

## CITY OF MANDURAH

### Minutes of Council Meeting

held on

**Tuesday 24 February 2026 at 5:30 pm**

**in the Council Chambers, 83 Mandurah Terrace, Mandurah**

Mayor	A Kearns	
Deputy Mayor	J Smith	Coastal Ward
Councillor	J Cumberworth	Coastal Ward
Councillor	O Mulder	Coastal Ward
Councillor	J Green	East Ward
Councillor	D Wilkins	East Ward
Councillor	S Wright	East Ward
Councillor	P Jackson	North Ward
Councillor	C Knight	North Ward (Electronic Attendance)
Councillor	A Zilani	North Ward
Councillor	R Burns	Town Ward
Councillor	P Rogers	Town Ward (Electronic Attendance)

Ms C Mihovilovich	Chief Executive Officer
Mrs T Jones	Director Business Services
Ms J Thomas	Director Place and Community
Mr J Campbell-Sloan	Director Strategy and Economic Development
Mr M Hall	Director Built and Natural Environment
Ms J Weber	Manager Governance and Legal Services
Ms L Grieve	Minute Officer

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Unconfirmed

## 1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 5:30 pm and announced that the Council Meeting is being livestreamed in accordance with the City's Council Meetings – Live Streaming, Recording and Electronic Attendance Policy. By being present at this meeting, members of the public consent to the City livestreaming and publishing their voice on the City's website. The Mayor noted that members of the public are not subject to video livestreaming and only their voice will be captured.

## 2 ACKNOWLEDGEMENT OF COUNTRY

George Walley kindly prepared this statement for me.

People have been here for a long time. I want to acknowledge the presence of people over that long time with firstly the Bindjareb Noongar people who continue to have an ongoing connection to this land. They have been here for over 50,000 years. This place Mandjoogoordap or Mandurah, acknowledges a beautiful name, full of intent of people living here and others visiting here. That intent gives us an idea of their ancestral land usage over that long period. Mandurah, the gathering place is unique because even today we still gather here in the most beautiful place for many important reasons. Let us embrace the notion of people being in this space as we move forward as one community.

## 3 APOLOGIES

Leave of Absence

Apologies

Cr D Schumacher

## 4 DISCLAIMER

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 the *City of Mandurah Standing Orders 2016* (Section 13.1(1)) 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.

## 5 ANSWERS TO QUESTIONS TAKEN ON NOTICE

### 5.1 Councillor R Burns

#### Question 1: Public Health and Wellbeing Plan 2026–2030

At the October OCM, during questions on the Public Health and Wellbeing Plan 2026–2030, staff advised they would take on notice the requests for clarification regarding Mandurah-specific climate data and the modelling relied upon to support the climate-related statements made during the debate. Given that Table 3 of the Plan identifies 'planning for vulnerable populations to cope with rising global temperatures' as a significant consideration for the City - and given the City already spends hundreds of thousands of dollars on decarbonisation initiatives - it is important to understand the specific data and resources City staff are relying on.

Could the City please advise whether a response to those taken-on-notice requests has since been provided to elected members? If so, can that response be tabled; and if not, when can elected members expect to receive the specific documents, datasets, and modelling that inform policy positions and guide associated City expenditure?

#### City of Mandurah Response

The City is generally guided by the State and the Federal on the topic of climate change and the related science.

The State Government has acknowledged that the science is clear and that Western Australia's climate has changed and that further change is inevitable. Western Australia is already experiencing the impacts of climate change, including:

more frequent and severe droughts;

- heatwaves;
- high-risk bushfire weather;
- extreme rainfall events; and
- rising sea levels.

The State Government's response to climate change includes:

- reduced greenhouse gas emissions; and
- adaptation and building resilience.

The City's Environment Strategy, adopted by Council in 2023, establishes the City's framework for its aligned local approach for adaptation and resilience and includes actions such as the development and review of the City's Climate Change Response Plan and Coastal Hazard Risk Management and Adaptation Plans for our coastline and estuarine environments.

In September 2021, the Government of Western Australia provided a summary of climate change trends, and this information is outlined below:

Between 1900 and 2021:

- Western Australia has warmed by about 1.3°C since 1910;
- rainfall has declined in south-west Western Australia since 1900, and this decline has been larger than anywhere else in Australia; and
- the number of days of dangerous weather conditions for bushfires has increased.

Also, that Western Australia's climate will continue to change over the coming decades and by 2050, the following changes are projected:

- Western Australia's temperature is expected to increase by about 2°C (range of 1.5 to 2.4 °C) under a high emission scenario, reducing to about 1.2 °C (range of 0.8 to 1.6 °C) under large and sustained reductions in global greenhouse gas emissions;
- extreme temperatures are very likely to increase into the future with the number of very hot days (>40 °C) projected to increase from about 1.5 to five days per year in Perth;
- Western Australia can expect longer fire seasons, with about 40 per cent increase in very high fire danger days;
- sea levels are projected to rise by about 24 cm along the West Australian coast;
- mean rainfall is projected to continue to decrease in south-western Australia, while changes over northern Australia remain uncertain; and
- Rainfall variability and extreme rain events are projected to become more intense, leading to more very wet and very dry years.

Local information available from the Bureau of Meteorology rainfall monitoring station in Mandurah and the tide gauge in Fremantle support the published Western Australia climate change trend data on reduced rainfall in south-western Australia and sea level rise along the West Australian coast, at a local level (please visit the Bureau of Meteorology website @ <https://www.bom.gov.au>).

Further information is available via the Government of Western Australia's website @ <https://www.wa.gov.au/organisation/department-of-water-and-environmental-regulation/climate-change-wa>.

## **5.2 Councillor D Schumacher**

### **Question 1: Employee Costs**

In 2025, the employee costs were \$4.1m above the 2024 employee costs. Why was there such an increase?

### **City of Mandurah Response**

The increase in employee costs from \$55.4 million in the 2023/2024 Financial Year to \$59.5 million in the 2024/2025 Financial Year represents a \$4.1 million (7.4%) increase. This increase is attributable to a combination of the following factors:

1. Industrial Agreement wage increases, including a 5.03% increase effective from March 2024 (with the full year impact realised in 2024/2025), and a further 3.5% increase effective from March 2025, resulting in higher salary costs in the 2025 year.
2. An increase in the superannuation guarantee rate from 11.0% to 11.5%, increasing the overall cost of employment.
3. The Long-Term Financial Plan 2025-2034 included \$356,164 in new staff costs, which were adopted into the 2024/2025 Budget.
4. A slight reduction in the overall vacancy rate during 2025, resulting in higher actual salary expenditure compared to the prior year.

## **6 AMENDMENT TO STANDING ORDERS**

### **OCM26/1 Council Resolution**

#### **MOTION**

**Moved: Cr D Wilkins**  
**Seconded: Deputy Mayor J Smith**

#### **That Council:**

1. **Suspend the operation of the following provisions of the City of Mandurah Standing Orders Local Law 2016 for the duration of this electronic meeting to ensure Councillor C Knight and Councillor P Rogers can follow and participate in the meeting as it progresses.**
2. **Standing Order 7.2 Members to occupy own seats whilst present in meeting room. Relevant only for Elected Members attending the Council Chambers.**
3. **Agree under Standing Orders 8.1(1) and 12.2, that instead of requiring a show of hands, a vote will be conducted by exception with the Presiding Member calling for those Members against each motion. If no response is received the motion will be declared carried and minuted accordingly.**
4. **Reiterate the requirement as per Standing Order 7.3 for Members to advise the Presiding Member when leaving or entering the meeting at any time.**

**CARRIED: 11/1**  
**For: Mayor A Kearns, Deputy Mayor J Smith, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns**  
**Against: Cr J Cumberworth**

## 7 PUBLIC QUESTION TIME

The Mayor opened Public Question Time at 5:36pm.

### 7.1 Public Questions

#### 7.1.1 Stanley Gibb

##### Question 1: Contractor Damage

Will the City issue a rectification notice requiring Tracc to replace the shrubs, trees, and plants on the verges of Silvergum Avenue, in accordance with the City of Mandurah Local Government Property and Public Places Local Law 2016, within two weeks from 24 February 2026?

##### City of Mandurah Response

The developer has removed some verge vegetation as part of their approved development works, however, the impacted verge areas will be rehabilitated as part of the developers finishing landscaping works and this will commence in early March and be completed by June 2026.

#### 7.1.2 Judy Drayton

##### Question 1: Strong Women's Group

With the letter that was hand delivered by Aunty Ivy of the Strong Women's Group to the CEO on the 4th April 2025, can you please confirm if a response and on what date was this made.

##### City of Mandurah Response

The letter from Aunty Ivy was first received at 4.11pm on Thursday 3 April 2025, via email addressed to the CEO and Mayor and copying in all City of Mandurah Councillors.

Mayor Caroline Knight at the time sent a signed letter in response, via return email, on Friday 11 April 2025.

##### Question 2: Consultation with Traditional Owners

Can the City clarify exactly when consultation with Traditional Owners formally began, who authorised it, which specific Indigenous bodies were contacted, and whether that consultation consisted of formal, minuted meetings — or informal discussions? And importantly, did this occur before or after the excision proposal was developed?

##### City of Mandurah Response

The City of Mandurah and Council has a strong history of meaningful and authentic engagement with the local Aboriginal community. Over decades, the City has consistently demonstrated leadership in working alongside Bindjareb Elders on key activities, projects, and decisions that impact the local community and heritage. The City has demonstrated a clear commitment to engaging with the local Aboriginal community regarding this project having initiated early engagement with Local Aboriginal Elders in 2023 as part of the City Centre Master Plan development and has continued to engage with a number of Aboriginal Corporations and Groups since then. These include:

- Gnaala Karla Booja (GKB) Aboriginal Corporation, as the Aboriginal corporation whose region encompasses Mandurah
- Winjan Aboriginal Corporation
- Koobardies Talking Mandurah group
- Local Aboriginal Elders connected to Bindjareb country, including Elders identified for potential participation in site-based discussions and gathering

Further detailed information including dates will be provided in the minutes outlining the engagement process.

Dates of meetings where the Western Foreshore Commercial Proposal was discussed:

- 31 January 2023: Meeting with City Staff and George Walley, Franklyn Nannup, Ricky Ugle, Brett Hill, Trevor Stack, Harry Nannup (Snr) at the Western Foreshore
- 28 September 2023: George Walley and Mayor at the Eastern Foreshore
- 11 December 2023: Brett Hill and George Walley with Mayor and CEO
- 20 February 2024: Department of Planning, Lands and Heritage (DPLH), confirming the proposed works are not within the actual boundary of the heritage site, as administer by the DPLH.
- 22 April 2024: George Wally, Brett Hill, Mayor and CEO

28 May 2024 – Council endorsed Western Foreshore Commercial Site Business Plan for advertising for the purposes of inviting submissions.

31 May 2024 to 26 July 2024: Major Land Transaction Community Consultation Period.

- 17 February 2025: Koolbardies
- 13 March 2025: Meeting with Winjan Aboriginal Corporation, Mayor and CEO
- 17 March 2025: Koolbardies
- 1 April 2025: Meeting with Gnaala Karla Booja Aboriginal Corporation

In relation to the second part of the question regarding the requirement for engagement with Aboriginal community prior to a land excision process, the City received confirmation by the Department of Planning, Land and Heritage (DPLH) that a section 18 approval under the *Aboriginal Heritage Act 1972* (AH Act) was not required and this was undertaken prior to proceeding with the Major Land Transaction or applying to the State Government for the land excision process. An approval under section 18 of the AH Act is only required if the owner of the land determines that there is an Aboriginal site that is likely to be harmed by the intended land use.

At the time Council resolved to proceed with the Major Land Transaction and it was acting on advice from DPLH that the proposed works to be carried out by LCL under the sublease did not fall within the boundaries of any registered Aboriginal site. Confirmation from DPLH that the site is not a registered Aboriginal heritage site was received on 20 February 2024, 25 February 2025, 30 May 2025 and 18 February 2026. A survey is now being undertaken on the Western Foreshore Leisure Precinct which includes the Commercial Site. This is being undertaken by GKB.

In the event, an Aboriginal site is identified within the boundaries of the proposed works the City is bound and will comply with the provisions and procedures set out in the AH Act and any other applicable legislation.

### **7.1.3 Sandra Muir**

#### Question 1: Independent Enquiry

Why wasn't the independent enquiry carried out following the events of 12 April 2025 when Aunt Ivy tried to deliver a letter to the Mayor as it is now 12 months on?

#### City of Mandurah Response

Councillor members under the *Local Government Act 1995* have no power or authority to undertake an independent inquiry. Council may review the CEO's decision, and this would be undertaken through the CEO performance review.

### **7.1.4 Brian Perry**

#### Question 1: Public Questions

You say that questions can't be asked about the integrity of council members or staff that could reflect badly. What does that mean exactly?

City of Mandurah Response

You cannot make any statements that could adversely reflect on a staff member so saying something that is inappropriate or not professional. Any questions must remain respectful, professional and factually correct.

Question 2: Public Questions

Does that mean you cannot criticise when they haven't done something right?

City of Mandurah Response

This depends on the nature and how you ask the question. You must ask a question, for example, asking why something hasn't been undertaken and then we will be able to respond. If you feel like the City has not undertaken some sort of activity the way you would like it.

Question 3: Public Questions

And you decide that do you? Who says I am only allowed to ask 3 questions, does it say that in the Act, can you state the section?

City of Mandurah Response

Council have adopted a meeting procedure (Council Meetings – Live Streaming, Recording and Electronic Attendance POL-GVN 11) policy that states that within that policy 3 questions can be asked during public question time by each community member. Public Question Time is limited to 15 minutes and the Presiding Member has the authority to extend public question time through this policy.

**7.1.5 Gary Buckland**

Question 1: Council Projects

In the last 15 years, can any of the councillors tell me a project that stayed within budget and finished on time?

City of Mandurah Response

This question was taken on notice.

Question 2: Dredging

I asked a question at a previous council meeting about the cost of dredging in the canals and have heard nothing about that.

City of Mandurah Response

A response has been prepared and will be shared with Mr Buckland.

Question 3: Caravan Fire

Regarding the Caravan fire on the new block near the near Gymnasium – who paid for the clean up?

City of Mandurah Response

This question was taken on notice.

The Mayor extended public question time at 5.50pm.

**7.1.6 Kaitlin Butt**

Question 1: Small Business Compensation

Is there a form of compensation that small businesses will be able to apply for due to the continued roadworks?

City of Mandurah Response

No there is not any form of compensation.

### Question 2: Small Business Compensation

When the foreshore was upgraded, businesses received compensation, why aren't we receiving it now?

#### City of Mandurah response

Businesses did not receive compensation. Where the City occupied land and they were a lessee we did reduce their rent income because they were unable to operate within the area but there was no compensation provided to businesses in relation to those works.

### Question 3: On Behalf of Tracy @ Kaleidoscope Rugs

When the road was pulled up 2 and a half years ago and upgraded, why was the planning not further thought of and why do these businesses have to suffer yet again?

#### City of Mandurah Response

The particular section that we are now back to providing rehabilitation project is compounded by black spot funded project which is the signalised closed intersection. Unfortunately, in terms of the timing to secure funding for that work and the planning that was required it was unable to be done at that time of the adjacent sections of Pinjarra Road were finished but we are doing our best to manage that as well as we can.

The Mayor closed Public Question Time at 5:54 pm.

## **8 PUBLIC STATEMENT TIME**

### **8.1 Judy Drayton: Strong Women's Group**

Ms Drayton spoke in support of the motions raised at the Annual Electors Meetings held on 9 February 2026.

## **9 LEAVE OF ABSENCE REQUESTS**

### **9.1 Leave of Absence: Councillor A Zilani 19/05/2026 – 02/07/2026 (inclusive)**

#### **OCM26/2 Council Resolution**

##### **MOTION**

**Moved: Cr S Wright**  
**Seconded: Cr D Wilkins**

**That leave of absence be granted to Councillor A Zilani from 19/05/2026 to 02/07/2026 inclusive.**

**CARRIED: 12/0**

**For: Mayor A Kearns, Cr O Mulder, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns**

**Against: Nil**

## **10 PETITIONS**

### **10.1 Councillor O Mulder - Balladonia Boardwalk Petition**

Councillor O Mulder presented to Council a petition that contains the signatures of 14 residents, all of which have been verified, who are requesting that Council provide a response as to when the work will recommence and a provide a definitive completion date. Councillor O Mulder moved that the petition be received and referred to relevant officers.

### **OCM26/3 Council Resolution**

#### **MOTION**

**Moved:** Cr O Mulder  
**Seconded:** Cr D Wilkins

**That the petition be received and referred to relevant officers.**

**CARRIED:** 12/0  
**For:** Mayor A Kearns, Cr O Mulder, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns  
**Against:** Nil

### **11 PRESENTATIONS**

Nil

### **12 DEPUTATIONS**

**12.1 Lorraine Morrison and Kaye Bernard: For and on behalf of the Strong Women's Group against the City officer recommendations in Report 19.1 Motions Carried at the Annual General Electors' Meeting of 9 February 2026.**

### **13 CONFIRMATION OF MINUTES**

#### **13.1 Ordinary Council Meeting held on 16 December 2025**

### **OCM26/4 Council Resolution**

#### **MOTION**

**Moved:** Cr A Zilani  
**Seconded:** Cr S Wright

That the Minutes of the Ordinary Council Meeting held on 16 December 2025 be confirmed.

**CARRIED:** 12/0  
**For:** Mayor A Kearns, Cr O Mulder, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns  
**Against:** Nil

#### **13.2 Annual Electors Meeting held on 9 February 2026**

### **OCM26/5 Council Resolution**

#### **MOTION**

**Moved:** Deputy Mayor J Smith  
**Seconded:** Cr O Mulder

That the Minutes of the Annual Electors Meeting held on 9 February 2026 be confirmed.

**CARRIED:** 12/0  
**For:** Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns

Against: Nil

## 14 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

At the invitation of the Mayor, Councillors updated the meeting on the following recent activities:

- 14.1 Cr D Wilkins Destination marketing with Fremantle Football Club**
- 14.2 Deputy Mayor Smith Midway opening of new accommodation for people with a disability**

Cr O Mulder left the meeting at 6.15pm  
Cr O Mulder returned to the meeting at 6.16pm.

- 14.3 Councillor J Cumberworth National War Service Animal Day Commemoration**
- 14.4 Mayor Young Citizen of the Year Award: Millie Penman**
- 14.5 Mayor Local Legend Award**

Cr S Wright left the meeting at 6.21pm.  
Cr S Wright returned to the meeting at 6.22pm.

## 15 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS

- 15.1 The Chief Executive Officer declared an impartiality interest in Item 19.1 Motions Carried at the Annual Electors Meeting of 9 February 2026 because the report references their position held at the City of Mandurah and their administration functions that were carried out.
- 15.2 Councillor D Wilkins declared an impartiality interest in Item 19.5 and 19.6 Monthly Financial Report - December 2025 and January 2026 respectively due to being the Council representative on the Mandurah Performing Arts Centre Board.

## 16 QUESTIONS FROM ELECTED MEMBERS

### 16.1 Questions of Which Due Notice Has Been Given

#### 16.1.1 Councillor O Mulder

##### Question 1: Central Men's Shed

Regarding the Central Men's Shed. Can the City please provide a timeline of key engagements with the Men's Shed, commencing from when decision first began regarding new or expanded facilities? Can the City advise the anticipated completion timing for the new facility, and the association high-level cost estimate?

##### City of Mandurah Response

In early 2021, the City commenced engagement with Mandurah Men's Shed and Peel Men's Shed as part of the Mandurah Men's Shed Strategic Direction Report. The report confirmed that both Shed groups were in need of more secure and more suitable premises.

In July 2021, Council resolved to receive the Strategic Direction Report, note the benefits of Men's Sheds, agreed to small financial operating contributions and committed to exploring a new site for potential construction of a new combined Central Men's Shed. An extensive investigation of multiple possible sites took place over the next 2 years, and both Sheds were engaged fully and extensively

throughout this investigation for a suitable site.

In November 2023, Council resolved to proceed with concept design and Quantity Surveyor Estimates for two different site options, being Reserve 46202 Boundary Road and Reserve 34267 Reserve Drive. Each site option presented different strengths and challenges. The contractor engaged both Men's Sheds in the development of a concept plans.

As the concept plans for Boundary Road and Reserve Drive were being finalised, the commercial lease at the Indoor Sports Centre was unexpectedly discontinued, essentially providing a third site option that could not have been considered previously.

In October 2024, Council resolved to approve the Mandurah Indoor Sports Centre, Dower Street, as the preferred site for a combined Central Men's Shed. Council also approved City officers to proceed with a concept design and Quantity Surveyors Estimate for the site, under the operating principles of a multi-use and shared facility. City officers have progressed this site option steadily and without delay, with activities such as valuation and disposal of miscellaneous items in accordance with the *Disposal of Uncollected Goods Act 1970*; preliminary condition report; and minor amenity upgrades such as the installation of a security alarm.

In 2025, the City contracted an Architectural firm to develop concept plans and cost estimates. The key stakeholders, including Mandurah Men's Shed, Peel Men's Shed and Mandurah Lions Club were involved in three different workshops with the Architects in July, August and September. The draft concept plan was presented in November. The City met separately with the Men's Sheds and Lions Club in November to discuss the concept plan and based on the respective feedback an updated concept plan was developed and separately presented to the Men's Sheds in December and Lions Club in February. During 2025, City officers met stakeholders at the Indoor Sports Centre for multiple walk-throughs. There has also been extensive communication throughout via email and phone calls.

In February 2026, the City received the draft report from the Architect which included concept design and cost estimates. City officers are presently reviewing the draft report and it is expected that this will be finalised in March. It is not yet suitable to release the high-level estimate, because City officers are analysing the itemised budget and anticipate a material reduction to the current high-level figure. A report is expected to Council in April 2026 to seek approval of an agreed course of action. All stakeholders have been advised they will receive further in-person communication prior to any Council consideration. The Central Shed project is scheduled for completion in 2028/29, and is subject to key activities such as detailed design, tender process, and successful funding applications. If the project can be phased to enable early access to part of the facility, then this will be implemented.

#### Question 2: Falcons Men's Shed

Regarding the Falcon Men's Shed: Can the City please provide a timeline of key engagements with the Men's Shed, commencing from when discussions first began regarding new or expanded facilities? Can the City advise the anticipated completion timing for the new facility, and the associated high-level cost estimate?

#### City of Mandurah Response

As this is a detailed response, the response will be provided in the minutes.

#### Response:

Preliminary and informal discussions took place with Falcon Community Menshed prior to 2019 in search of a new premises. A new facility or site was not found that was agreeable to both the Shed group and the City.

In October 2020, Council approved a lease over a portion of Reserve 42821 to Falcon Community Menshed Incorporated. This area was the existing shed to the rear of the property.

In February 2021, Council approved a long-term lease of 20 years to Falcon Community Menshed

for the management of the entire Falcon Family Centre, approximately 1,100 square metres. This enabled the Men's Shed to activate all of the indoor spaces, and provided room for a new shed in the back. However, Falcon Men's shed confirmed they did not need all of the space, and were willing to have half of the indoor space, and half of the outdoor space. This enabled the playgroup and other users to continue using the space. As such, this part of the Council resolution was revoked in July 2021.

In July 2021, Council resolved to receive the Mandurah Men's Shed Strategic Direction Report, and subsequently, officers continued to work with Falcon Community Menshed on a final shed design of 360sqm. Multiple work activities were undertaken such as Arborist report, Fauna survey, liaison with Western Power and Water Corporation, concept designs, and advocacy efforts. At this point, it was agreed the Men's Shed would apply for a Lotterywest Grant. This changed in early 2025 when Lotterywest confirmed the grant application would need to be submitted from the City. This reset the project, with additional work required to fund final concept and obtain cost estimates.

The City received final Concept and cost estimates in November 2025, and now has all the information needed to submit a Lotterywest application for the Falcon Community Menshed. City officers are working with the Falcon Menshed and have drafted an application. This project is scheduled for completion in 2027/28 and has a high level cost estimate for this project is \$1,064,000 (including detailed design).

#### Question 3: GreenPower

On the 23rd of December 2025, the City published the results of the first 6 months of the City's new energy supply contract. 50% of electricity consumption under this contract is renewable energy purchased from GreenPower. The City's statement advised that the additional cost associated with this GreenPower component over this 6-month period, compared to a standard electricity contract, is over \$50,000. Can the City advise the approximate CO<sub>2</sub>-equivalent saving, in tonnes, associated with this GreenPower component of our energy supply contract?

#### City of Mandurah Response

The approximate greenhouse gas emission saving associated with the City's GreenPower purchase over the 6-month period is 694 tonnes of CO<sub>2</sub>-equivalent.

### **16.1.2 Councillor R Burns**

#### Question 1: Timms Thickett and White Hills Beach Current Position

Can the CEO confirm whether the City of Mandurah is currently considering, planning, or progressing any proposal to:

- 1a) Restrict or close physical access to those beaches, including via access roads or park entry points;
- 1b) Close or re-zone any part of those beaches; or
- 1c) Limit or prohibit lawful activities on those beaches, including four-wheel drive use?

#### City of Mandurah Response

1a) Officers are progressing proposals set out in the Yalgorup National Park Concept Master Plan endorsed by Council in May 2024. This includes changes to access arrangements in these areas. As background, in 2023 – 2024 the City partnered with the Department of Biodiversity, Conservation and Attractions (DBCA) to prepare the Yalgorup National Park Concept Master Plan as the guiding document for the delivery of infrastructure for the sustainable development of eco-tourism opportunities in and adjacent to Yalgorup National Park.

This document includes the Tims Thicket to White Hills Beach Access Management Plan (North and South). Copies of these maps are provided to elected members setting out the proposed locations for Beach Driving, Sealed and Unsealed Access. These plans include beach access at Tims Thicket Rd and Whitehills Rd with an upgraded track network.

Detailed planning is underway into changes to enhance safety and create environmental and cultural protections that will alter access arrangements.

It should be noted these beach access management plans are concept designs developed through stakeholder workshops. These concepts will form the basis of future detailed designs and a detailed Beach Access Management Implementation Plan, and Council will be engaged and briefed further as and when those projects progress.

It is noted that there are many other aspects of Beach Access Management Planning beyond the location of roads and infrastructure including education and enforcement planning, and a successful operating model is likely to include joint management and clear land tenure arrangements between the City and other relevant authorities and agencies, including DBCA and Water Corp who also manage land in the area.

1b) The City's current work relates to Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) across the beaches from the inlet and South to the City's border with the Shire of Waroona. This project is a long-term coastal hazard planning framework, and it does not propose the closure or rezoning of beaches.

The CHRMAP refers to the Yalgorup National Park Concept Master Plan (DBCA 2024) as the guide for future management actions. This may include modified access as necessary in the future to prevent track over-use and dune damage – but continued access will remain.

1c) The draft Southern Beaches CHRMAP does not recommend closing beach access. Instead, it recognises how important these areas are for 4WDing, fishing, and recreation, while highlighting the need for responsible management to protect dunes, vegetation, and cultural heritage.

Community feedback played a big role in shaping this approach. Residents told us they value beach access for 4WDing but also want to make sure it's sustainable for future generations.

The Beach Access Management implementation plan will present options for consideration around preserving the utility of the beaches, while paying due consideration to safety and environmental concerns.

#### Question 2: Timms Thickett and White Hills Beach - Decision Making Process

If any proposal of the kind described above were to be considered in future, would such action require:

- 2a) A formal Council decision; and
  - 2b) Public notice and an opportunity for community submissions
- if not, under what authority could such action occur?

#### City of Mandurah Response:

Yes, the City is required to issue public notices when it makes a determination on City owned or managed land, including permanent road closures, which provide for a submission period for the community to comment on any proposal.

As per the question taken on notice in May 2024 and responded in June 2024, the City will carry out consultation for any proposals outside the Tims Thicket to White Hills Beach Access Management Plan, as presented in the Yalgorup National Park Concept Master Plan endorsed by Council in May 2024.

#### Question 3: Timms Thickett and White Hills Beach - State Authority

Can the CEO clarify whether any State Government department or agency has the legal authority to:

- 3a) Override or supersede Council in relation to beach access or activity regulation at Tim's Thicket or White Hills; or

3b) Restrict access via Yalgorup National Park roads or tracks in a way that would effectively prevent access to those beaches?

City of Mandurah Response

3a) Yes, some State Government departments and agencies do have the power to regulate beach access or activity in these areas at specific times or in relation to specific events.

These instances can include DBCA, who under the *Biodiversity Conservation Act 2016*, can close beach access for a defined short-term period for incidents including wildlife rescue, threat to the environment or a threat to persons.

The Department of Transport can take action to close the beach for a defined short-term period due to spillage or incident/ hazard management offshore at this location.

The Department of Planning Lands and Heritage have ultimate responsibility for the beach area, and have powers associated with the *Land Administration Act 1997*.

WA Police and Dept of Fire and Emergency Services can also take action to close roads, access tracks or the beach for a defined short-term period if necessary, in relation to an issue under their management.

3b) Yes, DBCA do have the power to regulate beach access via existing tracks in these areas at specific times or in relation to specific events, which in an extreme case could include the power of an indefinite closure of tracks across land that they manage under the *Conservation and Land Administration Act 1984*.

Short-term closures under the *Conservation and Land Management Act 1984* can happen in a fire emergency, or in the rare circumstances if a managed visitor location has reached full visitor capacity.

### **16.1.3 Deputy Mayor J Smith**

Question 1: Pyramid's Beach

Please may I ask on an update as to the City's plan for managing the ongoing sand drift at Pyramid's beach, impacting the footpath and beach access? In the interim, would officers consider increased signage in the area to alert residents?

City of Mandurah Response

The path is presently maintained on a 2 monthly schedule. City officers are investigating the options available for signage and a more permanent management of the sand drift at Pyramid's beach.

Question 2: Information Commissioner

I read a post on social media that the City is under investigation by the Information Commissioner. Is this correct?

City of Mandurah Response

The City is not under investigation by the Office of the Information Commissioner. Applicants seeking access to information under the Freedom of Information (FOI) process have the option to request a Review of the City's decision if they disagree with a decision made related to their FOI request. This process is not considered an investigation.

## **16.2 Questions of Which Notice Has Not Been Given**

### **16.2.1 Councillor D Wilkins**

Question 1: Roadworks Communication Plan

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Can the City let us know if there is a communication plan in place for communicating with these businesses affected by roadworks either prior or during the works and are these businesses consulted prior to works commencing?

City of Mandurah Response

There was a communication plan for works and information provided to all adjacent businesses and impacted parties.

**16.2.2 Councillor S Wright**

Question 1: Geographical mapping

Does the CEO have any comments regarding the Geographical mapping that was discussed earlier in the meeting?

City of Mandurah Response

The City of Mandurah Foreshore Focus 2020 is what was being referred to and stated that an Ethnographic survey would be required to confirm the location and extent of the Aboriginal Sites within the study area and consultation with the Aboriginal community would be required to ensure subsequent decisions are appropriate and that was dated April 2007. Whilst the preparation of the ethnographic survey may have been the practice in 2007 when the City of Mandurah Focus 2020 was prepared by the City and didn't make a commitment to undertake this survey as part of the current project and it is important to note that we did receive confirmation from the Department of Planning, Lands and Heritage on four separate occasions that this is not a registered Aboriginal heritage site and those dates that we received confirmation that it is not registered was 20 February 2024, 25 February 2025, 30 May 2025 and 18 February 2026.

The City has been made aware by GKB that they will be undertaking an Aboriginal survey and as part of their application process and undertaking the survey, the survey will incorporate Archaeological and Ethnographic components.

**17 BUSINESS LEFT OVER FROM PREVIOUS MEETING**

Nil

**18 RECOMMENDATIONS OF COMMITTEES**

Nil

## 19 REPORTS

**Subject:** 19.1 Motions Carried at the Annual General Electors' Meeting of 9 February 2026

### Summary

On Monday, 9 February 2026, the City of Mandurah held its Annual Electors' Meeting for the purpose of presenting the 2024/25 Annual Report and Financial Statements to the community, in accordance with the *Local Government Act 1995*.

Two motions were received and carried by electors at the meeting. In accordance with legislative requirements, those motions are presented to Council for consideration.

The first motion requests that the City issue a public apology in relation to its response to protest activity at City buildings and events. The second motion requests that Council withdraw its submissions in support of the proposed Western Foreshore commercial proposal, citing concerns regarding Aboriginal heritage.

This report is presented to formally table the motions and provide Council with relevant information to enable consideration of the matters raised.

### Officer Recommendation

#### **Part A**

That Council:

1. Acknowledge the Strong Women's Group cultural obligations in protecting and advocating for Aboriginal heritage.
2. Affirm support that a protest cannot take place within a City building.
3. Acknowledge that the actions taken are consistent with the CEO's statutory authority and the City's workplace safety obligations.

#### **Amended Officer Recommendation**

Part A

That Council:

1. Acknowledge the Strong Women's Group cultural obligations in protecting and advocating for Aboriginal heritage and is committed to genuine, collaborative reconciliation with the Bindjareb community and we are committed to deepen our understanding of local Indigenous heritage and cultural knowledge.
2. Affirm the Chief Executive Officer has the power to determine any activities that are restricted or prohibited within a City building.
3. Acknowledge that the actions taken are within the CEO's statutory authority and the City's workplace safety obligations.

**Comment:** The amendment to resolution one, reinforces Councils commitment to engagement and reconciliation with the Binjareb community. Amendments to resolutions two and three ensure that Council are not resolving matters that are outside of the role of Council to deal with the management of the City's administration and operations.

### **OCM26/6 Council Resolution**

#### **MOTION**

**Moved:** Mayor A Kearns  
**Seconded:** Deputy Mayor J Smith

#### **Part A**

##### **That Council:**

- 1. Acknowledge the Strong Women's Group cultural obligations in protecting and advocating for Aboriginal heritage and is committed to genuine, collaborative reconciliation with the Bindjareb community and we are committed to deepen our understanding of local Indigenous heritage and cultural knowledge.**
- 2. Affirm the Chief Executive Officer has the power to determine any activities that are restricted or prohibited within a City building.**
- 3. Acknowledge that the actions taken are within the CEO's statutory authority and the City's workplace safety obligations.**

**CARRIED:** 11/1  
**For:** Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani and Cr P Rogers  
**Against:** Cr R Burns

**Comment:** The amendment to resolution one, reinforces Councils commitment to engagement and reconciliation with the Binjareb community. Amendments to resolutions two and three ensure that Council are not resolving matters that are outside of the role of Council to deal with the management of the City's administration and operations.

#### **Officer Recommendation**

##### **Part B**

##### **That Council:**

- 1. Reaffirm its commitment to continuing discussions and engagement with the local Aboriginal community and continue to engage respectfully, remain open to ongoing dialogue, and ensure that statutory processes are followed.**
- 2. Note that GKB Impact has been awarded, through the State Government's 10-year Aboriginal Heritage Survey Program, to undertake an Aboriginal Heritage Survey of the Western Foreshore Leisure Precinct, which includes the Western Foreshore Commercial Site.**
- 3. Authorise the Chief Executive Officer to ensure the Proponent does not commence site or construction works until the Aboriginal Heritage Survey has been completed and in the event the Aboriginal Heritage Survey records Aboriginal heritage within the Commercial Site for inclusion on the Aboriginal Cultural Heritage Inquiry System and the Register of Places and Objects, the City and the Proponent will be responsible for ensuring compliance with the**

statutory approvals under the *Aboriginal Heritage Act 1972* to use land where Aboriginal sites are located.

**OCM26/7 Council Resolution**

**MOTION**

**Moved:** Cr S Wright  
**Seconded:** Deputy Mayor J Smith

**Part B**

**That Council:**

- 1. Reaffirm its commitment to continuing discussions and engagement with the local Aboriginal community and continue to engage respectfully, remain open to ongoing dialogue, and ensure that statutory processes are followed.**
- 2. Note that GKB Impact has been awarded, through the State Government's 10-year Aboriginal Heritage Survey Program, to undertake an Aboriginal Heritage Survey of the Western Foreshore Leisure Precinct, which includes the Western Foreshore Commercial Site.**
- 3. Authorise the Chief Executive Officer to ensure the Proponent does not commence site or construction works until the Aboriginal Heritage Survey has been completed and in the event the Aboriginal Heritage Survey records Aboriginal heritage within the Commercial Site for inclusion on the Aboriginal Cultural Heritage Inquiry System and the Register of Places and Objects, the City and the Proponent will be responsible for ensuring compliance with the statutory approvals under the *Aboriginal Heritage Act 1972* to use land where Aboriginal sites are located.**

**CARRIED:** 12/0  
**For:** Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns  
**Against:** Nil

**Subject:** 19.2 Council Policy Reviews

### **Summary**

On 1 January 2026, the second tranche of legislative reforms commenced under the *Local Government Amendment Act 2024* (Amendment Act), requiring reviews of a number of Council policies.

Through this review, amendments to the *Local Government Act 1995* (the Act) have been incorporated into the policies, along with minor process improvements to enhance clarity for Elected Members and City officers, when applying and administering the policies.

Council is now requested to amend the following policies:

- Elected Member Entitlements Policy POL-GVN 07 (Attachment 1)
- Elected Member and CEO Training, Professional Development, Travel and Events Policy POL-GVN 08 (Attachment 3); and
- Complaints Management Policy POL-CPM 05 (Attachment 5).

### **Officer Recommendation**

That Council:

1. Adopts amendments to POL-GVN 07 Elected Member Entitlements Policy as per Attachment 1.
2. Adopts amendments to POL-GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy as per Attachment 3.
3. Adopts amendments to POL-CPM 05 Complaints Management Policy as per Attachment 5.

### **\*Absolute Majority**

### **Amended Officer Recommendation**

That Council:

1. Adopts amendments to POL-GVN 07 Elected Member Entitlements Policy as per Attachment 1.
2. Adopts amendments to POL-GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy as per Attachment 3 and insert a new subclause at 6.3 Cancellations, Booking Change / Modification Costs.
3. 6.3 (c) *Where a cancellation, change or modification is required due to an Elected Member's illness, accident or other unforeseen and unavoidable emergency, the CEO may, at their discretion, where written evidence has been provided, determine that any reasonable costs incurred are to be met by the City.*
4. Adopts amendments to POL-CPM 05 Complaints Management Policy as per Attachment 5, and make a minor amendment to clause 12 Aggressive and Threatening Behaviours:
5. *In some instances, the City may encounter complainants whose behaviour is aggressive or threatening, consistently rude, abusive or the complainant makes threats to oneself, staff or third parties (whilst using City services or on City premises) or in general. The City has a zero tolerance for these behaviours and has a duty of care to provide a safe working environment*

*for staff, contractors and volunteers. City officers should refer to the CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy for guidance.*

*\*Absolute Majority*

**OCM26/8 Council Resolution**

**MOTION**

**Moved:** Cr J Green  
**Seconded:** Cr D Wilkins

**That Council:**

1. **Adopts amendments to POL-GVN 07 Elected Member Entitlements Policy as per Attachment 1.**
2. **Adopts amendments to POL-GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy as per Attachment 3 and insert a new subclause at 6.3 Cancellations, Booking Change / Modification Costs:**
3. **6.3 (c) Where a cancellation, change or modification is required due to an Elected Member's illness, accident or other unforeseen and unavoidable emergency, the CEO may, at their discretion, where written evidence has been provided, determine that any reasonable costs incurred are to be met by the City. Adopts amendments to POL-CPM 05 Complaints Management Policy as per Attachment 5, and make a minor amendment to clause 12 Aggressive and Threatening Behaviours:**
4. **In some instances, the City may encounter complainants whose behaviour is aggressive or threatening, consistently rude, abusive or the complainant makes threats to oneself, staff or third parties (whilst using City services or on City premises) or in general. The City has a zero tolerance for these behaviours and has a duty of care to provide a safe working environment for staff, contractors and volunteers. City officers should refer to the CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy for guidance.**

**CARRIED BY ABSOLUTE MAJORITY: 12/0**

**For:** Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns

**Against:** Nil

**Comment:** Amendment to resolution two provides the CEO with their discretion, with the provision of written evidence, may make a decision for reasonable costs to be incurred by the City, in the event of a cancellation in the case of an emergency. The amendment to resolution two is recommended as currently conveys inevitability, by replacing the 'will' with 'may' reframes the clause.

**Subject:** 19.3 Mandurah Estuarine Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) – Steering Committee Representation

**Summary**

Following the development of the Northern Beaches Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) in 2022 and the draft Southern Beaches CHRMAP in late 2025, the City has commenced planning for the Mandurah Estuarine CHRMAP.

The City has partnered with the Department of Planning, Lands and Heritage (DPLH) through the Coastal Management Plan Assistance Program (CMPAP) to fund the development of the Mandurah Estuarine CHRMAP, which is planned to be developed over the next two years.

Council is requested to nominate an Elected Member to represent the community on the Mandurah Estuarine CHRMAP Steering Committee.

**Officer Recommendation**

That Council appoints Councillor \_\_\_\_\_ as the Elected Member representative to the Estuarine Coastal Hazard Risk Management and Adaptation Plan Steering Committee as a community representative.

**OCM26/9 Council Resolution**

**MOTION**

**Moved:** Deputy Mayor J Smith  
**Seconded:** Cr P Jackson

**That Council appoints Elected Member representatives Cr C Knight and Cr J Cumberworth to the Estuarine Coastal Hazard Risk Management and Adaptation Plan Steering Committee as community representatives.**

**CARRIED:** 12/0  
**For:** Mayor A Kearns, Cr O Mulder, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns  
**Against:** Nil

**Subject:** 19.4 Lease - Lakelands Library and Community Centre

### **Summary**

Council is requested to approve a new Lease Agreement between the City of Mandurah (the City) and ISPT Pty Ltd for the purpose of operating the Lakelands Library and Community Centre (Lakelands Library) in Lakelands Shopping Centre – Lot 2017 (No. 49) Banksiadale Gate, Lakelands for a term of five (5) years commencing 21 June 2026.

### **Officer Recommendation**

That Council:

1. Approves a new lease agreement between the City of Mandurah and ISPT Pty Ltd for the Lakelands Library and Community Centre, Lot 2017 (No. 49) Banksiadale, Lakelands subject to the following conditions:
  - 1.1 640 square metres;
  - 1.2 Term of five (5) years;
  - 1.3 Fixed rent increase of 3.5% per annum;
  - 1.3 Annual rent commencing at \$215,000.00 per annum (exclusive of GST);
  - 1.5 Estimated variable outgoings of \$85,990.40 (exclusive of GST) based on the 2024/25 Financial Year.
2. Authorises the Chief Executive Officer to finalise the conditions of the Lease Agreement.

### **OCM26/10 Council Resolution**

#### **MOTION**

**Moved:** Cr D Wilkins  
**Seconded:** Cr J Green

That Council:

1. **Approves a new lease agreement between the City of Mandurah and ISPT Pty Ltd for the Lakelands Library and Community Centre, Lot 2017 (No. 49) Banksiadale, Lakelands subject to the following conditions:**
  - 1.1 **640 square metres;**
  - 1.2 **Term of five (5) years;**
  - 1.3 **Fixed rent increase of 3.5% per annum;**
  - 1.4 **Annual rent commencing at \$215,000.00 per annum (exclusive of GST);**
  - 1.5 **Estimated variable outgoings of \$85,990.40 (exclusive of GST) based on the 2024/25 Financial Year.**
2. **Authorises the Chief Executive Officer to finalise the conditions of the Lease Agreement.**

CARRIED: 12/0  
For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns  
Against: Nil

Unconfirmed

**Subject:** 19.5 Monthly Financial Report - December 2025

**Summary**

The Financial Report for December 2025 together with associated commentaries, notes on investments, balance sheet information, schedule of accounts and the tenders awarded under the delegation by the Chief Executive Officer are presented for Elected Members' consideration.

**Officer Recommendation**

That Council:

1. Receives the Financial Report for December 2025 as detailed in Attachment 1 of the report.
2. Receives the Schedule of Accounts for the following amounts as detailed in Attachment 2 of the report:

Total Municipal Fund	\$	7,954,881.66
Total Trust Fund	\$	<u>0.00</u>
	\$	<u>7,954,881.66</u>

***\*Absolute Majority***

**OCM26/11 Council Resolution**

**MOTION**

**Moved:** Mayor A Kearns

**Seconded:** Cr P Jackson

That Council:

1. Receives the Financial Report for December 2025 as detailed in Attachment 1 of the report.
2. Receives the Schedule of Accounts for the following amounts as detailed in Attachment 2 of the report:

Total Municipal Fund	\$	7,954,881.66
Total Trust Fund	\$	<u>0.00</u>
	\$	<u>7,954,881.66</u>

***\*Absolute Majority***

CARRIED BY ABSOLUTE MAJORITY: 12/0

For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns

Against: Nil

**Subject:** 19.6 Monthly Financial Report - January 2026

**Summary**

The Financial Report for January 2026 together with associated commentaries, notes on investments, balance sheet information, schedule of accounts and the tenders awarded under the delegation by the Chief Executive Officer are presented for Elected Members' consideration.

**Officer Recommendation**

That Council:

1. Receives the Financial Report for January 2026 as detailed in Attachment 1 of the report.
2. Receives the Schedule of Accounts for the following amounts as detailed in Attachment 2 of the report:

Total Municipal Fund	\$	11,457,842.78
Total Trust Fund	\$	<u>0.00</u>
	\$	<u>11,457,842.78</u>

3. Approve the proposed amendments to the Audit, Risk and Improvement Committee Terms of Reference as per Attachment 3.
4. Approve the payment of the maximum sitting fee for independent Audit, Risk and Improvement Committee Members of \$1,215 per meeting.
5. Approve the cancellation of the Audit, Risk and Improvement Committee scheduled for the 9 March 2026 and update the City of Mandurah website.

***\*Absolute Majority***

**OCM26/12 Council Resolution**

**MOTION**

**Moved:** Cr J Green  
**Seconded:** Cr J Cumberworth

That Council:

1. Receives the Financial Report for January 2026 as detailed in Attachment 1 of the report.
2. Receives the Schedule of Accounts for the following amounts as detailed in Attachment 2 of the report:

Total Municipal Fund	\$	11,457,842.78
Total Trust Fund	\$	<u>0.00</u>
	\$	<u>11,457,842.78</u>

3. Approve the proposed amendments to the Audit, Risk and Improvement Committee Terms of Reference as per Attachment 3.
4. Approve the payment of the maximum sitting fee for independent Audit, Risk and Improvement Committee Members of \$1,215 per meeting.

- 5. Approve the cancellation of the Audit, Risk and Improvement Committee scheduled for the 9 March 2026 and update the City of Mandurah website.**

***\*Absolute Majority***

CARRIED BY ABSOLUTE MAJORITY: 12/0

For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns

Against: Nil

Unconfirmed

**Subject:** 19.7 Local Law Amendment

### Summary

Upon concluding the section 3.16 *Local Government Act 1995* (the Act) review of the City of Mandurah's *Local Government Property and Public Places Local Law 2015* (LGP&PP Local Law), Council resolved to commence development of the proposed *Local Government Property and Public Places Amendment Local Law 2025* (Amendment Local Law) for Council's consideration.

Drafting of the proposed Amendment Local Law is now complete and has been provided to Council for consideration. In accordance with section 3.12 of the Act, Council approval is now sought to make the proposed Amendment Local Law and to commence public notice of Council's intention to do so.

The purpose and effect of the Amendment Local Law is stated below:

**Purpose:** To amend provision within the *City of Mandurah Local Government Property and Public Places Local Law* relating to regulation of the use of local government property, activities in public places, verge treatments, property numbering, advertising devices, obstructions on or in local government property or public places, trading and alfresco dining.

