	328	(1)	0%	
Emergency Management	83	101	121	124	17	-17%	
Environmental Health	739	802	1,000	993	63	-8%	
Environmental Services	609	628	764	778	19	-3%	
Land Administration	320	339	418	419	19	-6%	
Manager Community & Social Development	188	177	185	220	(10)	6%	
Manager Libraries & Learning	1,409	1,422	1,733	1,772	12	-1%	
Planning	610	638	763	789	28	-4%	
Ranger Services	1,169	1,141	1,504	1,412	(28)	2%	
Seniors and Community Centre	313	329	402	407	16	-5%	
Statutory Services	173	176	215	217	2	-1%	
Youth Development	419	485	570	600	66	-14%	
Director Sustainable Development Total	8,254	8,565	10,508	10,603	310		
<b>Director Works &amp; Services.</b>							
Asset Management	406	463	572	572	57	-12%	
Chalets	6	3	4	4	(3)	78%	
City Works	2,376	2,375	2,904	2,938	(1)	0%	
Citybuild	1,626	1,575	1,920	1,950	(51)	3%	
Cityfleet	434	425	510	527	(8)	2%	
Cityparks	5,976	6,509	8,052	8,053	533	-8%	
Design & Development Services	720	675	836	836	(45)	7%	
Director Works & Services	374	376	462	466	2	0%	
General Operations	566	570	698	705	3	-1%	
Infrastructure Manager	172	186	226	230	14	-7%	
Landscaping Services	351	369	457	457	18	-5%	
Marina & Waterways	716	738	917	913	21	-3%	
Project Management	247	249	304	308	2	-1%	
Survey Services	284	284	351	351	0	0%	
Technical Services Manager	203	202	250	250	(1)	0%	
Waste Management	183	185	229	228	2	-1%	
Director Works & Services Total	14,640	15,183	18,691	18,786	543		
<b>Executive Manager Finance &amp; Governance.</b>							
EM Finance & Governance	9	163	-	202	154	-95%	
Financial Accounting	603	609	720	753	5	-1%	
11 Financial Services	166	41	205	50	(125)	>100%	
Legal Governance & Tenders	510	511	570	626	2	0%	
Management Accounting	289	299	356	370	10	-3%	
Rates Section	390	385	471	477	(5)	1%	
Executive Manager Finance & Governance Total	1,967	2,008	2,321	2,478	41		
<b>Executive Manager Strategy &amp; BP.</b>							
12 City Events	400	362	449	448	(38)	11%	
Customer Service	678	709	863	878	32	-4%	
Elected Members	301	340	336	421	39	-11%	
HHCRC	391	447	545	545	56	-13%	
Human Resources	391	452	449	560	61	-14%	
Manager Recreation Services	63	68	83	84	5	-7%	
MARC	3,596	3,735	4,272	4,585	138	-4%	
13 Marketing & Communications	668	603	738	747	(65)	11%	
Organisational Development	588	547	804	677	(42)	8%	
Records Management	309	340	419	420	31	-9%	
Recreation Services	572	583	679	722	11	-2%	
Strategy & Business Performance	452	448	540	555	(4)	1%	
Systems & Technology	1,001	1,094	1,337	1,354	94	-9%	
Visitor Centre	277	261	325	323	(16)	6%	
Executive Manager Strategy & BP Total	9,688	9,990	11,838	12,319	302		



## City of Mandurah Other Employee Costs April 2019

	YTD Actuals 000s	YTD Budget 000s	Forecast 000s	Annual Budget 000s	YTD Variance 000 s	YTD % Variance	
<b>Directorate Summary</b>							
Chief Executive Officer Total	128	141	174	174	13	-9%	
Director Sustainable Development Total	1,450	1,326	1,638	1,631	(124)	9%	
Director Works & Services Total	2,204	2,116	2,557	2,602	(89)	4%	
Executive Manager Finance & Governance Total	315	322	375	397	7	-2%	
Executive Manager Strategy & BP Total	1,632	1,501	1,825	1,844	(131)	9%	
<b>Total</b>	<b>5,730</b>	<b>5,406</b>	<b>6,568</b>	<b>6,648</b>	<b>(323)</b>	<b>6%</b>	
<b>Chief Executive Officer.</b>							
Chief Executive Officer	56	58	71	71	2	-3%	
Economic Development	72	84	103	103	11	-14%	
<b>Chief Executive Officer Total</b>	<b>128</b>	<b>141</b>	<b>174</b>	<b>174</b>	<b>13</b>	<b>-9%</b>	
<b>Director Sustainable Development.</b>							
Building Services	165	156	186	192	(9)	6%	
City Centre Activation	34	30	48	37	(4)	13%	
14 Community Development	84	63	79	78	(21)	33%	
Community Safety	33	24	29	29	(9)	38%	
15 Cultural Development	31	10	23	12	(21)	>100%	
16 Director People & Communities	14	0	9	0	(14)	>100%	
Director Sustainable Development	38	56	64	69	18	-32%	
Emergency Management	18	22	26	27	4	-16%	
Environmental Health	132	122	151	150	(10)	9%	
Environmental Services	125	120	135	148	(5)	4%	
Land Administration	59	58	70	72	(1)	1%	
Manager Community & Social Development	26	39	44	48	13	-34%	
Manager Libraries & Learning	229	209	264	258	(19)	9%	
Planning	105	110	132	135	5	-4%	
17 Ranger Services	197	156	198	192	(41)	26%	
Seniors and Community Centre	50	52	63	64	2	-3%	
Statutory Services	39	40	49	49	0	-1%	
18 Youth Development	71	59	67	73	(12)	20%	
<b>Director Sustainable Development Total</b>	<b>1,450</b>	<b>1,326</b>	<b>1,638</b>	<b>1,631</b>	<b>(124)</b>	<b>9%</b>	
<b>Director Works &amp; Services.</b>							
Asset Management	75	83	103	102	8	-9%	
City Works	394	395	488	485	1	0%	
Citybuild	183	179	203	220	(4)	2%	
Cityfleet	83	81	95	99	(2)	2%	
Cityparks	754	695	832	855	(59)	8%	
19 Design & Development Services	107	95	119	117	(12)	13%	
Director Works & Services	67	77	94	94	10	-13%	
General Operations	124	124	146	152	0	0%	
Infrastructure Manager	39	38	44	47	(1)	3%	
Landscaping Services	79	71	88	88	(8)	12%	
Marina & Waterways	114	105	123	129	(9)	8%	
Project Management	45	49	55	60	4	-9%	
Survey Services	54	50	61	61	(4)	7%	
20 Technical Services Manager	57	44	69	54	(13)	30%	
Waste Management	30	30	38	37	1	-2%	
<b>Director Works &amp; Services Total</b>	<b>2,204</b>	<b>2,116</b>	<b>2,557</b>	<b>2,602</b>	<b>(89)</b>	<b>4%</b>	
<b>Executive Manager Finance &amp; Governance.</b>							
EM Finance & Governance	1	35	0	43	33	-96%	
Financial Accounting	97	89	101	109	(8)	9%	
21 Financial Services	21	5	43	7	(16)	>100%	
Legal Governance & Tenders	90	100	114	122	9	-9%	
Management Accounting	47	40	52	50	(7)	16%	
Rates Section	59	54	65	66	(5)	10%	
<b>Executive Manager Finance &amp; Governance Total</b>	<b>315</b>	<b>322</b>	<b>375</b>	<b>397</b>	<b>7</b>	<b>-2%</b>	
<b>Executive Manager Strategy &amp; BP.</b>							
City Events	53	53	64	65	0	-1%	
22 Customer Service	123	107	126	132	(16)	15%	
Elected Members	65	71	81	86	6	-8%	
HHCRC	48	47	55	58	(1)	3%	
Human Resources	139	156	172	190	17	-11%	
Manager Recreation Services	15	14	16	17	(1)	8%	
23 MARC	513	417	505	514	(96)	23%	
24 Marketing & Communications	95	79	96	97	(16)	20%	
25 Organisational Development	140	125	181	153	(15)	12%	
Records Management	52	51	63	63	(1)	2%	
Recreation Services	106	99	120	121	(7)	7%	
Strategy & Business Performance	65	62	70	77	(3)	4%	
Systems & Technology	183	185	231	228	2	-1%	
Visitor Centre	36	35	44	43	(1)	3%	
<b>Executive Manager Strategy &amp; BP Total</b>	<b>1,632</b>	<b>1,501</b>	<b>1,825</b>	<b>1,844</b>	<b>(131)</b>	<b>9%</b>	

City of Mandurah Other Operating Costs April 2019							
	YTD Actuals 000s	YTD Budget 000s	Forecast 000s	Annual Budget 000s	CMT 000s	YTD Variance 000 s	YTD % Variance
<b>Directorate Summary</b>							
Chief Executive Officer Total	1,489	1,624	1,949	1,949	73	135	-8%
Director Sustainable Development Total	3,301	4,508	5,474	5,700	373	1,206	-27%
Director Works & Services Total	27,655	30,303	37,174	36,382	1,424	2,648	-9%
Executive Manager Finance & Governance Total	1,510	1,576	2,105	1,891	45	66	-4%
Executive Manager Strategy & BP Total	6,893	7,248	8,766	8,309	458	355	-5%
<b>Total</b>	<b>40,848</b>	<b>45,258</b>	<b>55,469</b>	<b>54,232</b>	<b>2,374</b>	<b>4,410</b>	<b>-53%</b>
<b>Chief Executive Officer.</b>							
Chief Executive Officer	230	247	297	297	21	18	-7%
Economic Development	1,260	1,377	1,653	1,653	52	117	-9%
<b>Chief Executive Officer Total</b>	<b>1,489</b>	<b>1,624</b>	<b>1,949</b>	<b>1,949</b>	<b>73</b>	<b>135</b>	<b>-8%</b>
<b>Director Sustainable Development.</b>							
Building Services	53	52	65	62	1	(1)	2%
City Centre Activation	228	421	800	795	57	192	-46%
Community Development	376	365	143	438	30	(11)	3%
Community Safety	133	175	149	210	11	42	-24%
Cultural Development	315	567	801	680	118	252	-44%
Director People & Communities	27	18	25	21	0	(9)	52%
Director Sustainable Development	43	110	32	132	2	67	-61%
Emergency Management	203	205	228	246	11	1	-1%
Environmental Health	252	259	382	310	7	7	-3%
Environmental Services	366	679	838	815	60	313	-46%
Land Administration	31	51	61	61	-	20	-39%
Manager Community & Social Development	11	10	12	12	0	(0)	2%
Manager Libraries & Learning	623	867	1,071	1,040	43	244	-28%
Planning	32	51	61	61	1	19	-37%
Ranger Services	284	290	353	348	10	6	-2%
Seniors and Community Centre	162	218	260	261	8	56	-26%
Statutory Services	1	4	5	5	-	3	-75%
Youth Development	162	167	187	200	13	5	-3%
<b>Director Sustainable Development Total</b>	<b>3,301</b>	<b>4,508</b>	<b>5,474</b>	<b>5,700</b>	<b>373</b>	<b>1,206</b>	<b>-27%</b>
<b>Director Works &amp; Services.</b>							
Asset Management	72	126	152	152	1	54	-43%
Chalets	427	557	669	669	31	131	-23%
City Works	2,228	2,267	2,722	2,721	111	40	-2%
Citybuild	7,097	7,403	9,019	8,886	299	307	-4%
Cityfleet	1,295	1,466	1,760	1,760	15	171	-12%
Cityparks	5,023	5,006	6,319	6,009	643	(17)	0%
Design & Development Services	96	197	235	237	6	101	-51%
Director Works & Services	47	67	75	80	20	20	-30%
26 General Operations	159	122	144	146	5	(37)	30%
Infrastructure Manager	65	59	97	71	7	(6)	10%
Landscaping Services	200	232	153	278	50	32	-14%
Marina & Waterways	1,022	2,146	2,592	2,588	93	1,124	-52%
Project Management	52	47	66	56	7	(5)	11%
Survey Services	136	127	152	152	2	(9)	7%
Technical Services Manager	120	163	196	196	19	43	-26%
Waste Management	9,617	10,317	12,822	12,382	115	700	-7%
<b>Director Works &amp; Services Total</b>	<b>27,655</b>	<b>30,303</b>	<b>37,174</b>	<b>36,382</b>	<b>1,424</b>	<b>2,648</b>	<b>-9%</b>
<b>Executive Manager Finance &amp; Governance.</b>							
Financial Accounting	187	178	194	214	24	(9)	5%
Financial Services	183	180	217	217	-	(3)	1%
Legal Governance & Tenders	296	354	464	425	21	58	-16%
Management Accounting	2	3	3	3	-	1	-41%
Rates Section	843	860	1,227	1,032	-	18	-2%
<b>Executive Manager Finance &amp; Governance Total</b>	<b>1,510</b>	<b>1,576</b>	<b>2,105</b>	<b>1,891</b>	<b>45</b>	<b>66</b>	<b>-4%</b>
<b>Executive Manager Strategy &amp; BP.</b>							
City Events	959	1,064	1,245	1,281	78	105	-10%
Customer Service	62	60	84	72	9	(2)	3%
27 Elected Members	841	746	879	895	5	(95)	13%
HHCRC	110	160	176	178	3	50	-31%
Human Resources	64	59	71	71	2	(5)	8%
Manager Recreation Services	17	17	20	20	6	0	-1%
MARC	968	976	1,157	1,134	93	8	-1%
Marketing & Communications	198	330	342	396	66	133	-40%
Organisational Development	179	217	260	260	11	38	-17%
Records Management	117	133	160	160	32	16	-12%
28 Recreation Services	420	331	591	382	12	(89)	27%
Strategy & Business Performance	147	174	208	208	28	26	-15%
Systems & Technology	2,776	2,940	3,525	3,203	114	164	-6%
Visitor Centre	34	40	48	48	0	6	-15%
<b>Executive Manager Strategy &amp; BP Total</b>	<b>6,893</b>	<b>7,248</b>	<b>8,766</b>	<b>8,309</b>	<b>458</b>	<b>355</b>	<b>-5%</b>

Note	Type	Directorate	Business Unit	Variance	Actuals as % of YTD Budget	Comment
1	Revenue	Sustainable Development	Building Services	(129,487.13)	-13%	Variance due to building applications being lower than previously anticipated.
2			Community Development	(38,062.20)	-41%	Variance due to grant funding timing difference.
3			Cultural Development	(28,565.91)	-26%	Variance due to grant funding timing difference.
4			Environmental Services	(11,619.00)	-52%	Variance due to grant funding not aligned with operating projects not yet completed.
5			Manager Libraries & Learning	(63,936.30)	-30%	Variance due to Lakelands library activity programs enrollment being lower than anticipated.
6			Planning	(20,808.78)	-10%	Variance due to permit applications being lower than anticipated.
7			Seniors and Community Centre	(47,837.20)	-15%	Variance in revenue offset by \$73,000 underspend in labour,materials and operating expenses combined.
8		Works & Services	Technical Services Manager	(16,188.06)	-39%	Variance due to supervision fees which relies heavily on development projects.
9		Strategy & BP	HHCRC	(55,427.76)	-16%	Variance due to vacation care attendance being lower thet anticipated.
10			Organisational Development	(23,328.00)	-82%	Variance due to contributions not received.
11	Labour	Finance & Governance	Financial Services	(125,413.67)	>100%	Variance to labour budgeted under EM Finance & Governance.
12		Strategy & BP	City Events	(38,309.73)	11%	Variance due to projects labour which is covered by \$54,000 underspend in projects materials.
13			Marketing & Communications	(64,772.92)	11%	Variance due to maternity leave and extra corporate communication hours to elected members.
14	Other Employee Costs	Sustainable Development	Community Development	(20,549.72)	33%	Variance due to additional superannuation and MARC membership.
15			Cultural Development	(21,347.37)	>100%	Variance due to additional superannuation costs.
16			Director People & Communities	(13,918.01)	>100%	Variance due to superannuation budgeted under Dir Sustainable development.Superannuation costed to wrong account
17			Ranger Services	(40,641.97)	26%	Variance due to superannuation,Worker's compensation and training cots being higher than anticipated.
18			Youth Development	(11,859.79)	20%	Variance due to raining costs being higher than anticipated.
19		Works & Services	Design & Development Services	(12,328.00)	13%	Variance due to a combination of workers compensation premium being higher than budgeted and also training costs.
20			Technical Services Manager	(13,128.45)	30%	Variance due to superannuation and training costs.
21		Finance & Governance	Financial Services	(15,821.56)	>100%	Variance to superannuation budgeted under EM Finance & Governance.
22		Strategy & BP	Customer Service	(15,797.31)	15%	Variance primarily due to superannuation sacrifice by staff members.
23			MARC	(95,821.75)	23%	Variance primarily due to superannuation sacrifice.
24			Marketing & Communications	(15,931.58)	20%	Variance due to superannuation in line with additional hours above budget.
25			Organisational Development	(14,810.33)	12%	Variance due to superannuation sacrifice,workers compensation and training costs being greater than anticipated.
26	Operating Costs	Works & Services	General Operations	(36,867.14)	30%	Variance due to interest on borrowings.
27		Stratergy & BP	Elected Members	(94,960.31)	13%	Variance due to phasing of elected members allowances and expected to fall below annual budget.
28		Strategy & BP	Recreation Services	(89,109.61)	27%	Variance due to phasing of projects budget, expected to fall within annual budget.