**Effect:** To control the use of local government property and public places and ensure the *Local Government Property and Public Places Local Law* is as clear and effective as possible; it provides that some activities are permitted only under a permit or under a determination, and that some activities are restricted or prohibited.

### Officer Recommendation

The Presiding Member is to give notice to the meeting of the purpose and effect of the proposed *Local Government Property and Public Places Amendment Local Law 2025*

That Council:

1. Resolve to provide local public notice in accordance with section 3.12(3) of the *Local Government Act 1995*, for a period of at least 6 weeks, stating\*:
  - 1.1. Councils' intention to make a new *City of Mandurah Local Government Property and Public Places Amendment Local Law 2025* as per Attachment 2;
  - 1.2. the purpose of this local law is to amend provisions within the *City of Mandurah Local Government Property and Public Places Local Law* relating to regulation of the use of local government property, activities in public places, verge treatments, property numbering, advertising devices, obstructions on or in local government property or public places, trading and alfresco dining.
  - 1.3. the effect of this local law is to ensure that the local law is control the use of local government property and public places and ensure the *City of Mandurah Local Government Property and Public Places Local Law* is as clear and effective as possible; it provides that some activities are permitted only under a permit or under a determination, and that some activities are restricted or prohibited.
  - 1.4. a copy of the proposed *City of Mandurah Local Government Property and Public Places Local Law* may be inspected or obtained at any place specified in the notice; and

- 1.5. submissions about the proposed *City of Mandurah Local Government Property and Public Places Local Law* may be made to the City of Mandurah before the day specified in the notice.
2. Provide a copy of the proposed City of Mandurah Local Government Property and Public Places Local Law to the to the Departmental CEO.

**\*Absolute Majority**

**OCM26/13 Council Resolution**

**MOTION**

Moved: Cr D Wilkins

Seconded: Cr S Wright

The Presiding Member is to give notice to the meeting of the purpose and effect of the proposed *Local Government Property and Public Places Amendment Local Law 2025*

That Council:

1. Resolve to provide local public notice in accordance with section 3.12(3) of the *Local Government Act 1995*, for a period of at least 6 weeks, stating\*:
  - 1.1. Councils' intention to make a new *City of Mandurah Local Government Property and Public Places Amendment Local Law 2025* as per Attachment 2;
  - 1.2. the purpose of this local law is to amend provisions within the *City of Mandurah Local Government Property and Public Places Local Law* relating to regulation of the use of local government property, activities in public places, verge treatments, property numbering, advertising devices, obstructions on or in local government property or public places, trading and alfresco dining.
  - 1.3. the effect of this local law is to ensure that the local law is control the use of local government property and public places and ensure the *City of Mandurah Local Government Property and Public Places Local Law* is as clear and effective as possible; it provides that some activities are permitted only under a permit or under a determination, and that some activities are restricted or prohibited.
  - 1.4. a copy of the proposed *City of Mandurah Local Government Property and Public Places Local Law* may be inspected or obtained at any place specified in the notice; and
  - 1.5. submissions about the proposed *City of Mandurah Local Government Property and Public Places Local Law* may be made to the City of Mandurah before the day specified in the notice.
2. Provide a copy of the proposed City of Mandurah Local Government Property and Public Places Local Law to the Departmental CEO.

**\*Absolute Majority**

CARRIED BY ABSOLUTE MAJORITY: 12/0

For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns

Against: Nil

## 20 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

## 21 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

## 22 LATE AND URGENT BUSINESS ITEMS

Nil

## 23 CONFIDENTIAL ITEMS

Cr R Burns and Deputy Mayor J Smith left the meeting at 7.37pm

Cr R Burns returned to the meeting at 7.38pm.

Deputy Mayor J Smith returned to the meeting at 7.39pm.

### Declaration when attending by Electronic Means

Councillor P Rogers and Councillor C Knight declared that confidentiality will be maintained during the closed part of the meeting to discuss the confidential reports.

### **Close Doors**

### **OCM26/14 Council Resolution**

#### **MOTION**

**Moved:** Cr S Wright

**Seconded:** Cr J Green

**That the meeting proceeds with closed doors at 7.39pm in accordance with Section 5.23(2) of the *Local Government Act 1995*, to allow for the confidential discussion of an item.**

CARRIED: 12/0

For: Mayor A Kearns, Cr O Mulder, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns

Against: Nil

#### **Reason:**

*The meeting was closed to the public under s.5.23(4)(c):*

*information contained in a tender received by the local government for a contract to the extent that the information —*

*(i) is a tendered price; or*

*(ii) a tendered methodology for calculating a price*

*The CEO presented a report for Council's consideration, including sufficient information to enable Council to make an informed decision. The report and attachments were marked confidential in accordance with s5.23(4)(c) and Council resolved to close the meeting to the public for the period of time to enable debate and decision related to the confidential matters. Upon completion of the closed session, Council resolved to reopen the meeting to the public at which time the decision made behind closed doors was read aloud and recorded in the published minutes.*

*All employees and persons in the gallery left the meeting at 7.39pm The Chief Executive Officer, Director of Business Services, Director Built and Natural Environment and Minute Officer remained in the meeting with Elected Members.*

---

The meeting proceeded with closed doors at 7:39pm.

**CONFIDENTIAL ITEMS [Section 5.23(2) of the Local Government Act 1995]**

**Subject:** 23.1 Rivers Regional Subsidiary - Waste to Energy Contract (Deed of Variation No. 3)

Confidential discussion ensued regarding this issue.

**OCM26/15 Council Resolution**

**MOTION**

**Moved:** Cr J Cumberworth

**Seconded:** Deputy Mayor J Smith

**That Council:**

- 1. Approves the Rivers Regional Subsidiary Deed of Variation No. 3 Kwinana Waste to Energy Waste Supply Agreement as detailed in Confidential Attachment 23.1.1.**
- 2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to Deed of Variation No. 3 Kwinana Waste to Energy Waste Supply Agreement.**

***\*Absolute Majority***

**CARRIED:** 12/0

**For:** Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr O Mulder, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns

**Against:** Nil

**Open Doors**

**OCM26/16 Council Resolution**

**MOTION**

**Moved:** Cr S Wright

**Seconded:** Cr R Burns

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

**CARRIED:** 12/0

**For:** Mayor A Kearns, Cr O Mulder, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns

**Against:** Nil

The meeting proceeded with open doors at 7.41 pm.

**Endorse Resolutions**

**OCM26/17 Council Resolution**

**MOTION**

**Moved:** Cr S Wright

**Seconded:** Cr J Cumberworth

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

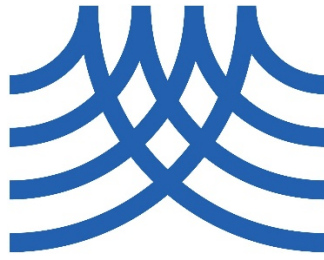
CARRIED: 12/0  
For: Mayor A Kearns, Cr O Mulder, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr S Wright, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr P Rogers and Cr R Burns  
Against: Nil

**24 CLOSE OF MEETING**

There being no further business, the Mayor declared the meeting closed at 7.41pm.

CONFIRMED..... (MAYOR)

Unconfirmed



**CITY OF  
MANDURAH**

**NOTICE OF MEETING**

**ORDINARY COUNCIL**

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

Tuesday 24 February 2026 at 5:30 pm

**CASEY MIHOVLOVICH**  
Chief Executive Officer  
18 February 2026

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## 1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

Members of the public are advised that the Council Meeting is being livestreamed in accordance with the City's Council Meetings – Livestreaming, Recording and Electronic Attendance Policy. By being present at this meeting, members of the public consent to the City livestreaming and publishing their voice on the City's website. Members of the public are not subject to video livestreaming and only their voice will be captured. For further information on the livestreaming of Council Meetings please click here [Livestreaming of Council Meetings](#)

## 2 ACKNOWLEDGEMENT OF COUNTRY

## 3 APOLOGIES

**Leave of Absence**  
Councillor P Rogers

**Apologies**

## 4 DISCLAIMER

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

### **5.1 Councillor R Burns**

#### Question 1: Public Health and Wellbeing Plan 2026–2030

At the October OCM, during questions on the Public Health and Wellbeing Plan 2026–2030, staff advised they would take on notice the requests for clarification regarding Mandurah-specific climate data and the modelling relied upon to support the climate-related statements made during the debate. Given that Table 3 of the Plan identifies 'planning for vulnerable populations to cope with rising global temperatures' as a significant consideration for the City - and given the City already spends hundreds of thousands of dollars on decarbonisation initiatives - it is important to understand the specific data and resources City staff are relying on.

Could the City please advise whether a response to those taken-on-notice requests has since been provided to elected members? If so, can that response be tabled; and if not, when can elected members expect to receive the specific documents, datasets, and modelling that inform policy positions and guide associated City expenditure?

#### City of Mandurah Response

The City is generally guided by the State and the Federal on the topic of climate change and the related science.

The State Government has acknowledged that the science is clear and that Western Australia's climate has changed and that further change is inevitable. Western Australia is already experiencing the impacts of climate change, including:  
more frequent and severe droughts;

- heatwaves;
- high-risk bushfire weather;
- extreme rainfall events; and
- rising sea levels.

The State Government's response to climate change includes:

---

- reduced greenhouse gas emissions; and
- adaptation and building resilience.

The City's Environment Strategy, adopted by Council in 2023, establishes the City's framework for its aligned local approach for adaptation and resilience and includes actions such as the development and review of the City's Climate Change Response Plan and Coastal Hazard Risk Management and Adaptation Plans for our coastline and estuarine environments.

In September 2021, the Government of Western Australia provided a summary of climate change trends, and this information is outlined below:

Between 1900 and 2021:

- Western Australia has warmed by about 1.3oC since 1910;
- rainfall has declined in south-west Western Australia since 1900, and this decline has been larger than anywhere else in Australia; and
- the number of days of dangerous weather conditions for bushfires has increased.

Also, that Western Australia's climate will continue to change over the coming decades and by 2050, the following changes are projected:

- Western Australia's temperature is expected to increase by about 2°C (range of 1.5 to 2.4 °C) under a high emission scenario, reducing to about 1.2 °C (range of 0.8 to 1.6 °C) under large and sustained reductions in global greenhouse gas emissions;
- extreme temperatures are very likely to increase into the future with the number of very hot days (>40 °C) projected to increase from about 1.5 to five days per year in Perth;
- Western Australia can expect longer fire seasons, with about 40 per cent increase in very high fire danger days;
- sea levels are projected to rise by about 24 cm along the West Australian coast;
- mean rainfall is projected to continue to decrease in south-western Australia, while changes over northern Australia remain uncertain; and
- Rainfall variability and extreme rain events are projected to become more intense, leading to more very wet and very dry years.

Local information available from the Bureau of Meteorology rainfall monitoring station in Mandurah and the tide gauge in Fremantle support the published Western Australia climate change trend data on reduced rainfall in south-western Australia and sea level rise along the West Australian coast, at a local level (please visit the Bureau of Meteorology website @ <https://www.bom.gov.au>).

Further information is available via the Government of Western Australia's website @ <https://www.wa.gov.au/organisation/department-of-water-and-environmental-regulation/climate-change-wa>.

## **5.2 Councillor D Schumacher**

### **Question 1: Employee Costs**

In 2025, the employee costs were \$4.1m above the 2024 employee costs. Why was there such an increase?

### **City of Mandurah Response**

The increase in employee costs from \$55.4 million in the 2023/2024 Financial Year to \$59.5 million in the 2024/2025 Financial Year represents a \$4.1 million (7.4%) increase. This increase is attributable to a combination of the following factors:

1. Industrial Agreement wage increases, including a 5.03% increase effective from March 2024 (with the full year impact realised in 2024/2025), and a further 3.5% increase effective from March 2025, resulting in higher salary costs in the 2025 year.
2. An increase in the superannuation guarantee rate from 11.0% to 11.5%, increasing the overall cost of employment.
3. The Long-Term Financial Plan 2025-2034 included \$356,164 in new staff costs, which were adopted into the 2024/2025 Budget.
4. A slight reduction in the overall vacancy rate during 2025, resulting in higher actual salary expenditure compared to the prior year.

## **6 AMENDMENT TO STANDING ORDERS**

Modification to *Standing Orders Local Law 2016* – electronic attendance at meeting.

## **7 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 visit the City's website [About Council Meetings](#) or telephone 9550 3787.

## **8 PUBLIC STATEMENT TIME**

Any person or group wishing to make a Public Statement to Council regarding a matter concerning local government must complete an application form. For more information regarding Public Statement Time, please visit the City's website [About Council Meetings](#) or telephone 9550 3787.

## **9 LEAVE OF ABSENCE REQUESTS**

Nil

## **10 PETITIONS**

Councillor O Mulder: Balladonia Boardwalk Petition

## **11 PRESENTATIONS**

Nil

## **12 DEPUTATIONS**

Any person or group wishing to make a Deputation to Council regarding a matter listed on this agenda for consideration must complete an application form. For more information regarding making a deputation, please visit the City's website [About Council Meetings](#) or telephone 9550 3787.

## **13 CONFIRMATION OF MINUTES**

### **13.1 Ordinary Council Meeting held on 16 December 2025**

#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 16 December 2025 be confirmed.

Minutes are available on the City's website [Agendas and Minutes](#)

**13.2 Annual Electors Meeting held on 9 February 2026**

**RECOMMENDATION**

That the Minutes of the Annual Electors Meeting held on 9 February 2026 be confirmed.

Minutes are available on the City's website [Agendas and Minutes](#)

**14 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**15 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**

**16 QUESTIONS FROM ELECTED MEMBERS**

**16.1 Questions of Which Due Notice Has Been Given**

**16.2 Questions of Which Notice Has Not Been Given**

**17 BUSINESS LEFT OVER FROM PREVIOUS MEETING**

Nil

**18 RECOMMENDATIONS OF COMMITTEES**

Nil

## 19 REPORTS

**Subject:** 19.1 Motions Carried at the Annual General Electors' Meeting of 9 February 2026

### Summary

On Monday, 9 February 2026, the City of Mandurah held its Annual Electors' Meeting for the purpose of presenting the 2024/25 Annual Report and Financial Statements to the community, in accordance with the *Local Government Act 1995*.

Two motions were received and carried by electors at the meeting. In accordance with legislative requirements, those motions are presented to Council for consideration.

The first motion requests that the City issue a public apology in relation to its response to protest activity at City buildings and events. The second motion requests that Council withdraw its submissions in support of the proposed Western Foreshore commercial proposal, citing concerns regarding Aboriginal heritage.

This report is presented to formally table the motions and provide Council with relevant information to enable consideration of the matters raised.

### Disclosure of Interest

Nil

### Previous Relevant Documentation

Nil

### Background

The Annual Electors' Meeting was held at 5:30pm on Monday 9 February 2026 in the Tuckey Rooms, 83 Mandurah Terrace. At the commencement of the Electors' Meeting, approximately 61 members of the public were in attendance. Unconfirmed Minutes of the meeting are available on the City's website.

Two motions were presented at the Electors' Meeting and were carried.

The Western Foreshore redevelopment will be a major boost to the local Mandurah economy and tourism industry, creating a significant number of new jobs. The link to the Frequently Asked Questions which provides the correct source of information is via [mandurah-western-foreshore-faq.pdf](#)

Benefits of the Western Foreshore Leisure Precinct include:

- Commercial proposal is estimated to generate 329 ongoing jobs will be created (direct and indirect), offering various types of employment within a range of industries. Opportunities for casual and part-time positions will exist, in addition to full-time professional roles.
- Commercial proposal is estimated to inject \$29 million of infrastructure directly into the economy over the first 6 years.
- Estimated to attract 750,000 visitors per year (includes repeated visits). Breakdown: Licensed Restaurant and Microbrewery (250,000), Mini Golf (100,000), Chocolate Retail Outlet (150,000), Clubhouse Kiosk (100,000), Play space, skate park & Foreshore (150,000).
- Additional \$30 million in tourism spending. Attract interstate and international visitors, as well elevating the number of day tripper/short stays from Perth and other areas within WA.

- The development will offer work placement, work experience, and graduate programs for hospitality students from Mandurah TAFE campus.

## **Comment**

### **Annual General Electors' Meeting Motion One**

*The City of Mandurah make a public apology to the members and supporters of the Strong Women's Group who have on a number of occasions been removed by the City of Mandurah with the use of Police from the land when the women are carrying out their cultural obligations of protecting places of Aboriginal significance namely the Western Foreshore where the City of Mandurah propose to support a 650 seat brewery to which the women have objected in writing and verbally.*

### **City Officer Response**

The City of Mandurah recognises that matters relating to cultural heritage and connection to Country are deeply personal and emotive for many members of the Aboriginal community. The City does not dismiss or diminish those views or cultural leadership roles.

Operational procedures are developed and decisions by the City are made to ensure outcomes are delivered and there is little risk to the 700 staff who are employed by the City of Mandurah. Staff must feel safe and not feel at risk and should respond accordingly if there is a risk to workplace safety.

### **Summary of Protest on 4 April 2025**

On 4 April 2025, an unannounced group of approximately 40 people gathered outside the City's Council Chambers building with signage protesting the proposed Western Foreshore Commercial Site project. The City had not been notified in advance of the gathering.

The Council Chambers building accommodates minimal staff and in accordance with standard protocol, this building is not opened to large groups outside scheduled meetings or approved bookings, to ensure staff safety. After trying unsuccessfully to enter the Council Chambers building, the group moved to the City's Administration Building at 3 Peel Street.

A number of participants entered the Customer Service foyer carrying posters, speaking loudly and recording staff and customers on mobile phones and with a professional camera. At the time, City Officers were assisting members of the public.

Some members of the group, went to the Customer Service counter and requested to see the Chief Executive Officer (CEO) (without prior appointment).

City officers located on Level 1 of the Administration Building also reported disruption and sounds described as banging on the windows. While CCTV footage does not explicitly capture the reported banging on windows, this concern was reported by a number of City Officers.

In response to these concerns regarding safety and escalation risk, and in accordance with the City's workplace safety obligations and established practice, WA Police were contacted.

Customers and City officers located in the Customer Service foyer were moved to another location, to ensure safety and minimise disruption to operations.

At this time, contact was made to the CEO and when the CEO made contact, she attended the foyer to receive the correspondence.

Given the heightened online environment in the lead-up to the event, including previous instances where names of City officers had been used negatively on social media, the CEO requested that she and staff not be filmed or photographed while receiving the letter. The group continued filming. Several times, the CEO advised that she will not be recorded receiving the letter, which the protest group did not comply with the CEO direction. The group wanted to record the person placing the letter on the counter. One of the member's advised that they want to record the letter being placed on the counter without the CEO or any City officer in the recording. The CEO agreed to this. Once the letter was placed on the counter and the recording was completed, the CEO took the letter. The letter that was placed on the counter was the same letter that was emailed to the CEO on 3 April 2025. The email received made no mention of a protest or a request to meet with the City of Mandurah.

Police arrived promptly and on their arrival the crowd of protesters moved outside. There were no arrests and the group of protesters dispersed shortly thereafter.

The City was not notified of the protest on 4 April 2025 in advance, and as a result had no opportunity to plan, manage or make alternative arrangements to facilitate a protest, outside of a City building. In the event the City had been notified, the CEO would have put appropriate arrangements in place, including notifying staff and arranging a suitable location outside of a City building.

#### Summary of Incident - Crabfest, March 2025

On 15 March 2025, during the City's Crabfest event, members of a protest group set up a table within the managed event footprint and approached event attendees seeking signatures for a petition opposing the Western Foreshore proposal.

Crabfest is a tightly managed major event with defined boundaries, emergency management planning, vendor agreements and crowd safety controls in place.

The City's Festival and Events Coordinator advised the group that unauthorised petitioning and the placement of a table within the managed event footprint was not permitted and requested that the table be removed. The group initially declined.

At around the same time, WA Police officers who were present for Crabfest operations approached and asked whether assistance was required. The City officer did not actively seek out Police assistance and advised that the group did not have approval to operate within the event footprint and that City Rangers could assist in managing the matter in accordance with event controls. However, following an interaction between members of the group and Police, WA Police directed the group to relocate from the event footprint. The group complied.

This action is consistent with the City's standard approach to unauthorised activity within controlled event spaces as outlined in the *Local Government Property and Places Local Law 2016*.

#### Work Health and Safety

The decision to contact Police is not directed at the cultural identity of participants or the substance of their views. The City recognises and supports the right to peaceful protest. Where advance notice is provided, the City has worked cooperatively with community groups to facilitate rallies outside the City facilities. Advance notification allows the City to balance community expression with its obligations to workplace safety, service continuity and risk management.

It is the responsibility of the CEO of the City of Mandurah, to ensure a safe working environment of City officers and members of the public who are in the workplace. These obligations are not only required in the *Work, Health and Safety Act 2020* and regulations but also enshrined in the City's Code of Conduct for Employees.

The actions taken by the City on 4 April 2025 to contact the Police due to a group of 40 protesters presenting unannounced to the City of Mandurah Council Chambers and the entering the Administration Building was appropriate and in accordance with City practice. The City's procedure enables City officers to contact WA Police in circumstances where staff and customer safety are at risk. Actions to contact the Police are an operational matter and there are City procedures that provide guidance to City officers when this is appropriate.

### **Annual General Electors' Meeting Motion Two:**

*The City of Mandurah to withdraw from all applications and submission made for the proposal for a Brewery at the Location on the Western Foreshore that is of Significant Cultural Heritage to Aboriginal people and the brewery would lead to desecration of a sacred site including the Creation story and the Women's Weeping ground where babies were born and were buried.*

#### City Officer Response

The City recognises that concerns regarding Aboriginal heritage have been raised by members of the community. The City takes such concerns seriously and has undertaken due diligence in accordance with State statutory requirements.

The Western Foreshore commercial component requires excision of a portion of Class A Reserve land. Under the *Land Administration Act 1997*, excision of Class A reserve land requires Ministerial consideration, referral to Parliament and approval by both Houses of Parliament. The excision process is therefore a State-led statutory process and is currently under consideration by the State Government.

Heritage matters are governed by the *Aboriginal Heritage Act 1972*, administered by the Department of Planning, Lands and Heritage (DPLH). The City does not determine whether heritage approvals are required as that determination rests with the State.

The City relies on the WA State Government's Aboriginal heritage register and advice from DPLH when undertaking due diligence in the assessment of heritage and to ensure compliance with the *Aboriginal Heritage Act 1972* (AH Act). The public boundaries shown on the Aboriginal Cultural Heritage Inquiry System are larger than the actual boundaries, which is restricted information and not publicly available, and DPLH advice is required to confirm whether proposals are within an actual boundary of a registered Aboriginal site. If Aboriginal heritage is culturally sensitive, its precise location may not be made publicly available and may be masked by what's known as a dithered boundary. A dithered boundary alerts to the location of Aboriginal heritage by providing the general locality of the heritage rather than its specific location. Offences under the AH Act only apply to 'Aboriginal sites' and therefore do not apply to the entirety of the area covered by the dithered boundary.

DPLH has confirmed that the proposed lease area for the Western Foreshore Commercial Site does not intersect with the registered boundary of Winjan's Camp or any other registered Aboriginal heritage site on the Aboriginal Cultural Heritage Register. The City has received confirmation of this on the following dates:

- 20 February 2024
- 25 February 2025
- 30 May 2025
- 18 February 2026

Based on the current information held by DPLH, no approvals under the AH Act are required for this proposal.

The proposed lease area comprises land that has been previously disturbed and used for commercial and recreational purposes over several decades, including car parking, sealed surfaces, landscaping and public events. While prior disturbance does not remove the need for appropriate heritage consideration, it is a relevant planning factor and forms part of the context in which DPLH advice has been provided.

### Aboriginal Heritage Survey

On 13 March 2025, the City formally wrote to Gnaala Karla Booja Aboriginal Corporation to advise that it was the City's understanding that based on the advice from the DPLH that an Aboriginal Heritage Survey was not required, however advised that that if a survey is required to be conducted, that there was sufficient time to undertake the survey. Further, in November 2025 the City assisted Gnaala Karla Booja Aboriginal Corporation in their application for an Aboriginal Heritage Survey.

The purpose of the Aboriginal Heritage Survey is to identify and evaluate Aboriginal sites and objects and can be undertaken where considered appropriate as part of the consultation process.

Gnaala Karla Booja Aboriginal Corporation has applied to the State Government's 10-year Aboriginal Heritage Survey Program to undertake a survey of the Western Foreshore Leisure Precinct. This survey will incorporate both archaeological and ethnographic components.

The purpose of this Program is to:

1. Survey areas to:
  - record Aboriginal heritage for inclusion on the Aboriginal Cultural Heritage Inquiry System (ACHIS) and the Register of Places and Objects.
  - ensure Aboriginal heritage information can be accessed easily and relied on as part of statutory approvals under the AH Act to use land where Aboriginal sites are located.
2. Accurately remap boundaries of Aboriginal sites and known Aboriginal heritage places where required.
3. Confirm locations where Aboriginal heritage has not been identified meaning activities can be undertaken without the need for approval under the AHA.

Surveys are required to be conducted by qualified heritage professionals in consultation with the native title party and participation of Aboriginal people and will result in an Aboriginal heritage survey report. All reports will be made publicly available by DPLH in accordance with Departmental policy.

The City has always understood its obligation that if an Aboriginal site is identified within the boundaries of any proposed works, the City is bound by and will comply with the provisions and procedures set out in the AH Act and any other applicable legislation.

In the event, an Aboriginal site is identified within the boundaries of the proposed works, the Proponent will be required to apply for and obtain consent from the Minister for Aboriginal Affairs to carry out such works under section 18(3)(a) of the AH Act.

### Aboriginal Heritage Ongoing Due Diligence

The City will continue to work with the DPLH and the commercial proponent to ensure all advice is up to date. If the proposal proceeds, the City will ensure the required approvals are carried out. The City acknowledges that if in the future, an Aboriginal site is identified within the boundaries of any proposed works, the City is bound by and will comply with the provisions and procedures set out in the AH Act and any other applicable legislation.

### Consultation

The City has undertaken and will continue to undertake engagement with local Aboriginal organisations, leaders and community members, including individuals and groups connected to Bindjareb country, as the Western Foreshore project proceeds.

Engagement has occurred through a combination of direct discussions with local Aboriginal organisations and representatives, including Winjan Aboriginal Corporation and Koolbardies Talking Mandurah group, as well as broader community consultation processes that was open to all community members, including Traditional Custodians and Aboriginal residents. The City has also worked with and taken advice from DPLH as the State authority responsible for Aboriginal heritage matters, as well as Gnaala Karla Booja Aboriginal Corporation whose region encompasses Mandurah.

The City's approach has been to engage respectfully, remain open to ongoing dialogue, and ensure that statutory processes are followed, rather than limiting engagement to a single group or point in time. This engagement will continue as the project progresses.

The City has demonstrated a clear commitment to continuing discussions and engagement with the local Aboriginal community regarding this project. Furthermore, the Proponent has also made commitments to working with Aboriginal Elders and ensuring Aboriginal culture is acknowledged and respected through the following:

- Holding a yarning circle with local Aboriginal Elders to gain a deeper understanding of Bindjareb history and stories
- Incorporating dual naming into the project
- Actively celebrating National Reconciliation Week
- Ensuring Acknowledgement of Country is included at all events, on their website, menus, and other materials
- Being an equal opportunity employer and fostering a diverse workforce
- Providing ongoing cultural awareness training for staff to increase knowledge of Aboriginal culture
- Incorporating elements of Country into the landscape and mini golf design.

#### Broader Strategic Planning and Project Context - Western Foreshore Leisure Precinct

The Western Foreshore redevelopment proposal forms part of a long-term transformation vision for Mandurah's waterfront that has evolved over several decades through strategic planning and community engagement.

It was first reimagined in the Foreshore Focus 2020 Master Plan, adopted in 2007, where the Master Plan stated:

*The subject site is identified as part of Precinct 4 – Hall Park of the Master Plan with the key elements:*

- Establish an Amusement Park as a regional attraction by Old Coast Road, incorporating the skate park
- Maintain large area for active recreation and large events, with a sound shell / pavilion
- Low-speed, shared surface boulevard for parking and pedestrian movement, focusing on the War Memorial
- War Memorial integrated with new features and facilities
- Swimming enclosure enlarged slightly
- Upgrade the foreshore with new landscaping, paths and a public water playground

- New traffic bridge with optimised boat clearance, to include wide pedestrian paths, fishing platforms and decked areas for temporary structures and commercial activity
- North-facing restaurant integrated with bridge and embankment
- Temporary kiosks / stalls for weekend / night markets
- Waterside activity node with restaurants, function space and entertainment and tourist facilities, with existing beach line maintained and enhanced foreshore landscaping

This vision was subsequently reaffirmed through the Waterfront Redevelopment community engagement undertaken in 2018 where the feedback received from the community said that the Western Foreshore, including the commercial spaces, was underutilised and lacked modern amenities and needed an upgrade.

Other strategic documents include the City Centre Master Plan adopted in 2024, and most recently through the Western Foreshore Leisure Precinct Master Plan adopted by Council in August 2024, where a commercial development on a small part of the Western Foreshore is proposed to activate the area and replace the previous commercial operation that was located in that area. The current proposal is not a standalone initiative, but a continuation of a multi-year strategic direction shaped by community consultation and Council endorsement.

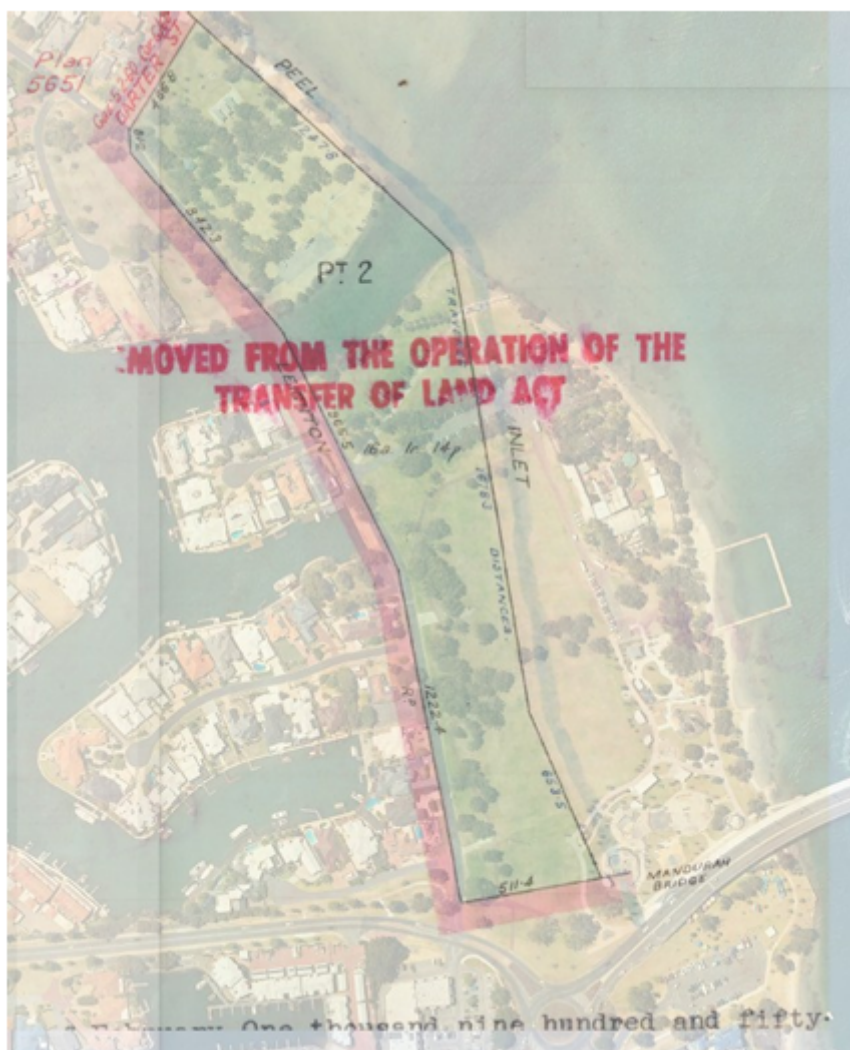
Stage One of this vision has already been delivered through significant public infrastructure investment, including:

- Mandurah Skate Park
- Koolaanga Waabiny Playground
- public art installations and associated amenity improvements.

The proposed Western Foreshore Commercial Site represents the next stage of activation within this broader public realm upgrade.

The City acknowledges that the Western Foreshore holds social, recreational and cultural value for the Mandurah community, including Aboriginal community members. The Master Plan seeks to retain the overwhelming majority of the A-Class Reserve as public open space, while replacing a commercial component intended to improve activation, passive surveillance, amenity and economic sustainability. The commercial lease area remains a small portion of the total reserve and is integrated within a precinct that continues to prioritise public access, recreation and open space.

Historical records indicate that the location of the proposed commercial area of the Western Foreshore was of a “swampy nature” as outlined by the Minister for Lands on 11 May 1961. Below shows the land that was purchased from the Sutton Brothers by the Shire of Mandurah (shaded dark green) and to the east the area that was filled with sand due to the swamp to create new land as part of the Western Foreshore area, which the Proposal is within:



### Consideration of Withdrawal of Submission

Council approved to proceed with the Major Land Transaction at its meeting of 27 August 2024. This enabled the City to seek an application to DPLH to excise the portion of land from the existing Class A reserve. Under the *Land Administration Act 1997*, any proposal to excise land from a Class A Reserve requires the approval of the Minister for Lands and must be laid before both Houses of the Western Australian Parliament. Prior to parliamentary consideration, DPLH is required to undertake public advertising of the proposed excision for a minimum period of 28 days to invite submissions, which it completed between 13 November 2025 and 14 December 2025.

Following this consultation period, the Minister will determine if they progress the excision proposal through Parliament. The proposal must be tabled in both Houses of Parliament and remain before each House for at least 14 sitting days. The City's role is limited to initiating the application and providing supporting documentation. The ultimate decision now rests with the Minister and Parliament.

Withdrawing submissions at this stage would:

- disrupt the State and Parliament-led excision process already well underway
- create commercial and reputational uncertainty
- undermine long-term strategic planning endorsed by Council
- delay delivery of public infrastructure and coastal protection works

- delay creation of jobs at a time when unemployment in Mandurah is rising once more after a period of relatively strong growth and record lows.

Based on Council's decision at the Council Meeting of 27 August 2024, it is recommended that DPLH continues to progress the statutory process while ensuring that any heritage matters identified through formal mechanisms are addressed appropriately.

The State Government retains the authority to consider all relevant matters, including heritage issues, as part of the excision process. Gnaala Karla Booja has made application to DPLH, to undertake an Aboriginal Heritage Survey for the site.

In the event the Aboriginal Heritage Survey records Aboriginal heritage for inclusion on the Aboriginal Cultural Heritage Inquiry System and the Register of Places and Objects, the City and the Proponent will be responsible for ensuring compliance with the statutory approvals under the AH Act to use land where Aboriginal sites are located.

## Consultation

In relation to Motion 1:

- On 4 April 2025, the CEO provided Elected Members with a briefing advising that the protest had occurred earlier that day.
- On 8 April 2025, the CEO provided a further update to Elected Members on the situation outlining:
  - the actions taken by the City in contacting the WA Police
  - the CEO's obligation to ensure a safe work environment for all City officers and reiterated that City officers are instructed to contact the WA Police in situations where they feel unsafe.

## Statutory Environment

### *Local Government Act 1995*

- Council is required under the Act to consider motions carried at an Annual Electors' Meeting.
- The CEO has a statutory responsibility for the day-to-day management of the local government, including decisions relating to workplace safety and access to local government property.
- Council must make its decision with regard to section 2.7 Role of Council under the Act -  
*(5) The council must have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees.*
- The CEO has the power to determine any activities that are restricted or prohibited within the Administration building, including:
  - (1) to determine that those involved in or associated with the protest on 4 April 2025 should be excluded, or removed, from the building; and/or
  - (2) to determine that no one involved in, or associated with, the protest, while in the Administration building, should film or photograph anyone within the Administration building.

- *Local Government Property and Public Places Local Law 2016*, Part 4 and 14 which governs the behaviour on local government property and following lawful direction including that no recording of City employees in the Administration building is to occur and that a protest inside a building is not allowed.

Heritage matters are governed by State legislation and administered by the Department of Planning, Lands and Heritage in accordance with the AH Act

The proposal is underpinned by the *Local Government Act 1995* and *Land Administration Act 1997* and is guided by strategic planning that aligns with the community's long-term vision.

### **Policy Implications**

Nil

### **Financial Implications**

The City has committed to reinvest all commercial lease revenue into public foreshore maintenance and coastal hazard mitigation to ensure the Precinct is protected and maintained into the future, which would ordinarily be funded by ratepayers if the Proposal did not proceed.

Key financial implications of the Proposal include:

- Public infrastructure, including the skatepark and playground, has been funded through the City's Long Term Financial Plan and annual budgets, with funding support from the State and Federal Governments.
- The \$25 million private investment represents the largest private contribution to Mandurah's City Centre in decades.
- Council is seeking to reinvest the lease revenue of \$6.2 million over 25 years into maintaining and upgrading community assets, including coastal hazard mitigation and parking improvements.
- Local Government Rates will also be collected annually.

### **Economic Implications**

The activation of the Western Foreshore Commercial Site is an opportunity to achieve positive economic outcomes for Mandurah and the Peel Region. The Project will generate a significant number of new jobs, training and development opportunities, promote industry diversification and create high-end attractions for locals and visitors.

The benefits to the local and regional economy will be significant and the site will remain publicly owned and leased under terms that ensure community benefit and financial sustainability into the future.

Unemployment in Mandurah is rising once more after a period of relatively strong growth and record lows. Data show unemployment reached 4.5% in December 2025, slightly higher than the 4.2% recorded in December 2024. This is in line with most recent economic forecasts from the Reserve Bank of Australia which shows growth slowing noticeably, and unemployment rising in late 2026.

Rising unemployment creates significant economic and social costs. Research shows that workers with otherwise good histories still have 11% lower labour income five years after a three-month spell of unemployment. This is combined with psychological and social cost; for many workers. It can mean loss of status, purpose or identity, damaging mental health. It is also associated with physical ill health and reduced life satisfaction and has also been shown to have spillover effects on family members (Coates, B. & Ballantyne, A., May 2022. *No one left behind: Why Australia should lock in full employment*. Melbourne: Grattan Institute).

Projects that raise the productivity of underutilised assets are key to offsetting the costs of weak growth and maintaining progress toward the Economy goal of the Strategic Community Plan. The estimated 329 (direct and indirect) ongoing jobs created by the Western Foreshore development are expected to support the economy during this period and mitigate some of the negative consequences. Under a scenario of no development, no private investment is made, no additional jobs are created and the negative economic and social costs to the economy outlined above are expected to be materially larger.

### **Environmental Implications**

The Proposal incorporates environmental and cultural safeguards and delivers measurable economic and social benefits that support Mandurah's sustainable development and future prosperity. Tree retention is a priority, with the mini-golf course designed to wind around existing trees. In total, this means the entire Western Foreshore will see an overall increase of around 117 to 137 trees, creating more canopy, more shade and a greener public space for the community to enjoy in the long run. Additional landscaping will enhance the area's natural beauty and provide shaded spaces for recreation.

### **Risk Implications**

The CEO is responsible under the *Local Government Act 1995* for the day-to-day management of the local government, including the care, control and management of local government property and the safety of employees and members of the public.

The City also has obligations under the *Work Health and Safety Act 2020* to ensure, so far as is reasonably practicable, the health and safety of workers and other persons in the workplace.

### **Strategic Implications**

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 are relevant to this report:

#### Economy

- Local jobs to retain our people and attract skilled workers
- A diversified economy that supports growth sectors
- A thriving city that residents are proud to call home and people want to visit
- A supportive business environment where investment is encouraged, and entrepreneurship prospers
- A highly skilled workforce supported by strong education and training opportunities

#### Community

- Inclusive and welcoming places, spaces and neighbourhoods
- An enriched, creative, and empowered community that values culture, heritage and life long learning

#### Environment

- Our natural environment is celebrated, protected and restored for generations to come
- Our built environment is clean, accessible and sustainable
- Our coast and waterways are healthy and celebrated

#### Leadership

- A clear and shared vision for Mandurah's future
- Sound decisions based on evidence and meaningful engagement
- A committed, innovative, effective, and values driven Council and workforce

## Conclusion

The Proposal is intended to support economic activation of the City Centre, diversify Mandurah's tourism offering, create local employment and training opportunities, and contribute to long-term financial sustainability. Independent economic modelling indicates the project will generate construction employment, ongoing direct and indirect jobs, and increased tourism expenditure within the region.

Importantly, the land will remain publicly owned, with lease arrangements structured to ensure continued community benefit.

A summary of each motion is provided below:

### Motion 1

An apology from the City would imply that the actions taken were improper, unlawful or inappropriate. Based on the information available, the actions taken were consistent with the CEO's statutory authority and the City's workplace safety obligations.

The City continues to acknowledge the cultural significance of the Western Foreshore to members of the Aboriginal community and remains open to respectful engagement. However, operational decisions taken to ensure workplace safety do not warrant a public apology.

### Motion 2

The City has:

- relied on formal advice from the Department of Planning, Lands and Heritage;
- supported further heritage survey processes; and
- complied with statutory land administration processes.

There is no legislative requirement to withdraw submissions at this stage.

Council can uphold its statutory responsibilities while continuing to monitor and respond to heritage considerations as they arise.

## Officer Recommendation

### Part A

That Council:

1. **Acknowledge the Strong Women's Group cultural obligations in protecting and advocating for Aboriginal heritage.**
2. **Affirm support that a protest cannot take place within a City building.**
3. **Acknowledge that the actions taken are consistent with the CEO's statutory authority and the City's workplace safety obligations.**

## **Part B**

### **That Council:**

- 1. Reaffirm its commitment to continuing discussions and engagement with the local Aboriginal community and continue to engage respectfully, remain open to ongoing dialogue, and ensure that statutory processes are followed.**
- 2. Note that GKB Impact has been awarded, through the State Government's 10-year Aboriginal Heritage Survey Program, to undertake an Aboriginal Heritage Survey of the Western Foreshore Leisure Precinct, which includes the Western Foreshore Commercial Site.**
- 3. Authorise the Chief Executive Officer to ensure the Proponent does not commence site or construction works until the Aboriginal Heritage Survey has been completed and in the event the Aboriginal Heritage Survey records Aboriginal heritage within the Commercial Site for inclusion on the Aboriginal Cultural Heritage Inquiry System and the Register of Places and Objects, the City and the Proponent will be responsible for ensuring compliance with the statutory approvals under the *Aboriginal Heritage Act 1972* to use land where Aboriginal sites are located.**

### **Attachments**

Nil

**Subject:** 19.2 Council Policy Reviews

### **Summary**

On 1 January 2026, the second tranche of legislative reforms commenced under the *Local Government Amendment Act 2024* (Amendment Act), requiring reviews of a number of Council policies.

Through this review, amendments to the *Local Government Act 1995* (the Act) have been incorporated into the policies, along with minor process improvements to enhance clarity for Elected Members and City officers, when applying and administering the policies.

Council is now requested to amend the following policies:

- Elected Member Entitlements Policy POL-GVN 07 (Attachment 1)
- Elected Member and CEO Training, Professional Development, Travel and Events Policy POL-GVN 08 (Attachment 3); and
- Complaints Management Policy POL-CPM 05 (Attachment 5).

### **Disclosure of Interest**

Nil

### **Previous Relevant Documentation**

G.10/12/23	12 December 2023	Review of Elected Member Policies
G.6/12/22	13 December 2022	Review of Complaints Management Policy
G.12/1/22	25 January 2022	Elected Member Policy Review
G.16/3/21	23 March 2021	Amendments to the Elected Member Entitlements Policy

### **Background**

Relevant legislative amendments relating to the content of policy Elected Member Entitlements POL-GVN 07 came into effect 1 July 2025 as a result of the Act reform. In accordance with the Act, policies relating to Elected Members entitlements and training must be reviewed following each local government election.

Elected Member Entitlements Policy POL-GVN 07 and Elected Member and CEO Training, Professional Development, Travel and Events Policy POL-GVN 08 were previously reviewed by Council at its meeting of 12 December 2023.

Council's Complaints Management Policy POL-CPM 05 was undertaken by Council at the meeting of 13 December 2022.

### **Comment**

#### Elected Member Entitlements POL-GVN 07

The Elected Member Entitlements Policy POL-GVN 07 sets out the fees and allowances available to Elected Members and details the types of expenses eligible for reimbursement. It also specifies

the equipment and supplies provided, such as clothing, IT devices, and home office furniture. Additionally, the policy covers insurance arrangements and the provision of gifts from the City.

A summary of the amendments proposed for the Policy are summarised in the table below (refer to Attachment 2 for tracked change version):

POLICY REFERENCE	PROPOSED AMENDMENT	COMMENT
Subclause 2.1(a)	<p>Amendment (in blue font):</p> <p>a. Child care expenses incurred by Elected Members as a result of attending;</p> <p>(i) Council meetings;</p> <p>(ii) Committee meetings at which they are a member;</p> <p>(iii) training required by s5.126 of the Act;</p> <p>(iv) Briefings/Workshops/Seminars /Forums convened by the Mayor or CEO;</p> <p>(v) Meetings where the Elected Member has been appointed by Council as a representative (or deputy); or</p> <p>(vi) Electors' meetings.</p>	<p>The current policy enables Elected Members to be reimbursed for childcare and/or travel expenses necessarily incurred while performing their duties so that no Elected Member should be unreasonably financially disadvantaged due to meeting the requirements of their office. This extends to Council Meetings, Committee Meetings and training in accordance with section 5.126 of the Act.</p> <p>Council can decide to include additional meeting types where reimbursements can apply and following feedback from Elected Members in a policy workshop, additional meeting types are proposed (in blue).</p> <p>In accordance with the Policy, Elected Members will be reimbursed with the following conditions:</p> <ul style="list-style-type: none"> <li>• in accordance with the rate set by the State Administrative Tribunal (SAT) as the maximum amount or the actual cost, whichever is the lesser.</li> <li>• child care costs will not be paid where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.</li> <li>• a claim for child care must be accompanied by a statement detailing child care providers name and address along with the relevant dates, times, hourly rate and relevant meeting type.</li> </ul>

		The financial impact will depend on the number of Elected Members with children that require childcare.
Subclause 3a	<p><u>Amendment:</u> In accordance with the Act and regulation 34AD of the Regulations, the Mayor <del>may is to</del> be provided with a fully maintained local government motor vehicle for the purpose of carrying out the functions of the Mayoral office.</p>	<p>Amendment reflects current organisational practice.</p> <p>The Mayor has discretion as to whether they receive a City vehicle or utilise their own vehicle with options to claim expenses.</p>
Clause 6	<p><u>Amendments (in blue font):</u></p> <p>a. The City will <del>insure or provide insurance cover for</del> hold policies to cover Elected Members for the following:</p> <p>(i) Councillor’s liability to cover <del>defence costs losses</del> incurred due to alleged wrongful acts committed whilst acting in official capacity as an Elected Member <del>and they have not acted illegally, dishonestly or in bad faith.</del></p> <p>(ii) Liability protection for third party property damage and/or personal injury allegedly caused <del>as a result of the negligent acts of</del> by an Elected Member’s actions whilst performing official duties.</p> <p>(iii) Personal <del>accident cover injury insurance</del> is provided in the event of <del>an accidental</del> personal injury whilst on Council duties, including direct travel to and from such duties.</p> <p>(vi) <del>Corporate</del> travel <del>cover insurance</del> for Council related business trips, including cover for expenses for overseas medical treatment, emergency medical evacuation, flight cancellations, lost baggage and personal effects.</p> <p>b. Elected Members must determine whether the benefits and endorsements of the above <del>insurance</del> cover is adequate. Elected Members may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.</p>	<p>Amendments suggested by Local Government Insurance Scheme to improve readability and reflect current organisational practice.</p> <p>New regulation 19D of the <i>Local Government (Financial Management) Regulation 1996</i>, s inserted to prohibit local governments from paying, directly or indirectly, any council member’s legal expenses for the following liabilities:</p> <ul style="list-style-type: none"> <li>• Modified penalties and fines for offences under the Act;</li> <li>• Amounts ordered by the SAT under Part 4, Division 5 of the <i>State Administrative Tribunal Act 2004</i>;</li> <li>• Exemplary or punitive damages awarded in civil court proceedings; and</li> <li>• An insurance premium that would or might indemnify a council member against a liability of the kind referred to above.</li> </ul>
Clause 9	<p><b>Superannuation</b></p> <p>Section 5.99B of the Act entitles Elected Members to superannuation contributions to their nominated fund at the same time their</p>	<p>Section 5.99B of the Act entitles Elected Members to superannuation payments.</p>

	<p>sitting fees and/or Mayor/Deputy Mayor allowance are paid.</p> <p>Contributions will be calculated at the rate prescribed under the <i>Superannuation Guarantee (Administration) Act 1992</i> and will apply to eligible fees and allowances.</p> <p>In accordance with section 5.99C of the Act Elected Members may choose to opt out of receiving superannuation payments.</p>	
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Elected Member and CEO Training, Professional Development, Travel and Events Policy POL-GVN 08

The Elected Member and CEO Training, Professional Development, Travel and Events Policy POL-GVN 08 provides a framework for Elected Members and the Chief Executive Officer (CEO) in relation to their attendance at events including;

- criteria for attendance;
- pre-approved events;
- approval process;
- related interest and gift provisions;
- Elected Member mandatory training
- Elected Member and CEO training and professional development including approved criteria, approval process, funding allocation (for Elected Members); and
- publication of report on training completed by Elected Member.

A summary of the amendments proposed to the Policy are summarised in the table below (refer to Attachment 4 for tracked change version):

POLICY REFERENCE	PROPOSED AMENDMENT	COMMENT
<b>New Clause</b>		
Clause 6	<p><u>New clause proposed:</u></p> <p>Cancellations, Booking Change / Modification Costs</p> <p>a. Costs incurred for cancellation, changing or modifying a booking, registration, travel or accommodation, where the request is:</p> <p style="padding-left: 40px;">i. At the request of the Elected Member, are to be attributed to the Elected Member’s funding allocation; or</p> <p style="padding-left: 40px;">ii. A requirement or for the convenience of the City, are to be paid by the City.</p> <p>b. If the Elected Members’ funding allocation has been exhausted, the cost for any change or modification at the request of the Elected</p>	<p>Proposed clause is taken from the WALGA Model policy to add clarity and provide guidance on the allocation of costs associated with cancellations and changes to bookings for professional development activities.</p> <p>The proposed clause helps to safeguard the City’s resources while also supporting Elected Members in fulfilling their roles, and aligns with best practice by clarifying financial responsibilities.</p>

	Member should be paid by the Elected Member.	
<b>Minor Amendments</b>		
Clause 1e	In accordance with r36A of the Regulations, following an election, every Elected Member elected or returned to office must complete a declaration, within the prescribed timeframe, confirming their compliance with the mandatory training obligations outlined in s5.126(1) of the Act.	As per recent amendments to the Act and <i>Local Government (Administration) Regulations 1996</i> (the Regulations).
Clause 2	Removal of reference to CEO at Elected Member Training and Professional Development and at subclause 2.2.  At subclause 2.2 (b) remove reference to CEO professional memberships.	The CEO's training, professional development and professional membership allocation is to be managed in accordance with the CEO's contract conditions.
Subclause 2.2b	<u>Amendment (in blue font)</u> Conferences, <u>training, workshops, seminars</u> or study tours that address the initiatives and projects that have been outlined in the City of Mandurah's Strategic Community Plan, advocacy statements, Council resolutions <u>or other strategic documents</u> .	This provision is adapted from the WALGA model policy to guarantee that Elected Members have access to a comprehensive range of training and professional development opportunities. The intent is to ensure all relevant options are available to support the ongoing development and effectiveness of Elected Members in their roles.
Subclause 3a	<u>Amendment (in blue font)</u> An allowance over two-years of \$9,000 per Councillor <u>or \$16,000 for the Mayor</u> will cover costs associated with attendance at training and development activities. This includes any actual costs (including registration, accommodation, meals and travel) which has been incurred.	Proposed amendment adds clarity that the Mayor's funding allocation includes costs related to registration, accommodation, meals and travel.  Proposed amendment also
Subclause 3b	<u>Removal of:</u> An allowance over two years of \$16,000 for the Mayor and CEO, will cover costs associated with attendance at training and development activities.	removes reference to the CEO's professional development funding allocation which is determined separately as part of the CEO's employment contract.
Subclause 3d	<u>Removal of:</u> Elected Members cannot enrol in a course under this Policy that provides a formal qualification (or accreditation) within three months of their term of office concluding. Note: nothing in this Policy precludes Elected Members from enrolling in other training or professional development activities.	Removal of these two subclauses is required to add clarity and ensure consistency with legislation.

Subclause 8b	<u>Removal of:</u> Training and professional development is not to be scheduled during the caretaker period applicable to an election where the Elected members current term of office is due to conclude.	
Subclause 3e	Attendance at the WALGA Conference, by Council appointed delegates, will not be deducted from the Elected Members funding allocation.	This will enable those Elected members who are nominated by Council as the WALGA Zone Delegates will attend the conference and this cost will not be deducted for their training allocation.
Subclause 3L	<u>Amendment:</u> All claims for reimbursement must be submitted within one month from the Elected Member or CEO returning from the training and professional development. Final claims relating to the financial year must be submitted within <b>14 7</b> days after the end of the financial year.	Updated to align with existing subclause 6.1(c) and ensure that City is able to comply with the reporting obligations under 5.127 of the Act.
Clause 5 (a)	<u>Removal of:</u> Elected Members are required to prepare an informal report on their attendance and benefits to them and the City, to be circulated to all Elected Members and the CEO within one month of completing a training or professional development activity. Elected Members are not required to prepare a written report for mandatory training.	There is no legislative requirement for informal Elected Members reporting. It is recommended this be removed from the policy.  Elected Members may informally agree to share learnings as desired.
Subclause 7.3e	<u>Amendment to subclause 7.3e (in blue font):</u> Where there is a cost to the City for the Pre-approved Event, two Council/City representatives may attend. In the first instance the Mayor and CEO will represent the City. The Mayor may delegate another Elected Member to attend where appropriate. The CEO may delegate another City officer to attend where appropriate. Where there are more than two <b>Elected Member</b> representatives wanting to attend, the City <b>may</b> will pay for additional tickets from the Elected Member Events budget.	Proposed amendment adds clarity to the clause.  Any expenditure would need to be subject to budgetary limits. Where the Elected Member Events budget has been exhausted any increase to the budget would be subject to Council discretion.

Complaints Management Policy POL-CPM 05

The objective of the Complaints Management Policy is to ensure that all complaints received by the City are handled in a manner that reflects recognised best practice standards. It aligns with the Australian Standard for Complaints Management and the Western Australian Ombudsman's Guidelines, ensuring that the City's approach is structured, consistent, and grounded in nationally endorsed principles. The policy also aims to ensure complaints are managed efficiently, effectively, and impartially supporting respectful, timely and well-reasoned outcomes.

In accordance with the recent amendments to section 5.130(3) of the Act, under certain circumstances, a local government CEO may determine that the local government will no longer communicate with a complainant regarding a specific complaint or category of complaints.

This decision may be made if:

- the local government has previously responded to the complainant about the same issue; or
- the complaint is assessed as vexatious, misconceived, frivolous, or lacking substance;

In either case, the CEO must be satisfied that continuing to respond would divert an unreasonable proportion of the local government's resources from its other operations.

In making this decision under section 5.130(3) of the Act, the CEO must be satisfied that continued communication would divert an unreasonable amount of the local government's resources from its other responsibilities. This restriction, however, cannot be applied to council members or committee members.

If a CEO decides to restrict communication, they must issue a formal notice to the complainant using a letter template approved by the Local Government Inspector.

The notice must include:

- the decision to restrict communication
- the subject matter or category of subject matter to which the decision applies
- the duration of the restriction (not exceeding 12 months from the date of the notice)
- a summary of the local government's previous response to the complainant (if applicable)
- the reasons why the complaint is considered vexatious, misconceived, frivolous, or without substance (if applicable)
- reasons why responding would unreasonably impact the local government's operations
- information on how the complainant can lodge a complaint with the Inspector regarding the CEO's decision.

Such restriction does not prevent the complainant from participating in attending or engaging in council meetings, requesting special electors' meetings, accessing public information or lodging lawful applications.

Further minor amendments are proposed to this policy to align with the new legislation by including reference to the Act in section 11, which outlines the manner in which frivolous and vexatious complaints would be addressed.

A summary of the amendments is below, refer to Attachment 6 for tracked change version:

- clarifies the different pathways for the CEO to restrict communication with a complainant for a matter that may be vexatious, misconceived, frivolous, or lacking substance as opposed to managing complainants that may be aggressive, threatening or abusive.
- provides definitions and aligns the policy with the Act and associated regulation amendments and the new Local Government (Local Government Inspector) Regulations 2025.

City officers are in the process of finalising a Complaints Management Framework, which will incorporate the operational procedure for the application of 5.130(3) of the Act.

## Consultation

To guide the development of these Council policies the following consultation was undertaken with Elected Members:

- a workshop was held on 3 February 2026 to seek feedback on Elected Member Entitlements Policy POL-GVN 07 and Elected Member and CEO Training, Professional Development, Travel and Events Policy POL-GVN 08; and
- a briefing on the legislative amendments, under section 5.130 (3) of the Act, impacting the Complaints Management Policy POL-CPM 05 was held on 10 February 2026.

## Statutory Environment

### *Local Government Act 1995*

#### *Section 5.130. CEO may restrict communication about complaints*

- (1) *In this section —  
complaint includes a communication in the nature of a complaint, and a part of a complaint, but does not include a complaint mentioned in section 5.105.*
- (2) *This section applies if a person (the complainant) makes a complaint (the complaint) to a local government and —*
  - (a) *the CEO is satisfied —*
    - (i) *that the local government has previously responded to the complainant regarding the subject matter of the complaint; and*
    - (ii) *that to respond to the complaint would divert an unreasonable portion of the local government's resources away from its other operations;*
  - or*
  - (b) *the CEO is satisfied —*
    - (i) *that the current complaint is vexatious, misconceived, frivolous or without substance; and*
    - (ii) *that to respond to the current complaint would divert an unreasonable portion of the local government's resources away from its other operations.*
- (3) *The CEO may decide that the local government will not communicate or otherwise deal with the complainant with respect to —*
  - (a) *the subject matter of the current complaint; or*
  - (b) *a category of subject matter into which the subject matter of the current complaint falls.*
- (4) *If the CEO makes a decision under subsection (3), the CEO must give the complainant a notice in a form approved by the Inspector setting out —*
  - (a) *the decision; and*
  - (b) *the subject matter or category of subject matter to which the decision applies under subsection (3)(a) or (b); and*
  - (c) *the period during which the decision will apply.*
- (5) *Regulations may —*
  - (a) *prescribe other matters that must be included in the notice; and*
  - (b) *prescribe the maximum period during which a decision under subsection (3) can apply.*
- (6) *Nothing in this section applies to a council member or a committee member or restricts a person from —*
  - (a) *attending a council meeting or raising a question at a council meeting in accordance with this Act; or*
  - (b) *participating in an election (as defined in section 4.1); or*

- (c) *inspecting information referred to in section 5.94 in accordance with that section; or*
- (d) *taking any other action prescribed by the regulations.*

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

Part 5, Division 10 of the *Local Government Act 1995*

Section 5.126 of the *Local Government Act 1995* provides:

*Training for council members*

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*
  - (a) *prescribe a course of training; and*
  - (b) *prescribe the period within which training must be completed; and*
  - (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
  - (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

Section 5.128 of the *Local Government Act 1995* provides:

*Policy for continuing professional development*

- (1) *A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members.*
  - \* *Absolute majority required.*
- (2) *A local government may amend\* the policy.*
  - \* *Absolute majority required.*
- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
- (5) *A local government —*
  - (a) *must review the policy after each ordinary election; and*
  - (b) *may review the policy at any other time.*

Section 5.129 of the *Local Government Act 1995* provides:

- (1) *A local government may prepare and adopt\* a policy under which the local government undertakes to do 1 or more of the following —*
    - (a) *pay a fee to a council member in relation to their participation in a course of training that they are required to complete under section 5.126;*
    - (b) *reimburse a council member for a fee or other expense incurred by the council member in relation to their participation in a course of training that they are required to complete under section 5.126;*
    - (c) *pay a fee to a council member in relation to their participation in continuing professional development under the local government's policy under section 5.128;*
    - (d) *reimburse a council member for a fee or other expense incurred by the council member in relation to their participation in continuing professional development under the local government's policy under section 5.128*
  - (4) *Regulations may do any of the following —*
    - (a) *prescribe monetary limits or ranges in respect of amounts that may be paid or reimbursed under a policy;*
-

- (b) provide that a policy can apply only in respect of prescribed courses of training or prescribed types of continuing professional development;*
- (c) otherwise provide for restrictions on the amounts that may be paid or reimbursed under a policy;*
- (d) make other provision in relation to the content of a policy;*
- (e) make provision in relation to the form of a policy;*
- (f) otherwise make provision in relation to policies.*

Part 10 of the *Local Government (Administration) Regulations 1996*

### **Policy Implications**

These Policies form part of the Council Policy suite and will be published on the City's website.

In order to ensure that policies are fit for purpose it is recommended that these policies be reviewed following each Ordinary Election.

### **Financial Implications**

The allocations set out in the Policy have been included in the City's Budget.

### **Economic Implications**

Nil

### **Environmental Implications**

Nil

### **Risk Implications**

Elected Member policies relating to training, entitlements and events are required to be adopted by Council in accordance with the Act and regulations.

### **Strategic Implications**

The following strategy from the City of Mandurah Strategic Community Plan 2024-2044 is relevant to this report:

#### Leadership

- Sound decisions based on evidence and meaningful engagement

### **Conclusion**

Council is requested to adopt the proposed amendments to policy POL-GVN 07 Elected Member Entitlements Policy, POL-GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy and POL-CPM 05 Complaints Management Policy.

### **Officer Recommendation**

**That Council:**

- 1. Adopts amendments to POL-GVN 07 Elected Member Entitlements Policy as per Attachment 1.**

2. **Adopts amendments to POL-GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy as per Attachment 3.**
3. **Adopts amendments to POL-CPM 05 Complaints Management Policy as per Attachment 5.**

### **Absolute Majority**

#### **Attachments**

1. POL-GVN 07 Elected Member Entitlements Policy [**19.2.1** - 8 pages]
2. POL-GVN 07 Elected Member Entitlements Policy Tracked [**19.2.2** - 8 pages]
3. POL-GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy [**19.2.3** - 10 pages]
4. POL-GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy Tracked [**19.2.4** - 10 pages]
5. POL-CPM 05 Complaints Management Policy [**19.2.5** - 8 pages]
6. POL-CPM 05 Complaints Management Policy Tracked [**19.2.6** - 9 pages]

# Elected Member Entitlements

## POL-GVN 07



### Objective

The Elected Member Entitlements Policy (Policy) outlines the allowances, fees and reimbursement of expenses that may be paid to Elected Members.

This Policy is in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* (the Act), the *Local Government (Administration) Regulations 1996* (the Regulations) and determination of the Salaries and Allowances Tribunal (SAT) for Local Government Chief Executive Officers and Elected Members in accordance with the *Salaries and Allowances Act 1975*.

The Policy details other support provided by the City of Mandurah (City) to Elected Members to support the delivery of their functions, including equipment and other supplies, insurance cover provided while performing the official duties of office and gifts from the local government.

### Applicability

This Policy is binding on all Elected Members.

### Statement

#### 1. Fees and Allowances

##### 1.1. Annual meeting attendance fee

In lieu of paying Elected Members a meeting attendance fee for Council or Committee meetings, Elected Members shall be paid an annual amount for meeting attendance as determined by Council when adopting the budget, and within the prescribed range as set by the SAT.

##### 1.2. Mayor and Deputy Mayor Allowance

The Mayor and Deputy Mayor shall be paid an annual allowance as determined by Council when adopting the budget, and within the prescribed range as set by the SAT.

##### 1.3. Payment

- a. All payments are made in accordance with the Act, and its regulation, Council Policy, SAT and Council Resolution.
- b. Meeting attendance fees and the Mayor and Deputy Mayor allowances are to be made on a fortnightly, monthly, quarterly or six-monthly, in advance on pro-rata basis, at the discretion of the Elected Member.
- c. Payments may be made to an Elected Members' superannuation fund, as nominated, in accordance with the Australian Taxation Office requirements. Superannuation payments are to be made on a fortnightly, monthly, quarterly or six-monthly in arrears, at the discretion of the Elected Member.

##### 1.4. Information Communication and Technology Allowance

- a. Elected Members shall be entitled to an annual Information Communication and Technology (ICT) allowance, as determined by Council when adopting the budget, and within the

## Elected Member Entitlements

### POL-GVN 07



prescribed range as set by SAT. The allowance covers information and communications technology costs that are a kind of expense for which Elected Members may be reimbursed.

- b. This allowance is designed to meet all Elected Member related communication costs and any other relevant telecommunication costs, including relevant hardware to use a telephone, mobile phone, and the internet and consumables for computer equipment (e.g. Internet dongle, printing cartridges, paper, storage devices).
- c. Any claims by Elected Members for expenses incurred over the maximum annual allowance for ICT expenses detailed above are to be submitted on the provided claim form.
- d. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit plus the additional amounts claimed. Claims must be made by 7 July of that year (7 days after end of the financial year).
- d. ICT allowance will be made on a fortnightly, monthly, quarterly or six monthly basis in advance at the commencement of the financial year, at the discretion of the Elected Member.
- e. Where an Elected Member's term of office ceases at the local government election in a financial year, the Elected Member will be paid the ICT expenses on a pro-rata basis up until the local government election. Should the Elected Member be re-elected, the remainder of the annual allowance will be paid following the Election Day.

#### 1.5. Conditions of payment

- a. All allowances and fees shall be paid automatically unless an Elected Member has advised the Chief Executive Officer (CEO) in writing that he/she does not wish to claim any or part of those fees and allowances.
- b. The City will not pay attendance or allowance fees prior to the start of the financial year. Payments will not extend to any period beyond the expiry date of the Elected Members' term of office.
- c. Advanced payments are to be repaid by any Elected Member who resigns or leaves office prior to the expiry of their term of office.
- d. The taxation liability arising from these payments is the individual responsibility of each Elected Member and they should seek independent financial advice.

## 2. Expenses to be Reimbursed

- a. Elected Members will be reimbursed child care and/or travel expenses necessarily incurred while performing their duties so that no Elected Member should be unreasonably financially disadvantaged due to meeting the requirements of their office.
- b. The extent to which an Elected Member can be reimbursed for child care and travel expenses is set out under regulation 31 of the Regulations.

### 2.1. Child Care expenses

- a. Child care expenses incurred by Elected Members as a result of attending;
  - (i) Council meetings;
  - (ii) Committee meetings at which they are a member;

## Elected Member Entitlements

### POL-GVN 07



- (iii) training required by s5.126 of the Act;
- (iv) Briefings/Workshops/Seminars/Forums convened by the Mayor or CEO;
- (v) Meetings where the Elected Member has been appointed by Council as a representative (or deputy); or
- (vi) Electors' meetings.

will be reimbursed in accordance with the rate set by SAT as the maximum amount or the actual cost, whichever is the lesser.

- b. Child care costs will not be paid where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.
- c. A claim for child care must be accompanied by a statement detailing child care providers name and address along with the relevant dates, times, hourly rate and relevant meeting type.

#### 2.2. Travel expenses

2.2.1. Travel expenses relating to attendance at a Council meeting or meeting of a Committee of Council.

- a. Elected Members who incur travel costs while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) because of the Elected Member's attendance at a Council meeting or a meeting of a committee of which he or she is also a member are to be reimbursed at the same rate contained in section 30.6 of the *Local Government Officers' (Western Australia) Award 2021*.
- b. As the City of Mandurah is a regional local government, the Elected Member will be reimbursed reasonable travel costs from the Elected Members place of residence or work to the meeting and back.

2.2.2. Travel expenses relating to performance of function in the capacity of an Elected Member

- a. Elected Members who incur travel costs, while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) because the Elected Member is performing a local government function, are to be reimbursed at the same rate contained in Schedule F of the *Public Service Award 1992*.

b. Eligible claims for such functions include:

- i. Citizenship Ceremonies and civic functions.
- ii. Meetings where an Elected Member has been appointed by Council as its delegate or a deputy to the delegate (except where the other body pays the Elected Member for meeting attendance and/or travel).
- iii. Any City convened meeting requiring Elected Member attendance, including briefing sessions, workshops, and other forums.
- iv. Functions where the Elected Member is representing the Mayor or is attending by resolution of Council or where the function is an otherwise authorised activity.

Note: attendance at functions as a matter of personal choice and not representing Council in an official capacity does not give rise to a claim for reimbursement of expenses incurred as a result of attending.

Note: please refer to GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy

## Elected Member Entitlements

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- v. Training courses, seminars and conferences attended in the capacity of an Elected Member.
- vi. Meetings in connection with matters relating to local government, including site inspections or meetings with electors/ratepayers.
- vii. Any other occasion in the performance of an act.

#### 2.2.3. Reimbursement of Actual Expenses Incurred

- a. Where an Elected Member deems to consider it more appropriate to not utilise their own private vehicle to attend a Council related commitment (mentioned above in 2.2.1 and 2.2.2), a taxi/ride hailing company or public transport may be used and the actual cost incurred will be reimbursed.

#### 2.3. Claiming expenses

- a. Elected Members are advised that care needs to be taken in making applications for claims for reimbursement of expenses and to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as an Elected Member.
- b. Reimbursement of expenses is conditional upon adequate evidence of such expenditure in the form of invoices or receipts. A claim for reimbursement for travel expenses must include the date, particulars of travel, nature of business, distance travelled, vehicle displacement and total kilometres travelled.
- c. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form, on a monthly basis. Final claims relating to the financial year must be submitted within 7 days after the end of the financial year. No back payment of claims relating to prior financial years will be permitted.
- d. Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to office.

### 3. Mayor Vehicle

- a. In accordance with the Act and regulation 34AD of the Regulations, the Mayor may be provided with a fully maintained local government motor vehicle for the purpose of carrying out the functions of the Mayoral office.
- b. The value of the vehicle will be determined by Council when adopting the budget. The replacement of the Mayor's vehicle will occur once every four years, after the Mayoral Election and in consultation with the newly elected Mayor.
- c. The vehicle use by the Mayor will be in accordance with the terms and conditions of the City's standard private use of motor vehicle responsibilities. The vehicle may be used for personal use by the Mayor subject to reimbursement to the City for the extent of private use and completion of a written agreement with the City detailing the terms and conditions.
- d. Where the Mayor is provided with a vehicle as detailed in 3.a. above, the costs associated with the Mayor's private use of the vehicle is to be reimbursed by the Mayor on an annual basis, using the travel rate contained in Schedule F of the *Public Service Award 1992* and multiplying the private kilometres travelled from the log book information supplied (annualising the private kilometres travelled for the three months). It is expected that the Mayor utilise the log book in the first three months of being elected. The log book should be completed in accordance with

## Elected Member Entitlements

### POL-GVN 07



the requirements of the Australian Taxation Office. The private kilometres will be annualised and used for the four-year term of office. The Mayor can provide to the City a revised log book, if the private rate from the current log book does not reflect the private usage kilometres being travelled, at any time, during the term of office. Reimbursement by the Mayor can be offset against any remuneration that is due to the Mayor for holding office.

- e. Where the Mayor has exercised the option of using a motor vehicle provided by the City, no further reimbursements for travel costs will be made where such travel can practicably be undertaken in that vehicle.

#### 4. Equipment

##### 4.1. Issue and return of electronic equipment

- a. The City is to provide Elected Members with a suitably equipped device for use during their term of office.
- b. The electronic equipment is to be used for Council related business only and the Elected Member is responsible for the safeguarding and protection of the device from misuse.
- c. The electronic equipment will be issued in accordance with the City's supply arrangement in place at the time of the request, with all costs being met by the City.
- d. Consumables for the electronic equipment i.e. sim card or internet access, forms part of the ICT allowance as described in 1.4 of this Policy and are not separately provided or reimbursed.
- e. All electronic equipment, access cards and parking passes issued to Elected Members must be returned 48 hours after the conclusion of the Elected Members term of office.

##### 4.2. Maintenance and replacement of electronic equipment

- a. The City is responsible for the ongoing maintenance of the electronic equipment with all costs being met by the City.
- b. The replacement of the electronic equipment will be in accordance with the City's standard replacement program, which will be every three years, unless determined by the CEO that replacement is required earlier due to performance of electronic equipment.

##### 4.3. Other equipment

- a. Elected Members will be supplied with the following:
  - i. Parking permit for Council related business within specified areas; and
  - ii. Building security access card.

#### 5. Other supplies

##### 5.1. Clothing

- a. The City will reimburse Elected Members for expenses relating to suitable professional attire including clothing and footwear, to a maximum cost to the City of \$500.00 per annum per Councillor and \$1,000 for the Mayor per annum. All claims relating to a financial year must be submitted by 7 July (7 days after the end of the financial year) to be eligible for reimbursement.

## Elected Member Entitlements

### POL-GVN 07



- b. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form in accordance with clause 2.3 of this Policy.

#### 5.2. Home office furniture

- a. The City will reimburse Elected Members for expenses relating to home office furniture including a printer and furniture, to a maximum cost of \$500.00 per Elected Member for each term of office, for relevant Council use.
- b. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form in accordance with clause 2.3 of this Policy.

#### 5.3. Miscellaneous

The City will provide the following to all Elected Members:

- Name Badge;
- Upon request, a briefcase or satchel for Council business use, for each term of office;
- 200 printed business cards per annum, in accordance with the City's style guide, for relevant Council business use.

#### 5.4 Recreation Centre Membership

Elected Members are entitled to a 20% discount in accordance with City's MARC Corporate Rates on their individual membership at the City's recreation centres. The discount applies to 3, 6, 12 month and direct debit memberships only.

## 6. Insurance

- a. The City will hold policies to cover Elected Members for the following:
  - i. Councillor's liability to cover defence costs incurred due to alleged wrongful acts committed whilst acting in official capacity as an Elected Member and they have not acted illegally, dishonestly or in bad faith.
  - ii. Liability protection for third party property damage and/or personal injury caused as a result of the negligent acts of an Elected Member's actions whilst performing official duties.
  - iii. Personal injury insurance is provided in the event of personal injury whilst on Council duties, including direct travel to and from such duties.
  - iv. Motor vehicle coverage for use of private vehicle, when performing official duties.
  - v. Personal property cover is provided for accidental loss or damage to personal property owned whilst an Elected Member is performing official duties.
  - vi. Corporate travel cover for Council related business trips, including cover for expenses for overseas medical treatment, emergency medical evacuation, flight cancellations, lost baggage and personal effects.
- b. Elected Members must determine whether the benefits and endorsements of the above cover is adequate. Elected Members may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

## 7. Gifts from the Local Government

## Elected Member Entitlements

### POL-GVN 07



- a. In accordance with section 5.100A of the Act and regulation 34AC of the Regulations, gifts may only be given to Elected Members upon the occasion of their retirement or departure, following the completion of at least one full four-year term of office.
- b. On the retirement, or departure, of an Elected Member and in recognition of their years of service the Elected Member will be offered the opportunity of a farewell morning/afternoon tea (as approved by the Mayor and CEO jointly) with Council and the Executive Leadership Team, and will be presented with:
  - i. Appropriate gift, from a local retailer or artist, up to the value of \$100 per year of continuous service to a maximum of \$1000; and
  - ii. Framed certificate celebrating the Elected Members time in office.

### 8. Parental Leave

- a. Section 2.25 of the Act entitles Elected Members to a period of 6 months parental leave beginning on the day on which the Elected Member themselves, or their spouse or de facto partner, either:
  - i. Gives birth;
  - ii. Adopts a person under 16 years of age; or
  - iii. Becomes the guardian or foster parent of a person under 16 years of age.
- b. The Act does not allow for the period of parental leave to be deferred to a later date.
- c. The period of parental leave can be less than 6 months if desired.

### 9. Superannuation

- a. Section 5.99B of the Act entitles Elected Members to superannuation contributions to their nominated fund at the same time their sitting fees and/or Mayor/Deputy Mayor allowance are paid.
- b. Contributions will be calculated at the rate prescribed under the *Superannuation Guarantee (Administration) Act 1992* and will apply to eligible fees and allowances.
- c. In accordance with section 5.99C of the Act Elected Members may choose to opt out of receiving superannuation payments.

### Legislative Context

*Local Government Act 1995*: sections 5.98, 5.98A, 5.99 and 5.99A, 5.100A, 5.101A

*Local Government (Administration) Regulations 1996*: regulations 31, 32, , 34AC, 34AD and 34AE.

*Salaries and Allowances Act 1975*: section 7B

*Local Government Officers' (WA) Award 2021*: section 30.6

*Public Service Award 1992* Schedule F

### Related Documents

Elected Member Expenses Claim Form  
Schedule of Expenses and Allowances

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## Elected Member Entitlements

### POL-GVN 07



**Responsible Directorate:** Business Services

**Responsible Department:** Governance Services

**Reviewer:** Director Business Services

**Creation date and reference:** Minute G.45/8/07, 21 August 2007

**Last Review:** 12 December 2023, G.10/12/23

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.39/6/08	18/06/2008	25/05/2010
3	Minute G.26/5/10	26/05/2010	28/02/2012
4	Minute G.57/2/12	29/02/2012	15/07/2013
5	Minute SP.5/7/13	16/07/2013	24/02/2015
6	Minute G.35/2/15	25/02/2015	02/08/2016
7	Minute SP.2/8/16	03/08/2016	17/12/2019
8	Minute G.38/12/19	18/12/2019	26/05/2020
9	Minute G.17/5/20	27/05/2020	23/03/2021
10	Minute G.16/3/21	24/03/2021	25/01/2022
11	Minute G.12/1/22	25/01/2022	13/12/2023
12	Minute G.10/12/23	13/12/2023	-

# Elected Member Entitlements

## POL-GVN 07



### Objective

The Elected Member Entitlements Policy (Policy) outlines the allowances, fees and reimbursement of expenses that may be paid to Elected Members.

This Policy is in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* (the Act), the *Local Government (Administration) Regulations 1996* (the Regulations) and determination of the Salaries and Allowances Tribunal (SAT) for Local Government Chief Executive Officers and Elected Members in accordance with the *Salaries and Allowances Act 1975*.

The Policy details other support provided by the City of Mandurah (City) to Elected Members to support the delivery of their functions, including equipment and other supplies, insurance cover provided while performing the official duties of office and gifts from the local government.

### Applicability

This Policy is binding on all Elected Members.

### Statement

#### 1. Fees and Allowances

##### 1.1. Annual meeting attendance fee

In lieu of paying Elected Members a meeting attendance fee for Council or Committee meetings, Elected Members shall be paid an annual amount for meeting attendance as determined by Council when adopting the budget, and within the prescribed range as set by the SAT.

##### 1.2. Mayor and Deputy Mayor Allowance

The Mayor and Deputy Mayor shall be paid an annual allowance as determined by Council when adopting the budget, and within the prescribed range as set by the SAT.

##### 1.3. Payment

a. All payments are made in accordance with the Act, and its regulation, Council Policy, SAT and Council Resolution.

a.b. Meeting attendance fees and the Mayor and Deputy Mayor allowances are to be made on a fortnightly, monthly, quarterly or six-monthly, in advance on pro-rata basis, at the discretion of the Elected Member.

b.c. Payments may be made to an Elected Members' superannuation fund, as nominated, in accordance with the Australian Taxation Office requirements. Superannuation payments are to be made on a fortnightly, monthly, quarterly or six-monthly in arrears, at the discretion of the Elected Member.

##### 1.4. Information Communication and Technology Allowance

a. Elected Members shall be entitled to an annual Information Communication and Technology (ICT) allowance, as determined by Council when adopting the budget, and within the

## Elected Member Entitlements

### POL-GVN 07



prescribed range as set by SAT. The allowance covers information and communications technology costs that are a kind of expense for which Elected Members may be reimbursed.

- b. This allowance is designed to meet all Elected Member related communication costs and any other relevant telecommunication costs, including relevant hardware to use a telephone, mobile phone, and the internet and consumables for computer equipment (e.g. Internet dongle, printing cartridges, paper, storage devices).
- c. Any claims by Elected Members for expenses incurred over the maximum annual allowance for ICT expenses detailed above are to be submitted on the provided claim form.
- d. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit plus the additional amounts claimed. Claims must be made by 7 July of that year (7 days after end of the financial year).
- ~~d.~~ Full payment of the ICT allowance will be made on a fortnightly, monthly, quarterly or six monthly basis in advance at the commencement of the financial year at the discretion of the Elected Member.
- e. Where an Elected Member's term of office ceases at the local government election in a financial year, the Elected Member will be paid the ICT expenses on a pro-rata basis up until the local government election. Should the Elected Member be re-elected, the remainder of the annual allowance will be paid following the Election Day.

#### 1.5. Conditions of payment

- a. All allowances and fees shall be paid automatically unless an Elected Member has advised the Chief Executive Officer (CEO) in writing that he/she does not wish to claim any or part of those fees and allowances.
- b. The City will not pay attendance or allowance fees prior to the start of the financial year. Payments will not extend to any period beyond the expiry date of the Elected Members' term of office.
- c. Advanced payments are to be repaid by any Elected Member who resigns or leaves office prior to the expiry of their term of office.
- d. The taxation liability arising from these payments is the individual responsibility of each Elected Member and they should seek independent financial advice.

## 2. Expenses to be Reimbursed

- a. Elected Members will be reimbursed child care and/or travel expenses necessarily incurred while performing their duties so that no Elected Member should be unreasonably financially disadvantaged due to meeting the requirements of their office.
- b. The extent to which an Elected Member can be reimbursed for child care and travel expenses is set out under regulation 31 of the Regulations.

### 2.1. Child Care expenses

- a. Child care expenses incurred by Elected Members as a result of attending;

## Elected Member Entitlements

### POL-GVN 07



- (i) Council meetings;
- (ii) Committee meetings at which they are a member; ~~or~~
- ~~(iii) training required by s5.126 of the Act;~~
- ~~(iv) Briefings/Workshops/Seminars/Forums convened by the Mayor or CEO;~~
- ~~(v) Meetings where the Elected Member has been appointed by Council as a representative (or deputy); ~~or~~~~
- ~~(vi) Electors' meetings.~~

will be reimbursed in accordance with the rate set by SAT as the maximum amount or the actual cost, whichever is the lesser.

- b. Child care costs will not be paid where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.
- c. A claim for child care must be accompanied by a statement detailing child care providers name and address along with the relevant dates, times, hourly rate and relevant meeting type.

#### 2.2. Travel expenses

##### 2.2.1. Travel expenses relating to attendance at a Council meeting or meeting of a Committee of Council

- a. Elected Members who incur travel costs while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) because of the Elected Member's attendance at a Council meeting or a meeting of a committee of which he or she is also a member are to be reimbursed at the same rate contained in section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2021*.
- b. As the City of Mandurah is a regional local government, the Elected Member will be reimbursed reasonable travel costs from the Elected Members place of residence or work to the meeting and back.

##### 2.2.2. Travel expenses relating to performance of function in the capacity of an Elected Member

- a. Elected Members who incur travel costs, while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) because the Elected Member is performing a local government function, are to be reimbursed at the same rate contained in Schedule F of the *Public Service Award 1992*.
- b. Eligible claims for such functions include:
  - i. Citizenship Ceremonies and civic functions.
  - ii. Meetings where an Elected Member has been appointed by Council as its delegate or a deputy to the delegate (except where the other body pays the Elected Member for meeting attendance and/or travel).
  - iii. Any City convened meeting requiring Elected Member attendance, including briefing sessions, workshops, and other forums.
  - iv. Functions where the Elected Member is representing the Mayor or is attending by resolution of Council or where the function is an otherwise authorised activity.

Note: attendance at functions as a matter of personal choice and not representing Council in an official capacity does not give rise to a claim for reimbursement of expenses incurred as a result of attending.

## Elected Member Entitlements

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Note: please refer to GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy

- v. Training courses, seminars and conferences attended in the capacity of an Elected Member.
- vi. Meetings in connection with matters relating to local government, including site inspections or meetings with electors/ratepayers.
- vii. Any other occasion in the performance of an act.

#### 2.2.3. Reimbursement of Actual Expenses Incurred

- a. Where an Elected Member deems to consider it more appropriate to not utilise their own private vehicle to attend a Council related commitment (mentioned above in 2.2.1 and 2.2.2), a taxi/ride hailing company or public transport may be used and the actual cost incurred will be reimbursed.

#### 2.3. Claiming expenses

- a. Elected Members are advised that care needs to be taken in making applications for claims for reimbursement of expenses and to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as an Elected Member.
- b. Reimbursement of expenses is conditional upon adequate evidence of such expenditure in the form of invoices or receipts. A claim for reimbursement for travel expenses must include the date, particulars of travel, nature of business, distance travelled, vehicle displacement and total kilometres travelled.
- c. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form, on a monthly basis. Final claims relating to the financial year must be submitted within 14.7 days after the end of the financial year. No back payment of claims relating to prior financial years will be permitted.
- d. Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to office.

### 3. Mayor Vehicle

- a. In accordance with the Act and regulation 34AD of the Regulations, the Mayor is to may be provided with a fully maintained local government motor vehicle for the purpose of carrying out the functions of the Mayoral office.
- b. The value of the vehicle will be determined by Council when adopting the budget. The replacement of the Mayor's vehicle will occur once every four years, after the Mayoral Election and in consultation with the newly elected Mayor.
- c. The vehicle use by the Mayor will be in accordance with the terms and conditions of the City's standard private use of motor vehicle responsibilities. The vehicle may be used for personal use by the Mayor subject to reimbursement to the City for the extent of private use and completion of a written agreement with the City detailing the terms and conditions.
- d. Where the Mayor is provided with a vehicle as detailed in 3.a. above, the costs associated with the Mayor's private use of the vehicle is to be reimbursed by the Mayor on an annual basis, using the travel rate contained in Schedule F of the *Public Service Award 1992* and multiplying the private kilometres travelled from the log book information supplied (annualising the private

## Elected Member Entitlements

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kilometres travelled for the three months). It is expected that the Mayor utilise the log book in the first three months of being elected. The log book should be completed in accordance with the requirements of the Australian Taxation Office. The private kilometres will be annualised and used for the four-year term of office. The Mayor can provide to the City a revised log book, if the private rate from the current log book does not reflect the private usage kilometres being travelled, at any time, during the term of office. Reimbursement by the Mayor can be offset against any remuneration that is due to the Mayor for holding office.

- e. Where the Mayor has exercised the option of using a motor vehicle provided by the City, no further reimbursements for travel costs will be made where such travel can practicably be undertaken in that vehicle.

#### 4. Equipment

##### 4.1. Issue and return of electronic equipment

- a. The City is to provide Elected Members with a suitably equipped device for use during their term of office.
- b. The electronic equipment is to be used for Council related business only and the Elected Member is responsible for the safeguarding and protection of the device from misuse.
- c. The electronic equipment will be issued in accordance with the City's supply arrangement in place at the time of the request, with all costs being met by the City.
- d. Consumables for the electronic equipment i.e. sim card or internet access, forms part of the ICT allowance as described in 1.4 of this Policy and are not separately provided or reimbursed.
- e. All electronic equipment, access cards and parking passes issued to Elected Members must be returned 48 hours after the conclusion of the Elected Members term of office.

##### 4.2. Maintenance and replacement of electronic equipment

- a. The City is responsible for the ongoing maintenance of the electronic equipment with all costs being met by the City.
- b. The replacement of the electronic equipment will be in accordance with the City's standard replacement program, which will be every three years, unless determined by the [Chief Executive Officer-CEO](#) that replacement is required earlier due to performance of electronic equipment.

##### 4.3. Other equipment

- a. Elected Members will be supplied with the following:
  - i. Parking permit for Council related business within specified areas; and
  - ii. Building security access card.

#### 5. Other supplies

##### 5.1. Clothing

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- a. The City will reimburse Elected Members for expenses relating to suitable professional attire including clothing and footwear, to a maximum cost to the City of \$500.00 per annum per Councillor and \$1,000 for the Mayor per annum. All claims relating to a financial year must be submitted by 7 July (7 days after the end of the financial year) to be eligible for reimbursement.
- b. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form in accordance with clause 2.3 of this Policy.

#### 5.2. Home office furniture

- a. The City will reimburse Elected Members for expenses relating to home office furniture including a printer and furniture, to a maximum cost of \$500.00 per Elected Member for each term of office, for relevant Council use.
- b. All claims for reimbursement must be submitted to the Office of the Mayor and Councillors on the provided claim form in accordance with clause 2.3 of this Policy.

#### 5.3. Miscellaneous

The City will provide the following to all Elected Members:

- Name Badge;
- Upon request, a briefcase or satchel for Council business use, for each term of office;
- 200 printed business cards per annum, in accordance with the City's style guide, for relevant Council business use.

#### 5.4 Recreation Centre Membership

Elected Members are entitled to a 20% discount in accordance with City's MARC Corporate Rates on their individual membership at the City's recreation centres. The discount applies to 3, 6, 12 month and direct debit memberships only.

### 6. Insurance

- a. The City will ~~insure or provide insurance cover for~~ hold policies to cover Elected Members for the following:
  - i. Councillor's liability to cover ~~losses defence costs~~ incurred due to alleged wrongful acts committed whilst acting in official capacity as an Elected Member and they have not acted illegally, dishonestly or in bad faith.
  - ii. Liability protection for third party property damage and/or personal injury ~~allegedly~~ caused as a result of the negligent acts of ~~by~~ an Elected Member's actions whilst performing official duties.
  - iii. Personal injury insurance is provided in the event of personal injury whilst on Council duties, including direct travel to and from such duties.
  - iv. Motor vehicle coverage for use of private vehicle, when performing official duties.
  - v. Personal property cover is provided for accidental loss or damage to personal property owned whilst an Elected Member is performing official duties.
  - vi. Corporate ~~Travel~~ cover insurance for Council related business trips, including cover for expenses for overseas medical treatment, emergency medical evacuation, flight cancellations, lost baggage and personal effects.
- b. Elected Members must determine whether the benefits and endorsements of the above ~~insurance~~ cover is adequate. Elected Members may wish to obtain their own insurance cover,

## Elected Member Entitlements

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at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

#### 7. Gifts from the Local Government

- a. In accordance with section 5.100A of the Act and regulation 34AC of the Regulations, gifts may only be given to Elected Members upon the occasion of their retirement or departure, following the completion of at least one full four-year term of office.
- b. On the retirement, or departure, of an Elected Member and in recognition of their years of service the Elected Member will be offered the opportunity of a farewell morning/afternoon tea (as approved by the Mayor and CEO jointly) with Council and the Executive Leadership Team, and will be presented with:
  - i. Appropriate gift, from a local retailer or artist, up to the value of \$100 per year of continuous service to a maximum of \$1000; and
  - ii. Framed certificate celebrating the Elected Members time in office.

#### 8. Parental Leave

- a. Section 2.25 of the Act entitles Elected Members to a period of 6 months parental leave beginning on the day on which the Elected Member themselves, or their spouse or de facto partner, either:
  - i. Gives birth;
  - ii. Adopts a person under 16 years of age; or
  - iii. Becomes the guardian or foster parent of a person under 16 years of age.
- b. The Act does not allow for the period of parental leave to be deferred to a later date.
- c. The period of parental leave can be less than 6 months if desired.

#### 9. Superannuation

- a. [Section 5.99B of the Act entitles Elected Members to superannuation contributions to their nominated fund at the same time their sitting fees and/or Mayor/Deputy Mayor allowance are paid.](#)
- b. [Contributions will be calculated at the rate prescribed under the Superannuation Guarantee \(Administration\) Act 1992 and will apply to eligible fees and allowances.](#)
- c. [In accordance with section 5.99C of the Act Elected Members may choose to opt out of receiving superannuation payments.](#)

#### Legislative Context

*Local Government Act 1995*: sections 5.98, 5.98A, 5.99 and 5.99A, 5.100A, 5.101A

*Local Government (Administration) Regulations 1996*: regulations 31, 32, , 34AC, 34AD and 34AE.

*Salaries and Allowances Act 1975*: section 7B

*Local Government Officers' (WA) Interim Award 2021*: section 30.6

*Public Service Award 1992* Schedule F

# Elected Member Entitlements

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### Related Documents

Elected Member Expenses Claim Form  
Schedule of Expenses and Allowances

**Responsible Directorate:** Business Services

**Responsible Department:** Governance Services

**Reviewer:** Director Business Services

**Creation date and reference:** Minute G.45/8/07, 21 August 2007

**Last Review:** 12 December 2023, G.10/12/23

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.39/6/08	18/06/2008	25/05/2010
3	Minute G.26/5/10	26/05/2010	28/02/2012
4	Minute G.57/2/12	29/02/2012	15/07/2013
5	Minute SP.5/7/13	16/07/2013	24/02/2015
6	Minute G.35/2/15	25/02/2015	02/08/2016
7	Minute SP.2/8/16	03/08/2016	17/12/2019
8	Minute G.38/12/19	18/12/2019	26/05/2020
9	Minute G.17/5/20	27/05/2020	23/03/2021
10	Minute G.16/3/21	24/03/2021	25/01/2022
11	Minute G.12/1/22	25/01/2022	13/12/2023
12	Minute G.10/12/23	13/12/2023	-

# Elected Member and CEO Training, Professional Development, Travel and Events

## POL-GVN 08



### Objective

This Policy provides a framework for Elected Members and the Chief Executive Officer (CEO) in relation to training, professional development, travel and attendance at events.

This Policy is developed in accordance with the *Local Government Act 1995* (the "Act") sections 1.4A(1), 5.90A, 5.126(1), 5.127 and 5.128 and the *Local Government (Administration) Regulations 1996* (the Regulations).

### Applicability

This Policy is binding on Elected Members or the CEO for advocacy, approval for training and development and travel, accommodation, meals and incidentals and attendance at events.

### Statement

#### 1. Mandatory Elected Member Training

- a. In accordance with section 5.126(1) of the Act and regulation 35 of the Regulations, Elected Members must complete mandatory training, titled Council Member Essentials, within a period of twelve months beginning on the day on which the Elected Member is elected.
- b. The Council Member Essentials, consists of the following modules:
  - Understanding Local Government;
  - Serving on Council;
  - Meeting Procedures;
  - Conflicts of Interest; and
  - Understanding Financial Reports and Budgets.

The training course is provided by the following bodies –

- North Metropolitan TAFE;
  - South Metropolitan TAFE;
  - West Australian Local Government Association (WALGA).
- c. An Elected Member is exempt from the requirements outlined in section 5.126(1) of the Act if the Elected Member passed any of the courses specified below within the period of five years ending immediately before the day on which the Elected Member is elected:
    - Council Member Essentials;
    - 52756WA Diploma of Local Government (Elected Member);
    - LGA50220 Diploma of Local Government – Elected Member;
    - LGASS00007 Elected Member; or
    - The Elected Member passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within a period of five years ending immediately before the day on which the Elected Member is elected.