City of Mandurah Carryover Projects 2018-2019						
Row Labels	Actuals	Actuals + CMT	Current Budget	Remaining Current Budget	% Completed Inc CMT	
Sustainable Communities						
Environmental Services						
MARC/Waste Transfer Station - Solar Plan Phase 5	0	0	300,993	300,993	0.00%	Will be progressed in 2019 once harmonics issues are rectified.
Manager Community & Social Development						
CCTV Infrastrcuture	189,848	189,848	197,302	7,454	91.27%	Completed
Mandurah Family & CC Playground	50,575	50,575	50,575	0	100.00%	Completed.
Mandurah Family & Community centre	115,859	115,859	115,859	0	100.00%	Completed.
	14,737	79,019	82,941	3,922	95.27%	Project progressing with works scheduled to commence 30/4/19 and expected completion late 2019.
Museum Courtroom Interpretation Project						
SCC Storeroom and Kitchenette	150,156	150,416	147,896	-2,520	101.70%	Project nearly complete.
Works & Services						
Ablutions						
Owen Ave Ablution	27,269	28,085	31,489	3,404	89.19%	Project nearly complete.
Boardwalks						
Cicerellos-Dome Boardwalk Renewal	19,220	19,220	19,215	-5	100.02%	Completed.
Mandurah Foreshore Boardwalk Renewal	437,537	437,537	458,214	20,677	95.49%	Contractor engaged – 2 month’s work.
Seascapes Village POS Boardwalk	39,519	39,519	42,704	3,185	92.54%	Completed.
Bridges						
Mandurah Ocean Marina Footbridge	186,466	186,466	186,466	0	100.00%	Completed
	15,000	15,000	254,190	239,190	5.90%	Finalising Indigenous approval. Works will not be completed this year.
New Bridge boardwalk extension stairway						
Old Mandurah Bridge	264	264	495,484	495,220	0.05%	Artwork tender is currently underway.
Carpark						
CP Mandurah Marina	179,413	179,413	180,176	763	99.58%	Completed
Citparks Major Projects						
Falcon Bay Foreshore development Stage 1	234,316	234,316	234,085	-231	100.10%	Completed
Novara Foreshore Stage 2	38,308	44,652	43,308	-1,344	103.10%	Completed
Cityfleet						
Trucks and Buses Carryover	326,364	422,364	414,360		230.77%	Completed
Parks and Mowers Carryover	110,091		117,358		0.00%	Completed
Heavy Vehicles Plant and Equipment carryover	0				0.00%	Completed
Cityparks						
Mandurah Road Central Park	3,863	3,863	3,863	0	100.00%	Completed
Orion Rd Reserve Improvements	38,730	38,730	38,730	0	100.00%	Completed
Parks & Reserves Signage	980	980	8,290	7,310	11.82%	Completed
	14,369	17,524	28,882	11,358	60.67%	Trees ordered. Will be finished in May during planting season.
Pinjarra rd Landscaping						
Southern Operations - Storage Shed	10,919	10,919	10,919	0	100.00%	Completed
Tickner Park Exercise Equipment	5,895	5,895	5,747	-148	102.57%	Completed
Watersun Drive toddler playground	22,913	22,913	22,913	0	100.00%	Completed
Drainage						
DR Wamba Place	0	0	130,413	130,413	0.00%	Combining this project with 18/19 capital project Kurdal Road/Wamba Place project. Design is 85% completed.
Infrastructure Management						
Eastern Foreshore	132,087	264,099	318,558	54,459	81.65%	c/o adjustment
	61,751	68,435	210,000	141,565	32.59%	Stage 1 completed. Effectiveness being assessed prior to Stage 2 design. Due for completion June 2019.
MARC Systems Intergration						
MPAC - Lift Instalation	147,109	147,109	146,000	-1,109	100.76%	Completed.
	0	7,458	7,458	0	100.00%	Ongoing 6 month inspection. Finishing on 29 April 2019. Some defects still to be fixed, therefore not returning the retention
RS - MARC Redevelopment Stage 2						
	146,426	209,755	293,050	83,295	71.58%	Electrical Contractor to be engaged in the next couple of weeks. Works to be completed end June. Forecasted overspend of \$10k.
SL Peelwood Parade Reserve						
Marina & Waterways						
C&E - Falcon Bay Seawall	31,633	31,633	31,633	0	16.77%	Completed.
Marina Floating Public Jetty	171,119	171,119	232,874	61,755	73.48%	Completed mid April
New Road Construction						
	304,376	684,772	685,583	811	99.88%	Proposed to commence early May. Waiting for BP to tie in works with them. Advert is now in paper to disclose road closures.
Dower St - Pinjarra Rd Intersection						
Gibson St	36,065	36,065	36,065	0	100.00%	Completed.
NEW Dower St - Reconstruct/Widen	209,350	208,396	207,016	-1,380	100.67%	Completed
	24,482	24,118	24,482	364	98.51%	Completed.
Sutton Street finalise new road link						
Operations Centre						
Operations Centre Transportable	83,307	83,307	76,739	-6,568	108.56%	Completed. Overspend due to intergration with cityparks building.
Road Rehabilitation						
Glencoe Parade Stage 3	44,630	44,630	44,630	0	100.00%	Completed.
Lakes Rd Lighting, verges surface work	5,686	826	5,686	4,860	14.52%	Completed.
Shared Paths						
SP Kooljack St	28,909	28,909	29,205	296	98.98%	Completed
SP Ramp to Marina Boadwalk	16,046	16,046	16,046	0	100.00%	Completed
SP Sieviewright Street	52,164	52,164	52,164	0	100.00%	Completed
Traffic Management						
TM Pinjarra Rd/ Randell St	57,517	57,517	57,045	-472	100.83%	Completed
Waste Management						
Bypass lane to new weighbridge at WTS	3,100	39,236	35,000	-4,236	112.10%	Completed except for some linemarking.

City of Mandurah Carryover Projects 2018-2019						
Row Labels	Actuals	Actuals + CMT	Current Budget	Remaining Current Budget	% Completed Inc CMT	
Tims Thicket Septage Ponds upgrade	12,495	12,495	380,946	368,451	3.28%	Project on hold. Funds to be placed in reserve until ready to commence. Funds reallocated as per March Financial Report, approved in council meeting 30/4/19. Completed.
WMC - Waste Handstand Upgrade	0	0	2,420	2,420	0.00%	
WMC Install Walking Floor Main Shed	804,552	804,552	804,552	0	100.00%	
Strategy & Business Performance						
Manager Recreation Services						
Bortolo Reserve Sports Lighting	127,944	239,855	252,870	13,015	94.85%	Completed. Approved by Council to be located now at McLennan Reserve. Discussions regarding material to be used. Should only take a Completed.
Coote Reserve BMX Track	0	0	60,000	60,000	0.00%	
Ocean Road Reserve - Sports Grnd Lights	250,934	250,934	280,000	29,066	89.62%	
Port Bouvard Surf Life Saving Club	1,321,693	1,843,686	1,888,236	44,550	97.64%	
Grand Total	6,305,986	7,620,492	9,800,630	2,070,783		

0.6434266

## 2018/19 Capital Work program - carryover

Row Labels	Actuals	Current Budget	Forecast 2018/19	Carryover Variation	Comments
<b>2017/18 carryover Complete</b>					
<b>Buildings</b>					
Bortolo Reserve Sports Lighting	127,944	252,870	252,870	-	Completed.
Bypass lane to new weighbridge at WTS	3,100	35,000	39,236	4,236	Completed except for some linemarking.
Cicerellos-Dome Boardwalk Renewal	19,220	19,215	19,220	5	
Mandurah Family & CC Playground	50,575	50,575	50,575	-	Completed.
Mandurah Family & Community centre	115,859	115,859	115,859	-	Completed.
Mandurah Foreshore Boardwalk Renewal	437,537	458,214	457,727	(487)	Contractor engaged – 2 month's work.
					Stage 1 completed. Effectiveness being assessed prior to Stage 2 design. Due for completion June 2019.
MARC Systems Intergration	61,751	210,000	210,000	-	Completed.
MPAC - Lift Instalation	147,109	146,000	147,109	1,109	Completed.
Ocean Road Reserve - Sports Grnd Lights	250,934	280,000	250,572	(29,428)	Completed.
					Completed. Overspend due to intergration with cityparks building.
Operations Centre Transportable	83,307	76,739	83,307	6,568	Project nearly complete.
Owen Ave Ablution	27,269	31,489	31,489	-	Works are progressing as scheduled. Completion date 19 June 2019.
Port Bouvard Surf Life Saving Club	1,321,693	1,888,236	1,888,236	-	
SCC Storeroom and Kitchenette	150,156	147,896	147,896	-	
Seascapes Village POS Boardwalk	39,519	42,704	39,519	(3,185)	Completed.
SL Peelwood Parade Reserve	146,426	293,050	303,050	10,000	Electrical Contractor to be engaged in the next couple of weeks.
WMC Install Walking Floor Main Shed	804,552	804,552	804,552	-	Works to be completed end June. Forecasted overspend of \$10k.
					Completed.
<b>Buildings Total</b>	<b>3,786,951</b>	<b>4,852,399</b>	<b>4,841,217</b>	<b>(11,182)</b>	
<b>Bridges</b>					
Mandurah Ocean Marina Footbridge	186,466	186,466	186,466	-	Completed
<b>Bridges Total</b>	<b>186,466</b>	<b>186,466</b>	<b>186,466</b>	<b>-</b>	
<b>Drainage</b>					
DR Wamba Place	-	130,413	130,413	-	
<b>Drainage Total</b>	<b>-</b>	<b>130,413</b>	<b>130,413</b>	<b>-</b>	
<b>Equipment</b>					
CCTV Infrastrcuture	189,848	197,302	189,848	(7,454)	Completed
<b>Equipment Total</b>	<b>189,848</b>	<b>197,302</b>	<b>189,848</b>	<b>(7,454)</b>	
<b>Parks</b>					
					Approved by Council to be located now at McLennan Reserve.
Coote Reserve BMX Track	-	60,000	60,000	-	Discussions regarding material to be used. Should only take a couple of weeks to construct.
Falcon Bay Foreshore development Stage 1	234,316	234,085	234,085	-	Completed
Mandurah Road Central Park	3,863	3,863	3,863	-	Completed
Novara Foreshore Stage 2	38,308	43,308	38,308	(5,000)	Completed
Orion Rd Reserve Improvements	38,730	38,730	38,730	-	Completed
Parks & Reserves Signage	980	8,290	8,290	-	
Pinjarra rd Landscaping	14,369	28,882	28,882	-	Trees ordered. Will be finished in May during planting season.
Southern Operations - Storage Shed	10,919	10,919	10,919	-	Completed
Tickner Park Exercise Equipment	5,895	5,747	5,895	148	Completed
Watersun Drive toddler playground	22,913	22,913	22,913	-	Completed
<b>Parks Total</b>	<b>370,293</b>	<b>456,737</b>	<b>451,885</b>	<b>(4,852)</b>	
<b>Plant</b>					
Heavy Vehicles Plant and Equipment carryover	-			-	2 RTVs ordered not received, GPS installs not ordered, should be installed in August
Parks and Mowers Carryover	110,091	117,358	110,091	(7,267)	Completed
Trucks and Buses Carryover	326,364	414,360	422,364	8,004	Completed
<b>Plant Total</b>	<b>436,455</b>	<b>531,718</b>	<b>532,455</b>	<b>737</b>	
<b>Roads</b>					
CP Mandurah Marina	179,413	180,176	179,413	(763)	Completed
Gibson St	36,065	36,065	36,065	-	Completed.
Glencoe Parade Stage 3	44,630	44,630	44,630	-	Completed.
Lakes Rd Lighting, verges surface work	5,686	5,686	5,686	-	Completed.
NEW Dower St - Reconstruct/Widen	209,350	207,016	209,350	2,334	Completed
SP Kooljack St	28,909	29,205	29,205	-	Completed
SP Ramp to Marina Boadwalk	16,046	16,046	16,046	-	Completed
SP Sievwright Street	52,164	52,164	52,164	-	Completed
Sutton Street finalise new road link	24,482	24,482	24,482	-	
TM Pinjarra Rd/ Randell St	57,517	57,045	57,517	472	Completed
<b>Roads Total</b>	<b>654,262</b>	<b>652,515</b>	<b>654,558</b>	<b>2,043</b>	
<b>Waterways</b>					
C&E - Falcon Bay Seawall	31,633	31,633	31,633	-	Completed.
Marina Floating Public Jetty	171,119	232,874	171,119	(61,755)	Completed mid April
<b>Waterways Total</b>	<b>202,752</b>	<b>264,507</b>	<b>202,752</b>	<b>(61,755)</b>	
<b>Eastern Foreshore</b>					
Eastern Foreshore	132,087	318,558	318,558	-	c/o adjustment
<b>Eastern Foreshore Total</b>	<b>132,087</b>	<b>318,558</b>	<b>318,558</b>	<b>-</b>	c/o adjustment
<b>2017/18 carryover Complete Total</b>	<b>5,959,114</b>	<b>7,590,615</b>	<b>7,508,152</b>	<b>(82,463)</b>	