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- d. Any costs associated with the mandatory training will be funded outside of the Elected Members Training and Professional Development allocation. This includes any actual costs (including registration, accommodation, meals and travel) which has been incurred.
- e. In accordance with r36A of the Regulations, following an election, every Elected Member elected or returned to office must complete a declaration, within the prescribed timeframe, confirming their compliance with the mandatory training obligations outlined in s5.126(1) of the Act.

## 2. Elected Member Training and Professional Development

### 2.1 Continuous Professional Development

- a. Elected Members are encouraged to identify their individual continuing professional development needs to enhance their effectiveness and address skill gaps as required.
- b. As the needs of individual Elected Members may vary, each Elected Member is encouraged to seek the assistance of the CEO and/or Mayor in analysing their particular requirements and in identifying appropriate courses, seminars and training to meet those needs.
- c. In determining the professional development activities for individuals, Elected Members should consider the current or future strategic direction and activities of the City of Mandurah (the City) and its priorities and the skills that will be needed to give effect to the direction.

### 2.2 Approved Training and Professional Development Allocation

- a. Elected Members are encouraged to attend training and professional development opportunities that will further develop their skills and knowledge. Elected Members are entitled to a Training and Professional Development allocation, as determined under Clause 3.
- b. Training and professional development activities which this Policy applies shall generally be limited to the following:
  - WA Local Government Association Council (WALGA) and Australian Local Government Association (ALGA) conferences.
  - Special 'one off' conferences called for or sponsored by the WALGA and/or ALGA on important issues.
  - Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
  - Accredited organisations offering training relevant to the role and responsibilities of Elected Members.
  - WALGA Council Member Training and Development.
  - Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.
  - Subscriptions for professional memberships that assist an Elected Member in fulfilling their role on Council.
  - Conferences, training, workshops, seminars or study tours that address the initiatives and projects that have been outlined in the City of Mandurah's Strategic Community Plan, advocacy statements, Council resolutions or other strategic documents.

### 2.3 Advocacy

- a. The City's Strategic Community Plan and Corporate Business Plan supports and encourages the creation of a vibrant and connected City that supports and improves the community for

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everyone. Council supports this purpose through ongoing advocacy and lobbying to higher levels of government and other stakeholders to increase the City's funding eligibility and opportunities and to highlight priority projects.

- b. The Mayor and CEO will represent the City in proactive and reactive advocacy activity and opportunities, in accordance with Council's approved advocacy framework. The Mayor may delegate the Deputy Mayor in the first instance and where they are unavailable, another Elected Member to attend where appropriate. The CEO may delegate another City officer to attend where appropriate.

### 3. Funding Allocation

- a. An allowance over two-years of \$9,000 per Councillor or \$16,000 for the Mayor will cover costs associated with attendance at training and development activities. This includes any actual costs (including registration, accommodation, meals and travel) which has been incurred.
- b. Elected Members will only be registered for professional development activities if the Elected Member has sufficient funds in their two-year expense allocation to meet the costs, unless Council resolves that attendance by that Elected Member would be of specific benefit to the City and resolves to allocate additional funding for any shortfall.
- 2
- c. Elected Members may elect to utilise a portion of their allocation for Professional Membership. Professional Membership must relate to their role as an Elected Member in local government and be approved by the CEO.
- d. Attendance at the WALGA Conference, by Council appointed delegates, will not be deducted from the Elected Member funding allocation and will be determined as part of the annual budget.
- e. An Elected Member is not allowed payment or reimbursement of an amount in relation to professional development training if the participation occurs during any of the following periods:
  - i. the period of 3 months ending on the day on which the Elected Members term ends;
  - ii. if the Elected Member delivers a notice of resignation to the CEO, from that date of the delivery of the notice; or
  - iii. where an Elected Member is suspended under Part 8 of the Act.
- f. Elected Members may elect to utilise a portion of their allocation for Professional Membership. Professional Membership must relate to their role as an Elected Member in local government and be approved by the CEO.
- g. Elected Members who request professional membership to be paid in a year that their term of office is not a full financial year will only have the proportion paid for the days of the membership period they hold office.
- h. Any activities for advocacy as described at clause 2.3, or for where an Elected Member or CEO is the City's appointed representative on a board or external organisation and where the Elected Member or CEO is required to attend a conference or event hosted by that board or organisation, will not be included in the Elected Member or CEO Training and Professional Development allocation and will be determined as part of the annual budget. The amount is outside of the allocation mentioned within this Policy and the City will cover all costs associated with the activity. Note that gift disclosure requirements may still apply.
- i. Unexpended funds at the end of the two-years will not be carried over to the next financial year,

## Elected Member and CEO Training, Professional Development, Travel and Events

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unless approved by Council.

- j. Internal workshops, strategic planning days, whole of Council training and development and internal training programs are not included in an Elected Member's or CEO's training and professional development allocation.
- k. All claims for reimbursement must be submitted within one month from the Elected Member or CEO returning from the training and professional development. Final claims relating to the financial year must be submitted within 7 days after the end of the financial year.

#### 4. Approval for Training or Professional Development

- a. The CEO may approve Elected Members training and professional development applications and the Mayor may approve the CEO's where the:
  - i. Application complies with this Policy;
  - ii. Elected Member or CEO attends the training and development activity within Australia or New Zealand; and
  - iii. Elected Member has sufficient funds available in their allocation for training and development activity to meet the costs of attendance.
- b. A resolution of Council is required to approve an Elected Member or CEO request to attend training and professional development where:
  - i. The application has been refused by the CEO or Mayor;
  - ii. The application does not comply with this Policy;
  - iii. Estimated event expenses exceed the available balance of the Elected Member's two-year expense allocation; or
  - iv. Attendance at the training or professional development requires the Elected Member or CEO to be physically outside of Australia or New Zealand.
- c. Generally, two but no more than three Elected Members may attend a particular training or development activity outside Western Australia at the same time, unless Council has resolved for additional Elected Members to attend. Note: approval of attendance at a training or professional development activity should not impede a quorum at any scheduled Council or Committee meeting.
- d. Elected Members or the CEO who wish to participate in training or professional development activities must complete an application form. All applications are to be forwarded to the CEO (or authorised officer) in reasonable time to meet the registration deadline. Where practicable the City will utilise the 'early bird' registration option. Approvals in respect to the CEO must be forwarded to the Mayor for approval.

#### 5. Training Reports and Register

- a. Elected Members must forward records of completion of professional development to the City for inclusion in the Elected Members' Professional Development Register on the City's website, within 10 days of completion.
- b. In accordance with section 5.127 of the Act and regulation 35 of the Regulations, the City must prepare a report for each financial year on the training completed by Elected Members during the financial year. The Elected Member Training Report must be published on the City's website within one month after the end of the financial year to which the report relates.

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#### 6. Travel, Accommodation, Meals and Incidentals

**Incidentals:** Includes snacks/food that is consumed outside of breakfast, lunch and dinner, drinks, laundry and dry cleaning, stationery, official telephone calls and internet.

- a. Travel, registration fees and accommodation are to be arranged directly by the City administration and not the Elected Member or CEO.
- b. Where practicable, travel requests should be provided at least one month prior to the travel date to allow adequate time for bookings to be made, this will allow the City to take advantage of any available discounts for early purchase.
- c. The cost of air travel to and from destinations is to be by the shortest most practical route unless additional travel is contemplated before or after a conference.
- d. All air travel is to be by Economy Class (unless otherwise provided for by Council resolution) at a time that is convenient to the Elected Member or the CEO. The cost of any upgrade to business class shall be paid for by the Elected Member or CEO. Any costs incurred to allocate a seat in Economy Class will be at the expense of the City. Note: The travel period will be the day before the commencement of the activity and the day after the conclusion of the activity.
- e. Elected Members, who use their private vehicle for conference travel, will be reimbursed for vehicle costs in accordance with the *Public Service Award 1992* to a maximum amount equivalent to what it would have cost to travel by air.
- f. Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue. Bookings will include accommodation the night before and the night of the closing of the event. If there are no flights available either the day before or the day after the event, the Elected Member will be required to use their allocation to cover the additional accommodation, meals and incidentals related to the additional length of time as a result of flights not being available the day before and/or the day after the event.
- g. Elected Members and the CEO must not receive any personal frequent flyer or accommodation loyalty points for air travel or accommodation booked and paid for by the City.
- h. The City will pay Elected Members and the CEO, a daily allowance that is considered reasonable costs for meals and incidentals in accordance with the rates contained in Schedule I of the Travelling, Transfer and Relieving Allowance of the *Public Service Award 1992* for these expense amounts. Where an allowance has been paid, however the Elected Member or CEO has been provided with a meal that an allowance was paid for, the Elected Member or CEO must notify the City and reimburse the allowance amount paid upon returning from the professional development.
- i. Where an Elected Member or CEO chooses to arrive earlier or extend their stay at the location of a conference or deviates from the travel arrangements, then the Elected Member and CEO will be responsible for the full cost associated with that extended stay and/or variation to travel arrangements for private purposes. The exception would be if the flight schedules determine an extended stay is required.
- j. Hire cars will only be paid for by the City if the CEO or in the case of the CEO, the Mayor, consider it the most effective means of travel when attending the conference or professional development. Standard taxi fares (or similar services) or public transport for reasonable travel

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requirements will be reimbursed upon return, on the production of receipts to verify the expense.

- k. Where an Elected Member or CEO is accompanied by another person for Training and Development or advocacy activities, costs for or incurred by the accompanying person including but not limited to travel, meals, registration and/or participation in any event program, are to be borne by the Elected Member, CEO or the accompanying person and will not be paid for by the City. The only exclusion is for the payment of accompanying persons to attend the conference dinner, such costs will be met by the City.

#### 6.1 Claiming Expenses

- a. Elected Members are advised that care needs to be taken in making application for claims for reimbursement of expenses and to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as an Elected Member.
- b. Reimbursement of expenses is conditional upon adequate evidence of such expenditure in the form of invoices or receipts.
- c. All claims for reimbursement by Elected Members, must be submitted to the Office of the Mayor and Councillors on the provided claim form, within two weeks of the Elected Member returning to the City. Final claims relating to the financial year must be submitted within 7 days after the end of the financial year. No back payment of claims relating to prior financial years will be permitted.
- d. All claims for reimbursement by the CEO must be submitted in accordance with the Council Elected Member Entitlements Policy.
- e. The City will not reimburse any meal or incidental expenses of any type as the allowance provided is considered a reasonable amount for attendance of the activity. The allowance will only be provided where the Training and Development and advocacy activity does not include a meal as part of the costs of the activity.
- f. No acquittal of expenses is required where the reasonable allowance and applicable rates are paid to an Elected Member or the CEO in accordance with the *Public Service Award 1992*.

#### 6.2 Travel Insurance

- a. Travel insurance for City related business trips, including cover for expenses for overseas medical treatment, emergency medical evacuation, flight cancellations, lost baggage and personal effects will be paid for by the City.
- b. Elected Members and the CEO must determine whether the benefits and endorsements of the above insurance cover is adequate. Elected Members and the CEO may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

#### 6.3 Cancellations, Booking Change / Modification Costs

- a. Costs incurred for cancellation, changing or modifying a booking, registration, travel or accommodation, where the request is:

## Elected Member and CEO Training, Professional Development, Travel and Events

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- i. At the request of the Elected Member, are to be attributed to the Elected Member's funding allocation; or
- ii. A requirement or for the convenience of the City, are to be paid by the City.

b. If the Elected Members' funding allocation has been exhausted, the cost for any change or modification at the request of the Elected Member should be paid by the Elected Member.

## 7. Attendance at Events

**Events:** in accordance with Section 5.90A of the Act, events include the following: concerts, conferences, functions or sporting events. Whether part of a sponsorship agreement, paid by the local government or a ticket/invitation.

No action or approval is required if:

- a. An event is ticketed and the Elected Member or the CEO pays the full ticketed price and does not seek reimbursement;
- b. The event is free and all Elected Members are invited; or
- c. An event is free and open to the public.

### 7.1 Invitations

- a. In the course of their duties, Elected Members and/or the CEO will receive tickets or invitations to attend events to represent the City.
- b. All invitations and offers of tickets for an Elected Member or CEO to attend an event should be in writing and received by, or passed onto, the City via the Office of the Mayor and Councillors.
- c. Any invitation or offer of tickets not received by, or passed onto, the City are not captured by this Policy and must be disclosed in accordance with the gift and interest provisions in the Act.

### 7.2 Criteria for attendance at events

- a. In accordance with section 5.90A of the Act, Council must actively consider the purpose of and benefits to, the community, from Elected Members or the CEO attending events.
- b. Attendance at events by Elected Members and/or CEO are required to meet the following criteria:
  - i. Be of benefit and relevance to the City and the community; and
  - ii. Demonstrate alignment to the City's Strategic Community Plan, Long Term Financial Plan or Corporate Business Plans.

### 7.3 Pre-approved events

- a. The following events satisfy the criteria established in clause 7.2(b) and are considered pre-approved events ("Pre-approved Event"):
  - i. City hosted ceremonies and functions;
  - ii. City owned and/or sponsored functions or events;
  - iii. Community art exhibitions or cultural events;
  - iv. Events hosted by Clubs or Not for Profit Organisations;
  - v. Events run by schools and educational facilities within the City;
  - vi. Events run by a Local, State or Federal Government within Australia or New Zealand;
  - vii. Events or conferences outside Australia where there is no cost to the City;
  - viii. Advocacy lobbying or Ministerial briefings/events;
  - ix. ALGA or WALGA events;
  - x. Major professional bodies associated with local government at a local, State and

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- Federal level;
  - xi. Events hosted by organisations, which have a Council-appointed Elected Member representative;
  - xii. Announcement of funding, donations and awards events, including where the City is receiving an award or providing an award;
  - xiii. Business invited events within Western Australia, where the business has a presence in the Peel Region;
  - xiv. Opening or launch of an event or facility within the City; and
  - xv. CEO or Mayor representation has been formally requested.
- b. Elected Members and/or the CEO are entitled to attend a Pre-approved Event where there is no cost to the City. Where a set number of tickets or invitations are received by the City, the Mayor and CEO shall allocate the invitations or tickets.
- c. When allocating a limited number of invitations or tickets received by the City, the Mayor and/or CEO may consider the following criteria:
  - i. Fairness and equity and where appropriate tickets will be allocated on a rotational basis;
  - ii. The ward in which the event is being held;
  - iii. The relevant experience/interest areas of each Elected Member;
  - iv. Specific requests from Elected Members; and
  - v. Specific requests from event organisers.
- d. A register of event attendances under this Policy will be maintained to ensure equity and opportunity for Elected Members to represent Council. The Office of the Mayor and Councillors will coordinate this process and distribute the invitations or tickets in accordance with this Policy. The register of event attendances will be provided to Elected Members on a monthly basis.
- e. Where there is a cost to the City for the Pre-approved Event, two Council/City representatives may attend. In the first instance the Mayor and CEO will represent the City. The Mayor may delegate another Elected Member to attend where appropriate. The CEO may delegate another City officer to attend where appropriate. Where there are more than two Elected Member representatives wanting to attend, the City may pay for additional tickets from the Elected Member Events budget.
- f. Preference will be given to Elected Member attendance at events where additional tickets are provided under subclause (e) above that are held within the District of Mandurah.
- g. For conference dinners or significant State and National award events where the Mayor and CEO (or delegates) attend, payment of accompanying persons to attend the event will be met by the City. For all other events, the Mayor and CEO (or delegates) may purchase a ticket for accompanying persons.
- h. Any appropriate expenses for attendance at Pre-approved Events, such as travel and accommodation, will be paid for by the City out of the City's budget, unless the event is a conference which is described at under clause 3.

#### 7.4 Approval process

- a. Where an invitation is received to an event that is not a Pre-approved Event under clause 7.3a, that invitation may be submitted for approval to Council in the provided form.

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- b. The event should align to the criteria for attendance at events under clause 7.2. Additional considerations for approval of the event include:
  - i. The cost involved for attendance (including travel or accommodation);
  - ii. The role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
  - iii. The numbers of invitations/tickets received;
  - iv. The benefit of City representation at the event;
  - v. The location of the event in relation to the City (within the district or outside of the district);
  - vi. Who is providing the invitation or ticket to the event; and
  - vii. Any justification provided by the applicant when the event is submitted for approval.

#### 7.5 Non-approved Events

- a. Any event that is not approved under this Policy or is received in the Elected Member or CEOs personal capacity is considered a non-approved event.
- b. If the event is ticketed and the Elected Member or CEO pays a discounted rate or is provided with a ticket at no cost then the Elected Member or CEO must disclose receipt of the tickets as a gift within the City's gift register.

#### 7.5 Gifts excluded from interest provisions

- a. Gifts relating to attendance at events, where attendance is approved under this Policy, are excluded gifts in accordance with s5.62(1B) of the Act. Providers of excluded gifts are excused from becoming a closely associated person and therefore do not require a disclosure of interest.
- b. Gifts provided by specific entities, as outlined at r20B of the Regulations are also excused from becoming a closely associated person and therefore do not require a disclosure of interest.
- c. Elected Members or the CEO should note that excluded gifts under clause 7.5a are still considered a gift and, when received in the capacity of Elected Member or CEO must be disclosed and published on the City's gifts register. Note, conflict of interest provisions do not apply in relation to excluded gifts.
- d. Elected Members or the CEO should note that any invitation not captured by this Policy must be disclosed in accordance with the gift and conflict of interest provisions in the Act.
- e. Elected Members must disclose any events that are paid by a third party or provided to the Elected Member as a discount that is not available to the public, in the City's gift register.

### 8. Caretaker Period

Elected Members attendance at training, professional development and events during a caretaker period must be in accordance with POL-GVN 06 Caretaker Period Policy.

### Legislative Context

*Local Government Act 1995* s5.126(1), s5.127, s5.128, s5.129 and 5.90A  
*Local Government (Administration) Regulations 1996*

# Elected Member and CEO Training, Professional Development, Travel and Events

## POL-GVN 08



### Review

At a minimum this Council Policy will be reviewed after each ordinary election.

<b>Responsible Directorate:</b>	Business Services
<b>Responsible Department:</b>	Governance Services
<b>Reviewer:</b>	Director Business Services
<b>Creation date and reference:</b>	28 January 2020, G.12/1/20
<b>Last Review:</b>	12 December 2023, G.10/12/23

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.12/1/22, 25 January 2022	25 January 2022	13 December 2023
3	Minute G.10/12/23, 12 December 2023	13 December 2023	

# Elected Member and CEO Training, Professional Development, Travel and Events

## POL-GVN 08



### Objective

This Policy provides a framework for Elected Members and the Chief Executive Officer (CEO) in relation to training, professional development, travel and attendance at events.

This Policy is developed in accordance with the *Local Government Act 1995* (the "Act") sections 1.4A(1), 5.90A, 5.126(1), 5.127 and 5.128 and the *Local Government (Administration) Regulations 1996* (the Regulations).

### Applicability

This Policy is binding on Elected Members. The Policy is binding on the CEO for advocacy, approval for training and development and travel, accommodation, meals and incidentals and attendance at events.

~~where stated.~~

### Statement

#### 1. Mandatory Elected Member Training

- a. In accordance with section 5.126(1) of the Act and regulation 35 of the Regulations, Elected Members must complete mandatory training, titled Council Member Essentials, within a period of twelve months beginning on the day on which the Elected Member is elected.
- b. The Council Member Essentials, consists of the following modules:
  - Understanding Local Government;
  - Serving on Council;
  - Meeting Procedures;
  - Conflicts of Interest; and
  - Understanding Financial Reports and Budgets.

The training course is provided by the following bodies –

- North Metropolitan TAFE;
- South Metropolitan TAFE;
- West Australian Local Government Association (WALGA).

- c. An Elected Member is exempt from the requirements outlined in section 5.126(1) of the Act if the Elected Member passed any of the courses specified below within the period of five years ending immediately before the day on which the Elected Member is elected:
  - Council Member Essentials;
  - 52756WA Diploma of Local Government (Elected Member);
  - LGA50220 Diploma of Local Government – Elected Member;
  - LGASS00007 Elected Member; or
  - The Elected Member passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within a period of five years ending immediately before the day on which the Elected Member is elected.

## Elected Member and CEO Training, Professional Development, Travel and Events

### POL-GVN 08



d. Any costs associated with the mandatory training will be funded outside of the Elected Members Training and Professional Development allocation. This includes any actual costs (including registration, accommodation, meals and travel) which has been incurred.

~~d.e. In accordance with r36A of the Regulations, following an election, every Elected Member elected or returned to office must complete a declaration, within the prescribed timeframe, confirming their compliance with the mandatory training obligations outlined in s5.126(1) of the Act.~~

## 2. Elected Member ~~and CEO~~ Training and Professional Development

### 2.1 Continuous Professional Development

- a. Elected Members are encouraged to identify their individual continuing professional development needs to enhance their effectiveness and address skill gaps as required.
- b. As the needs of individual Elected Members may vary, each Elected Member is encouraged to seek the assistance of the CEO and/or Mayor in analysing their particular requirements and in identifying appropriate courses, seminars and training to meet those needs.
- c. In determining the professional development activities for individuals, Elected Members should consider the current or future strategic direction and activities of the City of Mandurah (the City) and its priorities and the skills that will be needed to give effect to the direction.

### 2.2 Approved Training and Professional Development Allocation

- a. ~~The CEO and~~ Elected Members are encouraged to attend training and professional development opportunities that will further develop their skills and knowledge. Elected Members are entitled to a Training and Professional Development allocation, as determined under Clause 3.
- b. Training and professional development activities which this Policy applies shall generally be limited to the following:
  - WA Local Government Association Council (WALGA) and Australian Local Government Association (ALGA) conferences.
  - Special 'one off' conferences called for or sponsored by the WALGA and/or ALGA on important issues.
  - Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
  - Accredited organisations offering training relevant to the role and responsibilities of Elected Members, ~~and the CEO.~~
  - WALGA Council Member Training and Development.
  - Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.
  - Subscriptions for professional memberships that assist an Elected Member in fulfilling their role on Council. ~~Note, the CEO professional membership allocation is in accordance with their contract conditions and is not included in the allocation.~~
  - Conferences, training, workshops, seminars or study tours that address the initiatives and projects that have been outlined in the City of Mandurah's Strategic Community Plan, advocacy statements, ~~or~~ Council resolutions or other strategic documents.

## Elected Member and CEO Training, Professional Development, Travel and Events

### POL-GVN 08



#### 2.3 Advocacy

- a. The City's Strategic Community Plan and Corporate Business Plan supports and encourages the creation of a vibrant and connected City that supports and improves the community for everyone. Council supports this purpose through ongoing advocacy and lobbying to higher levels of government and other stakeholders to increase the City's funding eligibility and opportunities and to highlight priority projects.
- b. The Mayor and CEO will represent the City in proactive and reactive advocacy activity and opportunities, in accordance with Council's approved advocacy framework. The Mayor may delegate the Deputy Mayor in the first instance and where they are unavailable, another Elected Member to attend where appropriate. The CEO may delegate another City officer to attend where appropriate.

#### 3. Funding Allocation

- a. An allowance over two-years of \$9,000 per Councillor ~~or \$16,000 for the Mayor,~~ will cover costs associated with attendance at training and development activities. This includes any actual costs (including registration, accommodation, meals and travel) which has been incurred.
- ~~b. An allowance over two-years of \$16,000 for the Mayor and CEO, will cover costs associated with attendance at training and development activities.~~
- ~~c.b.~~ Elected Members will only be registered for professional development activities if the Elected Member has sufficient funds in their two-year expense allocation to meet the costs, unless Council resolves that attendance by that Elected Member would be of specific benefit to the City and resolves to allocate additional funding for any shortfall.
- ~~d. Elected Members cannot enrol in a course under this Policy that provide a formal qualification (or accreditation) within three months of their term of office concluding. Note: nothing in this Policy precludes Elected Members from enrolling in other training or professional development activities.-2~~
- c. Elected Members may elect to utilise a portion of their allocation for Professional Membership. Professional Membership must relate to their role as an Elected Member in local government and be approved by the CEO.
- ~~e.d.~~ Attendance at the WALGA Conference, by Council appointed delegates, will not be deducted from the Elected Member funding allocation and will be determined as part of the annual budget.
- ~~f.e.~~ An Elected Member is not allowed payment or reimbursement of an amount in relation to professional development training if the participation occurs during any of the following periods:
  - i. the period of 3 months ending on the day on which the Elected Members term ends;
  - ii. if the Elected Member delivers a notice of resignation to the CEO, from that date of the delivery of the notice; or
  - iii. where an Elected Member is suspended under Part 8 of the Act.
- ~~g.f.~~ Elected Members may elect to utilise a portion of their allocation for Professional Membership. Professional Membership must relate to their role as an Elected Member in local government and be approved by the CEO.
- ~~h.g.~~ Elected Members who request professional membership to be paid in a year that their term of

## Elected Member and CEO Training, Professional Development, Travel and Events

### POL-GVN 08



office is not a full financial year will only have the proportion paid for the days of the membership period they hold office.

**i.h.** Any activities for advocacy as described at clause 2.3, or for where an Elected Member or CEO is the City's appointed representative on a board or external organisation and where the Elected Member or CEO is required to attend a conference or event hosted by that board or organisation, will not be included in the Elected Member or CEO Training and Professional Development allocation and will be determined as part of the annual budget. The amount is outside of the allocation mentioned within this Policy and the City will cover all costs associated with the activity. Note that gift disclosure requirements may still apply.

**j.i.** Unexpended funds at the end of the two-years will not be carried over to the next financial year, unless approved by Council.

**k.j.** Internal workshops, strategic planning days, whole of Council training and development and internal training programs are not included in an Elected Member's or CEO's training and professional development allocation.

**l.k.** All claims for reimbursement must be submitted within one month from the Elected Member or CEO returning from the training and professional development. Final claims relating to the financial year must be submitted within **14-7** days after the end of the financial year.

#### 4. Approval for Training or Professional Development

- a. The CEO may approve Elected Members training and professional development applications and the Mayor may approve the CEO's where the:
  - i. Application complies with this Policy;
  - ii. Elected Member or CEO attends the training and development activity within Australia or New Zealand; and
  - iii. Elected Member has sufficient funds available in their allocation for training and development activity to meet the costs of attendance.
- b. A resolution of Council is required to approve an Elected Member or CEO request to attend training and professional development where:
  - i. The application has been refused by the CEO or Mayor;
  - ii. The application does not comply with this Policy;
  - iii. Estimated event expenses exceed the available balance of the Elected Member's two-year expense allocation; or
  - iv. Attendance at the training or professional development requires the Elected Member or CEO to be physically outside of Australia or New Zealand.
- c. Generally, two but no more than three Elected Members may attend a particular training or development activity outside Western Australia at the same time, unless Council has resolved for additional Elected Members to attend. Note: approval of attendance at a training or professional development activity should not impede a quorum at any scheduled Council or Committee meetings.
- d. Elected Members or the CEO who wish to participate in training or professional development activities must complete an application form. All applications are to be forwarded to the CEO (or authorised officer) in reasonable time to meet the registration deadline. Where practicable the City will utilise the 'early bird' registration option. Approvals in respect to the CEO must be forwarded to the Mayor for approval.

## Elected Member and CEO Training, Professional Development, Travel and Events

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#### 5. Training Reports and Register

- ~~a. Elected Members are required to prepare an informal report on their attendance and benefits to them and the City, to be circulated to all Elected Members and the CEO within one month of completing a training or professional development activity. Elected Members are not required to prepare a written report for mandatory training.~~
- ~~b.a. Elected Members must forward records of completion of professional development to the City, for inclusion in the Elected Members' Professional Development Register on the City's website, within 10 days of completion.~~
- ~~e.b. In accordance with section 5.127 of the Act and regulation 35 of the Regulations, the City must prepare a report for each financial year on the training completed by Elected Members during the financial year. The Council Elected Member Training Report must be published on the City's website within one month after the end of the financial year to which the report relates.~~

#### 6. Travel, Accommodation, Meals and Incidentals

**Incidentals:** Includes snacks/food that is consumed outside of breakfast, lunch and dinner, drinks, laundry and dry cleaning, stationery, official telephone calls and internet.

- a. Travel, registration fees and accommodation are to be arranged directly by the City administration and not the Elected Member or CEO.
- b. Where practicable, travel requests should be provided at least one month prior to the travel date to allow adequate time for bookings to be made, this will allow the City to take advantage of any available discounts for early purchase.
- c. The cost of air travel to and from destinations is to be by the shortest most practical route unless additional travel is contemplated before or after a conference.
- d. All air travel is to be by Economy Class (unless otherwise provided for by Council resolution) at a time that is convenient to the Elected Member or the CEO. The cost of any upgrade to business class shall be paid for by the Elected Member or CEO. Any costs incurred to allocate a seat in Economy Class will be at the expense of the City. Note: The travel period will be the day before the commencement of the activity and the day after the conclusion of the activity.
- e. Elected Members, who use their private vehicle for conference travel, will be reimbursed for vehicle costs in accordance with the *Public Service Award 1992* to a maximum amount equivalent to what it would have cost to travel by air.
- f. Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue. Bookings will include accommodation the night before and the night of the closing of the event. If there are no flights available either the day before or the day after the event, the Elected Member will be required to use their allocation to cover the additional accommodation, meals and incidentals related to the additional length of time as a result of flights not being available the day before and/or the day after the event.
- g. Elected Members and the CEO must not receive any personal frequent flyer or accommodation loyalty points for air travel or accommodation booked and paid for by the City.

## Elected Member and CEO Training, Professional Development, Travel and Events

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- h. The City will pay Elected Members and the CEO, a daily allowance that is considered reasonable costs for meals and incidentals in accordance with the rates contained in Schedule I of the Travelling, Transfer and Relieving Allowance of the *Public Service Award 1992* for these expense amounts. Where an allowance has been paid, however the Elected Member or CEO has been provided with a meal that an allowance was paid for, the Elected Member or CEO must notify the City and reimburse the allowance amount paid upon returning from the professional development.
- i. Where an Elected Member or CEO chooses to arrive earlier or extend their stay at the location of a conference or deviates from the travel arrangements, then the Elected Member and CEO will be responsible for the full cost associated with that extended stay and/or variation to travel arrangements for private purposes. The exception would be if the flight schedules determine an extended stay is required.
- j. Hire cars will only be paid for by the City if the CEO or in the case of the CEO, the Mayor, consider it the most effective means of travel when attending the conference or professional development. Standard taxi fares (or similar services) or public transport for reasonable travel requirements will be reimbursed upon return, on the production of receipts to verify the expense.
- k. Where an Elected Member or CEO is accompanied by another person for Training and Development or advocacy activities, costs for or incurred by the accompanying person including but not limited to travel, meals, registration and/or participation in any event program, are to be borne by the Elected Member, CEO or the accompanying person and will not be paid for by the City. The only exclusion is for the payment of accompanying persons to attend the conference dinner, such costs will be met by the City.

#### 6.1 Claiming Expenses

- a. Elected Members are advised that care needs to be taken in making application for claims for reimbursement of expenses and to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as an Elected Member.
- b. Reimbursement of expenses is conditional upon adequate evidence of such expenditure in the form of invoices or receipts.
- c. All claims for reimbursement by Elected Members, must be submitted to the Office of the Mayor and Councillors on the provided claim form, within two weeks of the Elected Member returning to the City. Final claims relating to the financial year must be submitted within 7 days after the end of the financial year. No back payment of claims relating to prior financial years will be permitted.
- d. All claims for reimbursement by the CEO must be submitted in accordance with the Council Elected Member Entitlements Policy.
- e. The City will not reimburse any meal or incidental expenses of any type as the allowance provided is considered a reasonable amount for attendance of the activity. The allowance will only be provided where the Training and Development and advocacy activity does not include a meal as part of the costs of the activity.
- f. No acquittal of expenses is required where the reasonable allowance and applicable rates are paid to an Elected Member or the CEO in accordance with the *Public Service Award 1992*.

## Elected Member and CEO Training, Professional Development, Travel and Events

### POL-GVN 08



#### 6.2 Travel Insurance

- a. Travel insurance for City related business trips, including cover for expenses for overseas medical treatment, emergency medical evacuation, flight cancellations, lost baggage and personal effects will be paid for by the City.
- b. Elected Members and the CEO must determine whether the benefits and endorsements of the above insurance cover is adequate. Elected Members and the CEO may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

#### 6.3 Cancellations, Booking Change / Modification Costs

- a. Costs incurred for cancellation, changing or modifying a booking, registration, travel or accommodation, where the request is:
  - i. At the request of the Elected Member, are to be attributed to the Elected Member's funding allocation; or
  - ii. A requirement or for the convenience of the City, are to be paid by the City.
- b. If the Elected Members' funding allocation has been exhausted, the cost for any change or modification at the request of the Elected Member should be paid by the Elected Member.

### 7. Attendance at Events

**Events:** in accordance with Section 5.90A of the Act, events include the following: concerts, conferences, functions or sporting events. Whether part of a sponsorship agreement, paid by the local government or a ticket/invitation.

No action or approval is required if:

- a. An event is ticketed and the Elected Member or the CEO pays the full ticketed price and does not seek reimbursement;
- b. The event is free and all Elected Members are invited; or
- c. An event is free and open to the public.

#### 7.1 Invitations

- a. In the course of their duties, Elected Members and/or the CEO will receive tickets or invitations to attend events to represent the City.
- b. All -invitations and offers of tickets -for an Elected Member or CEO to attend an event should be in writing and received by, or passed onto,- the City via the Office of the Mayor and Councillors.
- c. Any invitation or offer of tickets not received by, or passed onto, the City are not captured by this Policy and must be disclosed in accordance with the gift and interest provisions in the Act.

#### 7.2 Criteria for attendance at events

- a. In accordance with section 5.90A of the Act, Council must actively consider the purpose of and benefits to, the community, from Elected Members or the CEO attending events.
- b. Attendance at events by Elected Members and/or CEO are required to meet the following criteria:
  - i. Be of benefit and relevance to the City and the community; and

## Elected Member and CEO Training, Professional Development, Travel and Events

### POL-GVN 08



- ii. Demonstrate alignment to the City's Strategic Community Plan, Long Term Financial Plan or Corporate Business Plans.

#### 7.3 Pre-approved events

- a. The following events satisfy the criteria established in clause 7.2(b) and are considered pre-approved events ("Pre-approved Event"):
  - i. City hosted ceremonies and functions;
  - ii. City owned and/or sponsored functions or events;
  - iii. Community art exhibitions or cultural events;
  - iv. Events hosted by Clubs or Not for Profit Organisations;
  - v. Events run by schools and educational facilities within the City;
  - vi. Events run by a Local, State or Federal Government within Australia or New Zealand;
  - vii. Events or conferences outside Australia where there is no cost to the City;
  - viii. Advocacy lobbying or Ministerial briefings/events;
  - ix. ALGA or WALGA events;
  - x. Major professional bodies associated with local government at a local, State and Federal level;
  - xi. Events hosted by organisations, which have a Council-appointed Elected Member representative;
  - xii. Announcement of funding, donations and awards events, including where the City is receiving an award or providing an award;
  - xiii. Business invited events within Western Australia, where the business has a presence in the Peel Region;
  - xiv. Opening or launch of an event or facility within the City; and
  - xv. CEO or Mayor representation has been formally requested.
- b. Elected Members and/or the CEO are entitled to attend a Pre-approved Event where there is no cost to the City. Where a set number of tickets or invitations are received by the City, the Mayor and CEO shall allocate the invitations or tickets.
- c. When allocating a limited number of invitations or tickets received by the City, the Mayor and/or CEO may consider the following criteria:
  - i. Fairness and equity and where appropriate tickets will be allocated on a rotational basis;
  - ii. The ward in which the event is being held;
  - iii. The relevant experience/interest areas of each Elected Member;
  - iv. Specific requests from Elected Members; and
  - v. Specific requests from event organisers.
- d. A register of event attendances under this Policy will be maintained to ensure equity and opportunity for Elected Members to represent Council. The Office of the Mayor and Councillors will coordinate this process and distribute the invitations or tickets in accordance with this Policy. The register of event attendances will be provided to Elected Members on a monthly basis.
- e. Where there is a cost to the City for the Pre-approved Event, two Council/City representatives may attend. In the first instance the Mayor and CEO will represent the City. The Mayor may delegate another Elected Member to attend where appropriate. The CEO may delegate another City officer to attend where appropriate. Where there are more than two Elected Member representatives wanting to attend, the City will-may pay for additional tickets from the Elected Member Events budget.

## Elected Member and CEO Training, Professional Development, Travel and Events

### POL-GVN 08



- f. Preference will be given to Elected Member attendance at events where additional tickets are provided under subclause (e) above that are held within the District of Mandurah.
- g. For conference dinners or significant State and National award events where the Mayor and CEO (or delegates) attend, payment of accompanying persons to attend the event will be met by the City. For all other events, the Mayor and CEO (or delegates) may purchase a ticket for accompanying persons.
- h. Any appropriate expenses for attendance at Pre-approved Events, such as travel and accommodation, will be paid for by the City out of the City's budget, unless the event is a conference which is described at under clause 3.

#### 7.4 Approval process

- a. Where an invitation is received to an event that is not a Pre-approved Event under clause 7.3a, that invitation may be submitted for approval to Council in the provided form.
- b. The event should align to the criteria for attendance at events under clause 7.2. Additional considerations for approval of the event include:
  - i. The cost involved for attendance (including travel or accommodation);
  - ii. The role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
  - iii. The numbers of invitations/tickets received;
  - iv. The benefit of City representation at the event;
  - v. The location of the event in relation to the City (within the district or outside of the district);
  - vi. Who is providing the invitation or ticket to the event; and
  - vii. Any justification provided by the applicant when the event is submitted for approval.

#### 7.5 Non-approved Events

- a. Any event that is not approved under this Policy or is received in the Elected Member or CEOs personal capacity is considered a non-approved event.
- b. If the event is ticketed and the Elected Member or CEO pays a discounted rate or is provided with a ticket at no cost then the Elected Member or CEO must disclose receipt of the tickets as a gift within the City's gift register.

#### 7.5 Gifts excluded from interest provisions

- a. Gifts relating to attendance at events, where attendance is approved under this Policy, are excluded gifts in accordance with s5.62(1B) of the Act. Providers of excluded gifts are excused from becoming a closely associated person and therefore do not require a disclosure of interest.
- b. Gifts provided by specific entities, as outlined at r20B of the Regulations are also excused from becoming a closely associated person and therefore do not require a disclosure of interest.
- c. Elected Members or the CEO should note that excluded gifts under clause 7.5a are still considered a gift and, when received in the capacity of Elected Member or CEO must be disclosed and published on the City's gifts register. Note, conflict of interest provisions do

## Elected Member and CEO Training, Professional Development, Travel and Events

### POL-GVN 08



- not apply in relation to excluded gifts.
- d. Elected Members or the CEO should note that any invitation not captured by this Policy must be disclosed in accordance with the gift and conflict of interest provisions in the Act.
- e. Elected Members must disclose any events that are paid by a third party or provided to the Elected Member as a discount that is not available to the public, in the City's gift register.

### 8. Caretaker Period

Elected Members attendance at training, professional development and events during a caretaker period must be in accordance with POL-GVN 06 Caretaker Period Policy.

- ~~a. Training and professional development is not to be scheduled during the caretaker period applicable to an election where the Elected Members current term of office is due to conclude.~~

### Legislative Context

Local Government Act 1995 s5.126(1), s5.127, s5.128, s5.129 and 5.90A  
 Local Government (Administration) Regulations 1996

### Review

At a minimum this Council Policy will be reviewed after each ordinary election.

<b>Responsible Directorate:</b>	Business Services
<b>Responsible Department:</b>	Governance Services
<b>Reviewer:</b>	Director Business Services
<b>Creation date and reference:</b>	28 January 2020, G.12/1/20
<b>Last Review:</b>	12 December 2023, G.10/12/23

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.12/1/22, 25 January 2022	25 January 2022	13 December 2023
3	Minute G.10/12/23, 12 December 2023	13 December 2023	

# Complaints Management Policy

## POL- CPM 05



### 1. Objective

The objectives of the Complaints Management Policy (policy) are to:

- Ensure complaints are managed in accordance with best practice as outlined by the Australian Standard for Complaints Management ISO 10002:2022 – Guidelines for complaint management in organisations, and the Western Australian (WA) Ombudsman Guidelines on Complaint Handling;
- Ensure that complaints received by the City are managed efficiently, effectively and fairly from the time of receipt through to a satisfactory resolution or final determination of the matter; and
- Support a culture of continuous improvement, by valuing the opportunity to identify business improvements and increase the level of satisfaction with the delivery of services.

This policy is underpinned by a Complaints Management Framework.

### 2. Statement

The City of Mandurah (the City) is committed to providing an accessible, consistent and responsive Complaints Management Framework that promotes organisational learning and continuous improvement of the City's services.

### 3. Definitions

**Complaint:** The Australian Standard for Complaints Management (ISO 10002:2022) defines a complaint as any *“Expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”*.

A complaint is not:

- The initial requests for a service or action by the City (unless there was inaction or an unsatisfactory response to the initial request for service)
- Feedback on a service where there is not an issue to be resolved or does not necessitate action by the City
- Feedback obtained during stakeholder and community engagement processes
- Requests for information or explanations of policies, procedures or decisions of Council
- Reports of damaged, faulty infrastructure or a hazard
- Reports concerning neighbours or neighbouring property
- The lodging of an appeal or an objection in accordance with policy or procedure
- A petition
- A civil dispute between private individuals
- Made on social media or letters to the editor
- Matters regarding State or Federal Government or matters not within the City's jurisdiction.

## Complaints Management Policy

### POL- CPM 05



**Complaints Management Framework:** refers to the policies, procedures, practices, staff and systems involved in the managing of complaints across the City.

**Customer:** refers to a person who is accessing the City's services, facilities, policies, products, programs or events.

**Frivolous Complaint:** A complaint that has no serious purpose or value. It may have little merit and be trivial; investigating would be out of proportion to the seriousness of the issue complained about.

**Local Government Inspector:** means the Inspector appointed in accordance with the Act and under the *Local Government (Local Government Inspector) Regulations 2025* has the power to investigate, monitor, and enforce local government compliance.

**Malicious Complaint:** A complaint made for the purpose of hurting another person (their career, their reputation or their livelihood).

**Vexatious Complaint:** A complaint that is not supported by any evidence and there is other evidence to suggest that the complaint was made primarily for the purpose of causing annoyance.

#### 4. Applicability

This policy applies to all complaints received from customers relating to:

- A City service, process, product, policy, event or facility.
- The services provided by the Chief Executive Officer (CEO), a City employee, volunteer, contractor, elected member or committee member.
- A third party under the jurisdiction of the City.

This policy does not apply to:

- Employment or behavioural/conduct of City employees or CEO – refer to Code of Conduct for Employees
- Behavioural/conduct related complaints regarding volunteers – refer to Code of Conduct for Volunteers
- Behavioural/conduct related complaints regarding contractors – refer to Statement of Business Ethics
- Behavioural, Conduct or Specified Breach related complaints involving Elected Members, Committee Members or Candidates – refer to Code of Conduct for Elected Members, Committee Members or Candidates and Code of Conduct Complaints Management Policy POL-GVN 09
- Public Interest Disclosure – refer to the City of Mandurah Public Interest Disclosure Guidelines

#### 5. Principles of Complaint Management

The following complaints management principles apply:

- a. Complaints are people focused, transparent and accessible to all:

## Complaints Management Policy

### POL- CPM 05



- **People Focus:** the City will be proactive in listening and responding to complaints, treating all people with respect, and actively involving them in the complaints process as far as practicable and appropriate.
  - **Visible & Transparent:** the City will actively publicise information about how and where to complain and make it easy to understand what to expect.
  - **Accessible:** the City will ensure that our complaint handling process is accessible and easy to use for all our customers.
- b. Complaints are managed in an efficient, fair and equitable manner:
- **Responsive:** the City will respond to all complaints as quickly as possible and endeavour to regularly communicate and inform parties involved.
  - **Objective and Fair:** the City will review all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and officers.
  - **Equality and Privacy:** the City will be consistent and ethical in our treatment of complaints and customers involved.
- c. Complaints are managed in a supported manner:
- **Conduct:** the City will work together to resolve problems respectfully and cooperatively and as far as practical maintain the confidentiality of all parties.
  - **Empowerment:** the City will continually work to improve the complaint management process to meet operational needs and the expectations of customers, including providing support to vulnerable people, people with disability, indigenous people, young people and culturally and linguistically diverse.
  - **Facilitate:** the City will work together to reach a solution that provides the best outcome for all parties wherever practical and actively communicate with all involved
- d. Complaints are used as an opportunity to improve services:
- **Accountability:** the City will ensure that our staff are aware of and accountable for complaints.
  - **Learning:** the City will respond to and learn from complaints with the intention to continually improve our services
  - **Prevention:** the City will effectively report on and analyse complaints to identify trends and endeavour to minimise the escalation of complaints.

## 6. Making a complaint

### 6.1 Lodging a complaint

Complaints may be lodged with the City in the following ways:

- In writing: PO BOX 210 Mandurah WA 6210 or via email: [council@mandurah.wa.gov.au](mailto:council@mandurah.wa.gov.au)
- By telephone: 9550 3777

## Complaints Management Policy

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- In person at any of the City's customer locations
- Interpreter service contact TSI National on 131 450 and ask to be connected to the City of Mandurah on 08 9550 3777.

At a minimum, the following information is to be supplied in order to effectively manage the complaint:

- Name and contact details of the person and organisation or group they represent (where relevant) who is making the complaint
- Complaint details including description of complaint, date of occurrence and location (if relevant)

As part of the complaint resolution process (refer Section 7), the City may request additional information and, or evidence to substantiate the complaint.

#### 6.2 Support to lodge a complaint

In accordance with the Complaints Management Framework, the City provides support to vulnerable persons, indigenous people, people with disability, young people and culturally and linguistically diverse, who may require assistance and allow complaints to be made by authorised representatives. Where a customer nominates another person to assist or make a complaint on their behalf, the customer must provide permission in some form for another person to act on their behalf.

#### 6.3 Anonymous Complaints

The City understands that some customers may wish to remain anonymous. Whilst anonymous complaints will not be rejected, they may limit the City's ability to effectively respond to the matter and resolve the complaint. Where sufficient information is provided, the City will manage the complaint in accordance with the City's Complaint Management Framework. However, due to the anonymity, the City will be unable to provide any feedback on decisions made or action taken.

## 7. Resolving complaints

All complaints will be addressed in a respectful, equitable, objective manner applying the principles of natural justice in accordance with the Complaints Management Framework.

#### 7.1 Complaint resolution process and timeframes

The Complaints Management Framework provides guidance and direction on the management of complaints. In summary complaints will be managed through the following complaints management pathways:

- Informal complaints:** where City officers receive complaints and can provide an immediate resolution to the customer, complaints will be classified as informal complaints. Where an immediate resolution cannot be achieved the complaint will be managed in accordance with subclause 7.1b.
- Formal complaints:** where complaints cannot be resolved immediately, the complaint will be managed by the most appropriate City officer and where possible achieve a resolution.

All complaints submitted must be acknowledged within two business days in accordance with the City of Mandurah service delivery timeframes.

All complaints submitted must be responded to within ten business days, either with a final solution or, if the nature of the complaint requires a longer period to resolve, with

## Complaints Management Policy

### POL- CPM 05



an interim response outlining the reason for the delay, further action to be taken and anticipated timeframe that a full response will be provided.