## 2018/19 Capital Work program - carryover

Row Labels	Actuals	Current Budget	Forecast 2018/19	Carryover Variation	Comments
<b>2017/18 carryover</b>					
<b>Buildings</b>					
MARC/Waste Transfer Station - Solar Plan Phase 5	-	300,993		(300,993)	Will be progressed in 2019 once harmonics issues are rectified.
Museum Courtroom Interpretation Project	14,737	82,941	20,000	(62,941)	Project progressing with works scheduled to commence 30/4/19 and expected completion late 2019.
RS - MARC Redevelopment Stage 2	-	7,458	-	(7,458)	Ongoing 6 month inspection. Finishing on 29 April 2019. Some defects still to be fixed, therefore not returning the retention until complete.
WMC - Waste Handstand Upgrade	-	2,420	-	(2,420)	Funds reallocated as per March Financial Report, approved in council meeting 30/4/19.
<b>Buildings Total</b>	<b>14,737</b>	<b>393,812</b>	<b>20,000</b>	<b>(373,812)</b>	
<b>Bridges</b>					
New Bridge boardwalk extension stairway	15,000	254,190	15,000	(239,190)	Completed.
Old Mandurah Bridge	264	495,484	264	(495,220)	
<b>Bridges Total</b>	<b>15,264</b>	<b>749,674</b>	<b>15,264</b>	<b>(734,410)</b>	
<b>Other Infrastructure</b>					
Tims Thicket Septage Ponds upgrade	12,495	380,946	12,495	(368,451)	Project on hold. Funds to be placed in reserve until ready to commence.
<b>Other Infrastructure Total</b>	<b>12,495</b>	<b>380,946</b>	<b>12,495</b>	<b>(368,451)</b>	
<b>Roads</b>					
Dower St - Pinjarra Rd Intersection	304,376	685,583	304,377	(381,206)	Proposed to commence early May. Waiting for BP to tie in works with them. Advert is now in paper to disclose road closures.
<b>Roads Total</b>	<b>304,376</b>	<b>685,583</b>	<b>304,377</b>	<b>(381,206)</b>	
<b>2017/18 carryover Total</b>	<b>346,872</b>	<b>2,210,015</b>	<b>352,136</b>	<b>(1,857,879)</b>	
<b>2018/19 Expected Carryover Projects</b>					
<b>Buildings</b>					
1632 New: MMFC Upgrade Rushton North Pav (CSRFF)		65,000	30,000	(35,000)	Project commencing 13 May with completion expected late 2019.
1632. New 60 Peel St Demolition		30,000	-	(30,000)	
1632. New Central Boardwalk (Robert Point - Halls Head)		100,000	20,000	(80,000)	Aim is to get footpath constructed this year however awaiting design which is not yet complete.
Bush Fire Brigade	37,655	490,625	50,000	(440,625)	Waiting on review for drawings and specifications. Expected completion late 2019
Change Rooms Upgrade Program	1,874	76,875	1,875	(75,000)	Project awaiting external funding. Will be a carryover.
Civic Building - Tuckey Room	90,378	512,439	492,000	(20,439)	Contract awarded to Palace Construction. Due to finish late June however scheduling delays due to late changes in design.
Civic Building Carpet	-	15,356		(15,356)	Will be completed in conjunction with the Tuckey Room extension project.
Mandurah Foreshore Boardwalk Stage 3	13,611	432,439	432,439	-	
Northport Reserve, Baloo Crescent Facili	-	133,751	50,000	(83,751)	Fabrication contract yet to be signed before construction commences.
SCC & SIPS Buildings energy upgrades	-	76,875	21,875	(55,000)	Efficiency upgrade to be carryover of \$55,000 with 20k expenditure forecast to be spent in 2018/19.
South Mandurah FC Changerooms (CSRFF)	-	61,481	30,000	(31,481)	Reallocated from generic CSRFF project code. Project has commenced with completion expected end of July 2019.
<b>Buildings Total</b>	<b>143,517</b>	<b>1,994,841</b>	<b>1,128,189</b>	<b>(866,652)</b>	
<b>Other Infrastructure</b>					
Waterfront Design Project	652	400,000	100,000	(300,000)	
<b>Other Infrastructure Total</b>	<b>652</b>	<b>400,000</b>	<b>100,000</b>	<b>(300,000)</b>	
<b>Parks</b>					
Lakes Lawn Cemetery - Signage	1,366	21,364	11,366	(9,998)	Graphic Designer pulled the pin. Looking for new designer.
Mandjar Square Water Feature	14,319	213,644	14,319	(199,325)	Will be carried over. Still need to design up and order Marie getting quotes for bike racks. Section of drop off area being addressed what can be done. A Claret Ash tree to be ordered and planted between other two trees.
MARC improvement to car park area	23,729	80,116	75,116	(5,000)	
Parks and Reserves Signage	4,122	32,047	19,122	(12,925)	Graphic Designer pulled the pin. Looking for new designer.
<b>Parks Total</b>	<b>43,537</b>	<b>347,171</b>	<b>119,923</b>	<b>(227,248)</b>	
<b>Plant</b>					
Construction Vehicles	-	381,656	-	(381,656)	2 RTVs ordered not received, GPS installs not ordered, should be installed in August
Plant	58,082	167,339	117,339	(50,000)	2 RTVs ordered not received, GPS installs not ordered, should be installed in August
Trucks and Buses	447,556	1,598,201	897,016	(701,185)	two vehicles still to be ordered, 6 ordered but not received, 2 received. Carryovers received
<b>Plant Total</b>	<b>505,639</b>	<b>2,147,196</b>	<b>1,014,355</b>	<b>(1,132,841)</b>	
<b>Roads</b>					
Coodanup Drive	90,962	879,509	879,509	-	Scoped. Planned start date 15/4/19
Coolibah Avenue Resurfacing	-	158,754	100,000	(58,754)	High risk. Could be a budget shortfall. Planned to start 10/6
Dower Street	213,136	1,221,425	960,378	(261,047)	Proposed to commence early May. Waiting for BP to tie in works with them. Advert is now in paper to disclose road closures.
New: Coastal Paths and Shade Sails	2,604	100,000	100,000	-	New projects approved March, should be nearly completed by June
New: Eastern Shared Paths	12,555	100,000	100,000	-	New projects approved March, should be nearly completed by June
Philante Street	5,595	90,261	5,534	(84,727)	Community feedback not good. Possibly not going ahead. To confirm with AC.
Pinjarra Road Carpark	-	212,380	105,000	(107,380)	Drainage issues - going to start ordering now

## 2018/19 Capital Work program - carryover

Row Labels	Actuals	Current Budget	Forecast 2018/19	Carryover Variation	Comments
<b>Roads Total</b>	<b>324,852</b>	<b>2,762,329</b>	<b>2,250,421</b>	<b>(511,908)</b>	
<b>Waterways</b>					
Cambria Island Abutment wall repairs	-	92,128	20,000	(72,128)	Quotes received and works to be scheduled. Quotes have come
Seawall upgrades - Stage 2	25,614	204,729	130,000	(74,729)	
<b>Waterways Total</b>	<b>25,614</b>	<b>296,857</b>	<b>150,000</b>	<b>(146,857)</b>	
<b>Lakelands DOS</b>					
Clubroom Facility	369,747	-	-	-	Water and sewer connection to property completed. Architects
Earthworks	918,929	5,800,957	4,000,000	(1,800,957)	
Irrigation	663,839	-	-	-	
Parking	542,467	-	-	-	0
Sports Specific Infrastructure	39,755	-	-	-	
Turf	489,911	-	-	-	
Water Provision Infrastructure	43,657	-	-	-	
<b>Lakelands DOS Total</b>	<b>3,068,303</b>	<b>5,800,957</b>	<b>4,000,000</b>	<b>(1,800,957)</b>	
<b>2018/19 Expected Carryover Projects Total</b>	<b>4,112,114</b>	<b>13,749,351</b>	<b>8,762,888</b>	<b>(4,986,463)</b>	
<b>Grand Total</b>	<b>10,418,100</b>	<b>23,549,981</b>	<b>16,623,176</b>	<b>(6,926,805)</b>	



<b>2</b>	<b>SUBJECT:</b>	Fencing Amendment Local Law 2018 - Undertaking
	<b>CONTACT OFFICER:</b>	David Prattent
	<b>AUTHOR:</b>	Sophie Luxton
	<b>FILE NO:</b>	R0002380400

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## Summary

The *City of Mandurah Fencing Amendment Local Law 2018* (the 'local law') was adopted by Council at its meeting of 26 March 2019.

The Joint Standing Committee on Delegated Legislation (JSCDL) has now reviewed the local law and has requested an undertaking that a minor drafting error be amended.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- G.32/3/19      26 March 2019      Fencing Amendment Local Law 2018
- G.12/12/18    18 December 2018    Proposed Fencing Amendment Local Law 2018
- G.32/2/16      23 February 2016      Adoption of Fencing Amendment Local Law 2015
- G.37/6/15      23 June 2015          Adoption of Fencing Local Law 2015

## Background

Council at its meeting of 26 March 2019 adopted the local law. The local law was gazetted 5 April 2019 and came into force 19 April 2019.

All local laws are forwarded to the JSCDL following gazettal for their information and scrutiny. The JSCDL has requested an undertaking that one minor drafting amendment be made.

## Comment

The Joint Standing Committee on Delegated Legislation considered the local law at its meeting of 8 May 2019 and has identified a minor drafting error, which they have since asked be corrected for clarity.

The subclause in question is:

"3.1(1A) On any Residential Lot with a density of R5 or lower shall comply with Schedule 3."

The request from the Joint Standing Committee on Delegated Legislation is that the words 'a fence' be inserted after the word 'lower'.

The JSCDL has advised that due to the requested amendment being very minor they do not require an amendment local law be made in this instance simply that an undertaking be provided that:

1. When the Local Law is next amended or reviewed, amend the City of Mandurah Fencing Local Law 2018 to:
  - a. Amend clause (6)(c) to insert the words 'a fence' after the word 'lower'.
  - b. Make all necessary consequential amendments.
2. Until the Local Law is amended in accordance with undertaking 1:
  - a. Not enforce the Local Law in a manner contrary to undertaking 1.

- b. Where the Local Law is made publically available, whether in hard copy or electronic form (including on the City's website), ensure that it is accompanied by a copy of these undertakings.

## **Consultation**

Joint Standing Committee on Delegated Legislation

## **Statutory Environment**

2.8(1)(d) Local Government Act 1995 – the 'Mayor or President speaks on behalf of the local government to the Parliament of Western Australia.

## **Policy Implications**

N/A

## **Economic Implications**

N/A

## **Risk Analysis**

N/A

## **Strategic Implications**

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

### Organisational Excellence:

- Deliver excellent governance and financial management.

## **Conclusion**

Council is requested to consider the undertaking requested by the Joint Standing Committee on Delegated Legislation.

## **RECOMMENDATION**

**The Council of the City of Mandurah resolves to undertake to the Joint Standing Committee on Delegated Legislation that the City will:**

- 1. When the Local Law is next amended or reviewed, amend the City of Mandurah Fencing Local Law 2018 to:**
  - 1.1. Amend clause (6)(c) to insert the words 'a fence' after the word 'lower'.**
  - 1.2. Make all necessary consequential amendments.**
- 2. Until the Local Law is amended in accordance with undertaking 1:**
  - 2.1 Not enforce the Local Law in a manner contrary to undertaking 1.**
  - 2.2 Where the Local Law is made publically available, whether in hard copy or electronic form (including on the City's website), ensure that it is accompanied by a copy of these undertakings.**

<b>3</b>	<b>SUBJECT:</b>	Animals, Environment & Nuisance Amendment Local Law 2019
	<b>CONTACT OFFICER:</b>	Brendan Ingle
	<b>AUTHOR:</b>	Sophie Luxton
	<b>FILE NO:</b>	R0001863581

## Summary

Following the statutory advertising period, the Animals, Environment & Nuisance Amendment Local Law 2019 is ready for final adoption.

As a legal requirement, all local laws are to have a purpose and effect where the following is proposed for the Animals, Environment & Nuisance Amendment Local Law 2019:

**PURPOSE:** to amend provisions within the City of Mandurah Animals, Environment & Nuisance Local Law 2010.

**EFFECT:** to ensure the City of Mandurah Animals, Environment & Nuisance Local Law 2010 is as clear and effective as possible.

Council is requested to adopt the Animals, Environment & Nuisance Amendment Local Law 2019 in its final form.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- G.11/12/18 18 December 2018 Proposed Animals, Environment & Nuisance Local Law 2019
- G.34/2/11 22 February 2011 Animals, Environment and Nuisance Local Law – final
- G.34/9/10 28 September 2010 Animals, Environment and Nuisance Local Law - proposed

## Background

The Animals, Environment & Nuisance Local Law 2010 provides protection against nuisances and hazards for the following areas; Keeping of Animals (birds, farm animals and bee keeping), Building, Development and Land Care and Nuisances and Dangerous Things (including Pest Plants).

Council at its meeting of 18 December 2018 adopted the Proposed Animals, Environment & Nuisance Amendment Local Law 2019 for advertising. Advertising is now complete and submissions received are summarised later in this report.

The amendment local law proposes a vast reduction of provisions and aims to clarify and simplify the Animals, Environment & Nuisance Local Law 2010.

## Comment

The Department of Local Government Sport and Cultural Industries (DLGSCI) suggested a number of minor amendments to the local law, these amendments related to the format and drafting style of the local law and do not in any way alter the intent of the local law. The suggested drafting amendments have now been incorporated into the local law.

In accordance with submissions received reference to the *Biosecurity and Agriculture Management Act 2007* has now been incorporated into the local law.

A summary of queries raised in a submission received from a member of the public and the City's response are outlined below:

Submission	City Response
<p><b><u>Division 1 – Keeping of birds</u></b></p> <p><b>Proposed clause:</b></p> <p>2.2 (1) (c) all poultry is kept in a properly constructed and securely fastened structure.</p> <p><b>Suggested re-wording:</b></p> <p>“any structure that poultry are kept in shall be safe, fit for purpose, securely fastened, and maintainable.”</p> <p><b>Proposed clause:</b></p> <p>2.2 (1) (d) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition</p> <p><b>Comment:</b></p> <p>This is by definition impossible to apply or enforce.</p> <p><b>Suggested re-wording:</b></p> <p>“structures and enclosures within which poultry are kept shall be regularly maintained in a manner that is safe and healthy, without posing any unreasonable risks to both humans or animals”</p> <p><b>Proposed clause:</b></p> <p>2.2 (1) (e) all poultry is kept continually confined</p> <p><b>Suggested re-wording:</b></p> <p>“Poultry shall be contained safely in their enclosure/s at all times”</p>	<p>The proposed wording used in the local law achieves the desired outcome and is in keeping with commonly used terminology in this area and local laws adopted by other Local Governments in the State.</p> <p>Current drafting is reflective of drafting approved by the Joint Standing Committee on Delegated Legislation.</p> <p>The term clean is utilised in a variety of pieces of State legislation and is applied with a test of reasonableness.</p> <p>The intent of this local law is to prohibit nuisance caused to residents in the District. There are a number of other pieces of State legislation in force which work to protect the welfare of animals.</p>
<p><b><u>Division 3 – Keeping of Bees</u></b></p> <p><b>Proposed clause:</b> A person shall not keep bees or allow bees to be kept on land except in accordance with the requirements outlined in clause 2.10.</p> <p><b>Comment:</b> Error</p> <p><b>Suggested re-wording:</b></p> <p>“A person shall not keep bees... except in accordance with the requirements outlined in clause 2.11.”</p> <p><b>Proposed clause:</b></p>	<p>Thank you for pointing out this error, this matter has since been rectified.</p> <p>It is considered appropriate to amend this clause to utilise your suggested drafting, the clause will now state:</p>

<p>2.11 (a) the provision of a good and sufficient water supply on the land which is readily accessible by the bees on the land;</p> <p><b>Suggested re-wording:</b></p> <p>“the provision of sufficient and suitable water supply...”</p> <p><b>Proposed clause:</b></p> <p>2.12 Nuisance caused by bees</p> <p><b>Comment:</b></p> <p>Bees, by design have the potential to be a nuisance insect and will sting if provoked.</p> <p>However they are also an essential and fundamental link in a healthy ecosystem. Without a healthy bee population, all human life is under grave threat.</p> <p>A beekeeper who has hives in accordance with the council requirements, cannot possibly be held accountable for the nuisance their bees may cause if someone irresponsible encounters one. The council's sole discretion should be on whether the requirements for keeping (2.11) are met.</p> <p>This clause sets a dangerous precedent where anyone feeling threatened by a potential bee sting can go around forcing all local hives to be removed. The council would then also have to remove all bees from public parks. The damage this would do to the ecosystem would be overwhelming.</p> <p>Bee stings can kill, but so do cars and fatty foods. We should be legislating against them first if we want to keep people safe.</p> <p>A more effective, ethical and responsible approach would be to educate people on the importance of bees and to learn to live safely with them.</p> <p><b>Suggestion:</b> Remove clause 2.12</p>	<p>2.11(a) the provision of a sufficient and suitable water supply on the land which is readily accessible by the bees on the land.</p> <p>This clause would be applied only considering the test of nuisance. The term nuisance is defined in the local law as:</p> <p><b>nuisance</b> means—</p> <p>(a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;</p> <p>(b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or</p> <p>(c) interference which causes material damage to land or other property on the land affected by the interference;</p> <p>This clause is required to be retained as otherwise the City would not have a mechanism for managing nuisances caused by the inappropriate keeping of bees and bee hives.</p> <p>Following consultation with relevant State Ministers and Departments the proposed local law has been amended to include reference the relevant State legislation and the bee hive registration requirements of State Government Departments.</p> <p>State legislation, guidelines and the conditions placed on Bee Keepers in Western Australia work together with the conditions imposed by Local Governments to protect bees and the general public.</p>
<p><b><u>Division 5 – Amusement Activities</u></b></p> <p>4.12 Nuisance</p> <p>4.13 Abatement by authorised person</p> <p><b><u>Division 6 – Advertising</u></b></p> <p>4.14 Placement of advertisement, bill posting, junk mail</p> <p>4.15 Exemptions</p>	<p>The City has had these provisions in place since the enactment of the principle local law in 2011 and has not once been required to utilise them.</p> <p>There is State legislation in place to address these issues (such as the <i>Environmental Protection (Noise) Regulations 1997</i>, <i>Litter Act 1979</i> etc...) and therefore the City has other mechanisms to address any issues that</p>

**Suggestion:**

The above (4.12, 4.13, 4.14, 4.15) are all useful clauses and should NOT be removed. Removing these important items will cause considering problems for residents, police and the Council.

arise in the future and the clauses are no longer required.