- c. Referral: In instances where complaints are of a more serious nature, are not satisfactorily resolved or require investigation across a number of work areas, the complaint will be escalated to the Chief Executive Officer (CEO) to determine the most relevant City officer to investigate and resolve.
- d. Internal Review: Where the outcome of a complaint is regarded as unsatisfactory to the complainant the CEO will determine the appropriate resolution (refer Section 8 Review Process).
- e. External Review: In circumstances where these internal pathways are unable to resolve a complaint or satisfy the complainant, the complainant may choose to refer the complaint to an appropriate external agency for review.

### 7.2 Complaint outcomes

If the complaint is upheld, the City will determine an appropriate remedy which may include:

- an explanation;
- an apology;
- mediation;
- a change in decision;
- a change to policy, procedure or practice;
- a correction of misleading records;
- financial compensation, including a refund of a fee;
- the remission of a penalty;
- referral to an external agency for further investigation.

The City will provide a formal response to the complainant detailing the remedies that are reasonable in the circumstances.

### 7.3 Complaints that will not be considered

The City's CEO or Director, may determine that a complaint may not commence if it:

- is considered malicious, frivolous or vexatious or not made in good faith or concerns trivial matters;
- involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal;
- where a matter is subject to an existing mediation process;
- relates to a decision made by a meeting of Council;

## Complaints Management Policy

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- relates to conduct before a court, coroner or tribunal;
- relates to a matter under investigation by the Minister for Local Government, the Local Government Inspector appointed under the *Local Government Act 1995* (Act), Corruption and Crime Commission, the WA Ombudsman's office, a Minister of the Crown or Government Department or the WA Police Service;
- relates to the appointment or dismissal of an employee or an industrial or disciplinary issue;
- relates to actions or conduct of private individuals;
- does not relate to an action the City has taken or is the responsibility of the local government; or
- involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the City and/or its staff (in such instances the relevant Director is to be notified).

Should the City decide not to proceed with the complaint, the complainant will be advised of the reason for the decision.

Where a person is communicating via legal representatives or has made threats of civil action against the City, the complaint should be escalated to the relevant Director.

## 8. Review Process

Where a complainant is dissatisfied with the way in which a complaint has been dealt with and/or the final determination of the complaint by the City, the following is to occur:

1. The complaint is to be referred to the relevant Director to investigate the matter and review the action and steps taken to resolve the complaint;
2. A report will be provided to the CEO detailing the history of the complaint and the actions taken to resolve the issue/s; and
3. The CEO will determine the appropriate resolution of the outstanding complaint and the review of the service complaint handling process.

Should the CEO consider it appropriate, an independent review of the complaint will be carried out by a Director who has not been involved in the complaint previously.

In circumstances where internal processes are unable to resolve a complaint or satisfy the complainant, the City may refer the complainant to appropriate external agencies, such as the State Administrative Tribunal or WA Ombudsman Office, for review.

A complainant may at any time contact the WA Ombudsman or other external body if they are not satisfied with the City's handling of the complaint.

## Complaints Management Policy

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## 9. Complaints received from external agencies

Where the City receives a complaint from an external agency such as the WA Ombudsman or other external body, the Director, Business Services is nominated as the Officer to manage the Complaint on behalf of the City.

## 10. Confidentiality

Customers have the right to expect that their privacy will be respected when making a complaint or having a complaint investigated. The City of Mandurah Records Management Policy has two key elements which relate to security, protection and access to records. The City also considers the Privacy Principles of the *Privacy Act 1988* (Cth) in regards to the collection and disclosure of personal and sensitive information. The City respects all personal and confidential information and will protect information from unauthorised access, loss or misuse, as far as practicable.

## 11. Notice of Restricted Communication

In accordance with section 5.130(3) of the *Local Government Act 1995*, under certain circumstances, the Chief Executive Officer may determine that the City will no longer communicate with a complainant regarding a specific complaint or category of complaints.

## 12. Aggressive and Threatening Behaviours

In some instances, the City will encounter complainants whose behaviour is aggressive or threatening, consistently rude, abusive or the complainant makes threats to oneself, staff or third parties (whilst using City services or on City premises) or in general. The City has a zero tolerance for these behaviours and has a duty of care to provide a safe working environment for staff, contractors and volunteers. City officers should refer to the CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy for guidance.

All threats made to staff or third parties will be reported to the WA Police.

## 13. Serious or Criminal Complaints

Complaints involving allegations of serious improper conduct, corruption, fraud or other criminal conduct must be referred to the appropriate authority.

## 14. Recording complaints

All correspondence relating to a customer complaint must be recorded within the City's records management system. Information recorded must be factual, accurate and current as per the *State Records Act 2000*.

## Legislative Context

*Local Government Act 1995*  
*Privacy Act 1988 (Cth)*  
*State Records Act 2000*  
*Freedom of Information Act 1992*

# Complaints Management Policy

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### Related Documents

- City of Mandurah Customer Service Charter
- AS/NZS 10002 – Guidelines for complaint management in organisations Western Australian
- Ombudsman Complaint Handling Guidelines
- City of Mandurah Code of Conduct for Employees
- City of Mandurah Code of Conduct for Volunteers
- City of Mandurah Code of Conduct Elected Members, Committee Members and Candidates
- City of Mandurah Code of Conduct Complaints Management Policy POL-GVN 09
- City of Mandurah Statement of Business Ethics Contractors
- City of Mandurah Public Interest Disclosure Guidelines
- City of Mandurah CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy

- Responsible Directorate:** Business Services
- Responsible Department:** Governance Services
- Reviewer:** Director Business Services
- Creation date and reference:** 22 March 2011, Minute G.32/3/11
- Last Review:** 13 December 2022, Minute G.6/12/22

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.57/2/12	28/02/2012	24/02/2015
3	Minute G.35/2/15	24/02/2015	23/07/2019
4	Minute G.12/7/19	23/7/2019	13/12/2022
5	Major review to meet AS Standard Minute G.6/12/22	14/12/2022	-

# Complaints Management Policy

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### 1. Objective

The objectives of the Complaints Management Policy (policy) are to:

- Ensure complaints are managed in accordance with best practice as outlined by the Australian Standard for Complaints Management ISO 10002:2022 – Guidelines for complaint management in organisations, and the Western Australian (WA) Ombudsman Guidelines on Complaint Handling;
- Ensure that complaints received by the City are managed efficiently, effectively and fairly from the time of receipt through to a satisfactory resolution or final determination of the matter; and
- Support a culture of continuous improvement, by valuing the opportunity to identify business improvements and increase the level of satisfaction with the delivery of services.

This policy is underpinned by a Complaints Management Framework.

### 2. Statement

The City of Mandurah (the City) is committed to providing an accessible, consistent and responsive Complaints Management Framework that promotes organisational learning and continuous improvement of the City's services.

### 3. Definitions

**Complaint:** The Australian Standard for Complaints Management (ISO 10002:2022) defines a complaint as any *“Expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”*.

A complaint is not:

- The initial requests for a service or action by the City (unless there was inaction or an unsatisfactory response to the initial request for service)
- Feedback on a service where there is not an issue to be resolved or does not necessitate action by the City
- Feedback obtained during stakeholder and community engagement processes
- Requests for information or explanations of policies, procedures or decisions of Council
- Reports of damaged, faulty infrastructure or a hazard
- Reports concerning neighbours or neighbouring property
- The lodging of an appeal or an objection in accordance with policy or procedure
- A petition
- A civil dispute between private individuals
- Made on social media or letters to the editor
- Matters regarding State or Federal Government or matters not within the City's jurisdiction.

## Complaints Management Policy

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**Complaints Management Framework:** refers to the policies, procedures, practices, staff and systems involved in the managing of complaints across the City.

**Customer:** refers to a person who is accessing the City's services, facilities, policies, products, programs or events.

**Frivolous Complaint:** A complaint that has no serious purpose or value. It may have little merit and be trivial; investigating would be out of proportion to the seriousness of the issue complained about.

**Local Government Inspector:** means the Inspector appointed in accordance with the Act and under the Local Government (Local Government Inspector) Regulations 2025 has the power to investigate, monitor, and enforce local government compliance.

**Malicious Complaint:** A complaint made for the purpose of hurting another person (their career, their reputation or their livelihood).

~~**Frivolous Complaint:** A complaint that has no serious purpose or value. It may have little merit and be trivial; investigating would be out of proportion to the seriousness of the issue complained about.~~

**Vexatious Complaint:** A complaint that is not supported by any evidence and there is other evidence to suggest that the complaint was made primarily for the purpose of causing annoyance.

## 4. Applicability

This policy applies to all complaints received from customers relating to:

- A City service, process, product, policy, event or facility.
- The services provided by the Chief Executive Officer (CEO), a City employee, volunteer, contractor, elected member or committee member.
- A third party under the jurisdiction of the City.

This policy does not apply to:

- Employment or behavioural/conduct of City employees or CEO – refer to Code of Conduct for Employees
- Behavioural/conduct related complaints regarding volunteers – refer to Code of Conduct for Volunteers
- Behavioural/conduct related complaints regarding contractors – refer to Statement of Business Ethics
- Behavioural, ~~/Conduct~~ or Specified Breach related complaints of involving Elected Members, Committee Members or Candidates – refer to Code of Conduct for Elected Members, Committee Members or Candidates and Code of Conduct Complaints Management Policy POL-GVN 09

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- Public Interest Disclosure – refer to the City of Mandurah Public Interest Disclosure Guidelines

## 5. Principles of Complaint Management

The following complaints management principles apply:

- a. Complaints are people focused, transparent and accessible to all:
  - **People Focus:** the City will be proactive in listening and responding to complaints, treating all people with respect, and actively involving them in the complaints process as far as practicable and appropriate.
  - **Visible & Transparent:** the City will actively publicise information about how and where to complain and make it easy to understand what to expect.
  - **Accessible:** the City will ensure that our complaint handling process is accessible and easy to use for all our customers.
- b. Complaints are managed in an efficient, fair and equitable manner:
  - **Responsive:** the City will respond to all complaints as quickly as possible and endeavour to regularly communicate and inform parties involved.
  - **Objective and Fair:** the City will review all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and officers.
  - **Equality and Privacy:** the City will be consistent and ethical in our treatment of complaints and customers involved.
- c. Complaints are managed in a supported manner:
  - **Conduct:** the City will work together to resolve problems respectfully and cooperatively and as far as practical maintain the confidentiality of all parties.
  - **Empowerment:** the City will continually work to improve the complaint management process to meet operational needs and the expectations of customers, including providing support to vulnerable people, people with disability, indigenous people, young people and culturally and linguistically diverse.
  - **Facilitate:** the City will work together to reach a solution that provides the best outcome for all parties wherever practical and actively communicate with all involved
- d. Complaints are used as an opportunity to improve services:
  - **Accountability:** the City will ensure that our staff are aware of and accountable for complaints.
  - **Learning:** the City will respond to and learn from complaints with the intention to continually improve our services
  - **Prevention:** the City will effectively report on and analyse complaints to identify trends and endeavour to minimise the escalation of complaints.

## 6. Making a complaint

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#### 6.1 Lodging a complaint

Complaints may be lodged with the City in the following ways:

- In writing: PO BOX 210 Mandurah WA 6210 or via email: [council@mandurah.wa.gov.au](mailto:council@mandurah.wa.gov.au)
- By telephone: 9550 3777
- In person at any of the City's customer locations
- Interpreter service contact TSI National on 131 450 and ask to be connected to the City of Mandurah on 08 9550 3777.

At a minimum, the following information is to be supplied in order to effectively manage the complaint:

- Name and contact details of the person and organisation or group they represent (where relevant) who is making the complaint
- Complaint details including description of complaint, date of occurrence and location (if relevant)

As part of the complaint resolution process (refer Section 7), the City may request additional information and, or evidence to substantiate the complaint.

#### 6.2 Support to lodge a complaint

In accordance with the Complaints Management Framework, the City provides support to vulnerable persons, indigenous people, people with disability, young people and culturally and linguistically diverse, who may require assistance and allow complaints to be made by authorised representatives. Where a customer nominates another person to assist or make a complaint on their behalf, the customer must provide permission in some form for another person to act on their behalf.

#### 6.3 Anonymous Complaints

The City understands that some customers may wish to remain anonymous. Whilst anonymous complaints will not be rejected, they may limit the City's ability to effectively respond to the matter and resolve the complaint. Where sufficient information is provided, the City will manage the complaint in accordance with the City's Complaint Management Framework. However, due to the anonymity, the City will be unable to provide any feedback on decisions made or action taken.

## 7. Resolving complaints

All complaints will be addressed in a respectful, equitable, objective manner applying the principles of natural justice in accordance with the Complaints Management Framework.

#### 7.1 Complaint resolution process and timeframes

The Complaints Management Framework provides guidance and direction on the management of complaints. In summary complaints will be managed through the following complaints management pathways:

- Informal complaints:** where City officers receive complaints and can provide an immediate resolution to the customer, complaints will be classified as informal complaints. Where an immediate resolution cannot be achieved the complaint will be managed in accordance with subclause 7.1b.

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- b. Formal complaints:** where complaints cannot be resolved immediately, the complaint will be managed by the most appropriate City officer and where possible achieve a resolution.

All complaints submitted must be acknowledged within two business days in accordance with the City of Mandurah service delivery timeframes.

All complaints submitted must be responded to within ten business days, either with a final solution or, if the nature of the complaint requires a longer period to resolve, with an interim response outlining the reason for the delay, further action to be taken and anticipated timeframe that a full response will be provided.

- c. Referral:** In instances where complaints are of a more serious nature, are not satisfactorily resolved or require investigation across a number of work areas, the complaint will be escalated to the Chief Executive Officer (CEO) to determine the most relevant City officer to investigate and resolve.
- d. Internal Review:** Where the outcome of a complaint is regarded as unsatisfactory to the complainant the CEO will determine the appropriate resolution (refer Section 8 Review Process).
- e. External Review:** In circumstances where these internal pathways are unable to resolve a complaint or satisfy the complainant, the complainant may choose to refer the complaint to an appropriate external agency for review.

### 7.2 Complaint outcomes

If the complaint is upheld, the City will determine an appropriate remedy which may include:

- an explanation;
- an apology;
- mediation;
- a change in decision;
- a change to policy, procedure or practice;
- a correction of misleading records;
- financial compensation, including a refund of a fee;
- the remission of a penalty;
- referral to an external agency for further investigation.

The City will provide a formal response to the complainant detailing the remedies that are reasonable in the circumstances.

### 7.3 Complaints that will not be considered

The City's CEO or Director, may determine that a complaint may not commence if it:

- is considered malicious, frivolous or vexatious or not made in good faith or concerns trivial matters;

## Complaints Management Policy

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- involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal;
- where a matter is subject to an existing mediation process;
- relates to a decision made by a meeting of Council;
- relates to conduct before a court, coroner or tribunal;
- relates to a matter under investigation by the Minister for Local Government, [the Local Government Inspector appointed under the Local Government Act 1995 \(Act\)](#), Corruption and Crime Commission, the WA Ombudsman's office, a Minister of the Crown or Government Department or the WA Police Service;
- relates to the appointment or dismissal of an employee or an industrial or disciplinary issue;
- relates to actions or conduct of private individuals;
- does not relate to an action the City has taken or is the responsibility of the local government; or
- involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the City and/or its staff (in such instances the relevant Director is to be notified).

Should the City decide not to proceed with the complaint, the complainant will be advised of the reason for the decision.

Where a person is communicating via legal representatives or has made threats of civil action against the City, the complaint should be escalated to the relevant Director.

## 8. Review Process

Where a complainant is dissatisfied with the way in which a complaint has been dealt with and/or the final determination of the complaint by the City, the following is to occur:

1. The complaint is to be referred to the relevant Director to investigate the matter and review the action and steps taken to resolve the complaint;
2. A report will be provided to the CEO detailing the history of the complaint and the actions taken to resolve the issue/s; and
3. The CEO will determine the appropriate resolution of the outstanding complaint and the review of the service complaint handling process.

Should the CEO consider it appropriate, an independent review of the complaint will be carried out by a Director who has not been involved in the complaint previously.

In circumstances where internal processes are unable to resolve a complaint or satisfy the complainant, the City may refer the complainant to appropriate external agencies, such as the State Administrative Tribunal or WA Ombudsman Office, for review.

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A complainant may at any time contact the WA Ombudsman or other external body if they are not satisfied with the City's handling of the complaint.

### 9. Complaints received from external agencies

Where the City receives a complaint from an external agency such as the WA Ombudsman or other external body, the Director, Business Services is nominated as the Officer to manage the Complaint on behalf of the City.

### 10. Confidentiality

Customers have the right to expect that their privacy will be respected when making a complaint or having a complaint investigated. The City of Mandurah Records Management Policy has two key elements which relate to security, protection and access to records. The City also considers the Privacy Principles of the *Privacy Act 1988* (Cth) in regards to the collection and disclosure of personal and sensitive information. The City respects all personal and confidential information and will protect information from unauthorised access, loss or misuse, as far as practicable.

### 11. Malicious, frivolous and vexatious complaints - Notice of Restricted Communication

In accordance with section 5.130(3) of the *Local Government Act 1995*, under certain circumstances, the Chief Executive Officer may determine that the City will no longer communicate with a complainant regarding a specific complaint or category of complaints.

Every endeavour will be made by the City to consider complaints with the utmost seriousness, however the CEO may refuse to manage a complaint if:

- the complainant behaves in an ongoing actively hostile manner;
- the complaint is considered to be trivial and/or frivolous or the complainant is consistently making complaints of trivial and/or frivolous matters.

The City may consider it appropriate to determine that vexatious questions, complaints and repetitive communications are not given priority or that no further action will be taken regarding the complaint as the complaint may divert a substantial and unreasonable portion of the City's resources away from its local government functions.

The City may, at its discretion, seek legal advice with respect to implications of the suspected malicious, frivolous or vexatious complaint.

### 12. Unreasonable conduct by complainants - Aggressive and Threatening Behaviours

In some instances, the City will encounter complainants who refuse to accept the decision of the CEO solely on the basis that the decision was not in the complainant's favour. Complainants may also make persistent and repeat contact with the City to the point that the complaint or complainant diverts a substantial and unreasonable portion of resources away from the City's other functions.

In some instances, the City will encounter complainants whose behaviour is aggressive or threatening, consistently rude, abusive or the complainant makes threats to oneself, staff or third parties (whilst using City services or on City premises) or in general. The City has a zero tolerance

## Complaints Management Policy

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~~for these behaviours and has a duty of care to provide a safe working environment for staff, contractors and volunteers. City Officers should refer to the CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy for guidance.~~

~~Under the above circumstances, details of complaints are to be provided to the Director Business Services who will make a recommendation to the CEO that:~~

- ~~• further correspondence and/or telephone contact with the complainant be restricted;~~
- ~~• further discussions, interviews etc will not be granted that relate to the same matter; and~~
- ~~• access to City premises be restricted for a specified period of time.~~

~~The CEO will consider all facts and issues of the individual case prior to acting on any recommendation/s. If a decision is made to endorse the recommendation, the CEO will write to the complainant explaining the decision.~~

All threats made to staff or third parties will be reported to the WA Police.

### 13. Serious or Criminal Complaints

Complaints involving allegations of serious improper conduct, corruption, fraud or other criminal conduct must be referred to the appropriate authority.

### 14. Recording complaints

All correspondence relating to a customer complaint must be recorded within the City's records management system. Information recorded must be factual, accurate and current as per the *State Records Act 2000*.

### Legislative Context

~~*Freedom of Information Act Local Government Act 1995*~~

~~*Privacy Act 1988 (Cth)*~~

~~*State Records Act 2000*~~

~~*Freedom of Information Act 1992*~~

### Related Documents

City of Mandurah Customer Service Charter

AS/NZS 10002 – Guidelines for complaint management in organisations Western Australian

Ombudsman Complaint Handling Guidelines

City of Mandurah Code of Conduct for Employees

City of Mandurah Code of Conduct for Volunteers

City of Mandurah Code of Conduct Elected Members, Committee Members and Candidates

City of Mandurah Code of Conduct Complaints Management Policy POL-GVN 09

City of Mandurah Statement of Business Ethics Contractors

City of Mandurah Public Interest Disclosure Guidelines

City of Mandurah CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy

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**Responsible Directorate:**

Business Services

# Complaints Management Policy

## POL- CPM 05



**Responsible Department:** Governance Services

**Reviewer:** Director Business Services

**Creation date and reference:** 22 March 2011, Minute G.32/3/11

**Last Review:** 13 December 2022, Minute G.6/12/22

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.57/2/12	28/02/2012	24/02/2015
3	Minute G.35/2/15	24/02/2015	23/07/2019
4	Minute G.12/7/19	23/7/2019	13/12/2022
5	Major review to meet AS Standard Minute G.6/12/22	14/12/2022	-

**Subject:** 19.3 Mandurah Estuarine Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) – Steering Committee Representation

### **Summary**

Following the development of the Northern Beaches Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) in 2022 and the draft Southern Beaches CHRMAP in late 2025, the City has commenced planning for the Mandurah Estuarine CHRMAP.

The City has partnered with the Department of Planning, Lands and Heritage (DPLH) through the Coastal Management Plan Assistance Program (CMPAP) to fund the development of the Mandurah Estuarine CHRMAP, which is planned to be developed over the next two years.

Council is requested to nominate an Elected Member to represent the community on the Mandurah Estuarine CHRMAP Steering Committee.

### **Disclosure of Interest**

Nil

### **Location**

The Estuarine CHRMAP study area is shown in Figure 1 below. It covers approximately 50 km of the City's estuarine frontages and includes the Peel-Harvey Estuary foreshore, Mandjar Bay, artificial waterways (six canal estates), the Dawesville channel and the tidally influenced areas of the Serpentine River.



Figure 1 – Estuarine CHRMAP Study Area

**Previous Relevant Documentation**

Council Min. No.	Date of Meeting	Precis of report/resolution
• G.18/08/25	26 August 2025	Council agreed to seek public comment on the draft Mandurah Southern Beaches CHRMAP.
• G.13/07/23	25 July 2023	Council adopted the Northern Beaches CHRMAP.
• G.10/11/22	22 November 2022	Council adopted the Northern Beaches CHRMAP Action Plan.

**Background**

In accordance with the State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6), areas at risk of being affected by coastal hazards require the preparation of a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP).

A Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) is a strategic planning document that identifies the coastal values along a given coastline, assesses the threats to those values across a planning horizon of 100 years presented by coastal erosion and inundation, and then articulates a coastal adaptation pathway designed to protect coastal values from anticipated impacts. The CHRMAP process involves a thorough community engagement process throughout its

development to try and ensure planned coastal adaptation along a given coastline has broad community support. The CHRMAP process provides a mechanism for coastal managers to make informed decisions on short, medium and long term management actions.

During 2019 to 2023, City officers undertook a CHRMAP process for Mandurah's Northern Beaches defined as the section of coastline extending from Madora Bay through to Roberts Point, Halls Head.

Council adopted the City's first CHRMAP, for Mandurah's Northern Beaches, at its meeting in November 2022, with a recommendation for City officers to develop and present a short-term Action Plan in 2023. In July 2023, Council adopted the Action Plan that lists all the actions required to mitigate short-term intolerable risks identified within the Mandurah Northern Beaches CHRMAP, as well as actions that will assist with mitigating medium to long-term intolerable risks. Council agreed to seek public comment on the City's second CHRMAP, for Mandurah's Southern Beaches, in August 2025. It is expected that a report will be prepared for the Council Meeting in March 2026 to consider community feedback and the adoption of the draft Mandurah Southern Beaches CHRMAP.

Concurrent to the preparation of the Southern CHRMAP, City officers commenced planning for the City's third CHRMAP process, being Mandurah's Estuarine areas. In April 2025, City officers prepared and submitted an application for grant funding via the Department of Planning, Lands and Heritage (DPLH) CoastWA Coastal Management Plan Assistance Program (CMPAP) to part-fund the Mandurah Estuarine CHRMAP.

### **Comment**

On 22 July 2025, the City received notification that it had been successful in its application for grant funding under the 2025/26 CMPAP. The grant approval has been offered subject to the terms and conditions outlined in the Funding Agreement and the CHRMAP is to be completed within two years of the grant being awarded. The grant funding approval is subject to the following:

1. Funding Agreement to be signed by the Chief Executive Officer (CEO)
2. Preliminary Project Milestones detailing a list of measurable and achievable milestones
3. Steering Committee Membership.

The Funding Agreement has been reviewed by City officers and was subsequently signed by the CEO on 12 August 2025.

The Funding Agreement, Preliminary Project Milestones (Attachment 19.2.1) and proposed Project Steering Committee were submitted to DPLH on 15 August 2025.

The Funding Agreement 'Special Conditions of Contract' outline the following with respect to the Steering Committee:

(i) The Applicant must form a Steering Committee consisting of no less than two (2) representatives of the Applicant, minimum of one (1) Commission Representative, and minimum of one (1) Community Representative

(ii) The Steering Committee is to meet as required to perform its functions set out in Schedule 3.

On the above basis, the following Project Steering Committee group has been proposed:

<b>Name</b>	<b>Organisation</b>
Executive Manager Natural Environment	City of Mandurah
Manager Marina and Waterways (Chair)	City of Mandurah
Senior Coastal Engineer	City of Mandurah
Manager Strategic Planning and Urban Design	City of Mandurah
One or Two Elected Member City of Mandurah (Community Representatives)	Council - City of Mandurah
Coastal Adaptation Coordinator	Peron Naturaliste Partnership
Senior Scientist, Healthy Waterways	Peel-Harvey Catchment Council
Regional Director Kwinana Peel Region	Department of Water and Environmental Regulation
Principal Policy Planner	Department of Planning, Lands and Heritage
Senior Policy Planner	Department of Planning, Lands and Heritage
Coastal Engineer	Department of Transport (Coastal Engineer)

The Steering Committee Functions outlined in Schedule 3 of the Funding Agreement are as follows:

### 1. Functions

The Steering Committee is to perform the following functions:

a) Deliver guidance and oversight on, and make decisions in relation to, all aspects of the Project, including but not limited to:

- Reviewing Scope of Works
- Assessment of Tenders (through recommendations of the Tender Assessment Panel)
- Provide discussion on the methodology for each milestone (as required)
- Make recommendations on the project objectives and outcomes
- Reviewing project deliverables including the Community and Stakeholder Engagement Plan, chapter reports, draft and final CHRMAP
- Attend meetings as required.

b) The Steering Committee is to provide guidance and oversight in the event of a dispute, the City of Mandurah have the final decision.

c) Minutes and agendas are to be prepared for each meeting, as set out in Clause 3 (b) (iv).

### 2. Roles

The role of the Steering Committee is to provide technical coastal and planning skills to the City and ensure the project progresses in line with milestone reports and progress reports.

### **Statutory Environment**

Creation of the Mandurah Estuarine CHRMAP is aligned with the statutory requirements for local governments related to coastal management as described within State Planning Policy 2.6 - Coastal Planning.

### **Policy Implications**

Nil

### **Financial Implications**

With the confirmation that DPLH has approved a grant of \$200,000 to contribute to the project based on a 50/50 funding arrangement with the City, which will be recognised in the 2025/26 budget review.

### **Economic Implications**

Nil

### **Environmental Implications**

Creation of the Mandurah Estuarine CHRMAP will result in a recommended adaptation pathway with actions to assist in adapting to immediate coastal inundation and erosion risks and undertaking appropriate planning to address increasing risk over time.

### **Risk Implications**

The CHRMAP takes a risk-based approach to both vulnerability and implementation, and details can be viewed in the State Government CHRMAP Guidelines (July 2019).

### **Strategic Implications**

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 is/are relevant to this report:

#### Community

- Inclusive and welcoming places, spaces and neighbourhoods

#### Environment

- Nature has a voice in all decision-making
- A shared responsibility for our environment with a focus on engagement, education and respect
- Our coast and waterways are healthy and celebrated

#### Leadership

- Sound decisions based on evidence and meaningful engagement

### **Conclusion**

The City is continuing to be strategic and proactive in the management of the City's waterways, foreshores and coastline. Following completion of the Northern Beaches CHRMAP in 2022, development of the associated implementation Action Plan in 2023 and the continuing work on the Southern Beaches CHRMAP, the City has commenced planning for the Estuarine CHRMAP.

The City has partnered with the DPLH through the Coastal Management Plan Assistance Program.

(CMPAP) to fund the Estuarine CHRMAP, which will be developed over the next two years. Council will be regularly updated as the project progresses and in particular prior to community engagement and at the draft and final CHRMAP stages.

### **Officer Recommendation**

**That Council appoints Councillor \_\_\_\_\_ as the Elected Member representative to the Estuarine Coastal Hazard Risk Management and Adaptation Plan Steering Committee as a community representative.**

**Attachments**

1. Preliminary Project Milestones [**19.3.1** - 2 pages]

## Preliminary Project Milestones

<b>Milestone</b>	<b>Projected Date for Completion</b>
Funding Agreement signed by applicant and WAPC; CMPAP Payment 1	19 August 2025
Complete Project Milestones with draft start and projected completion dates	19 August 2025
Confirm Steering Committee membership (DPLH to provide template) <i>Note: Elected Member to be appointed as Community Representative at the February 2026 Ordinary Council Meeting.</i>	19 August 2025
CMPAP Payment 1	31 August 2025
First Steering Committee meeting – Agree on Terms of Reference and discuss preliminary scope	13 March 2026
Prepare Draft Scope of Works for DPLH review	18 March 2026
DPLH review period	25 March 2026
Advertise request for tender	1 April 2026
Assessment of tender submissions by Steering Committee; Appoint consultant	31 May 2026
Inception meeting with consultant and Steering Committee (including site visit)	12 June 2026
Review and finalise Project Milestones	26 June 2026
Consultant to prepare a Community and Stakeholder Engagement Strategy; Review by Steering Committee	17 July 2026
CMPAP Payment 2	31 July 2026
Prepare Establish the Context chapter report; Review by Steering Committee	17 December 2026
Prepare Risk Identification & Vulnerability Assessment chapter reports; Review by Steering Committee	26 February 2027
Provide DPLH with final coastal hazard data (erosion and inundation mapping Shape Files)	26 March 2027
Prepare Risk Evaluation & Risk Treatment chapter reports; Review by Steering Committee	26 March 2027
Prepare Implementation Plan & Monitoring and Review chapter reports; Review by Steering Committee	30 April 2027
Prepare a full Draft CHRMAP comprising chapter reports;	30 April 2027
CMPAP Progress Report 2	30 April 2027
CMPAP Payment 3	14 May 2027

<b>Milestone</b>	<b>Projected Date for Completion</b>
Full Draft CHRMAP comprising chapter reports; Review by Steering Committee	28 May 2027
Draft CHRMAP approved by Council for public advertising	22 June 2027
Advertise Draft CHRMAP for public comment (recommend minimum 6-8 weeks)	25 June 2027
Produce a Final CHRMAP that incorporates public submissions;	24 September 2027
Final CHRMAP; Review and acceptance by Steering Committee	29 October 2027
Council endorsement of Final CHRMAP	23 November 2027
Publication of Final CHRMAP on applicant's website	26 November 2027
Complete CMPAP Completion Report and Financial Statement (DPLH to provide templates); CMPAP Payment 4	17 December 2027

**Subject:** 19.4 Lease - Lakelands Library and Community Centre

**Summary**

Council is requested to approve a new Lease Agreement between the City of Mandurah (the City) and ISPT Pty Ltd for the purpose of operating the Lakelands Library and Community Centre (Lakelands Library) in Lakelands Shopping Centre – Lot 2017 (No. 49) Banksiadale Gate, Lakelands for a term of five (5) years commencing 21 June 2026.

**Disclosure of Interest**

Nil

**Location**

The lease area of 640 square metres for the Lakelands Library in the Lakelands Shopping Centre is indicated below bordered in red.



**Property Details**

Owner/Landlord:	ISPT Pty Ltd
Landlord's Trust:	Industry Superannuation Property Trust (Lakelands WA)
Landlord's Lease Agent:	Lease Equity
Tenant:	City of Mandurah

## Previous Relevant Documentation

- G.10/6/23 27 June 2023 Council approved a 3-year lease with ISPT.
- G. 26/7/16 12 July 2016 Council approved a 3+3yr lease with ISPT Pty Ltd.
- G. 26/7/16 12 April 2016 Council supported interim measure to negotiate with Peet for space within Lakelands Shopping Centre.

## Background

The need for a library and community centre located within the Mandurah North District has been a part of Council's Long Term Financial Plan and Social Infrastructure Plans for many years. As part of the the City's 2025 Community Infrastructure Plan (April 2025), Council has again identified the ongoing need for a library and community centre located within the Lakelands precinct.

Prior to 2016, a library and community centre had been proposed to be constructed on freehold land owned by the City from a developer contribution agreement with Peet Mandurah Syndicate, however due to financial constraints and the current building market, the commencement of this project is on hold, awaiting the outcomes of a business case.

Identified as a High/Medium priority in the 2025 Community Infrastructure Plan, the business case is to examine the ongoing options for the provision of a library and community centre and will be undertaken within the next 18 months. The business case will explore options to continue leasing space within the Lakelands Shopping Centre or construct a new purpose-built facility.

To ensure the continued provision of these essential services to the community, in April 2016 Council gave its broad support for the interim arrangements for the Lakelands Library to be housed within the Lakelands Shopping Centre and, subsequently in July 2016, the City entered into a lease arrangement with ISPT Pty Ltd for a three (3) year lease with a three (3) year extension. This lease expired on 20 June 2023.

In June 2023, Council approved a new lease agreement between the City and ISPT Pty Ltd for the Lakelands Library, fixed for a term of three (3) years. This lease is due to expire on 20 June 2026.

Under the current lease, the City is charged \$211,787.56 (exclusive of GST) per annum in rent and outgoings of \$85,990.40 (exclusive of GST) for the 2024/25 financial year.

## Comment

The City has received a lease proposal for Lakelands Library from the leasing agent for the Lakelands Shopping Centre, with the key terms having been negotiated and set out below.

ISPT Pty Ltd have proposed a market rental rate of \$355.96 per square metre (exclusive of GST) or \$215,000.00 (exclusive of GST) per annum. The 2024/25 outgoings totalled \$85,990.40 (exclusive of GST), and estimated utilities total \$11,120.66 (exclusive of GST).

City officers have undertaken a market value assessment against commercial properties available for lease. The rate per m<sup>2</sup> is assessed to be reasonable, noting that the available rental evidence was not directly comparable but indicated higher values may be achieved for commercial leases within shopping centre precincts.

The table below outlines the projected rent, outgoings, and utilities (all exclusive of GST) over the five-year term.

<b>Year of agreement</b>	<b>Rent + 3.5% yearly</b>	<b>Outgoings</b> commencing at 24/25 figure estimated 3.5% increases	<b>Utilities</b> commencing at 24/25 figure estimated 3.5% increases
1	\$215,000.00	\$85,990.40	\$11,120.66
2	\$222,525.00	\$89,000.06	\$11,509.88
3	\$230,313.38	\$92,115.07	\$11,912.73
4	\$238,374.35	\$95,339.09	\$12,392.67
5	\$246,717.45	\$98,675.96	\$12,761.21
<b>Total over the Term</b>	<b>\$1,152,930.18</b>	<b>\$461,120.58</b>	<b>\$59,697.15</b>
<b>Total Combined (Ex GST)</b>		<b>\$1,673,747.91</b>	
<b>+ GST</b>		<b>\$167,374.79</b>	
<b>Grand Total</b>		<b>\$1,841,122.70</b>	

ISPT Pty Ltd will continue to manage all building maintenance and hold building insurance, with the City contributing to these costs through variable outgoings. The City will maintain its own insurances (public liability, contents, and windows/plate glass) and manage the fit-out. The City also operates its own alarm system, alarm response process and CCTV.

The Lakelands Library continues to serve as a well utilised community facility. In 2024/25, the Library recorded approximately 62,532 visits and 43,811 physical loans. Community groups booked the meeting rooms for a total of approximately 725.5 hours, including youth, arts, seniors, and church groups. Areas were also booked by City staff for workshops.

The Lakelands Library delivers a wide range of community programs, including family literacy sessions (Rhyme Time, Storytime, Nature Play, and STEAM for Toddlers) and a variety of adult and intergenerational programs.

Prior to renewal of the lease 2023, the City committed to undertaking a business case for the assessment of land available for the purpose of Lakelands Library and Community Centre. This analysis has been deferred, with a focus on long term planning for the central Mandurah Library, noting that the outcomes of that assessment may be influential in the direction for Lakelands Library.

The proposed lease agreement provides the City with certainty to continue delivering these essential community services for a further five years, while a detailed assessment of the community needs to service Lakelands together with the surrounding suburbs to ensure the long-term development options for the library is undertaken.

### **Statutory Environment**

The proposed Lease Agreement is not a disposal of the City's land and therefore not subject to the statutory requirements under s3.58 *Local Government Act 1995*.

*Commercial Tenancy (Retail Shops) Agreements Act 1985* applies for retail leasing terms.

### **Policy Implications**

Community Purpose Land Policy POL-LUP 06  
Community Infrastructure Plan 2045

### **Financial Implications**

The proposed annual rent of \$215,000.00 per annum (exclusive of GST) and the 2024/25 estimated variable outgoings are \$85,990.40 (exclusive of GST) have been budgeted for in the Long-Term Financial Plan.

In addition, the City will incur legal costs for the City's external solicitors to review the draft lease prepared by the landowner's leasing agent.

### **Economic Implications**

The proposed Lease Agreement represents a responsible continuation of current operational expenditure, with costs remaining within existing budget forecasts. The negotiated terms provide value for money through fixed rent increases and the removal of additional levies, ensuring financial predictability over the five-year term.

Retaining the Library and Community Centre within the Lakelands Town Centre also supports local economic activity and contributes to the vitality of surrounding businesses. Future financial considerations, including a comparison of ongoing lease costs with potential investment in City-owned facilities, will be addressed through the Community Infrastructure Plan review and business case (Project N1).

### **Environmental Implications**

Nil

### **Risk Implications**

As the Tenant, the City has limited ability to negotiate commercially favourable terms with the Landlord. As outlined in the report, the City will complete a business case to determine alternative arrangements for the future.

The risk of not progressing with the proposed Lease Agreement may result in the absence of a local library and community service to the northern suburbs of Mandurah.

### **Strategic Implications**

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 is/are relevant to this report:

#### Economy

- Local jobs to retain our people and attract skilled workers

#### Community

- Access to support services that enhance opportunities for everyone
- Safe and connected communities
- Inclusive and welcoming places, spaces and neighbourhoods
- An enriched, creative, and empowered community that values culture, heritage and life long learning

#### Leadership

- Sound decisions based on evidence and meaningful engagement
- Well-maintained assets and facilities that meet the needs of our community
- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs and services

### **Conclusion**

Council is requested to approve a lease from ISPT Pty Ltd for the City to continue to operate the Lakelands Library at Lakelands Shopping Centre – Lot 2017 (No. 49) Banksiadale Gate, Lakelands for a term of five (5) years, commencing 21 June 2026.

## **Officer Recommendation**

### **That Council:**

- 1. Approves a new lease agreement between the City of Mandurah and ISPT Pty Ltd for the Lakelands Library and Community Centre, Lot 2017 (No. 49) Banksiadale, Lakelands subject to the following conditions:**
  - 1.1 640 square metres;**
  - 1.2 Term of five (5) years;**
  - 1.3 Fixed rent increase of 3.5% per annum;**
  - 1.4 Annual rent commencing at \$215,000.00 per annum (exclusive of GST);**
  - 1.5 Estimated variable outgoings of \$85,990.40 (exclusive of GST) based on the 2024/25 Financial Year.**
- 2. Authorises the Chief Executive Officer to finalise the conditions of the Lease Agreement.**

### **Attachments**

Nil

**Subject:** 19.5 Monthly Financial Report - December 2025

**Summary**

The Financial Report for December 2025 together with associated commentaries, notes on investments, balance sheet information, schedule of accounts and the tenders awarded under the delegation by the Chief Executive Officer are presented for Elected Members' consideration.

**Disclosure of Interest**

Nil

**Previous Relevant Documentation**

G.5/6/24                      25/06/2025                      Budget Adoption 2025/26

**Background**

Nil

**Comment**

The Financial Report for December 2025 shows an actual surplus for this period of \$68.4 million. This is considered a reasonable surplus at the current point in time and is sufficient to meet the City's obligations up to 30 June 2026.

In the month of July, the City issues invoices for Rates and Refuse, leading to a substantial surplus at the beginning of the financial year. However, as the year progresses, this surplus gradually diminishes due to the City's budgetary expenditures. The Financial Report for December 2025 shows that as of December 2025, \$85.6 million (79.2%) of the rates have been received. This is more favourable than this time last year at 71.2% due to the rates notices being distributed earlier this year and a positive response to debt collection processes.

A summary of the financial position for December 2025 is detailed in the table below:

	Current Budget	YTD Budget (a)	YTD Actual (b)	Var. (b)-(a)	Var.% (b)-(a)/(a)
	\$ 000s	\$ 000s	\$ 000s	\$ 000s	%
<b>Opening Funding Surplus / (Deficit)</b>	<b>600</b>	<b>600</b>	<b>894</b>	<b>294</b>	<b>49%</b>
<b>Revenue</b>					
Revenue from operating activities	154,830	138,635	141,769	3,134	2%
Capital revenue, grants and Contribution	23,499	11,749	1,395	(10,354)	-88%
	<b>178,328</b>	<b>150,384</b>	<b>143,164</b>	<b>(7,220)</b>	
<b>Expenditure</b>					
Operating Expenditure	(175,079)	(86,364)	(79,069)	7,295	-8%
Capital Expenditure	(48,204)	(24,591)	(11,171)	13,420	-55%
	<b>(223,283)</b>	<b>(110,955)</b>	<b>(90,240)</b>	<b>20,715</b>	
Non-cash amounts excluded from operating activities	35,718	17,859	15,370	(2,489)	-14%
Non-cash amounts excluded from investing activities	(1,089)	(1,089)	2,381	3,471	-319%
Other Capital Movements	9,021	(3,160)	(3,189)	(28)	1%
<b>Closing Funding Surplus / (Deficit)</b>	<b>(705)</b>	<b>53,638</b>	<b>68,380</b>	<b>14,741</b>	<b>27%</b>

The following table highlights the status of the City's key capital projects for the 2025/2026 financial year:

<b>Project</b>	<b>2025/26 Actuals Incl. CMT \$`000s</b>	<b>2025/26 Annual Budget \$`000s</b>	<b>On Time / On Budget</b>	<b>Asset Classification</b>	<b>Comment</b>
Mandurah Performing Arts Centre – HVAC Renewal	241	4,735	The project schedule is being reviewed taking into account the operational requirements of the ManPAC. The proposed construction program will be prepared as part of the detailed design phase. The project is expected to be delivered within budget.	<i>Buildings</i>	Detailed design is progressing and expected to be completed by May 2026.  The final timetable for the construction works is being developed as part of the detailed design phase.
Coodanup Foreshore	898	1,337	Stages 1 and 2 are complete.  Stage 3 is expected to be completed within budget.  Stage 4 is expected to be delivered this financial year within budget.	<i>Parks</i>	Stages 1 and 2 were completed in December 2023.  Stage 3 - Landscape construction was completed in October 2025.  Stage 4 - Currently in design, with final amendments being made as part of community consultation. Construction works are now expected to commence, shortly after the conclusion of the community consultation process, in April 2026.
Falcon Coastal Shared Path	103	412	Funding received via the Australian Government Active Transport Fund.  The project is expected to be	<i>Roads</i>	Detailed design is expected to be completed in early 2026, following the completion of a design review and community consultation. The final phase of community

			completed by 2028 within budget.		consultation is currently underway. Onsite construction works are expected to commence in July 2026.
Pinjarra - Anstruther Road Intersection Upgrade	157	600	The project is expected to be delivered this financial year within budget.	Roads	Traffic signal improvements have been approved by Main Roads WA.  Construction works commenced in November 2025 with anticipated completion date in early June 2026.
Yalgorup National Park	122	315	<i>The Yalgorup National Park project is a 10-year economic and tourism initiative.</i>  <i>The Quail Road extension construction will commence following the City receiving EBCA approval.</i>	Roads	Quail Road design is being finalised following the Department of Biodiversity, Conservation and Attractions (DBCA) and adjacent landowner consultation. The Federal Government has advised that no further assessment or approval is required under the Environmental Protection and Biodiversity Conservation (EPBC) Act. That State Government Environmental approval will proceed as a stand-alone application.

### 2025/26 Budget Variations

Nil

### Statutory Environment

*Local Government Act 1995 Section 6.4 Financial Report*

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

### Policy Implications

Nil

### Financial Implications

Any material variances that have an impact on the outcome of the budgeted surplus position are explained in the Monthly Financial Report, as detailed in Attachment 1.

### **Economic Implications**

Nil

### **Environmental Implications**

Nil

### **Risk Implications**

The Financial Report and its attachments are utilised as a key indicator to monitor against the strategic risks.

### **Strategic Implications**

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 is relevant to this report:

#### Leadership

- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs, and services

### **Conclusion**

The City strives to manage its finances adequately and maintain expenditure within budget to ensure services that have been approved through the budget process are fully funded.

It is recommended that Council receive the Monthly Financial Report and the Schedule of Accounts.

### **Officer Recommendation**

#### **That Council:**

- 1. Receives the Financial Report for December 2025 as detailed in Attachment 1 of the report.**
- 2. Receives the Schedule of Accounts for the following amounts as detailed in Attachment 2 of the report:**

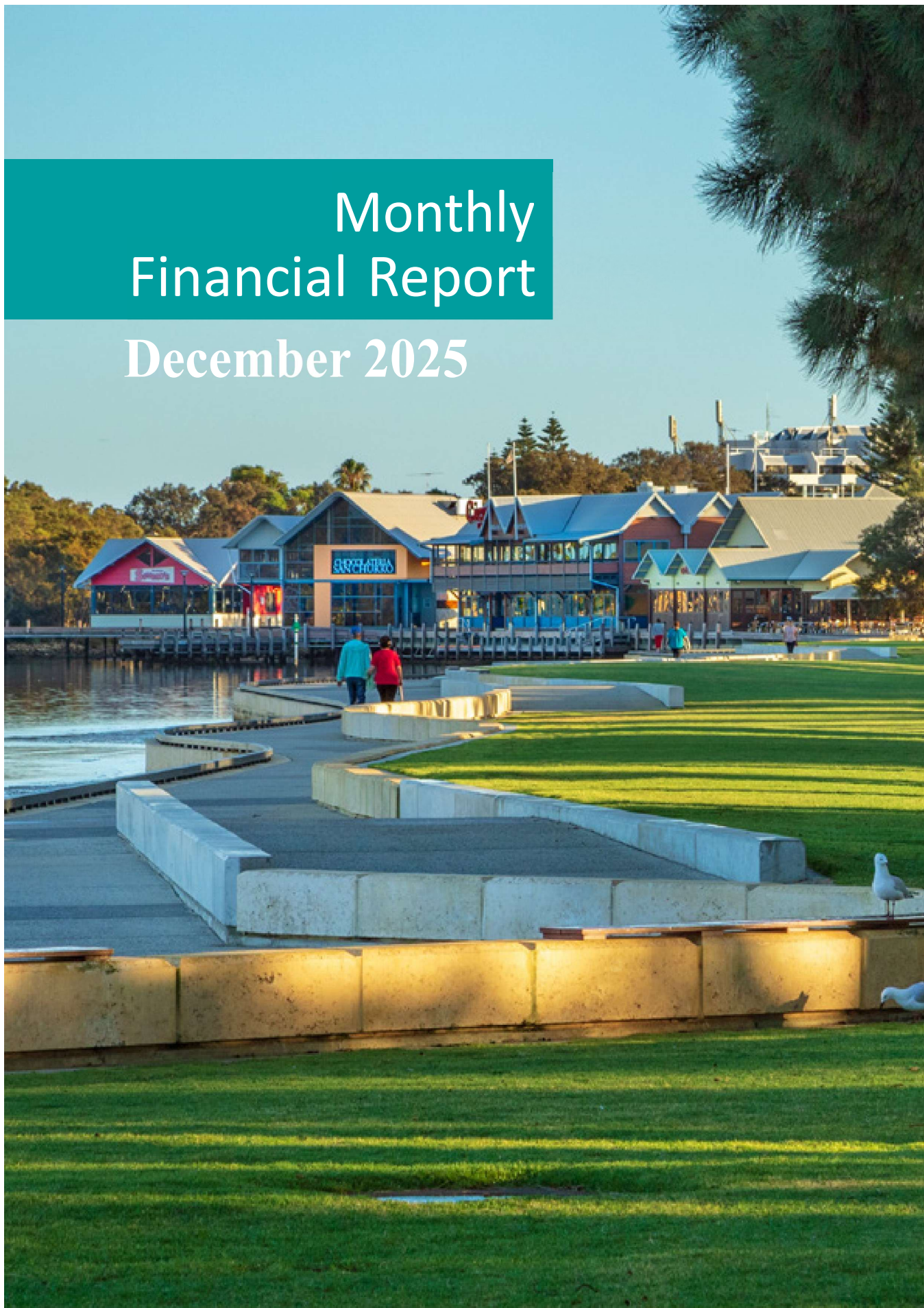
<b>Total Municipal Fund</b>	<b>\$</b>	<b>7,954,881.66</b>
<b>Total Trust Fund</b>	<b>\$</b>	<b>0.00</b>
	<b>\$</b>	<b><u>7,954,881.66</u></b>

### **Absolute Majority**

### **Attachments**

1. Monthly Financial Report December 2025 [**19.5.1** - 25 pages]
2. Schedule of Accounts December 2025 [**19.5.2** - 31 pages] - ONLINE

# Monthly Financial Report December 2025





# City of Mandurah

## December 2025

**\$705K**

Estimated deficit at 30 June 2026 with proposed budget amendments

**\$68.4M** ▼

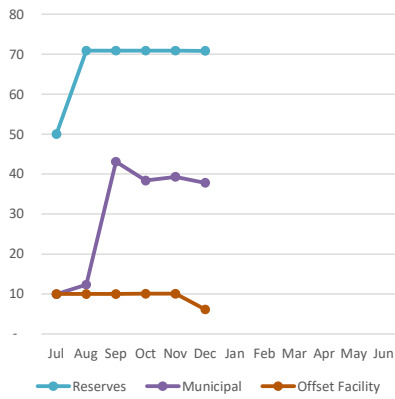
Year to Date Actual Surplus

### Executive Summary

- Actual Rates Raised \$104.2M
- Actual Rates Received \$85.6M (79.2% collected)
- Actual Operating Revenue \$141.8M
- Actual Capital Revenue \$1.1M
- Actual Operating Expenditure \$79.1M
- Actual Capital Expenditure \$11.2M
- Actual Proceeds from Sale of Assets \$0.3M

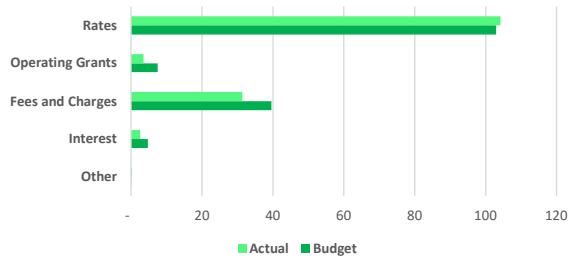
### Investments

\$ Millions



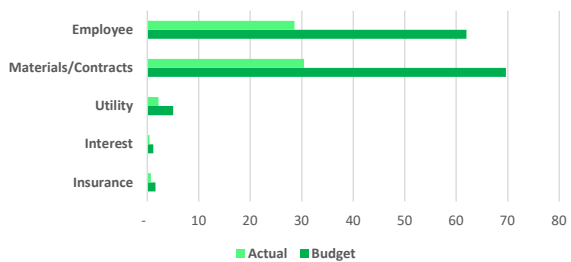
### Year to Date Revenue Actuals Compared to Annual Budget

\$ Millions

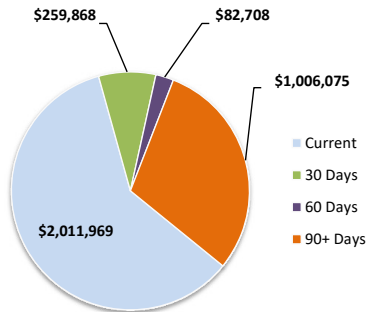


### Year to Date Expenditure Actuals Compared to Annual Budget

\$ Millions



### Sundry Debtors Outstanding



### Rates Outstanding

- 110 Properties with >\$10K outstanding ▼
- 915 Properties \$3K to \$10K outstanding ▼
- 0 Properties commenced legal action in 25/2 =
- \$2.34M Estimated Value of Rates Exemptions =

### Grants Received in 25/26 year

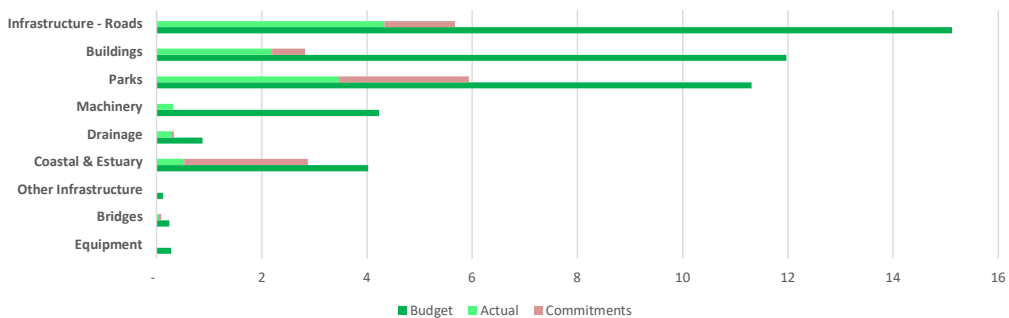
22.16% Grants received - Accrual Basis

### CEO Delegation Tenders

1 Tenders accepted/rejected during the month through CEO delegation

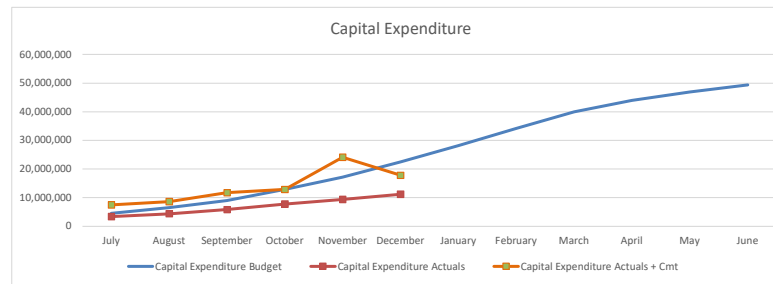
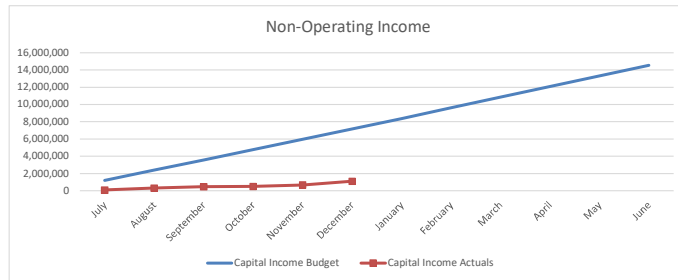
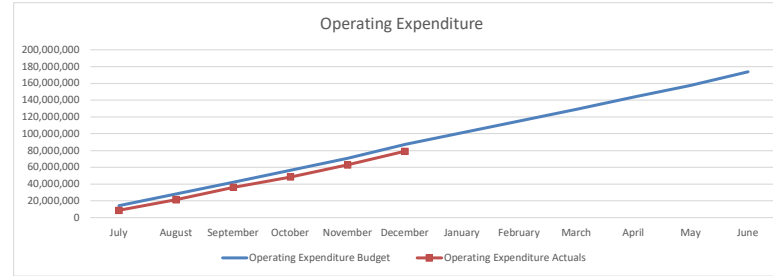
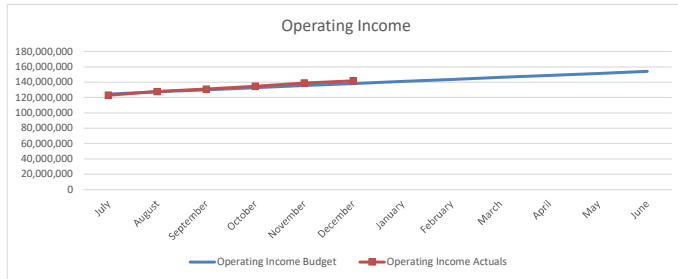
### Year to Date Capital Actuals Compared to Annual Budget\*

\$ Millions



\*Commitments are raised based on contract amounts. Contracts may span multiple financial years causing commitments to display over the total budget for the year.

Ordinary Council Meeting Agenda - 24 February 2026



**CITY OF MANDURAH**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ended 31 December 2025**

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**STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025**

**BY NATURE OR TYPE**

	Ref Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
<b>Opening Funding Surplus / (Deficit)</b>		600,000	600,000	<b>893,701</b>	293,701	48.95%	
<b>Revenue from operating activities</b>							
Rates		102,985,169	102,985,169	<b>104,164,748</b>	1,179,579	1.15%	
Operating grants, subsidies and contributions		7,541,647	3,933,324	<b>3,490,209</b>	(443,115)	(11.27%)	▼
Fees and charges		39,527,624	29,328,460	<b>31,308,346</b>	1,979,886	6.75%	
Interest earnings		4,685,824	2,342,912	<b>2,563,692</b>	220,780	9.42%	
Other revenue		89,326	44,663	<b>160,074</b>	115,411	258.40%	▲
Profit on disposal of assets		-	-	<b>81,603</b>	81,603	100.00%	▲
		<b>154,829,590</b>	<b>138,634,528</b>	<b>141,768,672</b>	3,134,145	2.26%	
<b>Expenditure from operating activities</b>							
Employee costs		(61,994,818)	(29,474,560)	<b>(28,577,240)</b>	897,320	3.04%	
Materials and contracts		(69,644,594)	(35,169,654)	<b>(30,439,397)</b>	4,730,257	13.45%	▲
Utility charges		(5,030,247)	(2,515,125)	<b>(2,189,638)</b>	325,487	12.94%	▲
Depreciation on non-current assets		(35,612,864)	(17,806,432)	<b>(16,678,237)</b>	1,128,195	6.34%	
Interest expenses		(1,181,148)	(590,574)	<b>(415,217)</b>	175,357	29.69%	▲
Insurance expenses		(1,615,556)	(807,778)	<b>(681,307)</b>	126,471	15.66%	▲
Other expenditure		-	-	<b>(53,135)</b>	(53,135)	100.00%	▼
Loss on disposal of assets	1(a) & 4	-	-	<b>(35,028)</b>	(35,028)	100.00%	▼
		<b>(175,079,227)</b>	<b>(86,364,123)</b>	<b>(79,069,199)</b>	7,294,924	8.45%	
Non-cash amounts excluded from operating activities	1(a)	35,718,031	17,859,016	<b>15,369,789</b>	(2,489,226)	(13.94%)	
<b>Amount attributable to operating activities</b>		<b>15,468,394</b>	<b>70,129,420</b>	<b>78,069,263</b>	7,939,842	(11.32%)	
<b>Investing activities</b>							
Non-operating grants, subsidies and contributions		13,177,960	6,588,980	<b>1,102,063</b>	(5,486,917)	(83.27%)	▼
Proceeds from disposal of assets	4	10,320,740	5,160,370	<b>292,930</b>	(4,867,441)	(94.32%)	▼
Payments for property, plant and equipment	6	(48,203,794)	(24,591,108)	<b>(11,171,073)</b>	13,420,035	54.57%	▲
<b>Amount attributable to investing activities</b>		<b>(24,705,093)</b>	<b>(12,841,758)</b>	<b>(9,776,080)</b>	3,065,678	23.87%	
Non-cash amounts excluded from investing activities	1(b)	(1,089,126)	(1,089,126)	<b>2,381,498</b>	3,470,624	(318.66%)	
<b>Amount attributable to investing activities</b>		<b>(25,794,219)</b>	<b>(13,930,884)</b>	<b>(7,394,582)</b>	6,536,302	46.92%	
<b>Financing Activities</b>							
Proceeds from new debentures	7	7,150,000	-	-	0	0.00%	
Unspent Loans Utilised		264,973	-	-	0	0.00%	
Repayment of debentures	7	(4,946,758)	(2,473,379)	<b>(2,585,244)</b>	(111,865)	(4.52%)	
Payment of lease liability		(374,738)	(187,369)	<b>(112,561)</b>	74,809	39.93%	▲
Principal elements of interest earning liability		(998,925)	(499,462)	<b>(490,859)</b>	8,603	1.72%	
Transfer from reserves	8	19,417,159	-	-	0	0.00%	
Transfer to reserves	8	(11,490,677)	-	-	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>9,021,034</b>	<b>(3,160,210)</b>	<b>(3,188,664)</b>	(28,453)	(0.90%)	
<b>Closing Funding Surplus / (Deficit)</b>	1(d)	<b>(704,792)</b>	<b>53,638,326</b>	<b>68,379,718</b>	14,741,392	27.48%	

**KEY INFORMATION**

▲▼ Indicates a variance between Year to Date (YTD) Actual and YTD Budget data as per the adopted materiality threshold.

Refer to Note 13 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

NOTE 1  
STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Local Government (Financial Management) Regulation 1996.

Notes	Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Non-cash items excluded from operating activities</b>			
	\$	\$	\$
<b>Adjustments to operating activities</b>			
Less: Profit on asset disposals	4	-	(81,603)
Less: Non-cash movement in assets		0	(1,744,098)
Movement in liabilities associated with restricted cash		105,167	310,523
Movement in pensioner deferred rates (non-current)		-	(215,943)
Movement in employee benefit provisions (non-current)		-	(114,392)
Movement in interest earning liabilities (non-current)		-	490,859
Movement in Liabilities		-	11,179
Add: Loss on asset disposals	4	-	35,028
Add: Depreciation on assets		35,612,864	17,806,432
<b>Total non-cash items excluded from operating activities</b>		<b>35,718,031</b>	<b>17,859,016</b>
			<b>15,369,789</b>

(b) Non-cash items excluded from investing activities

The following non-cash revenue and expenditure has been excluded from investing activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

<b>Adjustments to investing activities</b>			
Movement in non current liabilities for transfers to acquire or construct non-financial assets to be controlled by the entity			
Movement in current liabilities for transfers to acquire or construct non-financial assets to be controlled by the entity associated with restricted cash		(1,089,126)	(544,563)
<b>Total non-cash amounts excluded from investing activities</b>		<b>(1,089,126)</b>	<b>(544,563)</b>
			<b>2,381,498</b>

(c) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with regulation 32 of the Local Government (Financial Management) Regulations 1996 to agree to the surplus/(deficit) after imposition of general rates.

	Actual Closing 30 Jun 2025	Budget Closing 30 Jun 2026	Year to Date 31 Dec 2025
<b>Adjustments to net current assets</b>			
Less: Reserves - restricted cash	(65,678,157)	(63,912,022)	(65,678,157)
Less: - Financial assets at amortised cost - self supporting loans	(47,106)	-	(23,770)
Less: Unspent loans	(625,629)	-	(625,629)
Less: Inventory - Land Held for Resale	(445,000)	(445,000)	(445,000)
Less: Clearing accounts	-	-	(14,948)
Add: Borrowings	7	6,509,258	3,408,759
Add: Other liabilities		1,866,747	-
Add: Lease liability		173,812	1,023,531
Add: Provisions - employee		4,509,712	806,283
Add: Loan Facility offset		-	-
<b>Total adjustments to net current assets</b>	<b>(53,736,363)</b>	<b>(59,118,449)</b>	<b>(49,418,710)</b>

(d) Net current assets used in the Statement of Financial Activity

<b>Current assets</b>			
Cash and cash equivalents	2	61,810,975	80,461,516
Rates receivables	3	5,061,263	3,055,524
Receivables	3	3,522,190	2,607,617
Other current assets		24,648,414	2,273,976
<b>Less: Current liabilities</b>			
Payables		(21,969,391)	(14,511,115)
Borrowings	7	(6,509,258)	(3,408,759)
Interest earning liabilities		-	-
Unspent non-operating grant, subsidies and contributions liability		(1,866,747)	(2,461,785)
Lease liabilities		(173,812)	(1,023,531)
Provisions		(9,893,570)	(8,579,786)
<b>Less: Total adjustments to net current assets</b>	<b>1(c)</b>	<b>(53,736,363)</b>	<b>(59,118,449)</b>
<b>Closing Funding Surplus / (Deficit)</b>		<b>893,701</b>	<b>(704,792)</b>
			<b>68,379,718</b>

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

OPERATING ACTIVITIES  
NOTE 2  
CASH AND INVESTMENTS

	Total Amount	Interest rate	Total Interest Earnings at Maturity Date	S&P rating	Deposit Date	Maturity Date	Term days
	\$	\$	\$				
<b>Cash on hand</b>	<b>13,176,669</b>			<b>AA-</b>			
Municipal Bank Account (inc. Bonds Investments & Notice Savers)	13,176,669	Variable			NA	NA	
<b>ANZ</b>	<b>32,652</b>		<b>245</b>	<b>AA-</b>			
ANZ TD 10	32,652	3.00%	245		1/10/2025	1/01/2026	92
<b>NAB</b>	<b>39,782,939</b>		<b>493,559</b>	<b>AA-</b>			
NAB TD 114	3,186,294	4.15%	42,888		7/10/2025	4/02/2026	120
NAB TD 115	3,174,279	4.10%	32,119		18/11/2025	17/02/2026	91
NAB TD 118	1,467,439	4.05%	19,282		28/10/2025	25/02/2026	120
NAB TD 125	3,061,678	4.10%	30,980		8/12/2025	9/03/2026	91
NAB TD 126	3,061,678	4.10%	30,980		8/12/2025	9/03/2026	91
NAB TD 127	3,061,678	4.10%	30,980		8/12/2025	9/03/2026	91
NAB TD 132	3,041,425	4.20%	41,425		25/09/2025	23/01/2026	120
NAB TD 133	3,040,932	4.15%	40,932		2/10/2025	30/01/2026	120
NAB TD 131	3,041,425	4.20%	41,425		25/09/2025	23/01/2026	120
NAB TD 134	3,040,932	4.15%	40,932		2/10/2025	30/01/2026	120
NAB TD 42 - 36-976-7906	3,546,361	4.15%	47,735		13/10/2025	10/02/2026	120
Reserve 44 - 70-586-3025	3,531,945	4.10%	46,975		21/10/2025	18/02/2026	120
Reserve 45 - 70-568-6989	3,526,875	4.10%	46,908		21/10/2025	18/02/2026	120
<b>Westpac</b>	<b>44,021,007</b>		<b>892,966</b>	<b>AA-</b>			
WBC TD 102	3,233,122	4.50%	116,798		21/05/2025	21/03/2026	304
WBC TD 110	3,224,370	4.27%	111,085		2/07/2025	2/05/2026	304
WBC TD 112	3,180,190	4.19%	33,235		10/10/2025	10/01/2026	92
WBC TD 119	3,042,312	4.29%	42,312		20/11/2025	20/03/2026	120
WBC TD 120	3,042,312	4.29%	42,312		20/11/2025	20/03/2026	120
WBC TD 121	3,042,312	4.29%	42,312		20/11/2025	20/03/2026	120
WBC TD 122	3,074,423	4.31%	43,308		2/12/2025	2/04/2026	121
WBC TD 123	3,074,423	4.31%	43,308		2/12/2025	2/04/2026	121
WBC TD 124	3,074,423	4.31%	43,308		2/12/2025	2/04/2026	121
WBC TD 128	3,041,814	4.17%	41,814		24/09/2025	24/01/2026	122
WBC TD 129	3,041,814	4.17%	41,814		24/09/2025	24/01/2026	122
WBC TD 130	3,041,814	4.17%	41,814		24/09/2025	24/01/2026	122
Reserve TD WBC 2 - 032-108 267897	3,453,838	4.50%	124,772		18/05/2025	18/03/2026	304
Reserve TD WBC 3 - 032-108 267926	3,453,838	4.50%	124,772		18/05/2025	18/03/2026	304
<b>CBA</b>	<b>11,670,211</b>		<b>155,963</b>	<b>AA-</b>			
CBA TD 47 - B33713404	4,677,274	4.12%	62,508		14/10/2025	11/02/2026	120
CBA TD 48 - B33713404	6,992,937	4.12%	93,455		14/10/2025	11/02/2026	120
<b>Total Municipal and Reserve Funds</b>	<b>108,683,477</b>		<b>1,542,732.51</b>				

Interest revenue		Municipal Cash	Total Restricted Cash
Investment Interest Accrued	951,831	<b>\$43.92 M</b>	<b>\$70.86 M</b>
Investment Interest Matured	939,381		
Rates Interest	672,480		
	<b>2,563,692</b>		

Loan Offset Facility	Amount	Interest rate on loans	Monthly Interest Saved	YTD Interest Saved
Westpac	6,100,000	5.33%	15,066	86,330

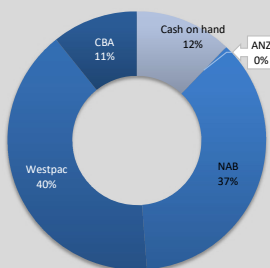
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of twelve months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

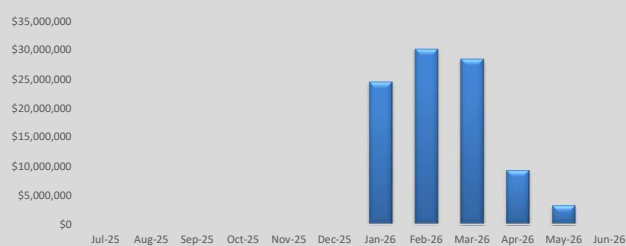
The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

% of Investments with each institution



Invested Funds Maturing Timeline



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

OPERATING ACTIVITIES  
NOTE 3  
RECEIVABLES

Rates Receivable	30-Jun-25	31/12/2024	31 Dec 25
	\$		\$
Opening Arrears Previous Years	3,721,461	3,721,461	3,963,715
Rates levied	98,363,858	97,491,634	104,164,748
Less - Collections to date	(98,121,604)	(72,042,308)	(85,596,439)
Equals Current Outstanding	<b>3,963,715</b>	<b>29,170,786</b>	<b>22,532,025</b>
<b>Net Rates Collectable</b>	<b>3,963,715</b>	<b>29,170,786</b>	<b>22,532,025</b>
% Collected	96.1%	71.2%	79.2%

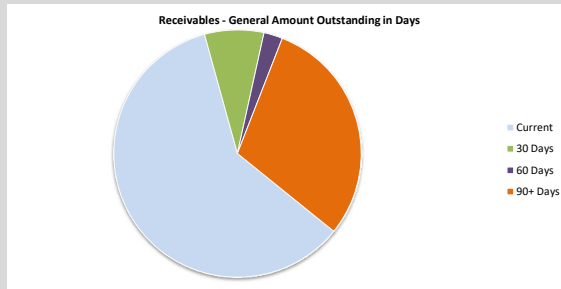
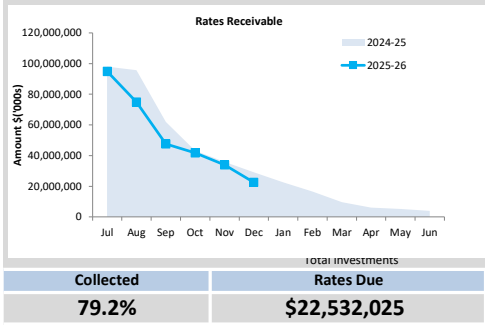
Receivables - General	31-Dec-24	Current	30 Days	60 Days	90+ Days	31 Dec 25
	\$	\$	\$	\$	\$	\$
<b>Balance per Trial Balance</b>						
Sundry receivable	1,105,767	918,722	172,418	35,177	530,001	1,656,319
Recreation Centres	59,830	0	55,002	13,461	18,326	86,789
Mandurah Ocean Marina	63,407	335,656	0	0	0	335,656
GST receivable	898,195	740,556	0	0	0	740,556
Allowance for impairment of receivables	(215,611)	0	0	0	(269,893)	(269,893)
Infringements	1,206,198	17,035	32,448	34,070	727,641	811,194
<b>Total Receivables General Outstanding</b>	<b>3,117,786</b>	<b>2,011,969</b>	<b>259,868</b>	<b>82,708</b>	<b>1,006,075</b>	<b>3,360,620</b>
Percentage		59.9%	7.7%	2.5%	29.9%	

	31 Dec 24	31 Dec 25
- No. of Legal Proceedings Commenced for the financial year	0	0
- No. of properties > \$10,000 outstanding	114	110
- No. of properties between \$3,000 and \$10,000 outstanding	765	915
- Value of Rates Concession	49,247	51,256
- Estimated Value of Rates Exemptions	2,243,551	2,335,088

Other Receivables	31-Dec-24	Current	30 Days	60 Days	90+ Days	31 Dec 25
	\$	\$	\$	\$	\$	\$
<b>Balance per Trial Balance</b>						
Pensioners rates and ESL deferred	4,259,764	0	0	0	4,525,474	4,525,474
Other Receivables	986,689	0	0	0	1,078,394	1,078,394
<b>Total Other Receivables Outstanding</b>	<b>5,246,453</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,603,868</b>	<b>5,603,868</b>
Percentage		0%	0%	0%	100%	

KEY INFORMATION

Rates and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of rates and other receivables is reviewed on an ongoing basis. Other receivables that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



<b>Debtors Due</b>
<b>\$3,360,620</b>
<b>Over 30 Days</b>
<b>40%</b>
<b>Over 90 Days</b>
<b>30%</b>

Collected	Rates Due
<b>79.2%</b>	<b>\$22,532,025</b>

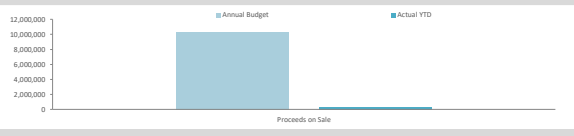
# Ordinary Council Meeting Agenda - 24 February 2026

ATTACHMENT 19.5.1 TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

OPERATING ACTIVITIES  
NOTE 4  
DISPOSAL OF ASSETS

Asset	Asset ID	Directorate	Budget				YTD Actual			
			Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
			\$	\$	\$	\$	\$	\$	\$	
<b>Land</b>										
Land			8,954,091	8,954,091	0	0	0	0	0	0
<b>Light Passenger Vehicles - Replacement</b>										
TOYOTA RAV4 MH13558	C03730	Built & Natural Environment	13,967	13,967	0	0	16,020	23,384	7,364	0
TOYOTA RAV4 MH33038	C04520	Built & Natural Environment	13,732	13,732	0	0	0	0	0	0
SUBARU IMPREZA MH35968	C07220	Built & Natural Environment	9,707	9,707	0	0	0	0	0	0
SUBARU U-G SX MH10598	C04930	Built & Natural Environment	13,365	13,365	0	0	14,568	16,605	2,037	0
MAZDA CX-5B MH38988	C05230	Built & Natural Environment	16,708	16,708	0	0	0	0	0	0
TOYOTA RAV4 MH39688	C00330	Built & Natural Environment	16,429	16,429	0	0	0	0	0	0
MAZDA CX-5 MH34438	C02830	Built & Natural Environment	16,277	16,277	0	0	0	0	0	0
TOYOTA RAV 4 MH42378	C07720	Built & Natural Environment	15,531	15,531	0	0	0	0	0	0
MAZDA CX-5 MH41798	C01030	Built & Natural Environment	15,784	15,784	0	0	17,000	21,338	4,338	0
SUBARU JY MH41008	C07330	Built & Natural Environment	18,559	18,559	0	0	0	0	0	0
NISSAN X-TRAIL MH46788	C00821	Built & Natural Environment	19,352	19,352	0	0	0	0	0	0
NISSAN X-TRAIL MH46778	C05321	Built & Natural Environment	19,352	19,352	0	0	0	0	0	0
TOYOTA RAV4 MH18458	C04221	Built & Natural Environment	16,906	16,906	0	0	0	0	0	0
MH86978 - MAZDA CX-5B	C00623		0	0	0	0	18,573	0	0	(18,573)
<b>Light Commercial Vehicles - Replacement</b>										
DMax 21MY SX MH35928	U00920	Built & Natural Environment	15,048	15,048	0	0	0	0	0	0
FORD RANGER MH31988	U01020	Built & Natural Environment	24,776	24,776	0	0	0	0	0	0
ISUZU D-MAX 21MY SX CREW C/C HI-RIDE 4X2 3.0L MH351	U07030	Built & Natural Environment	16,909	16,909	0	0	0	0	0	0
NAVARRA NAVDP2Y48X MH32198	U05620	Built & Natural Environment	18,398	18,398	0	0	0	0	0	0
FORD RANGER MH30088	U06320	Built & Natural Environment	24,455	24,455	0	0	0	0	0	0
DMax 21MY SX MH41048	U01421	Built & Natural Environment	20,273	20,273	0	0	0	0	0	0
DMax 21MY SX MH41058	U03721	Built & Natural Environment	20,475	20,475	0	0	0	0	0	0
ISUZU D-MAX 21MY SX CREW 4X2 MH44088	U06420	Built & Natural Environment	17,618	17,618	0	0	0	0	0	0
NISSAN NAVARRA RX MH40508	U00530	Built & Natural Environment	13,434	13,434	0	0	0	0	0	0
ISUZU D'MAX MH4431B	U02121	Built & Natural Environment	21,009	21,009	0	0	0	0	0	0
FORD RANGER MH46508	U06221	Built & Natural Environment	23,928	23,928	0	0	0	0	0	0
FORD RANGER MH45948	U01121	Built & Natural Environment	28,129	28,129	0	0	0	0	0	0
FORD RANGER MH48028	U03021	Built & Natural Environment	20,047	20,047	0	0	0	0	0	0
ISUZU MU-X MH53708	C08121	Built & Natural Environment	32,758	32,758	0	0	34,300	30,931	0	(3,369)
FORD RANGER MH49908	U00221	Built & Natural Environment	28,153	28,153	0	0	29,700	23,611	0	(6,089)
ISUZU D'MAX MH33828	U08321	Built & Natural Environment	19,818	19,818	0	0	21,000	34,293	13,293	0
FORD RANGER MH50328	U04421	Built & Natural Environment	16,518	16,518	0	0	17,425	19,065	1,640	0
ISUZU D'MAX MH52508	U01821	Built & Natural Environment	25,429	25,429	0	0	0	0	0	0
ISUZU 21 MY SX MH52298	U06121	Built & Natural Environment	29,216	29,216	0	0	0	0	0	0
FORD TRANSIT CUSTOM MH99388	U01520	Built & Natural Environment	16,940	16,940	0	0	0	0	0	0
<b>Trucks &amp; Buses Replacements</b>										
HINO 1124 MH0562A	T01615	Built & Natural Environment	39,394	39,394	0	0	0	0	0	0
HINO 917 MH1206A	T03016	Built & Natural Environment	21,608	21,608	0	0	0	0	0	0
HINO 917 MH1627A	T03716	Built & Natural Environment	25,874	25,874	0	0	0	0	0	0
HINO 917 MH1625A	T04016	Built & Natural Environment	20,325	20,325	0	0	0	0	0	0
HINO SCARAB MSTRAL HINO 1426 1GH1205	T05019	Built & Natural Environment	136,965	136,965	0	0	0	0	0	0
<b>Trailers</b>										
JET WAIVE DRAIN CLEANER MH90408	V02917	Built & Natural Environment	5,041	5,041	0	0	0	0	0	0
SOUTHWEST CARGO	V04116	Built & Natural Environment	3,784	3,784	0	0	0	0	0	0
SOUTHWEST BOX/TRADE	V042	Built & Natural Environment	0	0	0	0	0	0	0	0
SOUTHWEST CARGO	V04316	Built & Natural Environment	3,784	3,784	0	0	0	0	0	0
PARK BODY BOXTOP	V06316	Built & Natural Environment	3,960	3,960	0	0	0	0	0	0
<b>Parks &amp; Mowers</b>										
KUBOTA RTV UTILITY MH12715	U10819	Built & Natural Environment	7,282	7,282	0	0	0	0	0	0
RAZORBACK CMK2302 RAZORBA	M00521	Built & Natural Environment	5,673	5,673	0	0	0	0	0	0
Toro Groundmaster-3310 MH63728	M01521	Built & Natural Environment	26,730	26,730	0	0	0	0	0	0
TORO GROUNDMASTER 2000 MH63738	M01521	Built & Natural Environment	10,582	10,582	0	0	0	0	0	0
TORO REELMASTER 1H0G168	M02522	Built & Natural Environment	39,162	39,162	0	0	0	0	0	0
MH761X-NEW HOLLAND -3050 TRACTOR	P02		0	0	0	0	15,907	15,427	0	(480)
<b>Miscellaneous Equipment</b>										
SILVAN SQUATPAK SPRAY N/A	F156	Built & Natural Environment	0	0	0	0	0	0	0	0
OTHER ASSES		Built & Natural Environment	0	24,008	0	0	0	0	0	0
<b>Carryovers - Miscellaneous</b>										
GENEUTE GENERATOR PLG-CH5505	PE3820	Recreation Services	91,287	91,287	0	0	0	0	0	0
<b>Carryovers - Trucks and Buses</b>										
MTSUBISHI CANTER MH3807	T017	Parks Central	26,320	26,320	0	0	0	0	0	0
HINO 917 MH905Y	T036	Parks North	29,606	29,606	0	0	0	0	0	0
ISUZU FVR 1000 MH954Y	T009	Civil Construction	65,907	65,907	0	0	0	0	0	0
HINO 1426 MH200W	T022	Civil Maintenance	36,504	36,504	0	0	0	0	0	0
HINO GH1738 MH637Y	T038	Civil Construction	68,383	68,383	0	0	0	0	0	0
HINO 921 MH1428A	T03916	City Traffic	0	0	0	0	21,921	52,391	30,270	0
<b>Carryovers - Parks and Mowers</b>										
Tractor	PE60	Parks and Mowers - Replacement	25,461	25,461	0	0	23,554	27,325	3,771	0
RTV Utility	U10519	Parks and Mowers - Replacement	5,010	5,010	0	0	4,935	13,719	8,784	0
RTV Utility	U10619	Parks and Mowers - Replacement	5,010	5,010	0	0	4,935	15,041	10,106	0
<b>Carryovers - Trailers</b>										
SOUTHWEST BxS BOXTOP MH92151	V03420	Civil Construction	0	0	0	0	6,517	0	0	(6,517)
			0	0	0	0	0	0	0	0
			<b>10,296,732</b>	<b>10,320,740</b>	<b>0</b>	<b>0</b>	<b>246,355</b>	<b>292,930</b>	<b>81,603</b>	<b>(35,028)</b>

KEY INFORMATION



Proceeds on Sale		
Annual Budget	YTD Actual	%
\$10,320,740	\$292,930	3%

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025**

CEO delegation – accepted/rejected tenders during the month  
Awarded under Financial Authorisation \$250,000 and above

**NOTE 5  
TENDERS/QUOTES AWARDED FOR THE MONTH**

Tender code	Tender Description	Company Awarded to	Contract Term	Contract Amount
RFQ18-2025	The Provision of Outdoor Cleaning and Associated Services	Intelife Group Ltd	A period of three (3) years plus two extension options for a further twelve (12) months each	\$1,750,000.00

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025**

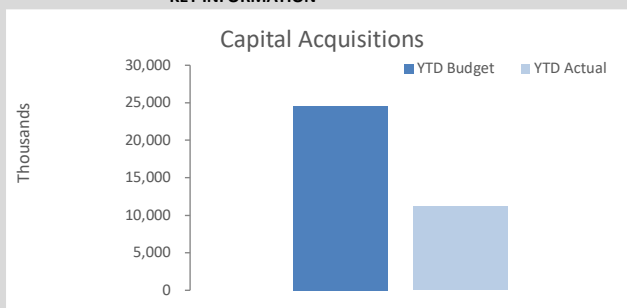
**INVESTING ACTIVITIES  
NOTE 6  
CAPITAL ACQUISITIONS**

Capital Acquisitions	Adopted Budget	Annual Budget	YTD Budget	YTD Actual	YTD Actual Variance
	\$		\$	\$	\$
Buildings	8,378,596	11,970,657	7,156,054	2,195,973	(4,960,081)
Equipment	200,000	280,612	140,306	6,040	(134,266)
Machinery	2,891,120	4,227,728	2,113,865	312,740	(1,801,125)
Infrastructure - Roads	13,832,059	15,118,101	7,511,888	4,331,305	(3,180,583)
Bridges	444,678	241,517	157,383	44,678	(112,705)
Parks	8,969,470	11,312,100	5,497,169	3,464,164	(2,033,005)
Drainage	586,146	871,176	458,661	277,437	(181,224)
Coastal & Estuary	5,015,819	4,025,322	1,493,456	526,204	(967,252)
Other Infrastructure	150,000	124,652	62,326	-	(62,326)
<b>Capital Expenditure Totals</b>	<b>40,467,887</b>	<b>48,171,865</b>	<b>24,591,108</b>	<b>11,158,541</b>	<b>(13,432,567)</b>
<b>Capital Acquisitions Funded By:</b>					
	\$		\$	\$	\$
City of Mandurah Contribution	14,465,163	13,860,200	15,186,618	9,763,548	(5,423,070)
Capital grants and contributions	12,052,916	13,177,960	6,482,643	1,102,063	(5,380,580)
Borrowings	7,510,655	7,775,629	-	-	-
Other (Disposals & C/Fwd)	989,153	1,366,649	2,921,847	292,930	(2,628,918)
Cash Backed Reserves					
Asset Management Reserve	5,300,000	9,691,073	-	-	-
Sustainability Reserve	57,500	57,500	-	-	-
Sanitation Reserve	92,500	1,109,589	-	-	-
Major Public Artworks	-	125,000	-	-	-
Specified Area Rates - Mandurah Quay Canals	-	49,152	-	-	-
Plant Reserve	-	959,112	-	-	-
<b>Capital Funding Total</b>	<b>40,467,887</b>	<b>48,171,865</b>	<b>24,591,108</b>	<b>11,158,541</b>	<b>(13,432,567)</b>

**SIGNIFICANT ACCOUNTING POLICIES**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

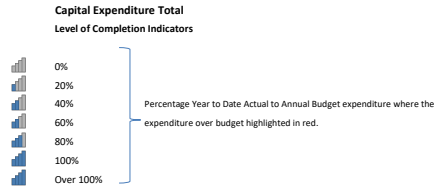
**KEY INFORMATION**



Acquisitions	Annual Budget	YTD Actual	% Spent
	<b>\$48.17 M</b>	<b>\$11.16 M</b>	<b>23%</b>
Capital Grant	Annual Budget	YTD Actual	% Received
	<b>\$13.18 M</b>	<b>\$1.1 M</b>	<b>8%</b>

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

INVESTING ACTIVITIES  
NOTE 6  
CAPITAL ACQUISITIONS (CONTINUED)



Level of completion indicator, please see table at the end of this note for further detail.

Account Description		Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
<b>Land</b>							
<b>Buildings</b>							
750736	Operations Centre Redevelopment	500,000	271,283	171,283	88,783	182,500	Consultant work underway
750756	MPAC HVAC Renewal (Design)	4,705,157	4,734,564	2,419,861	109,157	4,625,408	Refer to Financial Report, Key Capital Projects table.
750776	Minor City Maintenance Capital Renewals	100,000	100,000	50,000	98,766	1,234	Ongoing Program
750790	New - MARC Sports Court Upgrade	326,373	326,373	27,998	27,998	298,375	Design Only
750789	New - Falcon Men's Shed	692,957	51,207	(22,972)	49,707	1,500	Design 10% complete
750827	NEW - Peelwood Reserve Oval Storage	202,232	202,232	53,026	3,032	199,200	Design Only
750788	BLD - Community Shed (Dower St)	245,678	245,678	245,678	111,434	134,244	Design Only
750799	BLD - Meadow Springs Sport Fac Ext Paint	163,244	163,244	18,244	16,444	146,800	Construction to commence Q3
750813	BLD - Southern Estuary Hall Demolition	123,244	123,244	13,244	13,244	110,000	Construction to commence Q4
750805	BLD - MARC Indoor Door & Reception Imp	113,244	113,244	113,244	64,481	48,763	Construction 90% complete
750800	BLD - MARC Squash Court Glass Walls	103,244	103,244	58,244	13,244	90,000	Procurement underway
750806	BLD - Mandurah Bowl Club Floorcovering	104,984	104,984	104,984	95,484	9,500	Complete
750820	BLD - Renew - Falcon Bay Ablution Roof	83,244	83,244	13,244	15,244	68,000	Design Complete
750804	BLD - South Mand Football Cl Sewer Conv	83,244	83,244	83,244	13,244	70,000	Construction to commence Q3
750784	BLD - CASM workshop upgrade	60,386	60,386	10,386	10,386	50,000	Design Only
750824	BLD - 25-26 - Site Main Switchboard	75,007	75,007	50,007	34,144	40,863	Ongoing Program
750825	NEW - Town Beach SLS Storage	35,437	35,437	35,437	6,437	29,000	Design Only
750819	BLD - South Mand Tennis Club Roof Repl	64,984	64,984	64,984	24,984	40,000	Design Only
750786	BLD - Antenna Mast Removal	50,244	50,244	6,622	13,244	37,000	Construction to commence Q4
750798	BLD - Port Bouvard SLC HVAC	50,020	50,020	50,020	15,020	35,000	Construction to commence Q3
750809	BLD - Mandurah Family & CC Roof Cover	59,984	59,984	32,984	26,144	33,840	Design 80% complete
750796	BLD - South Dist BF Ops Demolition	48,244	48,244	13,244	13,244	35,000	Construction to commence Q4
750787	Basketball half court noise mitigation	35,354	35,354	10,354	701	34,654	Construction to commence Q3
750785	New - HHRC Basketball Backboard Winches	39,748	39,748	22,248	4,748	35,000	Construction to commence Q3
750823	NEW - Falcon Pavilion New Bin Storage	35,917	35,917	5,917	917	35,000	Construction to commence Q3
750801	BLD - Sth Mand FC Stormwater	54,984	54,984	54,984	24,984	30,000	Construction to commence Q3
750810	BLD - Coodanup Comm Centre Roof Repairs	54,984	54,984	39,984	25,976	29,008	Construction complete. Finances to be finalised
750802	BLD - MARC Indoor Pirate Playground	49,984	49,984	49,984	24,984	25,000	Design Only
750816	BLD - Madora Bay South Ablution	38,244	38,244	13,244	14,244	24,000	Construction to commence Q3
750807	BLD - Mandurah Museum Roof Replacement	44,984	44,984	44,984	24,984	20,000	Design Only
750792	BLD - MARC Café/Squash Thoroughfare	33,244	13,244	13,244	13,244	0	Project cancelled.
750695	Waste Management Centre Upgrade Fire Fighting Infrastructure	0	647,872	323,936	530	647,342	Construction 10% complete
750660	Waste Management Centre Tipping Shed	0	262,741	262,741	214,145	48,596	Complete
750783	WMC - safety improvement projects	0	106,476	106,476	55,996	50,480	Construction 70% complete
750770	MPAC Entry Door Renewal	0	25,000	12,500	0	25,000	Design Only
750769	MPAC Access and Operational Safety Upgrd	0	240,000	120,000	0	240,000	Construction to commence Q3
750771	MPAC Fire Detection and Protec Sys Upgrd	0	317,453	158,727	45,150	272,303	Procurement underway
750741	Avalon Foreshore Ablution Renewal	0	298,370	298,370	221,556	76,814	Complete
750732	Dawesville Community Centre	0	1,677,262	1,677,262	420,968	1,256,294	Landscape works to commence Q3
750763	Asbestos Removal Program	0	30,000	15,000	0	30,000	Construction to commence Q3

# Ordinary Council Meeting Agenda - 24 February 2026

Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
750773 Rushton Park Kiosk Lower Level Tiling Repairs	0	62,800	62,800	0	62,800	Construction to commence Q3
750828 BLD - Admin Building FIP Replacement	0	25,851	12,926	0	25,851	Construction complete. Finances to be finalised
750687 LED Buildings Plan	0	24,945	9,594	12,609	12,336	Ongoing Program
750689 Works & Services Building Refurb	0	151,258	58,176	38,233	113,025	Construction 90% complete
750761 Administration Centre Facade Renewal	0	156,005	60,002	152,907	3,099	Construction complete. Finances to be finalised
750681 MARC Roof Repairs	0	19,525	7,510	0	19,525	Construction complete. Finances to be finalised
750733 Cinema HVAC Replacement	0	57,562	22,139	27,762	29,800	Construction complete. Finances to be finalised
750753 Site Main Switchboard Program	0	50,000	19,231	7,470	42,530	Ongoing Program
750829 BLD - Falcon Library CU-3 Replacement	0	250,000	35,714	0	250,000	Design 60% complete
750830 NEW - Canopus Display Shed	1	50,000	25,000	0	50,000	Construction to commence Q3
<b>Bridges</b>						
880017 BRG Fathom Turn Footbridge Maintenance	283,849	33,849	123,134	33,849	0	Design Only
880018 BRG - 2025-26 Level Three Inspections	160,829	160,829	10,829	10,829	150,000	Procurement underway
880012 Lakelands Madora Bay Pedestrian Bridge	0	46,839	23,419	0	46,839	Design 80% complete
<b>Parks</b>						
700619 Dawesville SE Foreshore	866,168	972,217	519,192	505,475	466,742	Construction of stage 3B to commence Q3.
700627 Roy Tuckey Reserve BMX Pump Track Renewal	227,483	227,483	100,658	57,483	170,000	Construction to commence Q3
700629 Eastern Foreshore Boardwalk Renewal	361,978	404,592	258,285	114,315	290,277	Design 10% complete
700575 Coodanup Foreshore Park Upgrade	717,890	1,336,910	702,400	602,733	734,177	Refer to Financial Report, Key Capital Projects table.
700635 Norwich Reserve Upgrade	533,514	533,514	298,514	239,752	293,762	Construction 80% complete
700639 Peel Hockey Association Surface Renewal	877,642	877,642	267,642	9,295	868,347	Construction 80% complete
700516 Yalgorup National Park	914,533	314,533	189,533	73,300	241,234	Refer to Financial Report, Key Capital Projects table.
700683 New - Regional Multi-use Facility	468,670	468,670	159,245	53,908	414,762	Design Only
700659 PRK 25-26 Boardwalk and Beach Access Rnwl	734,210	734,210	218,568	43,030	691,180	Construction to commence Q3
700662 PRK 25-26 Merlin Res Sport Light Renewal	401,656	201,656	23,084	2,856	198,800	Design 40% complete
700658 PRK Mississippi Res Playground Upgrade	459,877	459,877	161,464	60,832	399,045	Construction to commence Q3
700656 PRK 25-26 Playground Renewal	338,682	338,682	197,432	267,845	70,837	Construction 90% complete
700680 PRK 25-26 Fencing Renewal	256,708	256,708	136,718	71,814	184,894	Construction 80% complete
700666 PRK 25-26 Parks Furniture Renewal	164,728	164,728	90,728	104,553	60,175	Complete
700672 PRK 25-26 Park Fixtures New	120,354	120,354	60,354	123,620	(3,265)	Complete. Budget Variation for overspend to be processed at Budget Review.
700654 PRK 25-26 Shade Sails New	116,728	116,728	116,728	55,368	61,360	Complete
700671 PRK 25-26 Heritage Bore Renewal	90,354	90,354	45,354	354	90,000	Design Complete
700655 PRK 25-26 Softfall Rubber Renewal	65,275	65,275	65,275	51,861	13,414	Complete
700664 PRK 25-26 Signage Renewal	60,354	60,354	30,354	2,554	57,800	Ongoing Program
700684 NEW - Lakelands Youth Park	68,980	68,980	31,679	18,980	50,000	Design Only
930050 Caddadup Recycled Water Supply (MAR)	188,881	188,881	65,785	23,881	165,000	Feasibility study in progress
700653 25-26 Res Elect Meter Replacement	50,354	50,354	25,354	354	50,000	Ongoing Program
700681 PRK 25-26 Bin Enclosures Upgrade	66,728	66,728	41,728	56,213	10,515	Complete
700667 PRK Sports Court Renewal	42,354	42,354	21,354	354	42,000	Construction to commence Q3
700673 PRK 25-26 Signage New	40,354	40,354	20,354	354	40,000	Ongoing Program
700677 PRK 25-26 Retaining Wall	21,131	21,131	11,133	1,135	19,996	Construction to commence Q3
700678 NEW - Bortolo Goal Compound	17,232	17,232	9,732	22,788	(5,556)	Goal compound storage complete. Budget Variation to add \$45k in grant funding to be processed at Budget Review which will resolve the overspend.
700657 PRK Bardoc Reserve Upgrade	67,483	67,483	57,483	58,909	8,574	Design Only
700670 NEW - Playground, Kardan Loop, Falcon	15,520	15,520	5,520	5,520	10,000	Design Only
700628 24-25 Boardwalk and Beach Access Renewal	0	511,848	255,924	217,967	293,882	Design 90% complete
700586 BW Warrungup Spring Reserve Boardwalk	0	119,162	119,162	27,783	91,378	Construction 90% complete
700634 MARC Double Sided Digital Sign Renewal	0	139,112	69,556	119,736	19,376	Complete
700650 Lakes Lawn Cemetary Recovery	0	227,877	113,939	47,648	180,229	Construction 80% complete
700633 MARC Outdoor Shade Structures New	0	93,516	93,516	99,882	(6,366)	Construction complete. Finances to be finalised. Budget Variation for overspend to be processed at Budget Review.
700652 Pinjarra Rd Tuart Tree Support System	0	66,055	33,027	0	66,055	Construction to commence Q3
700685 PRK - Rushton North Lighting	0	338,022	169,011	0	338,022	Construction to commence Q4
700577 Merlin Street Reserve Activation Plan	0	0	0	(12,532)	12,532	Construction complete. Finances to be finalised
700637 Shade Structures Renewal Program	0	16,911	6,504	10,066	6,844	Ongoing Program
700614 Reserve Meter Renewal Program	0	50,000	19,231	0	50,000	Ongoing Program
700686 Meadow Springs Cricket Nets	0	50,000	25,000	0	50,000	Construction to commence Q3

# Ordinary Council Meeting Agenda - 24 February 2026

Level of completion indicator, please see table at the end of this note for further detail.