**Consultation**

The DLGSCI, Minister for Environment, Minister for Health, Minister for Agriculture and Food, Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation and Attractions were consulted in the development of this Amendment Local Law.

The proposed local law underwent statutory advertising and was also advertised on the City of Mandurah Have Your Say webpage.

**Statutory Environment**

Local Government Act 1995, Part 3, Division 2;

- Subdivision 1 – Local Laws made under this Act.

**Policy Implications**

Policies will be amended as required.

**Economic Implications**

Nil

**Risk Analysis**

There are minor risks associated with introducing legislation around matters that affect community members. The nature of the amendments to this local law are minor and should have minimal impact.

**Strategic Implications**

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

Organisational Excellence:

- Deliver excellent governance and financial management.

**Conclusion**

Advertising of the proposed Animals, Environment & Nuisance Amendment Local Law 2019 is now complete. Council is requested to consider the submissions received and the City's response and make the local law as shown at **Attachment 1**.

NOTE:

- Refer **Attachment 1** *Animals, Environment & Nuisance Amendment Local Law 2019*

**RECOMMENDATION**

**That Council adopt the Animals, Environment & Nuisance Amendment Local Law 2019.**

**\*ABSOLUTE MAJORITY REQUIRED\***

# ATTACHMENT 1

## LOCAL GOVERNMENT ACT 1995

## HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

## BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

## CITY OF MANDURAH

### ***ANIMALS ENVIRONMENT AND NUISANCE AMENDMENT LOCAL LAW 2019***

Under the powers conferred by the *Health (Miscellaneous Provisions) Act 1911*, *Biosecurity and Agriculture Management Act 2007*, *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Mandurah resolved on INSERT DATE to make the following local law.

#### **1.1 Citation**

This local law may be cited as the *City of Mandurah Animals Environment and Nuisance Amendment Local Law 2019*.

#### **1.2 Commencement**

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

#### **1.3 Principal local law amended**

This local law amends the *City of Mandurah Animals, Environment and Nuisance Local Law 2010* as published in *Government Gazette* No. 43 on 22 March 2011.

#### **1.4 Clause 1.2 amended**

In clause 1.2:

(a) delete the following definitions;

- (i) ***building licence***;
- (ii) ***food premises***; and

(iii) **townsite.**

(b) insert the following definitions in alphabetical order;

**building permit** is a permit granted under section 20 of the *Building Act 2011*"; and

**food business** has the same meaning given in the *Food Act 2008*".

## 1.5 Part 2, Division 1 amended

In Part 2 delete Division 1 and insert:

### *Division 1 – Keeping of birds*

#### **2.1 Keeping of poultry and pigeons in a residential zone**

An owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises any poultry or pigeons unless in accordance with the requirements outlined in clauses 2.2, 2.3 and 2.4.

#### **2.2 Requirements for keeping of poultry**

- (1) A person who keeps poultry or permits poultry to be kept shall ensure that –
  - (a) no poultry shall be kept within 9 metres from any residential building;
  - (b) no poultry is able to approach within 15 metres of a public street, public building, commercial premises or food business;
  - (c) all poultry is kept in a properly constructed and securely fastened structure;
  - (d) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition; and
  - (e) all poultry is kept continually confined.
- (2) An owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises –
  - (a) more than 12 poultry; and
  - (b) more than 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons may be increased to 100.



- (3) A person who fails to comply with subclause (1) or (2) commits an offence.

### **2.3 Requirements for keeping of pigeons**

- (1) A person who keeps pigeons or permits pigeons to be kept shall ensure that –
  - (a) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;
  - (b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;
  - (c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential building;
  - (d) no opening to a pigeon loft, including openings for ventilation, is within 15 metres of a public street, public building, commercial premises or food business.
- (2) An affiliated person who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice – Pigeon Keeping, subject to the provisions of this local law.
- (3) A person who fails to comply with subclause (1) or (2) commits an offence.

### **2.4 Requirements for keeping of aviary birds**

- (1) A person who keeps, or permits to be kept, aviary birds shall ensure that –
  - (a) the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary and at least 5 metres from a residential building on any other lot;
  - (b) there is a floor beneath the roofed area of the aviary or cage which is constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the aviary or cage;
  - (c) the aviary or cage is kept in clean condition and good repair at all times;
  - (d) all feed for the birds other than that intended for immediate consumption is stored in vermin proof containers; and

- (e) effective measures are taken to prevent the attraction or harbourage or vermin.

- (2) A person who fails to comply with subclause (1) commits an offence.

### **2.5 Roosters, geese, turkeys and peafowl**

Except on land in a rural or rural residential zone or with the prior written permission of the local government, an owner or occupier of premises shall not keep any of the following –

- (a) rooster;
- (b) a goose or gander;
- (c) a turkey; or
- (d) a peacock or peahen.

### **2.6. Nuisance caused by birds**

An owner or occupier of land shall not keep any bird or birds which –

- (a) are or create a nuisance; or
- (b) emit an unreasonable noise.

## **1.6 Part 2, Division 2 amended**

In Part 2 delete Division 2 and insert:

### *Division 2 – Keeping of farm animals*

### **2.7 Keeping of farm animals**

- (1) An owner or occupier of land shall not keep, or allow to be kept, any farm animal unless –
  - (a) in accordance with a valid permit authorising the keeping of such a farm animal issued in relation to the land; or
  - (b) in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone.
- (2) An owner or occupier shall not keep more than one pig other than on premises registered as a piggery pursuant to the provisions of the *Health (Miscellaneous Provisions) Act 1911*, except with the express written approval of the local government.

## **2.8 Application for a permit to keep farm animals**

An application for a permit to keep farm animals shall be in the form approved by the local government.

## **2.9 Determination of application to keep farm animals**

- (1) Subject to clause 2.12, the local government may –
  - (a) refuse to determine an application for a permit which does not comply with clause 2.8;
  - (b) approve an application for a permit subject to such conditions as it considers appropriate; or
  - (c) refuse to approve an application for a permit.
- (2) Where an application for a permit is approved subject to conditions, the permit holder shall comply with those conditions or cause compliance with those conditions.
- (3) A permit is valid for one year from the date on which it is issued unless it is –
  - (a) otherwise stated in the terms and conditions of the permit; or
  - (b) cancelled under clause 2.10(2).

## **2.10 Variation or cancellation of permit to keep farm animals and conditions of permit**

- (1) The local government may vary the conditions of a permit after it has been issued, and shall give notice of such variation to the permit holder within 14 days of such variation.
- (2) The local government may cancel a permit in the event the permit holder –
  - (a) fails to comply with any condition of the permit; or
  - (b) fails to comply with a notice of breach issued under clause 6.1.

## **2.11 Nuisance caused by farm animals**

An owner or occupier of land shall not keep any farm animal or farm animals which –

- (a) are or create a nuisance; or
- (b) emit an unreasonable noise.

## 1.7 Part 2, Division 3 amended

In Part 2 delete Division 3 and insert:

### *Division 3 – Keeping of Bees*

#### **2.12 Keeping of Bees**

A person shall not keep bees or allow bees to be kept on land except in accordance with the requirements outlined in clause 2.13.

#### **2.13 Requirements for Beekeeping**

The keeping of bees is subject to the following requirements -

- (a) the provision of a sufficient and suitable water supply on the land which is readily accessible by the bees on the land;
- (b) each bee hive shall be -
  - (i) kept at a distance specified by the local government from any thoroughfare, public place or boundary of the land; or
  - (ii) located near a screen or other barrier so as to prevent the bees flying low over a thoroughfare, public place or adjoining land;
- (c) no more than 2 bee hives are to be kept on land of less than 2,000 square metres in area;
- (d) no more than 15 bee hives are to be kept on land between 2,000 and 20,000 square metres in area; and
- (e) all bee hives must be registered under the *Biosecurity and Agriculture Management Act 2007*.

#### **2.14 Nuisance caused by bees or bee hives**

A person shall not keep, or allow to be kept, bees or bee hives, or both, on land so as to create a nuisance.

## 2.15 Notice to remove bees

- (1) Whenever in the opinion of the local government a person has contravened any provision of this local law which relates to the keeping of bees or bee hives, the local government may give the owner or occupier of the land a written notice requiring her or him to remove any bees or bee hives, or both, from the land within the time specified in the notice.
- (2) Where a person fails to comply with a notice given under subclause (1), the local government may dispose of the bees or the bee hives or both in such manner as it sees fit and recover the costs of so doing from the owner or occupier, as the case may be, as a debt due to it.

## 1.8 Part 3 amended

In Part 3:

- (1) in Division 1, Clause 3.3 delete subclause (3) and insert
  - (3) A written request for approval must be accompanied by the written approval of the landowner of the land on which materials are proposed to be stored.;
- (2) delete Division 3 and insert:

### *Division 3 – Burning of materials*

## 3.5 Burning of cleared vegetation prohibited

- (1) An owner or occupier shall ensure that no vegetation or other material is burnt on the site.
- (2) Subclause (1) does not apply where a fire permit has been issued by the local government under the *Bush Fires Act 1954*.

## 1.9 Part 4, Division 2 amended

In Part 4 delete Division 2 and insert:

## *Division 2 – Smoke, fumes, odours and other emissions*

### **4.4 Burning rubbish, refuse or other material**

- (1) A person shall not set fire to rubbish, refuse or other materials unless approval has first been obtained by the local government, the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.
- (2) Subclause (1) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.

### **4.5 Escape of smoke, fumes, odours and other emissions**

An owner or occupier of land or premises shall not cause or permit the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person.

### **1.10 Part 4, Division 3 amended**

In Part 4, delete Division 3.

### **1.11 Part 4, Division 5 amended**

In Part 4, delete Division 5.

### **1.12 Part 4, Division 6 amended**

In Part 4, delete Division 6.

### **1.13 Part 4 amended**

In Part 4, renumber remaining divisions and clauses.

### **1.14 Schedule 1 amended**

Delete Schedule 1.

## 1.15 Schedule 2 amended

Delete Schedule 2.

## 1.16 Schedule 3 amended

Delete Schedule 3.

## 1.17 Schedule 4 amended

Delete Schedule 4.

## 1.18 Schedule 5 amended

In Schedule 5:

- (1) renumber "Schedule 5" as "Schedule 1";
- (2) delete reference to "4.17(1)" and replace with "4.11(1)"; and
- (3) insert the following in alphabetical order:

Common Name	Scientific Name
Caltrop	Tribulus terrestris
Castor Oil Plant	Ricinus communis
Flaxleaf Broom	Genista Linifolia

## 1.19 Schedule 6 amended

In Schedule 6:

- (1) renumber "Schedule 6" as "Schedule 2"; and
- (2) delete reference to "4.18" and replace with "4.12".

## 1.20 Schedule 7 amended

In Schedule 7:

## ATTACHMENT 1

- (1) renumber "Schedule 7" as "Schedule 3";
- (2) delete modified penalties for item no; 1, 2, 3, 4 5, 6, 21, 22, 27, 28 and 29;
- (3) insert the following modified penalties in numerological order:

CLAUSE	DESCRIPTION	MODIFIED PENALTY First Offence	MODIFIED PENALTY Subsequent Offences
2.2	Failure to comply with requirements for keeping poultry	\$125	\$250
2.3	Failure to comply with requirements for keeping pigeons	\$125	\$250
2.4	Failure to comply with requirements for keeping aviary birds	\$125	\$250
2.7(1)(a)	Keeping a farm animal without a permit	\$250	\$500
2.11	Nuisance caused by farm animal	\$250	\$500
2.13	Failure to comply with a requirement for beekeeping	\$125	\$250
2.14	Nuisance caused by bees or bee hives	\$125	\$250
2.15	Failure to comply with notice to remove bees or bee hives	\$125	\$250
3.5	Owner or occupier not to burn on site	\$500	\$500
4.4	Noncompliant burning of rubbish or other materials	\$250	\$500

- (4) in item no 32, "Failure to comply with Pest Plant Notice":
  - (a) delete \$50 and replace with \$250; and



## ATTACHMENT 1

- (b) delete \$100 and replace with \$500.
- (5) renumber item number column accordingly.

### 1.21 Terms used throughout the principle local law

- (1) delete every reference to the “Beekeepers Act 1963”; and
- (2) delete every reference to the “*Health Act 1911*” and replace with “*Health (Miscellaneous Provisions) Act 1911*”.

Dated:

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

**RHYS JOHN WILLIAMS, Mayor**

**MARK ROBERT NEWMAN, Chief Executive Officer**

4	<b>SUBJECT:</b>	Appointment of Port Mandurah Canal Waterways Advisory Group Representative
	<b>CONTACT OFFICER:</b>	Graeme Davies
	<b>AUTHOR:</b>	Graeme Davies

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### Summary

Council has a number of Advisory Groups which have been established to provide valuable advice or information in particular areas of the City's business. The Port Mandurah Canal Waterways Advisory Group is one of these Groups.

Council had previously appointed one Elected Member and one Deputy Member to this group. Following the resignation of Councillor Matt Rogers, there is a requirement to appoint a replacement member.

Council is requested to approve an Elected Member to fill the vacant position and serve for the remainder of the two year term.

### Disclosure of Interest

Nil

### Previous Relevant Documentation

- SP 5/10/17 31 October 2017 Appointment of Elected Members to Advisory Groups and External Agencies.

### Background

Under the provisions of the *Local Government Act 1995* a formal committee of Council established under the *Local Government Act 1995* requires mandatory reporting to Council and compliance with the provisions of the *Local Government Act 1995*. The establishment of Advisory Groups has been predicated on the basis of such Advisory Groups not being constituted as a committee of the Council. The Advisory Groups are usually established by Council to assist in providing advice or information in particular areas.

### Comment

Councillor Matt Rogers has recently resigned as the Council's representative of the Port Mandurah Canal Waterways Advisory Group and Council is requested to approve a representative in place of Councillor Matt Rogers.

### Consultation

Nil

### Statutory Environment

Nil

### Policy Implications

Nil

### Economic Implications

Nil

## **Risk Analysis**

Nil

## **Strategic Implications**

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

### Organisational Excellence:

- Demonstrate regional leadership and advocacy.
- Listen to and engage with our community.
- Ensure the City has the capacity and capability to deliver appropriate services and facilities.
- Deliver excellent governance and financial management.

## **Conclusion**

Due to the vacancy created by Councillor Matt Rogers' resignation, the vacant position on the Port Mandurah Canal Waterways Advisory Group needs to be filled.

## **RECOMMENDATION**

**That Council appoints \_\_\_\_\_ to the Port Mandurah Canal Waterways Advisory Group in order to fill the vacancy created by Councillor Matt Rogers' resignation.**

**\*ABSOLUTE MAJORITY REQUIRED\***

**5**      **SUBJECT:**                      Rivers Regional Council: Proposed Future Corporate Structure  
         **CONTACT OFFICER/S:**      Allan Claydon/Kyle Boardman  
         **AUTHOR:**                      Allan Claydon

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## Summary

The City of Mandurah is a Member Council of the Rivers Regional Council.

Rivers Regional Council was established for the principal role to procure an alternative waste disposal treatment for its Members Councils. By having several Councils joining together with a strategic plan to effectively and efficiently dispose of municipal waste, it was able to achieve a successful outcome whereby the private sector using worldwide technology, was able to offer a cost competitive solution for municipal waste treatment.

Having achieved the desired outcome, there is now an opportunity to consider what functions the Rivers Regional Council may undertake in the future and its appropriate corporate structure.

The Rivers Regional Council has expressed a desire to windup the Regional Council and transition towards a Regional Subsidiary.

Council is requested to consider this request and endorse the transition to a Regional Subsidiary.

## Disclosure of Interest

Hon. Councillor F Riebeling and Councillor S Jones are Council's appointed representatives to the Rivers Regional Council.

## Location

Citywide

## Previous Relevant Documentation

- G.15/5/18    22 May 2018      Council endorsed further amendments to the Services Agreement.
- G.34/3/18    27 March 2018      Council endorsed the amendments to the Waste Services Agreement.
- G.34/4/17    26 April 2017      Council noted and received the proposed amendments to the Waste Supply Agreement (2015), Participants Agreement (2015).
- G.22/6/16    28 June 2016      Council noted and received the proposed amendments to the Waste Services Agreement as requested by Phoenix Energy which relates to financial close, practical completion and change in contractor's personnel.
- G.26/9/15    22 September 2015      Council resolved to enter into Agreements (Participants Agreement, Waste Services Agreement, relevant Annexures and Direct Deed) as part of its involvement in the tender process conducted by the Rivers Regional Council for the Receipt and Processing Waste for Resource Recovery.
- SP.6/7/14    July 2014      Council authorised the Chief Executive Officer to execute the Participants Agreement and Services Agreement required for Tender 2013/1 on behalf of the City of Mandurah
- G.25/3/13    March 2013      Council considered the future directions of the Rivers Regional Council
- G.39/2/10    February 2010      Council authorises the calling of tenders for the disposal of the City's municipal solid waste

- G.28/5/08 May 2008 Nomination of two Elected Members to join Rivers Regional Council as the City's representatives.
- G.28/4/08 April 2008 Council adopted the Deed of Agreement to the Establishment Agreement of the South East Metropolitan Regional Council and endorsed the name change to Rivers Regional Council.
- G.37/7/07 July 2007 Council accepted the invitation to join the South East Metropolitan Regional Council.
- G.31/3/07 March 2007 South East Metropolitan Regional Council – Resource Recovery Facility Feasibility Study Update. Council resolved in November 2005 to accept an invitation by the South East Metropolitan Regional Council to participate in its Resource Recovery Feasibility Study. The feasibility study comprises 6 phases and 21 separate tasks.
- G26A/11/05 November 2005 Council accepted the invitation extended by the South East Metropolitan Regional Council to participate in its Resource Recovery Feasibility Study.

## Background

The Rivers Regional Council, of which the City of Mandurah is a member, has achieved its main goal to procure alternative waste disposal treatment for its Member Councils.

Having achieved award of contract for the delivery of a Waste to Energy facility for the disposal of municipal waste, Member Councils have been considering the future organisational structure that will efficiently and effectively monitor what is essentially contract management for waste disposal.

The original purpose of RRC, as per for the Establishment Agreement is:

1. To undertake the processing, recycling, treatment, sale and disposal of Household Waste delivered by the Member Councils.
2. To investigate and assess the possibilities and methodologies of carrying out and to identify funding opportunities for any service or facility on a regional basis.
3. To investigate and assess the possibilities and methodologies of undertaking the processing, recycling, treatment, sale and disposal of waste, other than Household Waste, which is delivered by the member Councils.
4. To acquire any interest in land considered by the RRC to be necessary or desirable to accommodate facilities for the processing, recycling, treatment, sale and disposal of waste other than Household Waste.
5. To influence and liaise with local, State and Federal Governments in the development of policies and legislation for the benefit of the region.
6. To provide advice, information and education to all Member Councils and their communities.

## The Vision for Waste Management (from Strategic Plan)

The vision of RRC is to provide sustainable waste minimisation, recycling and Alternative Waste Treatment (AWT) services for Member Councils; to provide these services in a way which will move Member Councils and their communities substantially towards a zero-waste environment; and to undertake this role sustainably.

Previous corporate planning documents have identified the following considerations:-

In summary, the four priorities adopted for RRC over the period 2013-2017:

1. Introduction of new waste infrastructure: AWT (short-term); MRF, green waste and bulk waste facilities (Medium to long-term);
2. Expansion of waste education programs;

3. Increased advocacy: to achieve better planning and resourcing of waste industry infrastructure, and training of workers for this growth field; and
4. Development of an expanded services delivery model (potentially comprising Regional Development, Environmental Services, Sustainability and Climate Change).

*Once the AWT contract has been awarded, the next priority was to commence feasibility studies into possibly three new facilities for the region: an MRF, regional transfer station and green waste facility.*

*Feasibility studies could progress on these projects concurrently. The feasibility studies can commence in the second half of 2013, or during the first half of 2014. By early 2016 RRC will have answers on both facilities and will be in a position to make decisions on cost and current contractual commitments. If the decision is to proceed to tender, the tender process is likely to be undertaken during the 2016/17 FY. In the interim, individual Councils will make their decisions about whether to enter new contracts for recycling and bulk/green waste removal with these timelines in mind, and in support of the intention to channel this waste to the new regional infrastructure, should it proceed.*

*These projects were deferred pending the achievement of financial close for the Waste to Energy (WtE) facility.*

At the December 2018 RRC meeting, there was general agreement that the RRC should be retained for up to 12 months to assist in the advocacy resulting from the conflict with the State Waste Strategy.

At the February meeting, the RRC resolved as follows:

1. *The Establishment Agreement be AMENDED to reduce the number of representatives to one or up to two (if that is possible) and the structure of the RRC be REVIEWED again by June 2020.*
2. *The Strategic Community Plan and Corporate Plan be AMENDED to contain the operations of the RRC to:*
  - *Provision of research and contract management services on matters associated with Waste Management and;*
  - *To influence and liaise with Local, State and Federal Governments in the development of Policies and Legislation for the benefit of the Region.*
3. *Noting that the preferred option is to transition the RRC to a Regional Subsidiary, the CEO prepare a discussion paper outlining the details, timing and control mechanisms.*

At the 2 May 2019 meeting, the RRC resolved as follows:

1. *The Council RESOLVED to seek approval from participating Councils to windup the Rivers Regional Council and transition to a Regional Subsidiary as soon as all approvals can be obtained.*
2. *The CEO arrange preparation of:*
  - *The Windup Agreement and relevant legal processes including individual Council and Ministerial approval and*
  - *The Rivers Regional Subsidiary Charter and Business Plan*

## Comment

To arrive at this point where a shift from a Regional Council to a Regional Subsidiary is thought to be a better governance model, a number of key waste management elements were reviewed.

## Status

- Regional Materials Recovery Facility  
The current competitive environment including the opening of the new Cleanaway facility in 2017 and the state of the recycling products market does not appear to support the RRC getting involved in the provision of a Materials Recovery Facility (MRF). The SMRC has also recently tested the

Marginal, therefore not supported.

market for the private sector to take over their current MRF operations. The regional cost per property for recyclable materials disposal does however vary substantially with an average of \$33.14, minimum of \$26.78 and Maximum of \$75.61. There may be scope to aggregate the regional materials recover requirements – but there is a marginal case for Councils accepting further risks. The introduction of the Container Deposit Scheme may also lead to the splitting of the collection from the recovery facility. A full feasibility would be required if there is support for this being pursued.

- Regional Transfer Station

The WtE facility is located 25 to 41 minutes away from participating Councils. South Perth and Gosnells could use the Canning transfer facility and Murray could use the Mandurah transfer station if those arrangements prove economically viable. Transfer stations are currently operated by South Perth, Murray and Mandurah and could all be used to attract additional waste streams. When the market is tested for delivery of waste to the new WtE facility it may prove more economic to accumulate waste at more local positions. It is unlikely that a RRC run facility would be viable.

Not viable, therefore not supported

- Green Waste Facility

The total green waste collected within the region (without introducing the 3 Bin system) is 11,875 tonnes. It is unlikely that this quantity would warrant market intervention and operation by the RRC. The market will need to adjust to the new State Waste Strategy requiring organic separation before the picture is clear.

Not viable, therefore not supported

- Waste Education Programs

The creation of a new high level education program aligned with the WtE facility would suit regional co-operation but could be accomplished by officer co-ordination without the overheads attached to the RRC.

Not supported. Each Local Government delivers this now.

The RRC previously resolved to not provide this service.

- Advocacy

With the current State Waste Strategy targeting the introduction of the 3 Bin organic separation system, advocacy will become an important response, however this is likely to be just as effective via individual Councils or group activity via a Regional Subsidiary. It would also be appropriate to review the effectiveness of representation on the Municipal Waste Advisory Council.

Agreed

- Development of an Expanded Services Delivery Model.

Potentially comprising Regional Development, Environmental Services, Sustainability and Climate Change.

Marginal. Therefore not supported.

Switch your Thinking programs continue to be managed by the City of Armadale on behalf of a number of other Councils.

Regional/Economic Development programs would be difficult bearing in mind the separation of South Perth to Mandurah and the role undertaken by the Peel Development Commission. There is also the Southern

Southeast Corridor (SSE) Councils promoting regional development opportunities. The SSE Corridor of metropolitan Perth has an area of 1577 square kilometres comprising of three local governments – the Cities of Armadale and Gosnells and the Shire of Serpentine Jarrahdale.



Projects with a Regional benefit could fit the Co-ordination role of the RRC but again this could be implemented via officer co-ordination.

Regional Climate Change and Carbon Reduction Program could be possible and would require further research on potential effectiveness.

Based upon the review of these proposals, there is no need for the RRC to be engaged in these activities.

Consideration of the following items have also been addressed:

1. Waste Services Agreement (WSA)

The WSA has a substantial role for the RRC as Principal of the agreement and would need to be replaced. The retention of a Regional Council Structure could be considered desirable until the WtE project has reached the stage where practical completion is likely. However, the creation of a Regional Subsidiary or Council Controlled Organisation under new legislation with officer representation could be an economically viable replacement.

The City of Canning, which is a participant in the WSA but not a member of the RRC, could also be invited to be a member of the Regional Subsidiary.

The Local Government Act provisions relevant to Regional Local Governments are also being reviewed as part of the current Act review.

Another option is the Council Controlled Organisation which is more corporate orientated than a Regional Subsidiary. The Council Controlled legislation and LG Act review is not due to be adopted until later this year.

2. Windup of the RRC

The Establishment Agreement provides for the RRC to be wound up by agreement between the parties.

3. What happens to the remaining Funds

The Establishment Agreement details that remaining funds are distributed by the average of waste tonnes used in the budget deliberations over the last five years. It would be proposed that the RRC would continue to be funded from the Reserve Funds until windup occurs with the remaining funds being distributed to member Councils and then returned to the Regional Subsidiary to fund that operation until funds can be generated from waste being delivered to the WtE Plant. This would form part of the windup agreement executed by member Councils.

4. Establishment Agreement – Number of Elected members

No action has been taken at this stage to amend the current Establishment Agreement and this is being held pending agreement to the Regional Subsidiary. If this transition is unsuccessful then the action on reduction of numbers elected members from two per Council to one per Council will be commenced.

Regional Subsidiary

A regional subsidiary is a semi-independent collaborative organisation established by two or more local governments to provide new or existing services that can be more effectively delivered together than by one local government alone.

It is a corporate body managed by a Board comprising representatives from each member local government and may have two optional 'expert members'.



It operates in accordance with its Charter, which is similar to a constitution, and may employ staff and have its own premises. Each Regional Subsidiary can determine its own rules.

The model being proposed is one where each local government would appoint an officer to represent them. This does not preclude an Elected Member from each local government also being appointed. The entity has not been determined, as the first step in this process is to have agreement by all parties to transition to a Regional Subsidiary.

### Waste to Energy Plant Progress

The project remains on track with Hot commissioning scheduled for April 2021.

### Construction Progress

Program Activities this Period

- Refurbishment of the Administration Building is completed and it is now the project office housing the Perth team and key subcontractors.
- Site establishment is complete except for establishment of external laydown areas. This is subject to finalising modelling for area requirements.
- Pilling platform completed
- Pile rig mobilisation completed
- Installation of test of piles has begun
- Site access control commissioning completed and security system installed.

The table below outlines the progress against the Project Implementation Plan. The table is adapted from Table 2 in Part – B, Annexure 4 of the WSA. Capitalised terms used in the table below have the same meaning as the WSA. Financial Close, as used in the table below, means 17 October 2018.

Milestone per WSA	Anticipated Date of Achievement per WSA	Anticipated Date of Achievement per Project Co's EPC Contract	Status Against Project Co's EPC Contract
Completion of Approvals (except the license to operate by the Department of Environmental Regulation pursuant to Part V, Division 3 of the EPA)	3-6 months from Financial Close	Approvals: All applicable Approvals on or before Financial Close	Achieved
Detailed Design	12-18 months from Financial Close	Detailed Design: in accordance with the EPC Programme	In progress
Construction complete	30-33 months from Financial Close	N / A	N / A
Cold Commissioning complete	27-33 months from Financial Close	29 months from Financial Close	No change
Hot Commissioning complete	33-36 months from Financial Close	29 months from Financial Close	No change

### **Consultation**

- Rivers Regional Council
- Rivers Regional Council Technical Advisory Group

### **Statutory Environment**

The Local Government Act 1995 governs the activities of a Regional Council and a Regional Subsidiary.

The Waste Avoidance and Resource Recovery Act 2007 provide the legislative framework for the management of waste within the State.

Ministerial approval would be required for a winding up or change to the Establishment Agreement or a change to a Regional Subsidiary.

A change to the Establishment Agreement reducing the number of Elected Members would also require individual Council approval.

The windup agreement and subsidiary charter are in preparation and will be submitted for consideration of each Council. The process is likely to take until the end of 2019.

### **Policy Implications**

Nil

### **Risk Implications**

The move from a Regional Council to a Regional Subsidiary does not pose any risk to the contract.

All parties which includes the lead contractor would have to agree to the 'principal' being a Regional Subsidiary rather than a Regional Council.

A Regional Subsidiary requires a 'Charter' within which the responsibilities of the respective parties will be reinforced.

### **Economic Implications**

Depending on the final structure, savings up to \$300,000 (based on the 2018/2019 Budget for the operation of the Rivers Regional Council) could be possible if a Regional Subsidiary is considered appropriate.

These savings include subscriptions to the Municipal Waste Advisory Council of \$39,000 per annum could continue in some other form direct from Member Councils or membership cease.

In light of the reduced role for the RRC, Council could consider a review of the sitting fees with the annum minimum fee permitted of \$1,117 (currently \$7,725) per member and \$2,354 for Chairman (currently \$20,600). Alternatively a move to a per meeting fee structure of \$90-\$236 could be considered.

The City of Mandurah for example contributes approximately \$110,000 per annum and thus this would represent a saving to the City.

### **Strategic Implications**

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

#### Organisational Excellence:

- Deliver excellent governance and financial management.

### **Conclusion**

There is no impediment to the proposal to wind up the Rivers Regional Council and transition to a Regional Subsidiary.

The Regional Subsidiary is able to deliver exactly what a Regional Council can with a less costly governance structure and less onerous governance requirements.

It is recommended that Council endorse the Rivers Regional Council to wind itself up and transition to a Regional Subsidiary.

NOTE:

- Refer ***Attachment 1*** ***Regional Subsidiary - Information***

#### **RECOMMENDATION**

**That Council agrees in principle to the windup of the Rivers Regional Council and transition to a Regional Subsidiary as soon as the requisite approvals can be obtained.**

# **Rivers Regional Subsidiary INFORMATION**

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## **REGIONAL SUBSIDIARY - SUMMARY**

### **What is a Regional Subsidiary?**

It is a semi-independent collaborative organisation established by two or more local governments to provide new or existing services that can be more effectively delivered together than by one local government alone.

### **How is it established?**

It is established under the Local Government Act 1995 with the agreement of two or more local governments. Local Governments wishing to establish a Regional Subsidiary must develop a Charter and Business Plan and seek feedback from their respective communities. Each Local Government must approve the Charter and Business Plan before seeking the approval of the Minister for Local Government, Sport and Cultural Industries.

### **How does it operate?**

A Regional Subsidiary is a corporate body managed by a Board comprising representatives from each member local government and may have two optional 'expert' members. It operates in accordance with its Charter, which is similar to a Constitution, and may employ staff and have its own premises. While regulations detail some requirements of the Charter, each Regional Subsidiary can determine its own 'rules'. Each local government contributes funds for the operation of the Regional Subsidiary in accordance with its Charter and Business Plan.

A Regional Subsidiary is afforded the same protections under the Act as if it were a local government.

### **Who has oversight over the Regional Subsidiary?**

While the Regional Subsidiary is managed by a Board under specific provisions of the Act, it is required to report to each member local government. Member local governments have the ability to withdraw from a Regional Subsidiary and collectively can wind up a Regional Subsidiary.

A Regional Subsidiary can be subject to a Ministerial Inquiry in the case of serious misconduct.

### **What can it do?**

It can deliver one or more services currently delivered or functions performed by a local government. These could include rating services, records management, environmental health services, finance functions, procurement to name a few. It can also initiate new opportunities such as tourism, aged care, procurement, etc.

The purposes of a Regional Subsidiary are captured in its Charter and Business Plan.