Account Description			Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
700687	Lakelands Dugouts		0	82,000	41,000	0	82,000	Construction to commence Q4
930045	Major Public Artworks		0	125,000	62,500	35,523	89,477	Ongoing Program
<b>Roads</b>								
501192	Falcon Coastal Shared Path		658,902	412,448	137,830	69,997	342,451	Refer to Financial Report, Key Capital Projects table.
501264	Lakes Road - Murdoch Drive Blackspot		125,457	0	(1,027)	5,590	(5,590)	Withdrawn project
501265	Lynda Street and Baroy Street Blackspot		382,478	382,478	16,533	16,533	365,945	Construction to commence Q4
501267	Wanjeep Street Blackspot		614,883	0	(5,045)	26,338	(26,338)	Withdrawn project
501291	Pinjarra Road		1,844,765	2,553,754	1,299,259	504,538	2,049,215	Construction 40% complete
501294	Decorative Streetlighting Renewal Project Design		608,181	478,181	243,181	13,181	465,000	Ongoing project
501331	RDS - Renew - Clarice St		1,234,062	1,234,062	1,234,062	939,162	294,900	Construction complete. Finances to be finalised
501304	RDS - Upgrade - Tims Thicket Road		1,233,742	1,233,742	33,742	36,862	1,196,879	Construction to commence Q3
501339	RDS - Resurface - Karinga & Surrounds		659,716	659,716	659,716	161,380	498,336	Construction complete. Finances to be finalised
501308	TMP - BS - Tuckey Street		645,545	645,545	29,906	29,906	615,639	Design 60% complete
501313	TMP - BS Pinjarra-Anstruther Rd Intersect		599,616	599,616	242,377	79,695	519,920	Refer to Financial Report, Key Capital Projects table.
501309	RDS - Renew - Tims Thicket Road		595,767	595,767	24,204	28,603	567,164	Construction to commence Q3
501336	RDS - Resurface - St Annes & Surrounds		528,209	528,209	528,209	380,882	147,327	Construction complete. Finances to be finalised
501334	RDS - Resurface - Kookaburra & Surrounds		497,786	497,786	497,786	437,033	60,754	Construction complete. Finances to be finalised
501329	RDS - Resurface - Canterbury & Surrounds		484,509	484,509	19,764	100,750	383,759	Construction 20% complete
501306	RDS - Resurface - Elmore Way		305,027	305,027	305,027	221,707	83,319	Construction complete. Finances to be finalised
501311	TMP - LATM - Oakmont Avenue		284,171	284,171	12,345	12,345	271,826	Design 60% complete
501338	RDS - Resurface - Angalore Road		262,049	262,049	262,049	240,131	21,919	Construction complete. Finances to be finalised
501333	RDS - Resurface - La Grange & Augusta		241,945	241,945	241,945	169,520	72,424	Construction complete. Finances to be finalised
501332	RDS - Resurface - McLarty Road		229,452	229,452	9,452	13,964	215,488	Construction to commence Q3
501335	RDS - Resurface - Carnoustie Gardens		202,818	202,818	202,818	154,416	48,402	Construction complete. Finances to be finalised
501341	RDS - Resurface - Hestia Way		179,637	179,637	179,637	148,385	31,253	Construction complete. Finances to be finalised
501326	PTH - Renewal - Old Coast Road Bypass		135,738	135,738	2,570	2,570	133,168	Consultant work underway
501320	PTH - Renew - Mandurah Road		132,170	132,170	132,170	2,570	129,600	Construction to commence Q3
501337	RDS - Resurface - Cuvier Place		116,948	9,608	(11,583)	14,556	(4,948)	Withdrawn project
501330	CPK - City Centre Parking Plan Delivery		107,819	107,819	47,032	2,819	105,000	Ongoing Project
501318	TMP - LATM - Glencoe Parade		104,855	104,855	4,705	7,929	96,927	Design 80% complete
501321	PTH - Renew - Caddadup Reserve		101,570	101,570	101,570	2,570	99,000	Construction to commence Q3
501322	RDS - Resurface - Waste Mgmt Centre		107,749	107,749	107,749	140,199	(32,450)	Construction complete. Finances to be finalised. Budget Variation for overspend to be processed at Budget Review.
501328	RDS - Resurface - Blossom Place		93,960	93,960	3,960	12,595	81,365	Construction to commence Q3
501317	TMP - Dandaragan Drive		55,718	55,718	55,718	2,718	53,000	Design Only
501344	SLF - 25-26 Street Furniture Renewal		46,650	46,650	24,400	2,150	44,500	Ongoing Program
501343	SLF - 25-26 Street Furniture New		42,150	42,150	22,150	2,150	40,000	Ongoing Program
501319	TMP - Westview Parade, Wannanup		39,470	39,470	1,960	4,433	35,037	Design 50% complete
501316	TMP - Cossack Way		36,984	36,984	1,896	1,896	35,088	Construction to commence Q3
501325	PTH - Realign - Lively Place		37,570	37,570	37,570	2,609	34,961	Construction to commence Q3
501345	SLF - City Centre Lighting Audit		37,150	37,150	37,150	2,150	35,000	Ongoing project
501303	RDS - Renew - The Glen		58,111	58,111	33,111	33,111	25,000	Design 10% complete
501312	TMP - Arramall Trail		21,844	21,844	21,844	1,213	20,631	Construction to commence Q4
501327	PTH - Renew - Estuary Road		17,570	17,570	2,570	2,570	15,000	Construction to commence Q3
501324	PTH - Renewal - Old Coast Road		16,737	16,737	2,570	2,570	14,167	Construction to commence Q3
501340	RDS - Renew - Finistere Island Retreat		38,111	38,111	33,111	33,111	5,000	Design Only
501314	CPK Merlin St Carpark Renewal		9,290	9,290	9,290	4,290	5,000	Design 80% complete
501310	CPK Doddies Beach Carpark Renewal		9,498	9,498	9,498	4,498	5,000	Design Only
501307	RDS - Renew - Grafton Drive		38,111	38,111	33,111	33,111	5,000	Design Only
501305	PTH - Tanjinn Street, Dawesville PAW		7,570	7,570	7,570	2,570	5,000	Design Only
501193	23-24 TM Clarice St		0	191,460	95,730	41,740	149,719	Construction complete. Finances to be finalised
501129	Trails Project		0	406,159	203,080	0	406,159	Design 90% complete
501194	TM Mandurah Tce/Adonis Rd		0	0	0	1,352	(1,352)	Withdrawn project
501235	RC Peel Street Stage 4		0	70,000	35,000	41,712	28,288	Complete
501175	24-25 TM Discretionary Traffic Management		0	148,953	57,290	16,531	132,423	Ongoing Program
501292	New Street Furniture and Minor Works		0	44,190	16,996	7,698	36,492	Ongoing Program
501293	PTH 24-25 Shared Path Renewal Program		0	287,794	110,690	88,268	199,527	Construction 20% complete
501260	Mewburn Centre Carpark Upgrade		0	13,290	5,112	22,129	(8,839)	Design only. Budget Variation for overspend to be processed at Budget Review.

Ordinary Council Meeting Agenda - 24 February 2026

Level of completion indicator, please see table at the end of this note for further detail.

Account Description		Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
501346	RDS - Preservation RRG - Coolibah Ave	0	532,000	76,000	0	532,000	Construction complete. Finances to be finalised
501347	RDS - Resurface - Cyprus Gardens	0	107,340	16,530	0	107,340	Construction to commence Q3
<b>Drainage</b>							
600226	DRG - Parkview Street	176,238	176,238	11,238	11,238	165,000	Construction to commence Q4
600207	DRG - Cygni Street	156,238	156,238	156,238	104,528	51,710	Construction 60% complete
600211	DRG - Tara Street	101,238	101,238	11,238	18,207	83,031	Design 90% complete
600220	DRG - Durham Crescent	71,238	71,238	71,238	15,627	55,612	Design 30% complete
600225	DRG - Mississippi Drive	16,238	16,238	11,238	11,238	5,000	Design Only
600209	DRG - Portmarmock Circle	16,238	16,238	11,238	11,238	5,000	Design Only
600213	DRG - Scenic Dr and Philante St Int	16,238	16,238	16,238	11,238	5,000	Design Only
600208	DRG - Mandurah Gardens Est	16,238	16,238	11,238	11,238	5,000	Design Only
600219	DRG - Lyelta Street	16,238	16,238	16,238	11,238	5,000	Design Only
600198	DR Mary Street Drainage Renewal	0	285,031	142,515	71,645	213,386	Construction 30% complete
<b>Coastal &amp; Estuary</b>							
911008	Mandurah Quay Seawall Repair	1,768,134	1,889,352	1,003,743	119,965	1,769,387	Construction to commence Q3
911014	C&M - 25-26 Town Beach Seawall Renewal	1,217,856	1,217,856	117,856	121,221	1,096,635	Construction to commence Q3
911020	C&M - 25-26 Birchley Rd Boat Ramp Upgr	957,013	82,013	(72,987)	52,163	29,849	Deferred project
911016	C&M - 25-26 Waterside Foreshore seawall	325,761	40,761	47	10,761	30,000	Design Only
911018	C&M - 25-26 Memorial Park Seawall	278,010	58,010	31,610	28,010	30,000	Design Only
911019	C&M - 25-26 Darwin Tce Public Jetty Renew	30,237	30,237	10,237	10,237	20,000	Design only
911015	C&M - 25-26 Doddys Beach Protection	191,882	191,882	141,882	41,882	150,000	Construction to commence Q3
911013	C&M - Mandjar Bay Concept Planning	155,575	155,575	105,575	55,575	100,000	Concept Planning Only
911017	C&M - 25-26 Breakwater Pde Entry Seawall	91,351	91,351	21,351	21,370	69,981	Construction to commence Q3
911021	In-Water Floating Pontoon	0	55,850	27,925	62,076	(6,226)	Procurement underway
911007	Donnelly Gardens Seawall Repair	0	212,435	106,218	2,944	209,491	Construction to commence Q3
<b>Equipment</b>							
930043	Christmas Decorations Program	200,000	210,612	105,306	0	210,612	Ongoing Program
820185	All Terrain Wheelchair	0	0	0	6,040	(6,040)	Insurance Claim in Progress budget for revenue and expenses to be updated at BR
820195	Furniture & Equipment	0	0	0	0	0	2024/2025 project. Budget Adjustment included in final carryover request.
820198	CCTV Storage	0	70,000	35,000	0	70,000	2024/2025 project. Budget Adjustment included in final carryover request.
<b>Plant &amp; Machinery</b>							
770001	Replacement Light Passenger Vehicles	455,000	455,000	227,500	54,261	400,739	Ongoing Program
770002	Replacement Light Commercial Vehicles	884,000	884,000	442,000	134,509	749,491	Ongoing Program
770006	Trucks and Buses	1,130,500	2,051,918	1,025,959	0	2,051,918	Ongoing Program
770009	Parks and Mowers	283,000	437,189	218,595	106,451	330,738	Ongoing Program
770010	New - Heavy Vehicles Plant and Equipment	40,000	40,000	20,000	0	40,000	Ongoing Program
770011	Miscellaneous Equipment	17,500	257,500	128,750	17,519	239,981	Ongoing Program
770007	Trailers	81,120	81,120	40,560	0	81,120	Ongoing Program
770012	New - Vehicle and Small Plant Program	0	21,001	10,500	0	21,001	Ongoing Program
<b>Other Infrastructure</b>							
930048	LTFP Program - CSRFF	150,000	124,652	62,326	0	124,652	Ongoing Program
700055	Waterfront Project	0	555,443	277,721	123,006	432,436	Construction 90% complete
700665	New - Western Foreshore Leisure Precinct	613,647	613,647	279,425	165,647	448,000	Design Only
<b>Grand Total</b>		<b>40,467,887</b>	<b>48,171,865</b>	<b>24,591,108</b>	<b>11,158,541</b>	<b>37,013,324</b>	

Ordinary Council Meeting Agenda - 24 February 2026

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

FINANCING ACTIVITIES  
NOTE 7  
BORROWINGS

Repayments - Borrowings

Information on Borrowings Particulars	1 July 2025	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Law, order, public safety</b>									
Bortolo Fire Track Water Infrastructure	32,250	-	-	1,755	5,055	30,495	7,217	473	423
<b>Community amenities</b>									
Halls Head Recycled Water 2019/20	116,439	-	-	10,000	19,256	106,440	94,533	1,511	6,455
Ablutions 2021/22	178,490	-	-	16,536	31,209	161,954	141,396	284	3,248
Waste Water Reuse [349]	34,182	-	-	12,042	22,692	22,140	11,694	430	2,864
Halls Head Ablution Block [350]	22,843	-	-	8,025	15,121	14,818	7,855	287	1,912
<b>Recreation and culture</b>									
Falcon Seawall	449,687	-	-	59,937	113,909	389,751	319,182	955	15,713
Mandjar Square Stage 3 and 4	251,679	-	-	26,404	49,977	225,276	192,753	3,253	16,306
Novara Foreshore Stage 3	101,343	-	-	10,664	20,613	90,679	76,982	1,310	5,517
Falcon Skate Park Upgrade	65,726	-	-	5,924	11,042	59,802	54,222	852	4,358
Falcon Bay Foreshore Stage 3 of 4	163,970	-	-	15,190	28,505	148,781	130,912	2,125	10,702
Mandjar Square Final Stage	164,078	-	-	15,204	29,040	148,874	130,962	2,126	9,610
Westbury Way North side POS Stage 3	117,537	-	-	9,959	18,670	107,578	95,728	1,526	7,618
Smart Street Mall Upgrade 2019/20	248,071	-	-	25,017	46,006	223,054	202,043	3,210	16,700
Smart Street Mall 2020/21	710,247	-	-	68,841	110,305	641,406	598,366	1,374	22,998
Enclosed Dog Park	14,508	-	-	969	1,817	13,540	15,357	191	918
Falcon Bay Upgrade - Stage 4 of 5	176,793	-	-	15,929	32,768	160,864	137,459	1,101	5,625
Novara Foreshore Stage 4	69,844	-	-	4,912	9,421	64,933	58,217	921	4,196
Bortolo Reserve - Shared Use Parking and Fire Track Facility	190,419	-	-	18,525	34,251	171,894	149,366	665	6,856
South Harbour Paving Upgrade Stage 2	35,612	-	-	2,409	4,520	33,203	30,024	470	2,255
Eastern/ Western Foreshore 2020/21	671,687	-	-	69,550	129,194	602,137	537,058	1,467	4,915
Falcon Skate Park Upgrade 2020/21	53,033	-	-	3,805	6,810	49,229	44,659	700	3,363
Eastern/ Western Foreshore 2021/22	1,057,173	-	-	96,046	201,616	961,126	818,949	3,156	7,488
Parks and Reserves Upgrades 2021/22	344,126	-	-	31,674	64,453	312,453	268,007	930	3,213
Mandurah Library Re Roofing Project	83,629	-	-	5,507	13,175	78,122	68,186	1,237	2,790
Enclosed Dog Park 2021/22	129,152	-	-	11,357	22,540	117,795	102,566	524	2,178
Falcon Bay Upgrade - Stage 4 of 5 2021/22	51,152	-	-	3,630	9,435	47,522	40,224	756	516
Novara Foreshore Stage 4 2021/22	162,736	-	-	14,983	29,261	147,753	128,340	328	2,164
Smart Street Mall 2021/22	437,105	-	-	40,366	82,018	396,738	340,378	919	4,148
Falcon Reserve Activation Plan Stage 3	297,787	-	-	25,430	51,993	272,357	246,073	873	2,620
2022/23 Parks and Reserves Upgrades	290,167	-	-	24,977	51,179	265,190	239,018	762	2,058
Kangaroo Paw Park	229,309	-	-	19,752	40,177	209,557	189,149	568	2,024
Seascapes Boardwalk	149,003	-	-	13,073	25,991	135,930	123,131	229	1,315
Bruce Cresswell Reserve	146,040	-	-	12,384	25,655	133,656	120,465	465	1,100
Falcon Bay Stage 5 of 5	108,679	-	-	9,420	18,262	99,258	90,527	197	1,545
Mandurah Community Museum Roof and Gutters	96,899	-	-	8,448	17,068	88,451	79,655	163	686
2022/23 South Harbour Upgrades	76,835	-	-	6,637	12,221	70,198	64,911	149	1,494
Pleasant Grove Foreshore	44,383	-	-	2,686	7,386	41,696	37,036	651	682
Smart Street Mall Upgrade	44,138	-	-	2,675	7,367	41,463	36,808	647	665
Parks & Reserves Program	3,177,416	-	-	148,469	272,557	3,028,946	2,909,917	39,258	191,749
Parks & Reserves Upgrade 24-25	1,180,902	-	-	45,922	99,244	1,134,981	1,081,604	14,623	59,339
Parks & Reserves Upgrade 25-26			2,000,000		0		2,000,000		0
Halls Head Bowling Club upgrade [331]	129,500	-	-	20,573	43,842	108,928	82,304	1,702	3,447
MARC Redevelopment Stage 1 [340]	91,169	-	-	46,027	86,974	45,142	-	1,108	2,744
MARC Redevelopment Stage 2 [341]	162,227	-	-	116,194	163,038	46,033	-	630	4,607
Eastern Foreshore Wall [344]	126,209	-	-	73,459	127,115	52,751	-	1,505	4,188
MARC Stage 2 [345]	198,052	-	-	107,392	198,437	90,660	-	1,143	3,597
Falcon Bay Seawall [351]	54,668	-	-	20,197	40,795	34,470	14,162	685	1,880
MARC Solar Plan [353]	75,077	-	-	11,593	23,560	63,483	48,788	988	3,566
Novara Foreshore Development [355]	140,551	-	-	26,013	52,139	114,539	82,287	608	2,553
Falcon Bay Foreshore Upgrades [356]	144,895	-	-	23,794	53,201	121,101	85,262	1,903	1,173
Mandjar Square Development [358]	175,056	-	-	31,993	64,221	143,063	105,329	552	1,872
Lakelands DOS [360]	792,519	-	-	165,139	329,814	627,380	463,103	1,613	8,743
<b>Transport</b>									

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

FINANCING ACTIVITIES  
NOTE 7  
BORROWINGS

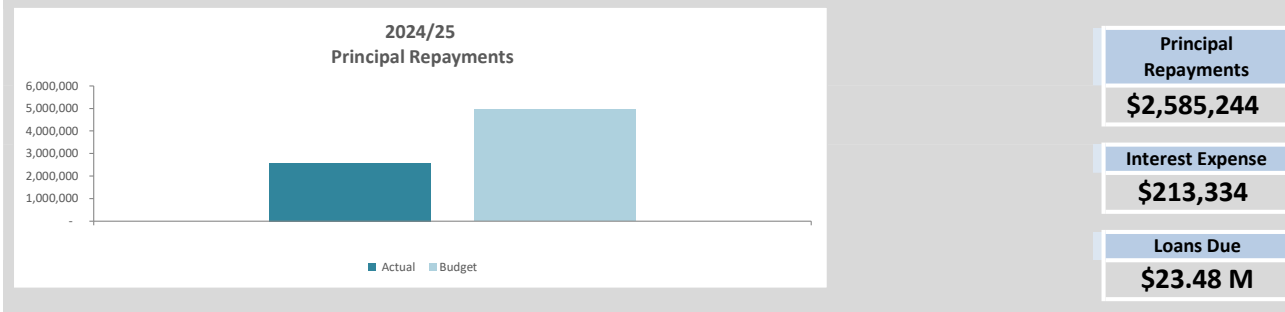
Repayments - Borrowings

Information on Borrowings Particulars	1 July 2025	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
New Road Construction 2018/19	744,243	-	-	98,870	177,241	645,373	550,176	1,726	24,473
New Boardwalks 18/19	252,515	-	-	30,291	51,359	222,223	192,273	1,446	14,117
Pinjarra Road Carpark	101,343	-	-	10,664	20,613	90,679	76,982	1,310	5,517
Coodanup Drive - Road Rehabilitation	51,166	-	-	5,314	10,017	45,852	39,023	661	3,336
South Harbour Upgrade 2019/20	134,200	-	-	11,503	22,075	122,697	108,978	1,742	7,604
New Road Construction 2019/20	404,120	-	-	53,220	99,842	350,900	301,056	975	14,874
New Roads 2020/21	366,177	-	-	36,311	62,140	329,865	297,550	1,136	12,573
Carryover Roads 2020/21	354,133	-	-	32,133	65,568	322,000	275,822	1,079	31,78
Roads 2021/22	179,941	-	-	16,549	31,611	163,392	141,800	305	27,19
Carparks 2021/22	118,730	-	-	10,674	20,752	108,056	94,159	370	21,52
Cambria Island Abutment Wall	42,183	-	-	3,031	7,706	39,152	33,354	624	5,08
RC Pinjarra Road Stage 3	371,737	-	-	31,442	66,212	340,295	305,562	1,259	22,57
RC Pinjarra Road Stage 4	371,752	-	-	31,441	66,211	340,311	305,578	1,259	22,58
Cambria Island Abutment Walls Repair	199,791	-	-	16,558	34,813	183,232	165,151	834	18,37
SP Halls Head PSP	149,003	-	-	13,073	25,991	135,930	123,131	229	13,15
RC Peel Street	84,018	-	-	7,250	12,950	76,768	71,380	115	2,008
Torcello Mews Canal PAW Renewal	75,295	-	-	6,516	12,061	68,779	63,528	126	1,384
Halls Head Pde Beach Central CP Stage 2	73,473	-	-	6,379	11,819	67,095	61,880	100	12,47
Halls Head Parade Car Park Stage 2a	39,191	-	-	2,228	6,555	36,963	32,395	575	2,81
Senior Citizens Carpark	10,258	-	-	513	935	9,745	9,331	151	7,28
Roads & Drainage Program	2,184,422	-	-	102,070	187,379	2,082,351	2,000,517	26,989	13,1824
Roads & Drainage Program 24-25	2,200,048	-	-	85,493	184,898	2,114,554	2,015,102	29,551	11,0553
Roads & Drainage Program 25-26	-	2,500,000	-	-	0	-	2,500,000	-	0
New Road Construction [342]	104,503	-	-	57,740	102,550	46,764	-	1,256	2,788
WMC Tims Thicket [343]	21,316	-	-	9,233	17,503	12,084	2,158	263	1,796
Road Construction [346]	84,706	-	-	31,906	65,514	52,801	19,064	1,060	1,672
MARC Carpark [347]	65,448	-	-	24,163	48,269	41,285	17,544	820	2,795
MPAC Forecourt [348]	28,517	-	-	10,033	18,906	18,484	9,781	359	2,388
Mandurah Marina [352]	75,063	-	-	11,612	23,597	63,452	48,706	988	3,564
MARC Carpark [354]	109,431	-	-	17,388	37,865	92,043	68,092	1,439	2,019
Mandurah Foreshore Boardwalk Renewal [357]	160,058	-	-	29,601	58,832	130,457	95,096	354	1,883
New Road Construction [359]	423,719	-	-	83,208	166,656	340,511	257,332	1,179	42,15
Smoke Bush Retreat Footpath [361]	38,379	-	-	5,658	10,681	32,721	26,599	506	2,627
<b>Economic services</b>									
Mandurah Ocean Marina Chalets Refurbishment	106,292	-	-	9,884	19,399	96,408	83,511	186	1,294
<b>Other property and services</b>									
Civic Building - Tuckey Room Extension	252,716	-	-	26,527	51,184	226,189	192,182	3,266	14,182
Building Renewal & Upgrades Program	1,301,276	-	-	60,806	111,628	1,240,471	1,191,715	16,078	78,528
Mandurah Quay Seawall Repair	0	1,650,000	-	-	-	0	1,650,000	0	0
Building Renewal & Upgrades Program 24-25	720,736	-	0	28,554	60,512	692,181	659,488	8,917	36,180
25-26 Building Renewal & Upgrades	-	1,000,000	-	-	-	-	1,000,000	-	-
	26,064,892	0	7,150,000	2,585,244	4,946,758	23,479,649	27,988,164	213,334	981,370
<b>Total</b>	26,064,892	0	7,150,000	2,585,244	4,946,758	23,479,649	27,988,164	213,334	981,370
Current borrowings	4,946,758	-	7,150,000	2,585,244	4,946,758	2,925,088	4,946,758	213,334	981,370
Non-current borrowings	21,118,134	-	-	-	-	20,554,561	23,041,406	-	-
	26,064,892	-	-	-	-	23,479,649	27,988,164	-	-

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.



Ordinary Council Meeting Agenda - 24 February 2026

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

OPERATING ACTIVITIES  
NOTE 8  
CASH RESERVES

Cash Backed Reserve

Reserve Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Building	1,617,101	252,918	0	8,954,091	0	0	0	10,824,110	1,617,101
Parking	529,269	13,801	0	0	0	0	0	543,070	529,269
Asset Management	26,970,114	555,920	0	733,526	0	(9,691,073)	0	18,568,486	26,970,114
Cultural Centre	493	0	0	0	0	0	0	493	493
Sustainability	296,619	7,734	0	0	0	(57,500)	0	246,853	296,619
Waste Facilities Reserve Fund	10,715,277	198,278	0	0	0	(3,932,463)	0	6,981,092	10,715,277
Interest Free Loans	191,704	0	0	0	0	0	0	191,704	191,704
CLAG	1,415	37	0	20,000	0	0	0	21,452	1,415
Mandurah Ocean Marina	195,681	5,102	0	0	0	0	0	200,783	195,681
Waterways	625,392	15,688	0	0	0	(494,238)	0	146,842	625,392
Port Mandurah Canals Stage 2 Maintenance	102,363	2,669	0	0	0	0	0	105,032	102,363
Mariners Cove Canals	93,266	2,432	0	0	0	0	0	95,698	93,266
Port Bouvard Canal Maintenance Contributions	293,559	7,654	0	0	0	0	0	301,213	293,559
Unspent Grants & Contributions	4,242,098	0	0	0	0	(855,251)	0	3,386,846	4,242,098
Long Service Leave	3,396,631	92,787	0	0	0	(701,115)	0	2,788,302	3,396,631
Bushland and Environmental Protection	1,866,955	43,217	0	0	0	0	0	1,910,172	1,866,955
Coastal Storm Contingency	284,175	7,410	0	0	0	0	0	291,585	284,175
Digital Futures	62,516	1,630	0	0	0	0	0	64,146	62,516
Decked Carparking	1,108,828	28,912	0	0	0	0	0	1,137,740	1,108,828
Specified Area Rates - Waterside Canals	115,404	5,535	0	0	0	(2,942)	0	117,997	115,404
Specified Area Rates - Port Mandurah Canals	200,290	6,270	0	64,900	0	(142,556)	0	128,904	200,290
Specified Area Rates - Mandurah Quay Canals	313,859	16,614	0	27,019	0	(49,152)	0	308,340	313,859
Specified Area Rates - Mandurah Ocean Marina	1,144,422	35,484	0	149,815	0	0	0	1,329,721	1,144,422
Specified Area Rate - Port Bouvard Canals	173,219	9,836	0	0	0	0	0	183,055	173,219
Specified Area Rate - Mariners Cove	5,927	487	0	260	0	0	0	6,674	5,927
Specified Area Rate - Eastport	67,024	2,824	0	962	0	0	0	70,810	67,024
Sportclubs Maintenance Levy	449,570	10,183	0	0	0	0	0	459,753	449,570
City Centre Land Acquisition Reserve	2,131,064	55,567	0	0	0	0	0	2,186,631	2,131,064
Lakelands Community Infrastructure Reserve	1,211,619	31,593	0	0	0	0	0	1,243,212	1,211,619
Plant Reserve	1,911,487	48,694	0	0	0	(959,112)	0	1,001,069	1,911,487
Workers Compensation Reserve	329,536	8,593	0	0	0	0	0	338,129	329,536
Restricted Cash Reserve	4,104,069	47,864	0	0	0	(2,351,907)	0	1,800,027	4,104,069
Community Safety	492,213	12,834	0	0	0	(54,848)	0	450,199	492,213
Public Art Reserve	434,996	11,537	0	0	0	(125,000)	0	321,533	434,996
Large-Scale Arts and Culture Attraction Reserve	0	0	0	0	0	0	0	0	0
	<b>65,678,155</b>	<b>1,540,105</b>	<b>0</b>	<b>9,950,573</b>	<b>0</b>	<b>(19,417,159)</b>	<b>0</b>	<b>57,751,674</b>	<b>65,678,155</b>

Ordinary Council Meeting Agenda - 24 February 2026

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

NOTE 9

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Operating Grant, Subsidies and Contributions Liability				Operating Grants, Subsidies and Contributions Revenue			
	Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Jun	Adopted Budget	Budget Variations	Annual Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Operating Grants and Subsidies</b>								
<b>General purpose funding</b>								
2025-26 Financial Assistance Grant - Local Roads	0	0	0	0	2,399,744	0	2,399,744	1,112,611
2025-26 Financial Assistance Grant - General Roads	0	0	0	0	1,638,400	0	1,638,400	0
<b>Law, order, public safety</b>								
Southern Districts Bush Fire Brigade LGGS: DFES	0	0	0	0	35,000	0	35,000	23,258
Bushfire Mitigation: DFES	0	0	0	0	20,660	0	20,660	0
SES LGGS: 2025/26 DFES	0	0	0	0	51,000	0	51,000	42,425
Bushfire Risk Mitigation Coordinator Grant: City of Cockburn	7,075	20,737	(19,712)	8,101	0	0	0	0
Bushfire Risk Mitigation Coordinator Grant: DFES	14,151	77,223	(39,423)	51,950	82,948	0	82,948	0
CoM Housing Needs Analysis - DPIRD	50,000	0	0	50,000	0	50,000	50,000	0
Stronger Suburbs Cocooning Project	34,303	56,567	0	90,870	115,850	34,303	150,153	0
<b>Education and welfare</b>								
Waterwise Verge Grant: Water Corp	0	0	0	0	10,000	0	10,000	0
Paint the Town REaD: Department of Communities	33,673	0	0	33,673	30,526	33,673	64,199	0
Suicide Prevention Grant: WA Mental Health Commission	0	17,500	0	17,500	0	17,500	17,500	0
International Day of People with Disability Grant	0	1,000	(1,000)	0	0	1,000	1,000	0
<b>Community amenities</b>								
Bus Shelter Maintenance Assistance Scheme: PTA	0	0	0	0	18,623	0	18,623	0
Direct Grant	0	0	0	0	503,803	0	503,803	479,187
<b>Recreation and culture</b>								
Crabfest: Tourism WA 2026	0	0	0	0	140,000	0	140,000	0
Christmas Pageant	0	20,000	0	20,000	0	0	0	0
Christmas Light Trails	0	50,000	0	50,000	0	0	0	0
Christmas Carols	0	50,000	0	50,000	0	0	0	0
Every Club Funding 2026: DLGSC	0	0	0	0	20,480	0	20,480	0
Every Club Funding 2025: DLGSC	37,908	0	0	37,908	0	37,908	37,908	0
Gnoonie Youth Football Cup: Healthway	0	0	0	0	3,072	0	3,072	700
Southern Beaches CHRMAP: DPLH	98,000	28,000	0	126,000	0	140,000	140,000	0
Mandurah Estuarine CHRMAP - DPLH	0	100,000	0	100,000	0	0	0	0
Community Action Plan: Alcohol and Drug Foundation	13,639	0	(13,639)	0	16,925	19,764	36,689	13,639
CASM Signage	18,730	0	(18,730)	0	0	18,730	18,730	18,730
Australia Day 2026 Community Events Grant Program	0	12,000	0	12,000	15,000	0	15,000	0
CASM Art in Residency - DLGSCI	42,000	0	0	42,000	0	42,000	42,000	0
Better Beginnings Community Garden Storytime – Let’s Grow Together!	30,000	0	0	30,000	0	30,000	30,000	0
Gnoonie Cup	0	10,000	0	10,000	0	0	0	0
Community Gardens Grant Program	10,000	0	0	10,000	0	10,000	10,000	0
<b>Other property and services</b>								
Urban Greening Round Two Funding	40,000	0	(40,000)	0	0	40,000	40,000	40,000
<b>TOTALS</b>	<b>429,479</b>	<b>443,027</b>	<b>(132,504)</b>	<b>740,002</b>	<b>5,102,031</b>	<b>474,878</b>	<b>5,576,908</b>	<b>1,730,550</b>

\* The Note 9 above relates to Operating Grants, Subsidies and Contributions with contract liability

Ordinary Council Meeting Agenda - 24 February 2026

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025

NOTE 10  
NON-OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Non Operating Grants, Subsidies and Contributions Liability				Non Operating Grants, Subsidies and Contributions Revenue				
	Liability	Increase in Liability	Liability Reduction (As revenue)	Liability	Adopted Budget Revenue	Budget Variations	Annual Budget	YTD Revenue Actual (b)	
	1-Jul			30-Jun	\$	\$	\$	\$	
<b>Non-Operating Grants and Subsidies</b>									
<b>Community amenities</b>									
750741	Avalon Foreshore Ablution Renewal	-	-	-	0	-	248,370	248,370	0
911014	C&M - 25-26 Town Beach Seawall Renewal	-	-	-	0	1,100,000	-	1,100,000	0
911015	C&M - 25-26 Doddiss Beach Protection	-	-	-	0	75,000	-	75,000	0
<b>Recreation and culture</b>									
750790	New - MARC Sports Court Upgrade	-	-	-	0	298,375	-	298,375	0
750789	New - Falcon Men's Shed	-	-	-	0	446,750	(446,750)	0	0
750827	NEW - Peelwood Reserve Oval Storage	-	-	-	0	200,000	-	200,000	0
750800	BLD - MARC Squash Court Glass Walls	-	-	-	0	30,000	-	30,000	0
750732	Dawesville Community Centre	-	1,737,167	(420,968)	1,316,199	-	1,677,262	1,677,262	420,968
700683	New - Regional Multi-use Facility	-	-	-	0	414,762	-	414,762	0
700639	Peel Hockey Association Surface Renewal	-	72,000	(1,653)	70,347	340,000	-	340,000	1,653
700662	PRK 25-26 Merlin Res Sport Light Renewal	-	-	-	0	400,000	(200,000)	200,000	0
700685	PRK - Rushton North Lighting - State Government	-	100,000	-	100,000	-	100,000	100,000	0
700685	PRK - Rushton North Lighting - Club Night Lights Program	-	-	-	0	-	112,674	112,674	0
700686	Meadow Springs Cricket Nets	-	50,000	-	50,000	-	50,000	50,000	0
700687	Lakelands Dugouts	-	-	-	0	-	82,000	82,000	0
750825	NEW - Town Beach SLS Storage	-	30,000	(1,000)	29,000	-	-	0	1,000
750830	Canopus Display Shed	-	-	-	0	-	50,000	50,000	0
<b>Transport</b>									
880017	BRG Fathom Turn Footbridge Maintenance	-	-	-	0	167,000	(167,000)	0	0
501291	Pinjarra Road	-	480,000	(480,000)	0	1,200,000	472,659	1,672,659	480,000
501331	RDS - Renew - Clarice St	-	-	-	0	1,000,000	-	1,000,000	0
501304	RDS - Upgrade - Tims Thicket Road	-	320,000	(3,121)	316,879	800,000	-	800,000	3,121
501192	Falcon Coastal Shared Path	-	-	-	0	298,500	23,546	322,046	0
501339	RDS - Resurface - Karinga & Surrounds	-	-	-	0	200,000	-	200,000	0
501308	TMP - BS - Tuckey Street	-	164,170	-	164,170	410,426	-	410,426	0
501267	Wanjeep Street Blackspot	-	-	-	0	409,667	(409,667)	0	0
501313	TMP - BS Pinjarra-Anstruther Rd Intersct	-	228,633	(51,662)	176,971	381,055	-	381,055	51,662
501309	RDS - Renew - Tims Thicket Road	-	160,000	(4,399)	155,601	400,000	-	400,000	4,399
501336	RDS - Resurface - St Annes & Surrounds	-	-	-	0	400,000	-	400,000	0
501334	RDS - Resurface - Kookaburra & Surrounds	-	-	-	0	279,615	-	279,615	0
501329	RDS - Resurface - Canterbury & Surrounds	-	-	-	0	400,000	-	400,000	0
501346	Preservation - Coolibah Ave	-	-	-	0	-	354,667	354,667	0
501265	Lynda Street and Baroy Street Blackspot	100,924	-	-	100,924	256,367	-	256,367	0
501306	RDS - Resurface - Elmore Way	-	-	-	0	200,000	-	200,000	0
501311	TMP - LATM - Oakmont Avenue	-	30,706	-	30,706	181,217	-	181,217	0
501264	Lakes Road - Murdoch Drive Blackspot	-	-	-	0	98,666	(98,666)	0	0
501330	CPK - City Centre Parking Plan Delivery	-	-	-	0	50,000	-	50,000	0
501318	TMP - LATM - Glencoe Parade	-	26,706	(3,223)	23,483	66,766	-	66,766	3,223
501343	SLF - 25-26 Street Furniture New	-	-	-	0	20,000	-	20,000	0
501193	23-24 TM Clarice St	68,659	-	(41,740)	26,918	-	103,745	103,745	41,740
501129	Trails Project	195,452	-	-	195,452	-	231,294	231,294	0
501194	TM Mandurah Tce/Adonis Rd	21,535	-	(1,352)	20,183	-	-	0	1,352
700516	Yalgorup National Park	1,046,527	-	(8,767)	1,037,760	850,000	(599,999)	250,001	8,767
911020	C&M - 25-26 Birchley Rd Boat Ramp Upgr	-	-	-	0	678,750	(678,750)	0	0
501213	23-24 RS Charon Rd	1,906	-	-	1,906	-	-	-	0
501196	23-24 TM Wanjeep St	2,265	-	-	2,265	-	-	-	0
501235	RC Peel Street Stage 4	-	-	-	0	-	20,573	20,573	20,573
		<b>1,437,267</b>	<b>3,399,382</b>	<b>(1,017,884)</b>	<b>3,818,764</b>	<b>12,052,916</b>	<b>925,958</b>	<b>12,978,873</b>	<b>1,038,457</b>
<b>Non-Operating Contributions</b>									
<b>Recreation and culture</b>									
700639	Peel Hockey Association Surface Renewal	0	-	-	0	0	0	0	50,000
<b>Transport</b>									
700650	Lakes Lawn Cemetery Recovery	-	-	-	0	-	173,235	173,235	0
<b>Other property and services</b>									
750828	BLD - Admin Building FIP Replacement	-	-	-	0	-	25,851	25,851	0
770007	Trailers	-	-	-	0	-	-	-	8,566
820185	All Terrain Wheelchair	0	0	0	0	-	-	-	5,040
		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>199,086</b>	<b>199,086</b>	<b>63,606</b>
<b>Total Non-operating grants, subsidies and contributions</b>		<b>1,437,267</b>	<b>3,399,382</b>	<b>(1,017,884)</b>	<b>3,818,764</b>	<b>12,052,916</b>	<b>1,125,044</b>	<b>13,177,959</b>	<b>1,102,063</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025**

**NOTE 11  
PROPOSED BUDGET VARIATIONS FOR COUNCIL APPROVAL**

The following are for consideration for Council to approve as budget variations

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
				0	0	0	(704,792)
							<b>(704,792)</b>

Ordinary Council Meeting Agenda - 24 February 2026

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025**

Amendments to original budget since budget adoption. Surplus/(Deficit)  
A positive number in the amended budget running balance represents an estimated closing surplus.  
A negative number in the amended budget running balance represents an estimated closing deficit

**NOTE 12  
BUDGET AMENDMENTS APPROVED**

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
							(504,792)
	2024/25 Capital Carryover - Capital adjustment	June OCM G. 11/06/25	Capital Expenses			(4,989,906)	(5,494,698)
	2024/25 Capital Carryover - Loan adjustment	June OCM G. 11/06/25	Other: Unutilised Loans		144,577		(5,350,121)
	2024/25 Capital Carryover - Reserve adjustment	June OCM G. 11/06/25	Other: Transfer Out of Reserve		3,034,995		(2,315,126)
	2024/25 Capital Carryover - Proceeds adjustment	June OCM G. 11/06/25	Capital Revenue		35,481		(2,279,645)
	2024/25 Capital Carryover - Grants and contributions adjustments	June OCM G. 11/06/25	Capital Revenue		1,774,853		(504,792)
	2024/25 Capital Carryover - Grants and contributions adjustments	June OCM G. 11/06/25	Other: Transfer Out of Reserve		225,117		(279,675)
	2024/25 Capital Carryover - Contract Liability	June OCM G. 11/06/25	Non Cash Item	(225,117)			(504,792)
	Operating Carryovers - Reduction in Contracts and Materials	June OCM G. 11/06/25	Operating Expenses			(1,882,385)	(2,387,177)
	Operating Carryovers - Unspent Grant Reserve	June OCM G. 11/06/25	Other: Transfer Out of Reserve		156,680		(2,230,497)
	Operating Carryovers - Restricted Cash Reserve	June OCM G. 11/06/25	Other: Transfer Out of Reserve		1,725,705		(504,792)
	Operating Carryovers - Increase in Operating Revenue	June OCM G. 11/06/25	Operating Revenue		152,135		(352,657)
	Operating Carryovers - Contract Liability	June OCM G. 11/06/25	Non Cash Item	(152,135)			(504,792)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Capital adjustment	June OCM G. 11/06/25	Capital Expenses			(3,692,843)	(4,197,635)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Loan adjustment	June OCM G. 11/06/25	Other: Unutilised Loans		65,848		(4,131,787)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Proceeds adjustment	June OCM G. 11/06/25	Capital Revenue		318,007		(3,813,780)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Grants and contributions adjustment	June OCM G. 11/06/25	Capital Revenue		486,647		(3,327,133)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Reserve adjustment	June OCM G. 11/06/25	Other: Transfer Out of Reserve		2,822,341		(504,792)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Unspent Grants Reserve adjustment	June OCM G. 11/06/25	Other: Transfer Out of Reserve		140,719		(364,073)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Contract Liability	June OCM G. 11/06/25	Non Cash Item	(140,719)			(504,792)
700685-6600-1001-61129	Rushton North Lighting	June OCM G. 11/06/25	Capital Expenses			(338,022)	(842,814)
700685-6600-1263-41403	Rushton North Lighting - State Election Promise Grant	June OCM G. 11/06/25	Capital Revenue		100,000		(742,814)
700685-6600-1263-41403	Rushton North Lighting - Club Night Lights Program Grant	June OCM G. 11/06/25	Capital Revenue		112,674		(630,140)
930044-6600-1001-61129	CSRFF Small Grant Program	June OCM G. 11/06/25	Capital Expenses		100,000		(530,140)
930048-6500-1001-61129	LTFP Program - CSRFF	June OCM G. 11/06/25	Capital Expenses		25,348		(504,792)
100010-4390-1267-61001	Administration - Health Promotion - Grant Expenditure	Aug OCM G. 17/08/25	Operating Expenses			(17,500)	(522,292)
100010-4390-1263-41400	Suicide Prevention Grant - WA Mental Health Commission	Aug OCM G. 17/08/25	Operating Revenue		17,500		(504,792)
100170-4200-1263-61129	CASM Artist in Residency and Mentorship Program	Aug OCM G. 17/08/25	Operating Expenses			(42,000)	(546,792)
100170-4200-1263-41400	CASM Artist in Residency and Mentorship Program Grant - LGSCI	Aug OCM G. 17/08/25	Operating Revenue		42,000		(504,792)
100010-4120-1169-61001	Administration - Strategic Planning - Corporate Projects	Aug OCM G. 17/08/25	Operating Expenses			(50,000)	(554,792)
100010-4120-1263-41400	Administration - Strategic Planning - Operating Grants - PDC	Aug OCM G. 17/08/25	Operating Revenue		50,000		(504,792)
100010-1110-1001-61129	Administration - Economic Development - CoM Project Management Projects	Aug OCM G. 17/08/25	Operating Expenses			(200,000)	(704,792)
750695-6100-1001-61129	Waste Management Centre Upgrade Fire Fighting Infrastructure	Aug OCM G. 17/08/25	Capital Expenses			(150,000)	(854,792)
	Waste Facilities Reserve	Aug OCM G. 17/08/25	Other: Transfer Out of Reserve		150,000		(704,792)
750828-6100-1001-61129	BLD - Admin Building FIP Replacement	Aug OCM G. 17/08/25	Capital Expenses			(25,851)	(730,643)
750828-6100-1305-41452	Insurance Claim Proceeds - Contributions - Non-Operating	Aug OCM G. 17/08/25	Capital Revenue		25,851		(704,792)
930045-6600-1001-61129	Major Public Artworks	Aug OCM G. 17/08/25	Capital Expenses			(125,000)	(829,792)
	Public Art Reserve	Aug OCM G. 17/08/25	Other: Transfer Out of Reserve		125,000		(704,792)
124012-5850-2150-61129	Mandurah Estuary Bridge Duplication - Fishing Platform project	Aug OCM G. 17/08/25	Operating Expenses			(160,000)	(864,792)
	Restricted Cash Reserve	Aug OCM G. 17/08/25	Other: Transfer Out of Reserve		160,000		(704,792)
100010-5410-1738-41130	Administration - Design and Development - Works in City Managed Reserves Permit - Fees and Charges	Aug OCM G. 19/08/25	Operating Revenue		300,000		(404,792)
100004-5410-1001-60001	Payroll Services - Design and Development - Salaries and Wages	Aug OCM G. 19/08/25	Operating Expenses			(300,000)	(704,792)
	2024-25 Operating Carryover Adjustment - Increase in Materials/Contracts	Sept OCM G. 3/10/25	Operating Expenses			(385,484)	(1,090,276)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025**