### **What can't it do?**

At this stage a Regional Subsidiary cannot borrow money, apart from through a member local government, however the sector is working to have this changed as part of the review of the regulations.

### **How is it different to a Regional Council?**

A Regional Council is in effect an independent local government established under the Act with full compliance and reporting responsibilities of a local government. By comparison, a Regional Subsidiary is established under a section of the Act and is a semi-independent organisation governed by its Charter and without the full suite of statutory reporting and compliance requirements of a local government.

### **How is it different to a Voluntary Group of Councils?**

A Regional Subsidiary is a legal entity and has the ability to manage its own funds and deliver its own services and has more formality to its governance via its Charter and the requirements of the Act.

By contrast, a VROC's governance structure is usually governed by a non-binding MOU and must use the resources of individual member local governments to manage funds and deliver services on behalf of the VROC. A Regional Subsidiary may replace a VROC as a more effective model for cooperation.

### **How is it different to an incorporated body?**

While apparently similar to the structure and function of an incorporated body, a Regional Subsidiary is able to deliver statutory services that an incorporated body is not legally able to deliver. These include services delivered by local government under both the Local Government Act and other relevant legislation such as public library services, finance services, environmental health services, planning services, regional waste management, etc.

### **How can it benefit a local government?**

A Regional Subsidiary may provide a way for local governments to provide services for their community that alone they would be unable to deliver due to cost or lack of expertise. A Regional Subsidiary may also provide services or undertake local government functions in a more efficient and effective way than can be achieved by a single local government.

Local governments may also use a Regional Subsidiary to focus on projects that will benefit the region and have important flow on effects for its local community. These could include tourism projects, aged care facilities, economic development initiatives, etc.



## Regional Model Comparisons

### Legislative Context for Shared Services

Local Governments in Western Australia are limited in their ability to enter into shared service arrangements by the Local Government Act 1995, although there are two key regional collaboration vehicles available. Firstly, Local Governments are able, with the Minister's approval, to establish a Regional Local Government to undertake Local Government functions on behalf of participating Local Governments. Secondly, Local Governments are able to establish an association incorporated under the Associations Incorporation Act 1987.

### Regional Local Governments

Regional Local Governments are formed under the Local Government Act 1995 and operate under an 'establishment agreement'. The establishment agreement must be agreed to by the Regional Local Government participants as well as the Minister for Local Government. The establishment agreement must include the purpose, membership and representation, means of determining financial contributions and procedures for winding up the Regional Local Government.

Regional Local Governments are body corporates, can open and operate bank accounts, can invest and borrow money and have the ability to make local laws.

The governing body of a Regional Local Government consists of Elected Members from the member Local Governments only. There is no scope to appoint external expertise or independent directors to the governing body.

Regional Local Governments operate in a similar legislative and compliance environment to Local Governments. Section 3.66(1) of the Local Government Act 1995 states:

- (1) Except as otherwise stated in this section, this Act and any other Act under which anything can be done for the regional purpose apply in relation to a regional local government as if-
  - (a) the participants' districts together made up a single district; and
  - (b) the regional local government were the local government established for that district.

The rest of Section 3.66 of the Act then excludes particular parts of the Local Government Act 1995 that do not apply to Regional Local Governments. Provisions that do not apply relate to districts and wards, elections, electors' meetings, rates and service charges and some other minor matters.

Consequently, most of the compliance and accountability requirements that apply to Local Governments also apply to Regional Local Governments. This can become a significant disincentive for Local Governments to establish Regional Local

Governments because any potential benefits from efficiency gains must significantly outweigh the costs associated with the Regional Local Government's compliance obligations.

### **Incorporated Associations**

Local Governments have the ability, under the *Associations Incorporation Act 1987*, to form or take part in forming an incorporated association.

An incorporated association, formed under legislation, is a legal entity which can open bank accounts, hold and dispose of property, invest money and give securities. The governance structure of the incorporated association is defined by its constitution and its board of management may include external members.

An incorporated association must have more than five members and the *Associations Incorporation Act 1987* limits the purposes for which incorporated associations can be established. Activities of a commercial nature such as regional road construction or waste management may not be acceptable purposes.

Any profits raised by the association cannot be distributed back to members and must be utilised by the association to progress its constitutional objectives.

Further, neither an incorporated association nor its employees would be able to exercise statutory functions which are currently given to Local Government employees by the *Local Government Act 1995* and other legislation. This means that Local Government functions such as town planning, building and environmental health could not be undertaken by an incorporated association.

For these reasons the incorporated association model is not widely used by Western Australian Local Governments. Typically, where this model is used, it is for a narrow purpose such as economic development and promotion in a broad sense.

## Regional Subsidiary and Regional Local Government - Comparison of Collaborative Models

Comparison	Regional Subsidiary	Regional Local Government (Regional Council)
Activities	Delivery of services and back office functions	Any activity that an individual local government may perform
Public consultation required to establish	Yes	Yes – if major land transaction or trading activity is involved
Ministerial approval required to establish	Yes	Yes
Disclosure of interest	Internal enforcement	Ministerial enforcement
Compulsory financial reporting	Annual budget and annual financial statement required	Full reporting obligations apply
Land transactions and trading undertakings	No	Yes
Restriction on investment	Yes	Yes
Financial loans	From member councils only	Yes
Tender requirements	Yes	Yes
Board restricted to council members/ local government employees	No	Yes
Legal protection for actions taken in good faith	Yes	Yes
Board meetings	As prescribed in charter	<i>Local Government Act 1995 – Part 5 Division 2</i>
Committee meetings	Prescribed in charter	<i>Local Government Act 1995 – Part 5 Division 2</i>

<b>Comparison</b>	<b>Regional Subsidiary</b>	<b>Regional Local Government (Regional Council)</b>
<b>Employment of staff</b>	As provided in charter	<i>Local Government Act 1995 – Part 5 Division 4</i>
<b>Minimum benefits for long service leave and superannuation</b>	As provided in charter	Long Service Leave and Superannuation Regulations apply to all staff
<b>Member councils may request information</b>	Statutory right	As provided in Establishment Agreement
<b>General public access to information</b>	Prescribed in charter	<i>Local Government Act 1995 – Part 5 Division 7</i>
<b>Freedom of Information legislation applies</b>	Yes	Yes
<b>Payments and gifts</b>	Prescribed in charter	<i>Local Government Act 1995 - Part 5 Division 8</i>
<b>Conduct of officials</b>	Prescribed in charter	<i>Local Government Act 1995 – Part 5 Division 9</i>
<b>Fees for goods/services</b>	Yes	Yes
<b>May be subject to Ministerial inquiry</b>	Yes	Yes
<b>Decisions subject to administrative review</b>	No	<i>Local Government Act 1995 – Part 9</i>

## Appendix 1 – Draft Outline of Rivers Regional Subsidiary Charter

### Purpose of Charter

The charter of a regional subsidiary serves the following purposes:

- (a) It sets out the agreement between the local governments forming the subsidiary
- (b) It is the primary governance document for the subsidiary, and
- (c) It is part of the mechanism by which the subsidiary is created as a legal entity.

### Content of Charter

The content of a regional subsidiary's charter should be determined in the way that best fits the subsidiary's circumstances.

This means the charter will need to take into account –

- The goals of the subsidiary
- The level of financial activity the subsidiary will conduct
- The complexity of the subsidiary's business structure, and
- The unexpected circumstances with which a subsidiary may need to deal.

A charter does not need to anticipate every possible contingency, but it should provide the subsidiary with sufficient powers and mechanisms to deal with any situation.

Since the form of a charter depends on a subsidiary's unique circumstances, there is no universal "model" for developing a charter.

Instead, the member local governments should consider particular issues and how they wish the subsidiary to address these issues. The following potential issues and questions can be used to guide the process.

### Powers and duties

- What are the subsidiary's goals?
  - To replace the Rivers Regional Council and act as principal under the terms of the 2015 Receipt and Processing of Waste for Resource Recovery Agreement and Participants Agreement for the Receipt and Processing of Waste for Resource Recovery (Waste Supply Agreements);
  - Co-ordinate Waste Recovery, Reuse and Disposal Education programs;
  - Develop co-operation between the Constituent Councils so as to improve waste management and recycling programmes and practices within the Region;

- Assist Councils to minimise the volume of waste collected in the areas of the Constituent Councils which is required to be disposed of by landfill;
- On behalf of the Constituent Councils or on its own behalf, to liaise with the WA Local Government Association, other Councils, the State of Western Australia, the Commonwealth of Australia and their respective instrumentalities for matters relating to Waste Management in the common interest of the Constituent Councils
- What powers does it need to achieve them?
  - Do anything necessary, expedient or incidental to performing or discharging its functions including, without limitation to:
    - Delegate the exercise of any of its functions or other powers (including the receipt and payment of money) to any person;
    - acquire, deal with and dispose of real and personal property;
    - sue and be sued in its corporate name;
    - enter into any kind of contract or arrangement;
    - establish a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets or for meeting any deferred liability;
    - invest any surplus funds;
    - distribute surplus to the Constituent Councils;
    - enter into agreements with the Constituent Councils;
    - employ, engage, remunerate, remove, suspend or dismiss the Executive Officer;
    - open and operate bank accounts;
    - make submissions for and accept grants, subsidies and contributions to further its objects and purposes;
    - charge appropriate fees for services rendered;
    - do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.
- If powers are needed, do they need to be limited in any way?
  - not delegate the following powers or functions:
    - to impose charges;
    - to approve expenditure of money on the works, services or operations not set out in an approved Budget;

- to adopt a Budget;
- to adopt an Annual Plan or Business Plan;
- to adopt or revise financial estimates and reports; and
- to make any application or recommendation to the Minister.
- Does the subsidiary need the ability to:
  - Employ staff? – Yes Financial Management maybe outsourced to a Member Council, but an Executive Officer independent of the Member Councils must be employed unless the Board has unanimously agreed.
  - Enter into contracts for goods and services? - Yes
  - Advertise or distribute information? – Yes
  - Operate a bank account? - Yes
  - Acquire, own and dispose of real or personal property? - Yes
  - Give security over a liability owed by the subsidiary or another entity? – No Except in accordance with the Waste Agreements
  - Delegate matters to the CEO? - Yes
  - Compete against local business? - No

## Management Board

- How many seats are on the board?
  - Seven - One representative for each participant. A natural person nominated by the CEO of the participating and intended to be the person responsible for the management of the WSA for the participating Council. Eight if Kwinana elect to join.
  - The RRS is a body corporate and is governed by its Board, which has the responsibility to manage the business and other affairs in accordance with this Charter.
- How are the members of the board appointed?
  - Nominated by the CEO of the participating Council.
- Are any qualifications required to be eligible for a position on the board?
  - Natural Person
- What outside experience is required to sit on the board?
  - Assesses as appropriate by the CEO of the participating Council

- Will the local governments have a majority of board seats under their control?
  - Yes
- Is the board limited to councillors and local government employees?
  - Yes - Local Government Employees
- Will there be deputy members?
  - Yes one Deputy
- When does a board member's term of office begin?
  - Upon receipt of written consent to act as a Director, signed by him/herself, and
  - When the nomination is accepted by the RRS CEO
- How can a term of office end?
  - Four Year Term Expires and is not reappointed.
  - Nomination withdrawn by the CEO of the participating Council.
  - The office of a Director becomes vacant if the Director:
    - dies;
    - resigns by written notice addressed to the Constituent Councils and served on any of them;
    - becomes bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
    - ceases to be an employee of that Constituent Council; or
    - was appointed by a Constituent Council, which ceases to be a Constituent Council.
- Can a board member or Deputy member be removed from their position and if so, how and when should this occur?
  - The Board may recommend to Constituent Councils CEO, that the appointment of a Director be terminated in the event of:
    - behaviour of the Director which in the opinion of the Board amounts to impropriety;
    - serious neglect of duty in attending to the responsibilities of Director;
    - breach of fiduciary duty to the Board;
    - breach of the duty of confidentiality to the Board;



- breach of the conflict of interest rules of the Board; or
- any other behaviour which may discredit the Board.
- If certain qualifications or training are required to sit on the board, does this apply to all members equally?
  - Yes
- Will board members be paid fees, allowances or expenses?
  - No
- How will meeting procedures be determined?
  - Standing orders similar to Local Governments;
  - Quorum required;
  - Minutes kept;
  - Telephone, audio-visual or other instantaneous means ('telecommunications meeting') of a number of the Board Members is permitted;
  - Simple majority deliberative vote only.

## **Planning and Reporting**

- What level of record keeping is needed, given the financial activities of the subsidiary?
  - Full financial records, correspondence and electronic records to be kept
- Is any additional level of financial reporting necessary beyond the minimum required by legislation?
  - No
- How will this information be provided to the board and the member councils?
  - Reporting to Councils via the Board member.
  - Business Plans, Annual Budgets and Annual Reports
- What auditing is required?
  - Yes but taking into account the size and scale of the organisation this is to at the discretion of the Board.

## **Amendment of Charter**

- In what circumstances can an amendment to the charter be proposed to the Minister?

- With agreement of the Board and Constituent Councils
- If the members can propose an amendment, does it require a unanimous endorsement?
  - Yes

## Issuing Directions

- How can the member councils issue directions to the regional subsidiary?
  - In accordance with the provisions of the WSA Agreements Consultation is required but direction is not permitted where the Principal has to exercise a discretion.
- What happens if a direction is not complied with?
  - No Directions are allowed
- Under what circumstances should a direction be issued?
  - Never
- Are there any situations where a board must request a direction from the member councils rather than taking action itself?
  - No

## Dispute Resolution

- How are disputes to be solved between:
  - Member councils?
    - If the dispute involves the WSA agreement then the provisions under the Agreements will apply.
    - Otherwise the provisions of the current establishment agreement.
  - A member council and the subsidiary?
    - If the dispute involves the WSA agreement then the provisions under the Agreements will apply.
    - Otherwise the provisions of the current establishment agreement.

## Financial Contributions

- What contributions are required?
  - Fixed amount?
    - The remaining funds held by the RRC will be allocated to participants in accordance with the windup provisions of the Establishment

agreement ( average of the last 5 years tonnes) and transferred to the RRS to act as Equity/Working Capital allocations as required under the current agreements.

- To be determined periodically?
  - An amount per tonne of waste based on the adopted Budget as describing in the Agreements will apply. Based on a Budget of \$250,000 and 200,000 tonnes a charge of \$1.25 per tonne would added to the WtE Fee.
- Can obligations be changed and if so, how?
  - Only by amendment to the Agreements
- Do contributions differ between members?
  - Yes by tonnes as describing in the Agreements
- Can members make voluntary contributions and if so, does this increase their personal equity in the subsidiary?
  - Only in accordance with the Agreements
- Can emergency contributions be imposed and if so, in what circumstances?
  - Yes in accordance with the provisions of the agreements; and
  - The Board may during any year for purposes of genuine emergency or hardship determine that additional operating costs contributions are required for the continuing function of the Authority. Each Constituent Council shall contribute contributions to the amount required in proportion to that Council's waste percentage used for the last Budget
- What happens if contributions are required but not made?
  - Default provisions apply in the agreements; and
  - Any emergency contribution to operating costs shall be made by each Constituent Council within 60 days of notice in writing being given by the Board to the Chief Executive Officer of the Constituent Council, provided that if the Board so decides such payments may be made in advance by monthly instalments.

## **Use of Revenue**

- If the subsidiary obtains revenue, how should this revenue be used?
  - To offset the net operating expenditure
- Can revenue be distributed back to member councils and if so, how should this distribution occur?

- Only as a carry forward to the following years budget and then on termination in accordance with the provisions of the Agreements
- Can revenue be used to further the subsidiary's purpose and if so, what uses may be permitted?
  - As per the Budget approved by the Board
- Who will decide how the revenue is used?
  - Board when considering the Budget

### **Prevention of Insolvency**

- Are there sufficient financial records and reporting to ensure that potential insolvency can be detected in advance?
  - Yes as per the Agreements – operating costs are added to tonnes charged to participating Councils.
- Can the subsidiary operate at a loss?
  - No
- What happens when potential or actual insolvency is detected?
  - Calls on participating Councils as per the Agreements

### **Winding Up**

- When does winding up have to occur?
  - May be considered upon conclusion of responsibilities under the Agreements.
- Does the subsidiary have a fixed lifespan?
  - No sunset clause BUT future should be considered upon conclusion of responsibilities under the Agreements. Current term is 20-30 years
- Does it have a fixed objective?
  - Yes
- How are assets liquidated and distributed?
  - In accordance with termination provisions of the Agreements
- How are outstanding liabilities dealt with?
  - Settled prior to any distributions

### **Membership of the Subsidiary**

- How can members join?

- With agreement of the Board AND member constituents.
- How can members leave?
  - In accordance with the provisions of the agreements by agreement of ALL parties.
- Can members be expelled and if so, in what circumstances should this occur?
  - No
- If a member leaves the subsidiary, how is that member “paid out” for their equity in the subsidiary’s assets?
  - Negotiation as per the provisions of the Agreements
- Whose permission is required?
  - As per the Agreements – All participants

### **Use of Subsidiary Funds**

- Who makes the decision?
  - Board
- Are there any limitations on how subsidiary funds can be used?
  - As approved by Budget
- Can subsidiaries use funds to purchase capital assets?
  - Yes

### **Disposal of Subsidiary Assets**

- Who makes the decision?
  - Board
- Are there any limitations on when and how assets may be disposed of?
  - As per Budget
- What happens to the proceeds of sale?
  - Board determines as per Budget

### **Code of Conduct**

- Is there a code of conduct?
  - Yes

- Who creates this code of conduct?
  - Board
- Is the code set in separate documents or policies?
  - Yes
- Can the code be amended and if so, how?
  - By the Board
- Does the code only apply to board members or does it apply to the subsidiary's employees as well?
  - Board and Employees

### **Fees and Charges**

- What kind of fees and charges can the subsidiary impose, if any?
  - As per the Agreements – administration costs of operations, Shortfall Fees, Liquidated Damages.
- Who is responsible for the decision to impose fees and charges?
  - Board
- Are there any limits on how high fees and charges may be?
  - No - As per the Budget and Agreements
- Are fees and charges to be determined on a cost recovery basis?
  - Yes
- How can established fees and charges be amended?
  - Board – amended Budget or by amending Agreements

### **Review of Charter**

- How does this occur?
  - Board discussion and constituent consultation.
- How often does it occur?
  - At least once every four years
- How is the review conducted and concluded?
  - Conducted by the Board in Consultation with Members
  - Amendments approved by Constituents and Minister

## Public advertising of charter

A draft charter can be advertised to the public for comment, but there is no direct requirement for this to occur.

Local governments should be mindful any obligations imposed by the charter will need to be reflected in the business plan which is put out for consultation.

## Independent advice

While the Minister may intervene to investigate or wind up a subsidiary in extreme situations, the Minister will not be responsible for enforcing the charter or mediating disputes between member councils.

For this reason, it is highly recommended that:

- (a) The charter is prepared by a legal practitioner, and
- (b) Each local government should only endorse the charter after obtaining independent legal and financial advice.

This will ensure that the charter is viable, enforceable and does not compromise the interests of a member council.

## Application to the Minister

The charter will need to be submitted to the Minister as part of the application to establish the regional subsidiary.

The charter should be:

- (a) Endorsed by an absolute majority of each member council
- (b) Duly executed by each member council, and
- (c) Accompanied by all necessary supporting material.

## Preliminary assessment

While the charter does not need to be submitted until the point an application is made, there are benefits to providing the charter at an earlier stage.

This will allow the department an opportunity to carry out a preliminary check of the charter to determine:

- (a) Whether it appears to comply with legislation, and

(b) Whether there are any obvious issues in the business plan which the Minister is likely to view with concern.

If any issues are identified, the department will advise the member councils so that steps can be taken to rectify or mitigate these issues. This increases the possibility that the final application will be approved.

Any preliminary check conducted by the department will be in addition to any formal assessment conducted on the final application to the Minister.



## Appendix 2 – Roles Responsibility and Delegated Authority – Rivers Regional Subsidiary

### Waste Services Agreement

			Authority
1	<i>Definitions and Terms</i>		
1.1	Notifications		CEO
	Principals Cost		CEO
	Principals Party		CEO
	Approval of Rectification Plan		Board
	Representatives of the Principal		Board
	Services to Principal Defined		CEO
	Receive Insurance Certificates		CEO
	Approve Waste Delivery Plan		CEO
	Dispute Relating to Rectification Plan		CEO
	Approve Waste Acceptance Protocol		CEO
2	<i>Financial Close and Term</i>		
2.2	Receive Key Contract Document		CEO
	Receive Regular progress Reports on Financial Close		CEO
	Grant Extensions to Financial Close		CEO
	Terminate Agreement If FC not achieved		Board
2.3	Recourse to Bank Guarantees		Board
2.4	Extend Term for up to 2 periods of five years		Board
4	<i>Overview of Services</i>		
	Review Products and Residue Management Plan	May	CEO
	Approve Facility Performance Reporting Plan	May	CEO
	Approve Community Waste Education Plan	May	CEO
	Determine reasonable requirements for 3 plans	May	CEO
5	<i>Representatives and Key Personnel</i>		
	Approval of Contractor Key Role Personnel		CEO
	Power to act for the Principal		Board
6	<i>Development of RRF</i>		
	Keep Principal informed		CEO
		5 B Days after approval	CEO
	Receive Copy of Commissioning Plan		CEO
	Receive notice of commissioning tests	20 B days	CEO
	Receive notice of independent certifier	40 B Days	CEO
	Receive Notice of waste required for commissioning	60 B Days	CEO
	Ensure type & qty of waste supplied for commissioning		CEO
	Pay commissioning shortfall fee		CEO
	Receive results of commissioning		CEO
	Receive Independent certifier certificate		CEO
7	<i>Extension of Time</i>		

	Extend Practical Completion date		Board
8	<i>Conditions Precedent to Services</i>		
	Obligation to deliver waste		CEO
	Receive notice of satisfaction CP's		CEO
	Determine if services CP's satisfied	5 B Days	CEO
	Issue notice of satisfaction		CEO
9	<i>Resource Recover Services</i>		
	Procure the delivery of waste - incl Principal Party		CEO
		1 Mth prior to	
	Approve Waste Delivery Plan (WDP)	Comm	CEO
	Approve WDP	May each Yr.	CEO
	Approve Inter Year changes to the WDP	as required	CEO
	Agree waste tonnes at RRF		CEO
	Check weighbridge calibration and license	regular intervals	CEO
	Approve arrangements if RRF unavailable		CEO
	Review Rectification Plan	10 B Days	CEO
	Notice not to deliver if RRF unavailable		CEO
11	<i>Service of Notices</i>		
	Receive notices under the agreement		CEO
12	<i>Variations to Agreement</i>		
	Approve Variations to Agreement		Board
13	<i>Invoicing and Payment</i>		
	Agree Fee to Contractor	Monthly	CEO
	Pay Fee to Contractor	30 Days	CEO
	Access shortfall fee	Quarterly	CEO
	Issue invoices to Participants	Monthly	CEO
	Dispute Contractor Invoices		CEO
	Nomination of Contractor Account Payments		CEO
14	<i>Compliance</i>		
	Direct inconsistency		Board
15	<i>Indemnity and Liability</i>		
	Hold indemnity on Trust for indemnified parties		Board
		before PC and	
	Receive Contractor Insurance Certificates	annually	CEO
18	<i>Force majeure Event and Change of Law</i>		
	Determine Force Majeure Event		Board
	Determine Change of Law event (CoL)		Board
	Arrange financial compensation for CoL event		CEO
19	<i>Default</i>		
	Determine Contractor default		Board
	Determine Principal/Participant default		Board
	Rectify default		CEO
	Determine Cure plan		Board
20	<i>Termination of Agreement</i>		
	Terminate Agreement for default		Board
	Terminate Agreement for Force Majeure event		Board

	Terminate Agreement expiration of term	Board
21	<i>Settlement of Disputes</i>	
	Dispute Resolution - Minor	CEO
	Dispute Resolution - Major	Board
22	<i>Replacement of Principal</i>	
	Principal and Participant obligations	CEO
23	<i>Direct Deed</i>	
	Direct Deed obligations	CEO
24	<i>Miscellaneous Matters</i>	
	Approve publicity	CEO
	Approve legal costs	CEO
Annexure		
8	Waste Acceptance Protocol & Waste Delivery Plan	
	Waste Acceptance Protocol contamination disputes	CEO
	Unacceptable waste requests	CEO

#### **Participants Agreement**

1	<i>Definitions</i>	
	Determine Default (BBSY) Rate	CEO
	Approve Budget of Expenses	Board
	Approve Waste Delivery (WDP)	CEO
3	<i>Delivery and Receipt of Waste</i>	
	Notify Participants - commissioning wastes	CEO
	Pay and Recover commissioning shortfall fee	CEO
	Pay and Recover commissioning liquidated damages	CEO
		1 Mth prior to
	Receive notification of optional waste	Comm
	Receive notification of optional waste	May
	Approve WDP	CEO
	Receive written confirmation of WDP	CEO
	Notify Participants - Unavailability or Force Majeure events	CEO
	Notify changes to district	CEO
	Consult with participants re Waste Acceptance Protocol	CEO
	Calculate Invoice Recover Shortfall Fee	Quarterly
	Calculate Invoice Recover Liquidated Damages	Quarterly
4	<i>Payments</i>	
	Invoice Recover Participants Fee	CEO
	Invoice Recover Administration Fee	CEO
	Invoice Recover Working Capital Fee	CEO
	Invoice Recover Setup Fee	CEO
5	<i>Unavailability of RRF</i>	
	Notification	CEO
	Elec not to deliver waste	CEO

6	<i>Force Majeure</i>		
	Notification and extension of term		CEO
	Election re Lump Sum Contribution		Board
7	<i>Liability of Participants</i>		
	Indemnification held by Principal on Trust		Board
8	<i>Replacement of the Parties and Role of Principal</i>		
	Deeds of Succession		Board
	Notice to Contractor		CEO
	Transfer working capital account		CEO
	Negotiation re Participant withdrawal		CEO
	Agreement to Participant withdrawal		Board
9	<i>Settlement of Disputes</i>		
	Receive/Deliver Notice of Disputes		CEO
	Written Response	10 days	CEO
	Meeting of parties	10 Days	CEO
	Resolve dispute	10 Days	CEO
	Notification of Loss		CEO
	Recovery of Compensation		CEO
	Enforce rights under WSA		CEO
10	<i>Insurances</i>		
	Obtain Insurance Certificates from participants	Before PC	CEO
	Obtain Insurance Certificates from participants	Annually	CEO
11	<i>Representatives</i>		
	Power to act for Principal		Board
	Record power to act for Participants		CEO
12	<i>Compliance and Decision Making</i>		
	Obtain and Maintain Approvals and Licenses		CEO
	Notification of variance		CEO
	Compliance with Safety Obligations		CEO
	Consulting Participants when exercising discretion		CEO
13	<i>Waste Service Agreement and Direct Deed</i>		
	Compliance and Notices		CEO
14	<i>Variations of Agreement Terms</i>		
	Notices and Agreement		CEO
15	<i>Service of Notices</i>		
	Receive and Serve Notices		CEO
16	<i>Entire Agreement</i>		
17	<i>Confidentiality</i>		
	Maintain confidentiality		CEO
18	<i>Set Off</i>		
	Set off amounts owed by Participants		CEO
19	<i>Publicity</i>		
	Approve publicity by all Parties		CEO
20	<i>Enforceability</i>		
	Warranties and reasonable adjustments		CEO
21	<i>Legal Costs</i>		

	Approve legal expenses	CEO
22	<i>Cumulative Rights</i>	
23	<i>Waiver Rights</i>	
24	<i>Relationship of Parties</i>	
25	<i>Shire of Murray</i>	
	Amend Committed Waste Schedule - early inclusion	CEO
26	<i>Survival</i>	

#### **Direct Deed**

1	<i>Definitions and Terms</i>	
	Principals Obligations	Board
2	<i>Consents and Acknowledgements</i>	
	Principal consents to security encumbrance	Board
	No default if security exercised	Board
3	<i>Undertakings</i>	
	Approval from Trustee to amend documents	CEO
4	<i>Remedy for Contractor Defaults</i>	
	Principal remedy constrained	Board
	Issue breach notice	CEO
	Issue termination notice	CEO
	Notify Trustee	3 B days CEO
	Agreement of remedy	Board
	Assessing requirements re misrepresentation default	Board
5	<i>Debt Financier Cure Plan</i>	
	Receive notice and access cure plan	CEO
	Accept cure plan	10 B days Board
6	<i>Termination of WSA</i>	
	Notification to Trustee	CEO
	Notification by Trustee	CEO
7	<i>Payments Costs and Expenses</i>	
	Notification of payment direction from Trustee	CEO
	Payment of costs by contractor	CEO
8	<i>Waste Volumes and Waste Delivery Plan</i>	
	Agreement to new tonnages - sch 4	CEO
9	<i>Assignment</i>	
	Trustee approval for amendments to WSA & PA	CEO
	Principal consent for Trustee assignment	CEO
10	<i>General</i>	
	Receive and Deliver Notices	CEO

#### **Supplemental Deed (Energy & Delay Costs)**

5	<i>Power Purchase Agreements</i>	
	Negotiations re Energy Supply	CEO
	Invoice and recover delay costs	CEO
	Receive election notice from contractor	25/5/2019 CEO

6	Notice to Contractor re delay Costs	Monthly	CEO
7	Invoice and recover costs		CEO

<b>6</b>	<b>SUBJECT:</b>	Murrayfield Airport Redevelopment: Contributions Toward Business Case
	<b>CONTACT OFFICER:</b>	Adam Denniss
	<b>AUTHOR:</b>	Tim Bateman

## Summary

During discussions held between the City of Mandurah and Shire of Murray Chief Executive Officers in February 2019, the Shire of Murray advised that it was preparing a business case on the proposed redevelopment of Murrayfield Airport, located approximately 15km north of Pinjarra. Funding of \$100,000 will be allocated for the business case, with \$25,000 to be provided by the PDC, \$25,000 by Brooks Hire Service, \$25,000 by the Shire of Murray and \$10,000 by the Royal Aero Club of WA. The Shire of Murray requested the City of Mandurah to contribute the final \$15,000 towards the business case.

Council is therefore requested to approve the allocation of \$15,000 from the Chief Executive Officer's Budget towards a business case for proposed redevelopment of Murrayfield Airport.

## Disclosure of Interest

N/A

## Previous Relevant Documentation

- G.20/10/18 23 October 2018 Council adopted *'Mandurah and Murray: A Shared Economic Future'* as the City of Mandurah's new economic development strategy. Council also endorsed the 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.
- G.38/1/14 28 January 2014 Council approved the allocation of \$10,000 from the Chief Executive Officer's Projects Budget to be used by the Peel Regional Leaders Forum to engage a consultant to undertake an Economic Review and Needs Assessment of a Peel Regional Airport.
- G.19/11/08 18 November 2008 Council adopted the *Southern City Strategy* as a focus of the Council's and the community's desired future for Mandurah.

## Background

The potential to redevelop Murrayfield Airport was first highlighted in 2006, during the formation of the City's new economic development vision, the *Southern City Strategy*. The strategy noted that population growth in the Perth Metropolitan south west corridor and Peel Region would need to be serviced by new transport and freight infrastructure, including a redeveloped Murrayfield Airport as a 'new Jandakot'.

The initial draft version of the State Aviation Strategy was released for public comment in September 2013. The Shire of Murray provided a submission to the draft strategy in December 2013, on behalf of the PRLF. The Shire's submission sought consideration of the Peel Region as a potential location for a second Perth metropolitan airport, and highlighted Murrayfield Airport as a potential site.

In December 2013, the PRLF resolved to allocate \$60,000 towards an analysis of the economic benefits of a regional airport within the Peel Region. In January 2014, the City of Mandurah Council resolved to allocate \$10,000 towards the analysis. However, in May 2014, the PRLF rescinded its previous decision to undertake the analysis. Therefore, the City subsequently did not allocate the \$10,000 previously committed.

The Western Australian State Aviation Strategy was released by the WA Government in February 2015. The strategy sought to guide future aviation policy, planning and investment, including new infrastructure at Perth Airport, a future second Perth metropolitan airport, and improved infrastructure planning and development at regional WA airports. The Aviation Strategy is currently being reviewed, with the revised strategy due for release in late 2020.

In October 2018, Council adopted the City's new economic development strategy, *'Mandurah and Murray: A Shared Economic Future'*. The strategy – an economic partnership with the Shire of Murray – contains six broad programs and eight projects, including 'Murrayfield Airport Upgrade'.

In February 2019, the Shire of Murray asked the City of Mandurah to provide a \$15,000 contribution towards a business case on the proposed redevelopment of Murrayfield Airport.

## **Comment**

Murrayfield Airport, located on Lakes Road in the Shire of Murray, was established in 1919, and is a registered airfield owned and operated by the Royal Aero Club of Western Australia. It is a non-controlled aerodrome (i.e. it has no control tower), and its activities include commercial flights, scenic flights, charter flights and flight training. The Murrayfield Airport site consists of several lots (see Attachment 2), with Lots 5, 6 and 11 owned by Doug Brooks (Brooks Hire Service), Lot 4 owned by RACWA, and Reserve 50750 owned by DBCA.

At a meeting held on 31 January 2019 between the Peel Development Commission, Royal Aero Club of WA, Shire of Murray and construction equipment provider, Brooks Hire, agreement was reached to undertake a feasibility study to assess the potential for Murrayfield Airport to be expanded and redeveloped. This was based on the following rationale:

- Murrayfield is a strategic asset in close proximity to the Perth metropolitan region;
- Potential to support development of the Peel Business Park and Peel Food Zone (Transform Peel);
- Perth Airport is not equipped to provide sufficient freight and cargo logistics for Western Australia;
- Cost and inability to efficiently provide freight and cargo services will limit future industry growth;
- Murrayfield has potential to become an intermodal terminal and industrial precinct;
- Murrayfield expansion opportunities include aviation industry training, aviation industry repair and maintenance, food packaging facilities, food product storage and distribution, freight industries and fly-in/fly-out passenger transport.

On 18 February 2019, Infrastructure Australia released its *2019 Infrastructure Priority List*. Infrastructure Australia is an independent statutory body with a mandate to prioritise and progress nationally significant infrastructure. The Infrastructure Priority List provides all levels of government across Australia with a prioritised list of infrastructure challenges and opportunities for the short, medium and longer term. The 2019 Infrastructure Priority List contains 121 infrastructure proposals of national significance, comprised of:

- 8 High Priority Projects;
- 10 Priority Projects;
- 29 High Priority Initiatives;
- 74 Priority Initiatives.

Metronet (Yanchep Rail Extension) was listed as a High Priority Project for Western Australia, whilst the Myalup-Wellington Water Project was listed as a Priority Project. The Perth CBD to North Corridor Capacity project and the Mitchell and Kwinana Freeway upgrades were listed as High Priority Initiatives, with a further 11 WA projects listed as Priority Initiatives. One of these is the Perth Airport New Runway project, which is proposed to be built to the east of the existing two Perth Airport runways within the medium term (next 5-10 years).



The State Aviation Strategy will be reviewed this year, with the revised strategy due for release in late 2020. As part of the review, the WA Department of Transport will be holding regional workshops to seek stakeholder feedback. The review will take into account the proposed Perth Airport third runway project, including any infrastructure capacity improvements required to facilitate the project, and its implications on regional WA air services and infrastructure.

In October 2018, Council adopted the City's new economic development strategy, *'Mandurah and Murray: A Shared Economic Future'*. The strategy – an economic partnership with the Shire of Murray – contains six broad programs and eight projects, including 'Murrayfield Airport Upgrade'.

The Murrayfield Airport Upgrade project recognises the key point-of-difference for business attraction that the airfield's redevelopment would bring to Peel Business Park and 'Transform Peel'. Initial desktop analysis indicates that the redevelopment would have a project value of around \$6 million, and would provide around 70 new full-time jobs within the Peel Region. It is envisaged that the Murrayfield Airport redevelopment feasibility study will provide a more detailed cost-benefit analysis of the project's value to the Peel Region economy.

The Shire of Murray and Peel Development Commission recently prepared a Scope of Works for the Murrayfield Airport redevelopment proposal. This includes preparation of a business case, in place of the previously proposed feasibility study. The scope of works includes: (see *Attachment 1*)

- Development opportunities;
- Costings and timeframes;
- Economic and financial analysis;
- Risk assessment;
- Implementation and management;
- Business case report.

The Shire of Murray will procure and manage the business case consultancy, which is anticipated to commence within the current financial year, and be completed within five months of the contract being awarded.

Council is requested to support the Murrayfield Airport Redevelopment business case, and to approve the allocation of \$15,000 from the Chief Executive Officer's Budget for this purpose.

## **Consultation**

The Murrayfield redevelopment is an initiative of the Shire of Murray, and will be undertaken within the Shire boundary, therefore the Shire of Murray has undertaken the necessary stakeholder consultation. This includes consultation with the PDC, Royal Aero Club of WA, and the City of Mandurah.

## **Statutory Environment**

The Department of Transport is the key Western Australian Government coordinating and advisory body on aviation related matters.

## **Policy Implications**

Redevelopment of the Murrayfield Airport would align 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 and the Peel Region's economy is a priority. The City's new economic development strategy '*Mandurah and Murray: A Shared Economic Future*' aims to facilitate economic growth in Mandurah and Murray, with a strong emphasis on delivering industry diversification and expansion.

## **Risk Analysis**

If sufficient industry diversification and expansion within the Peel Region does not occur, the following risks apply:

- Economic risk – Mandurah's economy will worsen, unemployment will increase, and the resultant costs to government will grow;
- Social risk – lower education outcomes and higher unemployment will in turn negatively impact on community safety and crime prevention, and Mandurah's sense of identity;
- Reputation risk – a worsening economy and social condition will impact negatively on the City's reputation.

## **Strategic Implications**

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

### 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.
- Increase local education and training opportunities.
- Develop a strong and sustainable tourism industry.

### Infrastructure:

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

### Organisational Excellence:

- Demonstrate regional leadership and advocacy.
- Ensure the City has the capacity and capability to deliver appropriate services and facilities.

## **Conclusion**

The opportunity to redevelop and expand Murrayfield Airport was previously identified by the Peel Regional Leaders Forum in 2013, following the release of the State Aviation Strategy. However, for various reasons, the opportunity to undertake an economic analysis of the proposal was not realised at the time.

Nonetheless, the opportunity was again identified in 2018 with Council's adoption of '*Mandurah and Murray: A Shared Economic Future*'. The joint economic development strategy outlined the significant economic benefits that could accrue from redevelopment of Murrayfield Airport, including commercial pilot training, engineering and maintenance industry development, drone pilot and Airforce Cadet training, and national and international freight and logistics capability.

This opportunity, which will be explored in depth by the Murrayfield Airport Redevelopment business case, could potentially be significant, and Council is therefore requested to support the allocation of \$15,000 towards the business case.

NOTE:

- Refer ***Attachment 1 Murrayfield Airport Business Case – Scope of Works***  
***Attachment 2 Murrayfield Airport Site Layout***

#### **RECOMMENDATION**

**That Council approves the allocation of \$15,000 from the Chief Executive Officer's budget towards a business case for the proposed redevelopment of Murrayfield Airport.**

# SCOPE OF WORKS

Shire of Murray invites you to quote on the following scope of works.

1. TITLE	Preparation of a Business Case for the future development of Murrayfield Airport.
2. PROJECT BACKGROUND	<p>The Murrayfield Airport is located within the Peel Business Park, Nambeelup. Murrayfield is owned and operated by the Royal Aero Club of WA (RACWA), a non-profit organisation incorporated under the <i>Associations Incorporations Act 1987</i>. RACWA's mission is to provide a centre of excellence for flying training and other aspects of small aircraft operation for amateur and professional pilots.</p> <p>Murrayfield is a very strategic asset in close proximity to the Perth metropolitan region. It is the last remaining light aircraft facility with direct access to the metropolitan area, with capacity to grow and expand. It is located in the Peel Business Park and provides the opportunity not only to develop the aviation sector, but to also play a role in supporting development of other elements of the Peel Business Park – such as small passenger movements and pilot training in the short term, to the potential for major freight exports in the longer-term.</p> <p>Murrayfield is currently used for limited pilot training by RACWA, for light aircraft amateur and professional flying by members of RACWA, by the Australian Airforce Cadets, by Fire and Emergency Services Australia (FESA) in emergencies, and for mosquito management of the Peel Harvey estuary system. The airport asset is underutilised.</p> <p>RACWA has an approved development plan for Murrayfield (see Annexure A), which includes extending RACWA's pilot training program (building of an Air Academy), expanding light aircraft hangar facilities, development of a sports aircraft hub, commencing aircraft maintenance and developing other light engineering service industries in support of increased aircraft activity (engineering workshops, paint workshops, aircraft spares etc.).</p> <p>Key stakeholders have formed a Working Group for this project, including:</p> <ul style="list-style-type: none"> <li>2.1 RACWA</li> <li>2.2 Doug Brookes (owner of a portion of Murrayfield Airport land)</li> <li>2.3 Shire of Murray</li> <li>2.4 City of Mandurah</li> <li>2.5 Peel Development Commission</li> </ul>
3. OBJECTIVES	The Working Group has agreed collectively to examine short, medium and long-term options and opportunities for the development of Murrayfield Airport, through the development of a Murrayfield Airport Business Case.



	<p>These parties have contributed funding towards the development of a Business Case, which will identify the preferred future development direction of Murrayfield Airport with supporting evidence.</p>
<b>4. ISSUES</b>	<p>The following are <b>current identified issues</b> that will impact on the analysis and outcomes to be undertaken in the preparation of the Feasibility Study and Business Case:</p> <p>4.1 Murrayfield Airport is not currently identified in the State Aviation Strategy as a strategic future aviation asset.</p> <p>4.2 Murrayfield Airport comprises 6 separate land portions as shown in Annexure 1. Lots 4 and 56 Nambeelup are owned by RACWA. Lots 5 and 6 Nambeelup are owned by Doug Brookes, Lot 11 Nambeelup is owned by Mandurah Airport Pty Ltd, and Reserve 50750 is owned by the Department of Biodiversity, Conservation and Attractions (DBCA).</p> <p>4.3 Large parts of Lot 4 are impacted by Regionally Significant bushland and may limit development.</p> <p>4.4 RACWA is not in a financial position to develop Murrayfield on its own.</p> <p>4.5 Recent approaches from student pilot training operators include Malaysia Airlines</p>
<b>5. METHODOLOGY</b>	<p>The Business Case will provide a clear understanding of the following:</p> <p>5.1 <u>Strategic Aviation Context</u></p> <p>A clear understanding of the current status (problems and opportunities) of domestic and international passenger and freight facilities in the Perth Metropolitan region, and the potential role of Murrayfield Airport in addressing any of the problems and opportunities.</p> <p>A clear understanding of the objectives of the WA State Aviation Strategy, the likely future development of strategic aviation facilities in and close to the Perth Metropolitan region, and the likely options for the future development of Murrayfield Airport in this context.</p> <p>A specific understanding of the source and volumes of agricultural (and related) imports and exports through the current sea- and airfreight facilities in the Perth and Southwest regions.</p> <p>5.2 <u>Murrayfield Owner Plans</u></p> <p>A clear understanding of the existing development plans and intentions of the various owners of the Murrayfield Airport site – RACWA, Doug Brookes and DBCA.</p> <p>5.3 <u>Transform Peel program, the Peel Business Park and the State Government's Keralup development</u></p>

	<p>A clear understanding of the short, medium and long- term plans for the Transform Peel program (Annexure 3), the development of the Peel Business Park, and the development of the adjacent Keralup landholding. Assess the implications of these for the future development of Murrayfield Airport</p> <p><u>5.4 Planning and Environmental Conditions</u></p> <p>A clear understanding of the Planning and Environmental conditions on the Murrayfield Airport site and how these may impact future development. A clear understanding of the planning and environmental conditions in the surrounding areas that might impact on, or be impacted by, the future development of Murrayfield – including aspects such as noise on adjacent development.</p> <p>Engagement with the Civil Aviation Safety Authority (CASA), Airservices Australia, and other State and Federal Government aviation policy regulators to understand the planning and regulation requirements for the different development opportunities investigated in this project.</p> <p><u>5.5 Vision</u></p> <p>Define the short, medium and long-term visons for Murrayfield Airport based on the above factors and consultation with landowners.</p>
<p><b>6. DESCRIPTION OF WORK REQUESTED</b></p>	<p>Based on the above methodology and the Murrayfield Airport development plans / concepts as a reference point, the Shire of Murray is seeking quotations on the following scope:</p> <p><u>6.1 Development Opportunities (scenarios) for Murrayfield Airport</u></p> <p>A set of realistic scenarios for the future development of Murrayfield that meet the short (1-5 years), medium (5-15 years) to long (15-25years) term visions.</p> <p>Draft development opportunities include:</p> <ul style="list-style-type: none"> <li>a) Sports aircraft hub</li> <li>b) Aircraft maintenance and light engineering service industries</li> <li>c) RACWA and external provider pilot training school</li> <li>d) Freight services / infrastructure</li> </ul> <p>This activity will require:</p> <ul style="list-style-type: none"> <li>6.1.1 Consultation with stakeholders (noted in Sections 2-5).</li> <li>6.1.2 Consultation with identified potential external service providers / users of the facility.</li> <li>6.1.3 Needs analysis undertaken on all scenarios</li> </ul>

	<p>6.1.4 Identify high level multi-criteria analysis for each scenario (delivered in table format).</p> <p>6.1.5 Determine complementary or co-existence factors that may occur between opportunities / scenarios.</p> <p>6.1.6 Identification of all approvals / regulatory requirements for each scenario.</p> <p>6.1.7 Deliver high level concept drawings for each development opportunity / scenario.</p> <p><u>6.2 Costings and Timeframes</u></p> <p>The following will be required at a high level for each opportunity / scenario:</p> <p>6.2.1 Meet with the Working Group for a briefing on designs and discussion on general approaches to specifications, finishes and services.</p> <p>6.2.2 Meet with the Working Group for a briefing on required service and utility infrastructure (e.g. road, sewerage, water, power).</p> <p>6.2.3 Costings for short, medium and long- term infrastructure, capital investment and operational expenditure required.</p> <p>6.2.4 Timeframes for development</p> <p>6.2.5 Options of funding models for development</p> <p><u>6.3 Economic and Financial Analysis</u></p> <p>The Working Group will determine the prioritised opportunities / scenarios for the economic and financial analysis, which will include:</p> <p>6.3.1 Assessment of construction phase impacts</p> <p>6.3.2 Assessment of ongoing employment and economic impacts</p> <p>6.3.3 Assessment of operating models, capacity and capability of the project proponent and possible equity partners</p> <p>6.3.4 High level risk analysis to inform likelihood of scenarios</p> <p>6.3.5 Cost benefit analysis</p> <p><u>6.4 Risk assessment</u></p> <p>Undertake a detailed risk assessment of the prioritised development opportunities.</p> <p><u>6.5 Implementation and Management</u></p> <p>Develop an operational management plan for the prioritised development opportunities. This activity should consider management structures and financial models for investment and operation.</p> <p><u>6.6 Business Case Report</u></p>
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	<p>Finalise and consolidate a business case containing information on all the above aspects. This document will present the case for the prioritised development opportunities to potential investors, joint ventures and funding programs.</p>
<p><b>7. SPECIAL CONDITIONS</b></p>	<p>Submissions to undertake preparation of the Murrayfield Airport Business Case should contain at least the following:</p> <p>7.1 A Statement describing overall understanding of the proposed scope of work.</p> <p>7.2 Identification of skills required to prepare the Business Case, and the proposed key personnel.</p> <p>7.3 A Project Plan describing how the work will be undertaken, key milestones and reporting/decision-making points, and the overall timing of the business case development.</p> <p>7.4 Cost of preparation of the Murrayfield Airport Business Case identifying costs associated with individual subsections of Section 6 (i.e. 6.1 – 6.7).</p> <p>7.5 An hourly rate for key personnel should any additional work be required.</p> <p>All activity completed within five (5) months after award of contract.</p> <p>Documents are to be prepared to the satisfaction of the Working Group.</p>
<p><b>8. SUBMISSION OF QUOTE DUE</b></p>	<p>5pm, 10 May 2019</p>
<p><b>9. CONTACT FOR FURTHER INFORMATION &amp; SUBMISSION OF QUOTE</b></p>	<p>David Arkwright  Manager Investment Attraction  Shire of Murray  <a href="mailto:med@murray.wa.gov.au">med@murray.wa.gov.au</a>  08 9531 7675</p>