Amendments to original budget since budget adoption. Surplus/(Deficit)  
A positive number in the amended budget running balance represents an estimated closing surplus.  
A negative number in the amended budget running balance represents an estimated closing deficit

**NOTE 12  
BUDGET AMENDMENTS APPROVED**

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	2024-25 Operating Carryovers - Restricted Cash Reserve	Sept OCM G. 3/10/25	Other: Transfer Out of Reserve		316,303		(773,973)
	2024-25 Operating Carryovers - Unspent Grant Reserve	Sept OCM G. 3/10/25	Other: Transfer Out of Reserve		21,056		(752,917)
	2024-25 Operating Carryover Adjustment - Increase in Grants/Contributions	Sept OCM G. 3/10/25	Operating Revenue		212,243		(540,674)
	2024-25 Operating Carryover Adjustment - Non Cash Grant Movements	Sept OCM G. 3/10/25	Non Cash Item	(164,118)			(704,792)
	Capital Carryover - Capital adjustment	Sept OCM G. 3/10/25	Capital Expenses			(2,631,032)	(3,335,824)
	Capital Carryover - Loan adjustment	Sept OCM G. 3/10/25	Other: Unutilised Loans		54,548		(3,281,276)
	Capital Carryover - Net Reserve adjustment	Sept OCM G. 3/10/25	Other: Transfer Out of Reserve		1,882,642		(1,398,634)
	Capital Carryover - Proceeds adjustment	Sept OCM G. 3/10/25	Other: Proceeds From Sale of Assets		24,008		(1,374,626)
	Capital Carryover - Grants adjustments	Sept OCM G. 3/10/25	Capital Revenue		669,834		(704,792)
	Capital Carryover - Unspent Grant Reserve adjustment	Sept OCM G. 3/10/25	Other: Transfer Out of Reserve		1,067,260		362,468
	Capital Carryovers - Contract Liability	Sept OCM G. 3/10/25		(1,067,260)			(704,792)
700686-6600-1001-61001	Meadow Springs Cricket Nets	Sept OCM G. 3/10/25	Capital Expenses			(50,000)	(754,792)
700686-6600-1001-41403	Meadow Springs Cricket Nets - State Election Grant Funding	Sept OCM G. 3/10/25	Capital Revenue		50,000		(704,792)
101012-4505-1263-41400	International Day for People with Disability	Oct OCM G. 8/11/25	Operating Revenue		1,000		(703,792)
101012-4505-1263-61001	International Day for People with Disability	Oct OCM G. 8/11/25	Operating Expenses			(1,000)	(704,792)
700687-6600-1001-41403	Lakelands Dugouts - State Election Grant Funding	Oct OCM G. 8/11/25	Capital Revenue		82,000		(622,792)
700687-6600-1001-61001	Lakelands Dugouts	Oct OCM G. 8/11/25	Capital Expenses			(82,000)	(704,792)
700633-6600-1001-61129	MARC Shadesails	Oct OCM G. 8/11/25	Capital Expenses			(20,000)	(724,792)
750792-6100-1001-61129	MARC Café/Squash Thoroughfare	Oct OCM G. 8/11/25	Capital Expenses		20,000		(704,792)
	Waste	Oct OCM G. 8/11/25	Other: Transfer Out of Reserve		20,000		(684,792)
750783-6100-1001-61129	Waste - Safety Improvement Projects	Oct OCM G. 8/11/25	Capital Expenses			(20,000)	(704,792)
131007-5410-1263-61129	Waltham Street Design and Development	Oct OCM G. 8/11/25	Operating Expenses			(149,899)	(854,691)
	2024-25 Operating Carryovers - Restricted Cash Reserve	Oct OCM G. 8/11/25	Other: Transfer Out of Reserve		149,899		(704,792)
163046-4000-1263-41400	Canopus Restoration Project	Oct OCM G. 8/11/25	Operating Revenue		50,000		(654,792)
163046-4000-1263-61001	Canopus Restoration Project	Oct OCM G. 8/11/25	Operating Expenses			(50,000)	(704,792)
100010-1000-1169-61001	Administration Chief Executive Corporate Project	Oct OCM G. 8/11/25	Operating Expenses		55,850		(648,942)
911021-6400-1001-61001	In-water floating pontoon	Oct OCM G. 8/11/25	Capital Expenses			(55,850)	(704,792)
700662-6600-1001-61129	PRK 25-26 Merlin Reserve Renewal	Nov OCM G. 6/12/25	Capital Expenses		200,000		(504,792)
700662-6600-1263-41403	PRK 25-26 Merlin Reserve Renewal - State Election Commitment Grant	Nov OCM G. 6/12/25	Capital Revenue			(200,000)	(704,792)
501264-6250-1001-XXXXX	Lakes Road - Murdoch Drive	Nov OCM G. 6/12/25	Capital Expenses		125,457		(579,335)
XXXXXX-XXXX-XXXX-60206	Lakes Road - Murdoch Drive design and management OH	Nov OCM G. 6/12/25	Capital Expenses			(5,590)	(584,925)
501264-6250-1263-41403	Lakes Road - Murdoch Drive Blackspot Grant	Nov OCM G. 6/12/25	Capital Revenue			(98,666)	(683,591)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(21,201)	(704,792)
501194-6250-1001-61001	23-24 TM Mandurah Tce/Adonis Rd	Nov OCM G. 6/12/25	Capital Expenses		110,853		(593,939)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(31,917)	(625,856)
501194-6250-1263-41403	23-24 TM Mandurah Tce/Adonis Rd Grant	Nov OCM G. 6/12/25	Capital Revenue			(78,936)	(704,792)
501267-6250-1001-61001	Wanjeep Street Blackspot	Nov OCM G. 6/12/25	Capital Expenses		614,883		(89,909)
XXXXXX-XXXX-XXXX-60206	Wanjeep Street Blackspot design & management OH	Nov OCM G. 6/12/25	Capital Expenses			(26,338)	(116,247)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(178,878)	(295,125)
501267-6250-1263-41403	Wanjeep Street Blackspot Grant	Nov OCM G. 6/12/25	Capital Revenue			(409,667)	(704,792)
501235-6250-1001-61129	RC Peel Street Stage 4	Nov OCM G. 6/12/25	Capital Expenses		700,284		(4,508)
501235-6250-1263-41403	RC Peel Street Stage 4 Regional Road Group Grant	Nov OCM G. 6/12/25	Capital Revenue			(164,150)	(168,658)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025**

Amendments to original budget since budget adoption. Surplus/(Deficit)  
A positive number in the amended budget running balance represents an estimated closing surplus.  
A negative number in the amended budget running balance represents an estimated closing deficit

**NOTE 12  
BUDGET AMENDMENTS APPROVED**

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(536,134)	(704,792)
501291-6250-1001-6XXXX	Pinjarra Rd	Nov OCM G. 6/12/25	Capital Expenses			(708,989)	(1,413,781)
501291-6250-1263-41403	Pinjarra Rd - Regional Road Group Grant	Nov OCM G. 6/12/25	Capital Revenue		472,659		(941,122)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve		236,330		(704,792)
New-6250-1001-61129	Preservation - Coolibah Ave	Nov OCM G. 6/12/25	Capital Expenses			(532,000)	(1,236,792)
New-6250-1263-41403	Coolibah Ave - Regional Road Group Grant	Nov OCM G. 6/12/25	Capital Revenue		354,667		(882,125)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve		177,333		(704,792)
501337-6250-1001-6XXXX	RDS - Resurface - Cuvier Place	Nov OCM G. 6/12/25	Capital Expenses		107,340		(597,451)
New-6250-1001-6XXXX	RDS - Resurface - Cyprus Gardens	Nov OCM G. 6/12/25	Capital Expenses			(107,340)	(704,792)
750789-6100-1001-61129	Falcon Men's Shed	Nov OCM G. 6/12/25	Capital Expenses		641,750		(63,042)
750789-6100-1263-41403	Falcon Men's Shed Grant	Nov OCM G. 6/12/25	Capital Revenue			(446,750)	(509,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(195,000)	(704,792)
911020-6400-1001-61129	Birchley Rd Boat Ramp Upgrade	Nov OCM G. 6/12/25	Capital Expenses		875,000		170,208
911020-6400-1263-41403	Birchley Rd Boat Ramp Upgrade - Grant	Nov OCM G. 6/12/25	Capital Revenue			(678,750)	(508,542)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(196,250)	(704,792)
501192-6250-1001-61129	New - Falcon Coastal Shared Path	Nov OCM G. 6/12/25	Capital Expenses		300,000		(404,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(94,392)	(499,184)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(205,608)	(704,792)
750736-6100-1001-61129	Operations Centre Redevelopment	Nov OCM G. 6/12/25	Capital Expenses		428,717		(276,075)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(200,000)	(476,075)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(228,717)	(704,792)
880017-6150-1001-61129	BRG Fathom Turn Footbridge Maintenance	Nov OCM G. 6/12/25	Capital Expenses		250,000		(454,792)
880017-6150-1263-41403	BRG Fathom Turn Footbridge Maintenance	Nov OCM G. 6/12/25	Capital Revenue			(167,000)	(621,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(83,000)	(704,792)
911018-6400-1001-61129	C&M - 25-26 Memorial Park Seawall	Nov OCM G. 6/12/25	Capital Expenses		220,000		(484,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(220,000)	(704,792)
911016-6400-1001-61129	C&M - 25-26 Waterside Foreshore seawall	Nov OCM G. 6/12/25	Capital Expenses		285,000		(419,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(285,000)	(704,792)
501294-6250-1001-61129	Decorative Street Lighting Renewal	Nov OCM G. 6/12/25	Capital Expenses		380,000		(324,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(380,000)	(704,792)
700516-6600-1001-61129	Yalgorup National Park	Nov OCM G. 6/12/25	Capital Expenses		810,223		105,431
700516-6600-1263-41403	Yalgorup National Park - DPIRD Grant	Nov OCM G. 6/12/25	Capital Revenue			(810,223)	(704,792)
	Unspent Grant Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(810,223)	(1,515,015)
	Capital Revenue Adjustment - Contract Liability	Nov OCM G. 6/12/25	Non Cash Item	810,223			(704,792)
New-6100-1001-61129	Falcon Library Compressor Unit Replacement	Nov OCM G. 6/12/25	Capital Expenses			(250,000)	(954,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve		250,000		(704,792)
New-6100-1001-61129	Canopus Display Shed	Nov OCM G. 6/12/25	Capital Expenses			(50,000)	(754,792)
163046-4000-1263-61001	Place & Community Projects- Operating Expenditure	Nov OCM G. 6/12/25	Operating Expenses		50,000		(704,792)
New-6100-1001-61129	Canopus Display Shed	Nov OCM G. 6/12/25	Capital Revenue		50,000		(654,792)
163046-4000-1263-41400	Canopus Display Shed operating	Nov OCM G. 6/12/25	Operating Revenue			(50,000)	(704,792)
New	CCTV - Storage Server Upgrade	Nov OCM G. 6/12/25	Capital Expenses			(70,000)	(774,792)
100004-3310-1650-60053	Organisational Training and Development	Nov OCM G. 6/12/25	Operating Expenses		70,000		(704,792)
				<b>(939,126)</b>	<b>24,678,617</b>	<b>(23,939,490)</b>	<b>(704,792)</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 DECEMBER 2025**

**NOTE 13  
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2025-26 year is 10.00%

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
<b>Revenue from operating activities</b>				
Operating grants, subsidies and contributions	(443,115)	(11.27%)	▼ Timing	Variance primarily due to budgeted grants/contributions not yet received. Will be monitored throughout the remainder of the year.
Other revenue	115,411	258.40%	▲ Timing	Variance primarily due to containers deposit scheme & Fuel Tax Credit rebate received.
Profit on disposal of assets	81,603	100.00%	▲ Permanent	Favourable non-cash variance due to asset disposals. At budget it was projected disposal proceeds would equal book value. Actual disposals have been more favourable for some fleet assets. Refer to note 4 for the asset disposals.
<b>Expenditure from operating activities</b>				
Materials and contracts	4,730,257	13.45%	▲ Timing	Variance in expenditure due to timing of projects.
Utility charges	325,487	12.94%	▲ Timing	Variance mainly for Street Lighting Maintenance invoicing timing, to be monitored during the year.
Interest expenses	175,357	29.69%	▲ Timing	Variance in line with repayment of debentures will be monitored throughout the year
Insurance expenses	126,471	15.66%	▲ Timing	Variance mainly due to timing of insurance claims, will be monitored during the year
Other expenditure	(53,135)	100.00%	▼ Permanent	Variance relates to accounting adjustment made throughout the year.
Loss on disposal of assets	(35,028)	100.00%	▼ Permanent	Non-cash variance due to assets sales. At budget it was projected disposal proceeds would equal book value. Actual disposals have been less favourable for some fleet assets. Refer to note 4 for details of assets disposals.
<b>Investing Activities</b>				
Non-operating Grants, Subsidies and Contributions	(5,486,917)	(83.27%)	▼ Timing	Capital grants are recognised in line with capital expenditure.
Proceeds from Disposal of Assets	(4,867,441)	(94.32%)	▼ Timing	At budget it was projected disposal proceeds would equal book value. Actual timing of disposals will vary throughout the year. Refer to note 4 for further details.
Capital Acquisitions	13,420,035	54.57%	▲ Timing	Variance due timing of capital projects. Refer to note 6 for further details.
<b>Financing Activities</b>				
Payment of lease liability	74,809	39.93%	▲ Timing	Varying repayment terms on lease agreements and new take up of IT leases occurring within the year

**Subject:** 19.6 Monthly Financial Report - January 2026

**Summary**

The Financial Report for January 2026 together with associated commentaries, notes on investments, balance sheet information, schedule of accounts and the tenders awarded under the delegation by the Chief Executive Officer are presented for Elected Members' consideration.

**Disclosure of Interest**

Nil

**Previous Relevant Documentation**

Council Min. No	Date of Meeting	Precis of report/resolution
G.5/6/24	25/06/2025	Budget Adoption 2025/26

**Background**

Nil

**Comment**

The Financial Report for January 2026 shows an actual surplus for this period of \$59.3 million. This is considered a reasonable surplus at the current point in time and is sufficient to meet the City's obligations up to 30 June 2026.

In the month of July, the City issues invoices for Rates and Refuse, leading to a substantial surplus at the beginning of the financial year. However, as the year progresses, this surplus gradually diminishes due to the City's budgetary expenditures. The Financial Report for January 2026 shows that as of January 2026, \$88.9 million (82.1%) of the rates have been received.

A summary of the financial position for January 2026 is detailed in the table below:

	Current Budget	YTD Budget (a)	YTD Actual (b)	Var. (b)-(a)	Var.% (b)-(a)/(a)
	\$ 000s	\$ 000s	\$ 000s	\$ 000s	%
<b>Opening Funding Surplus / (Deficit)</b>	<b>600</b>	<b>600</b>	<b>894</b>	<b>294</b>	<b>49%</b>
<b>Revenue</b>					
Revenue from operating activities	154,830	141,294	144,429	3,135	2%
Capital revenue, grants and Contribution	23,499	13,708	1,535	(12,172)	-89%
	<b>178,328</b>	<b>155,001</b>	<b>145,964</b>	<b>(9,037)</b>	
<b>Expenditure</b>					
Operating Expenditure	(175,111)	(100,625)	(91,609)	9,016	-9%
Capital Expenditure	(48,172)	(28,644)	(12,639)	16,004	-56%
	<b>(223,283)</b>	<b>(129,269)</b>	<b>(104,249)</b>	<b>25,020</b>	
Non-cash amounts excluded from operating activities	35,718	20,836	18,035	(2,801)	-13%
Non-cash amounts excluded from investing activities	(1,089)	(1,089)	2,511	3,600	-331%
Other Capital Movements	9,021	(3,853)	(3,865)	(11)	0%
<b>Closing Funding Surplus / (Deficit)</b>	<b>(705)</b>	<b>42,225</b>	<b>59,290</b>	<b>17,065</b>	<b>40%</b>

The following table highlights the status of the City's key capital projects for the 2025/2026 financial year:

<b>Project</b>	<b>2025/26 Actuals Incl. CMT \$`000s</b>	<b>2025/26 Annual Budget \$`000s</b>	<b>On Time / On Budget</b>	<b>Asset Classification</b>	<b>Comment</b>
Mandurah Performing Arts Centre – HVAC Renewal	241	4735	The project schedule is being reviewed taking into account the operational requirements of the ManPAC. The proposed construction program will be prepared as part of the detailed design phase, expected to be completed by May 2026. The project is expected to be delivered within budget.	<i>Buildings</i>	Detailed design is progressing and expected to be completed by May 2026. The final timetable for the construction works is being developed as part of the detailed design phase.
Coodanup Foreshore	897	1,337	Stages 1 and 2 are complete.  Stage 3 is expected to be completed within budget.  Stage 4 is expected to be delivered this financial year within budget.	<i>Parks</i>	Stages 1 and 2 were completed in December 2023.  Stage 3 - Landscape construction was completed in October 2025.  Stage 4 - Currently in design, with final amendments being made as part of community consultation. Construction works are now expected to commence, shortly after the conclusion of the community consultation process, in April 2026.

<p>Falcon Coastal Shared Path</p>	<p>245</p>	<p>412</p>	<p>Funding received via the Australian Government Active Transport Fund.</p> <p>The project is expected to be completed by 2028 within budget.</p>	<p><i>Roads</i></p>	<p>Community engagement has been completed, and the extensive feedback is currently under review.</p> <p>The detailed design is being updated in response to both internal and external feedback, with a revised estimated completion date of May 2026.</p> <p>The procurement process for a construction contractor is scheduled to begin in June 2026, following the finalisation of the detailed design.</p>
<p>Pinjarra - Anstruther Road Intersection Upgrade</p>	<p>165</p>	<p>600</p>	<p>The project is expected to be delivered this financial year within budget.</p>	<p><i>Roads</i></p>	<p>Traffic signal improvements have been approved by Main Roads WA.</p> <p>Construction works commenced in November 2025 with anticipated completion date in early June 2026.</p>

Yalgorup National Park	125	315	<p><i>The Yalgorup National Park project is a 10-year economic and tourism initiative.</i></p> <p><i>The Quail Road extension construction will commence following the City receiving EBCA approval.</i></p>	Roads	<p>Quail Road design is being finalised following the Department of Biodiversity, Conservation and Attractions (DBCA) and adjacent landowner consultation.</p> <p>The Federal Government has advised that no further assessment or approval is required under the Environmental Protection and Biodiversity Conservation (EPBC) Act.</p> <p>That State Government Environmental approval will proceed as a stand-alone application; the revised application is scheduled for submission in February 2026.</p>
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Audit, Risk and Improvement Committee

In December 2025, amendments were introduced to the *Local Government (Audit) Regulations 1996* (Audit Regulations), which have clarified the “Improvement” function of the Audit, Risk and Improvement Committee (ARIC).

A related variation was made to the Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Council Members (SAT Determination), increasing the maximum sitting fee for Independent Members from \$450 to \$1215. The increased sitting fee has been introduced in recognition of the increased responsibilities of independent members. It is recommended that Council resolve to increase the approved payment from \$450 to the maximum fee. This increase can be accommodated within the available budget.

Minor amendments to the ARIC Terms of Reference are marked up in Attachment 3. This relates particularly to the Committee’s role in making recommendations for improvement to Council that arise from audit and review, and the ongoing monitoring of implementation of those recommendations. The time-period between review by the CEO of systems and procedures in relation to financial management, legislative compliance and risk management pursuant to regulation 17 of the Audit Regulations has also been increased from three to four years. This has been updated in the Terms of Reference.

Whilst the proposed amendments adopt the language in the Audit Regulations for recommending improvement and monitoring implementation, these functions already formed part of the role of the

Committee in the ARIC Terms of Reference. Accordingly, all amendments to the Terms of Reference are considered minor and administrative.

An ARIC was scheduled for the 9 March 2026 for the purpose of the Committee receiving the Annual Compliance Audit Return (CAR), which was due to the Department by the 31 March 2026. The deadline for submitting the CAR for the period of 1 January to 31 December 2025 has now been deferred until 30 September 2026.

With the introduction of the Local Government Inspectorate, there have been a number of changes to the statutory requirements for which a compliance audit is needed. These changes are outlined in regulation 13 of the *Local Government (Audit) Regulations 1996*, published on 1 January 2026. In addition, the Local Government Inspector has the ability to limit what statutory requirements are included in the CAR, under regulation 15A of the *Local Government (Audit) Regulations 1996*, published on 1 January 2026. These requirements are currently being determined, with further guidance materials and information to be made available to local governments by 31 March 2026.

In light of these changes, the City is recommending that the meeting scheduled for the 9 March 2026 be cancelled. The next meeting of the ARIC is scheduled for the 4 May 2026.

### Consultation

An elected member briefing on the legislative was held on 10 February 2026. Subject to Council approval, independent members of the ARIC have been notified of the meeting cancellation.

A Strategic Risk workshop has been scheduled for 2 April 2026, inviting Elected Members and Committee Members.

### **2025/26 Budget Variations**

Nil

### **Statutory Environment**

*Local Government Act 1995* Section 6.4 Financial Report  
*Local Government (Financial Management) Regulations 1996* Part 4 Financial Reports  
*Local Government (Audit) Regulations 1996*

### **Policy Implications**

Nil

### **Financial Implications**

Any material variances that have an impact on the outcome of the budgeted surplus position are explained in the Monthly Financial Report, as detailed in Attachment 1.

### **Economic Implications**

Nil

### **Environmental Implications**

Nil

### **Risk Implications**

The Financial Report and its attachments are utilised as a key indicator to monitor against the strategic risks.

### **Strategic Implications**

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 is relevant to this report:

#### Leadership

- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs and services

### **Conclusion**

The City strives to manage its finances adequately and maintain expenditure within budget to ensure services that have been approved through the budget process are fully funded.

It is recommended that Council receive the Monthly Financial Report and the Schedule of Accounts.

### **Officer Recommendation**

#### **That Council:**

1. **Receives the Financial Report for January 2026 as detailed in Attachment 1 of the report.**
2. **Receives the Schedule of Accounts for the following amounts as detailed in Attachment 2 of the report:**

<b>Total Municipal Fund</b>	<b>\$</b>	<b>11,457,842.78</b>
<b>Total Trust Fund</b>	<b>\$</b>	<b>0.00</b>
	<b>\$</b>	<b><u>11,457,842.78</u></b>

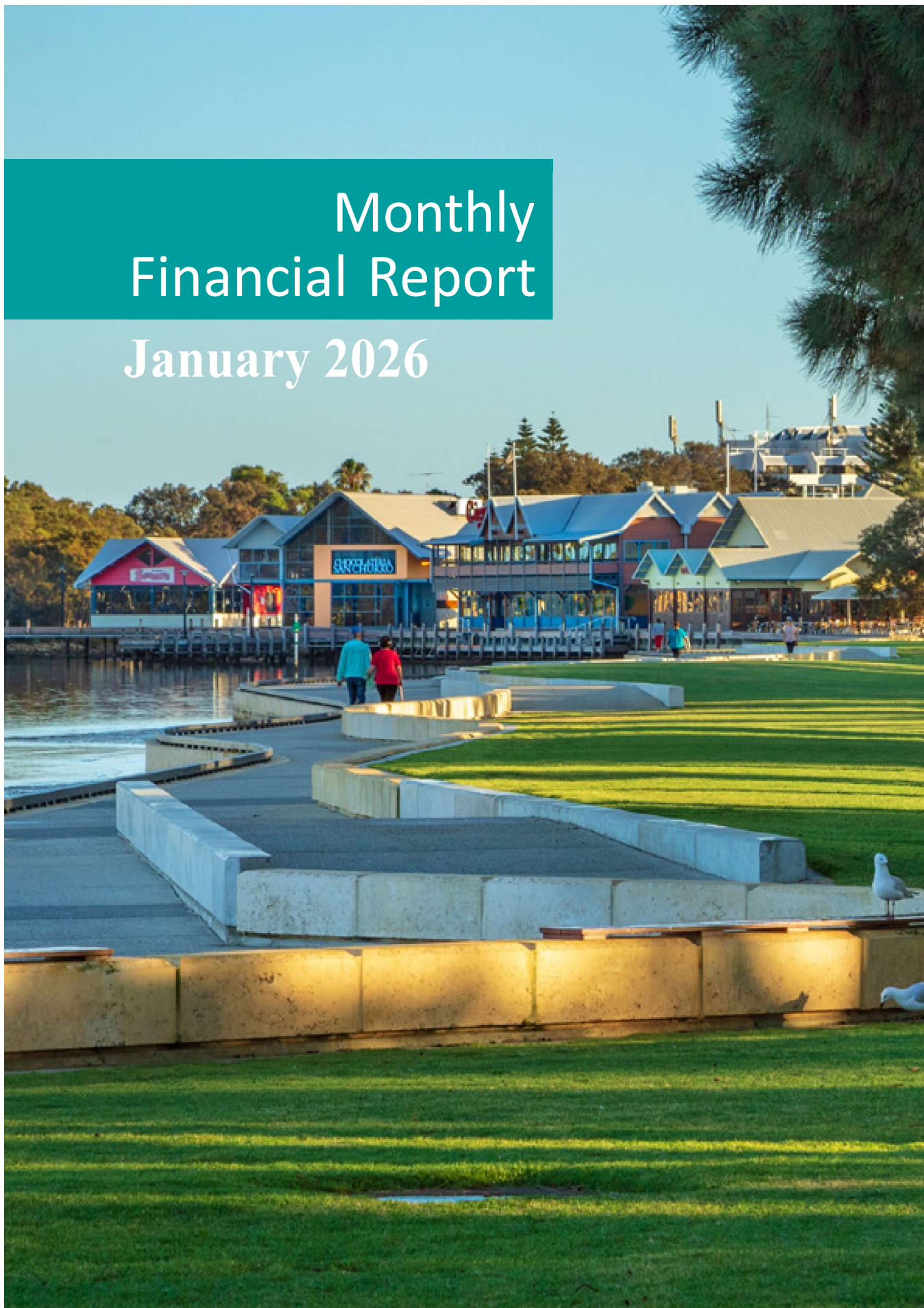
3. **Approve the proposed amendments to the Audit, Risk and Improvement Committee Terms of Reference as per Attachment 3.**
4. **Approve the payment of the maximum sitting fee for independent Audit, Risk and Improvement Committee Members of \$1,215 per meeting.**
5. **Approve the cancellation of the Audit, Risk and Improvement Committee scheduled for the 9 March 2026 and update the City of Mandurah website.**

### **Absolute Majority**

### **Attachments**

1. Monthly Financial Report January 2026 [**19.6.1** - 25 pages]
2. Schedule of Accounts [**19.6.2** - 33 pages] - ONLINE
3. Terms of Reference Audit Risk and Improvement Committee - Tracked [**19.6.3** - 9 pages]

# Monthly Financial Report January 2026





# City of Mandurah

## January 2026

**\$705K**

Estimated deficit at 30 June 2026 with proposed budget amendments

**\$59.3M** ▼

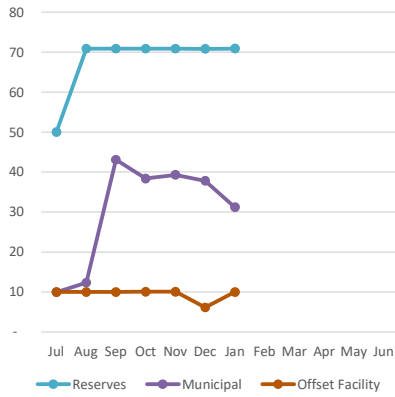
Year to Date Actual Surplus

### Executive Summary

- Actual Rates Raised \$104.3M
- Actual Rates Received \$88.9M (82.1% collected)
- Actual Operating Revenue \$144.4M
- Actual Capital Revenue \$1.2M
- Actual Operating Expenditure \$91.6M
- Actual Capital Expenditure \$12.6M
- Actual Proceeds from Sale of Assets \$0.3M

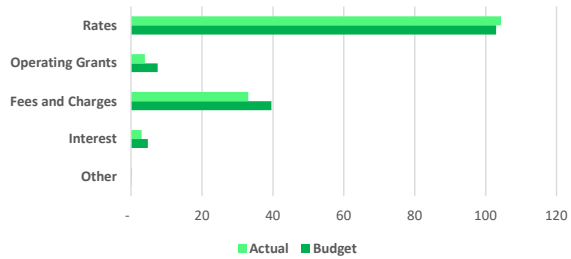
### Investments

\$ Millions



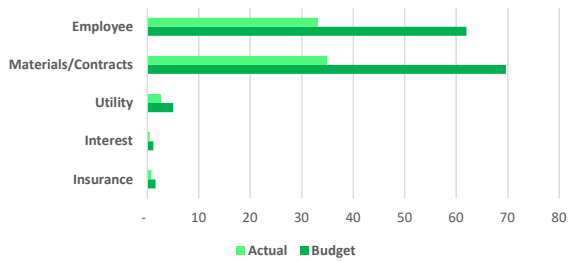
### Year to Date Revenue Actuals Compared to Annual Budget

\$ Millions

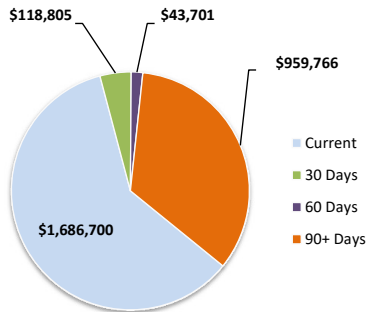


### Year to Date Expenditure Actuals Compared to Annual Budget

\$ Millions



### Sundry Debtors Outstanding



### Rates Outstanding

- 83 Properties with >\$10K outstanding ▼
- 750 Properties \$3K to \$10K outstanding ▼
- 1 Properties commenced legal action in 25/26 ▲
- \$2.34M Estimated Value of Rates Exemptions =

### Grants Received in 25/26 year

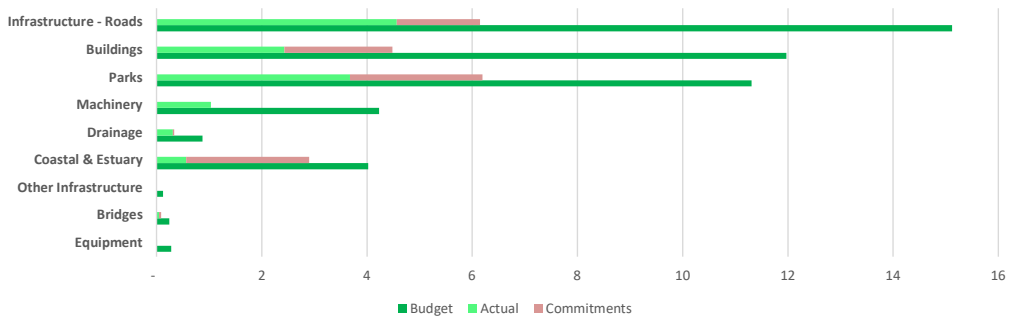
24.52% Grants received - Accrual Basis

### CEO Delegation Tenders

3 Tenders accepted/rejected during the month through CEO delegation

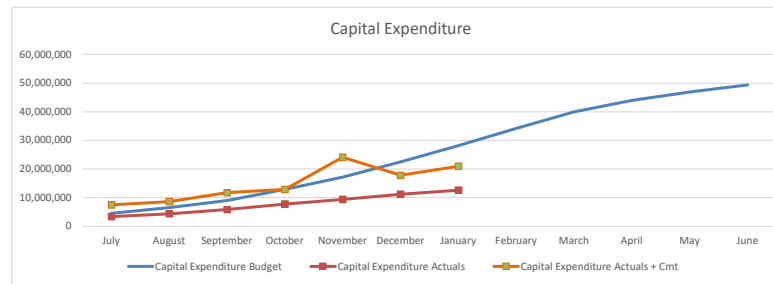
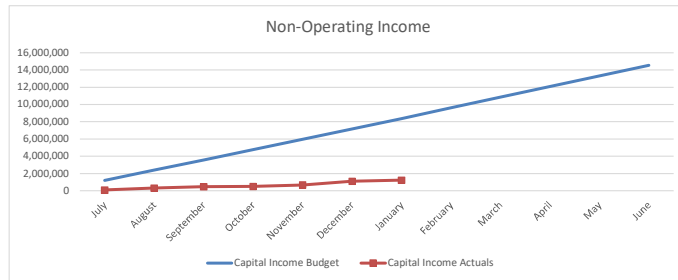
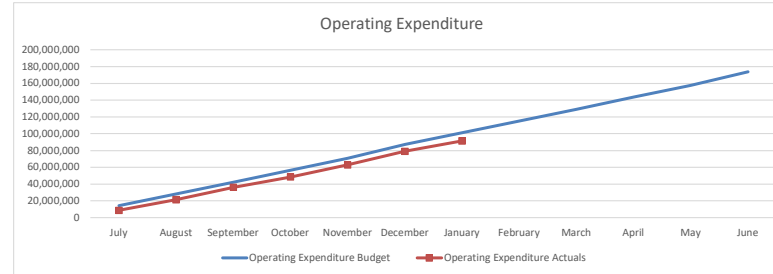
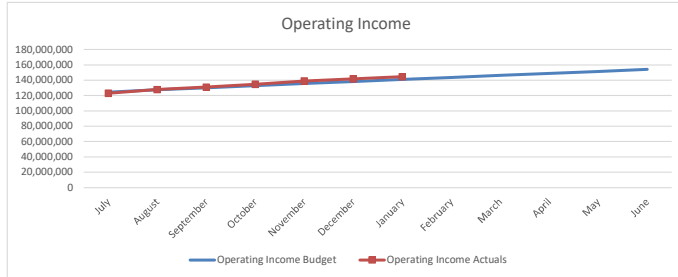
### Year to Date Capital Actuals Compared to Annual Budget\*

\$ Millions



\*Commitments are raised based on contract amounts. Contracts may span multiple financial years causing commitments to display over the total budget for the year.

Ordinary Council Meeting Agenda - 24 February 2026



**CITY OF MANDURAH**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ended 31 January 2026**

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**STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026**

**BY NATURE OR TYPE**

	Ref Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
<b>Opening Funding Surplus / (Deficit)</b>		600,000	600,000	<b>893,701</b>	293,701	48.95%	
<b>Revenue from operating activities</b>							
Rates		102,985,169	102,985,169	<b>104,284,391</b>	1,299,222	1.26%	
Operating grants, subsidies and contributions		7,541,647	4,547,211	<b>3,852,135</b>	(695,076)	(15.29%)	▼
Fees and charges		39,527,624	30,975,871	<b>33,050,997</b>	2,075,126	6.70%	
Interest earnings		4,685,824	2,733,397	<b>2,996,489</b>	263,092	9.63%	
Other revenue		89,326	52,107	<b>163,037</b>	110,930	212.89%	▲
Profit on disposal of assets		-	-	<b>81,603</b>	81,603	100.00%	▲
		<b>154,829,590</b>	<b>141,293,754</b>	<b>144,428,652</b>	3,134,898	2.22%	
<b>Expenditure from operating activities</b>							
Employee costs		(62,026,746)	(34,508,402)	<b>(33,183,378)</b>	1,325,024	3.84%	
Materials and contracts		(69,644,594)	(40,776,696)	<b>(34,944,170)</b>	5,832,526	14.30%	▲
Utility charges		(5,030,247)	(2,934,312)	<b>(2,644,635)</b>	289,677	9.87%	
Depreciation on non-current assets		(35,612,864)	(20,774,171)	<b>(19,447,932)</b>	1,326,239	6.38%	
Interest expenses		(1,181,148)	(689,003)	<b>(504,884)</b>	184,119	26.72%	▲
Insurance expenses		(1,615,556)	(942,408)	<b>(793,046)</b>	149,362	15.85%	▲
Other expenditure		-	-	<b>(53,135)</b>	(53,135)	100.00%	▼
Loss on disposal of assets	1(a) & 4	-	-	<b>(38,155)</b>	(38,155)	100.00%	▼
		<b>(175,111,155)</b>	<b>(100,624,992)</b>	<b>(91,609,335)</b>	9,015,657	8.96%	
Non-cash amounts excluded from operating activities	1(a)	35,718,031	20,835,518	<b>18,034,889</b>	(2,800,629)	(13.44%)	
<b>Amount attributable to operating activities</b>		<b>15,436,466</b>	<b>61,504,280</b>	<b>70,854,207</b>	9,349,926	(15.20%)	
<b>Investing activities</b>							
Non-operating grants, subsidies and contributions		13,177,960	7,687,143	<b>1,228,161</b>	(6,458,982)	(84.02%)	▼
Proceeds from disposal of assets	4	10,320,740	6,020,432	<b>307,262</b>	(5,713,170)	(94.90%)	▼
Payments for property, plant and equipment	6	(48,171,865)	(28,643,923)	<b>(12,639,455)</b>	16,004,468	55.87%	▲
<b>Amount attributable to investing activities</b>		<b>(24,673,165)</b>	<b>(14,936,347)</b>	<b>(11,104,031)</b>	3,832,316	25.66%	
Non-cash amounts excluded from investing activities	1(b)	(1,089,126)	(1,089,126)	<b>2,511,002</b>	3,600,128	(330.55%)	
<b>Amount attributable to investing activities</b>		<b>(25,762,291)</b>	<b>(16,025,473)</b>	<b>(8,593,030)</b>	7,432,444	46.38%	
<b>Financing Activities</b>							
Proceeds from new debentures	7	7,150,000	-	-	0	0.00%	
Unspent Loans Utilised		264,973	-	-	0	0.00%	
Repayment of debentures	7	(4,946,758)	(2,885,609)	<b>(3,008,506)</b>	(122,897)	(4.26%)	
Payment of lease liability		(374,738)	(218,597)	<b>(114,569)</b>	104,028	47.59%	▲
Principal elements of interest earning liability		(998,925)	(749,194)	<b>(741,816)</b>	7,378	0.98%	
Transfer from reserves	8	19,417,159	-	-	0	0.00%	
Transfer to reserves	8	(11,490,677)	-	-	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>9,021,034</b>	<b>(3,853,400)</b>	<b>(3,864,891)</b>	(11,491)	(0.30%)	
<b>Closing Funding Surplus / (Deficit)</b>	1(d)	<b>(704,792)</b>	<b>42,225,407</b>	<b>59,289,987</b>	17,064,580	40.41%	

**KEY INFORMATION**

▲▼ Indicates a variance between Year to Date (YTD) Actual and YTD Budget data as per the adopted materiality threshold.

Refer to Note 13 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026

NOTE 1  
STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Local Government (Financial Management) Regulation 1996.

Notes	Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Non-cash items excluded from operating activities</b>			
	\$	\$	\$
<b>Adjustments to operating activities</b>			
Less: Profit on asset disposals	4	-	(81,603)
Less: Non-cash movement in assets		0	(1,894,929)
Movement in liabilities associated with restricted cash		105,167	239,677
Movement in pensioner deferred rates (non-current)		-	(215,943)
Movement in employee benefit provisions (non-current)		-	(276,631)
Movement in interest earning liabilities (non-current)		-	741,816
Movement in Liabilities		-	36,416
Add: Loss on asset disposals	4	-	38,155
Add: Depreciation on assets		35,612,864	19,447,932
<b>Total non-cash items excluded from operating activities</b>		<b>35,718,031</b>	<b>18,034,889</b>

(b) Non-cash items excluded from investing activities

The following non-cash revenue and expenditure has been excluded from investing activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

**Adjustments to investing activities**

Movement in non current liabilities for transfers to acquire or construct non-financial assets to be controlled by the entity			
Movement in current liabilities for transfers to acquire or construct non-financial assets to be controlled by the entity associated with restricted cash		(1,089,126)	2,511,002
<b>Total non-cash amounts excluded from investing activities</b>		<b>(1,089,126)</b>	<b>2,511,002</b>

(c) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with regulation 32 of the Local Government (Financial Management) Regulations 1996 to agree to the surplus/(deficit) after imposition of general rates.

	Actual Closing 30 Jun 2025	Budget Closing 30 Jun 2026	Year to Date 31 Jan 2026
<b>Adjustments to net current assets</b>			
Less: Reserves - restricted cash	(65,678,157)	(63,912,022)	(65,678,157)
Less: - Financial assets at amortised cost - self supporting loans	(47,106)	-	(23,770)
Less: Unspent loans	(625,629)	-	(625,629)
Less: Inventory - Land Held for Resale	(445,000)	(445,000)	(445,000)
Less: Clearing accounts	-	-	6,478
Add: Borrowings	7	6,509,258	3,408,759
Add: Other liabilities		1,866,747	-
Add: Lease liability		173,812	1,023,531
Add: Provisions - employee		4,509,712	806,283
Add: Loan Facility offset		-	-
<b>Total adjustments to net current assets</b>	<b>(53,736,363)</b>	<b>(59,118,449)</b>	<b>(45,931,950)</b>

(d) Net current assets used in the Statement of Financial Activity

<b>Current assets</b>				
Cash and cash equivalents	2	61,810,975	80,461,516	100,737,593
Rates receivables	3	5,061,263	3,055,524	20,281,773
Receivables	3	3,522,190	2,607,617	7,355,881
Other current assets		24,648,414	2,273,976	2,760,365
<b>Less: Current liabilities</b>				
Payables		(21,969,391)	(14,511,115)	(9,283,713)
Borrowings	7	(6,509,258)	(3,408,759)	(2,501,826)
Interest earning liabilities		-	-	(257,111)
Unspent non-operating grant, subsidies and contributions liability		(1,866,747)	(2,461,785)	(4,617,424)
Lease liabilities		(173,812)	(1,023,531)	(247,008)
Provisions		(9,893,570)	(8,579,786)	(9,006,592)
<b>Less: Total adjustments to net current assets</b>	<b>1(c)</b>	<b>(53,736,363)</b>	<b>(59,118,449)</b>	<b>(45,931,950)</b>
<b>Closing Funding Surplus / (Deficit)</b>		<b>893,701</b>	<b>(704,792)</b>	<b>59,289,987</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026

OPERATING ACTIVITIES  
NOTE 2  
CASH AND INVESTMENTS

	Total Amount	Interest rate	Total Interest Earnings at Maturity Date	S&P rating	Deposit Date	Maturity Date	Term days
<b>Cash on hand</b>	<b>12,671,496</b>			AA-			
Municipal Bank Account (inc. Bonds Investments & Notice Savers)	12,671,496	Variable			NA	NA	
<b>ANZ</b>	<b>32,894</b>		<b>242</b>	<b>AA-</b>			
ANZ TD 10	32,894	3.00%	242		1/01/2026	1/04/2026	90
<b>NAB</b>	<b>36,836,746</b>		<b>424,078</b>	<b>AA-</b>			
NAB TD 114	3,186,294	4.15%	42,888		7/10/2025	4/02/2026	120
NAB TD 115	3,174,279	4.10%	32,119		18/11/2025	17/02/2026	91
NAB TD 118	1,467,439	4.05%	19,282		28/10/2025	25/02/2026	120
NAB TD 125	3,061,678	4.10%	30,980		8/12/2025	9/03/2026	91
NAB TD 126	3,061,678	4.10%	30,980		8/12/2025	9/03/2026	91
NAB TD 127	3,061,678	4.10%	30,980		8/12/2025	9/03/2026	91
NAB TD 133	3,072,799	4.25%	31,867		30/01/2026	30/04/2026	90
NAB TD 131	3,072,922	4.20%	31,497		25/01/2026	25/04/2026	90
NAB TD 134	3,072,799	4.25%	31,867		30/01/2026	30/04/2026	90
NAB TD 42 - 36-976-7906	3,546,361	4.15%	47,735		13/10/2025	10/02/2026	120
Reserve 44 - 70-586-3025	3,531,945	4.10%	46,975		21/10/2025	18/02/2026	120
Reserve 45 - 70-568-6989	3,526,875	4.10%	46,908		21/10/2025	18/02/2026	120
<b>Westpac</b>	<b>40,940,722</b>		<b>834,193</b>	<b>AA-</b>			
WBC TD 102	3,233,122	4.50%	116,798		21/05/2025	21/03/2026	304
WBC TD 110	3,224,370	4.27%	111,085		2/07/2025	2/05/2026	304
WBC TD 119	3,042,312	4.29%	42,312		20/11/2025	20/03/2026	120
WBC TD 120	3,042,312	4.29%	42,312		20/11/2025	20/03/2026	120
WBC TD 121	3,042,312	4.29%	42,312		20/11/2025	20/03/2026	120
WBC TD 122	3,074,423	4.31%	43,308		2/12/2025	2/04/2026	121
WBC TD 123	3,074,423	4.31%	43,308		2/12/2025	2/04/2026	121
WBC TD 124	3,074,423	4.31%	43,308		2/12/2025	2/04/2026	121
WBC TD 128	3,075,116	4.44%	33,302		24/01/2026	24/04/2026	90
WBC TD 129	3,075,116	4.44%	33,302		24/01/2026	24/04/2026	90
WBC TD 130	3,075,116	4.44%	33,302		24/01/2026	24/04/2026	90
Reserve TD WBC 2 - 032-108 267897	3,453,838	4.50%	124,772		18/05/2025	18/03/2026	304
Reserve TD WBC 3 - 032-108 267926	3,453,838	4.50%	124,772		18/05/2025	18/03/2026	304
<b>CBA</b>	<b>11,670,211</b>		<b>155,963</b>	<b>AA-</b>			
CBA TD 47 - B33713404	4,677,274	4.12%	62,508		14/10/2025	11/02/2026	120
CBA TD 48 - B33713404	6,992,937	4.12%	93,455		14/10/2025	11/02/2026	120
<b>Total Municipal and Reserve Funds</b>	<b>102,152,069</b>		<b>1,414,475.57</b>				

		Municipal Cash	Total Restricted Cash
<b>Interest revenue</b>			
Investment Interest Accrued	959,749		
Investment Interest Matured	1,294,505		
Rates Interest	742,235		
	<b>2,996,489</b>	<b>\$41.23 M</b>	<b>\$70.92 M</b>

Loan Offset Facility	Amount	Interest rate on loans	Monthly Interest Saved	YTD Interest Saved
Westpac	10,000,000	5.33%	15,204	101,535

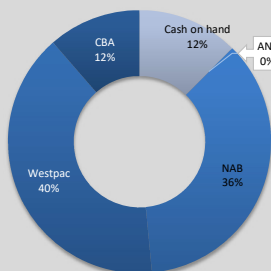
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of twelve months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

% of Investments with each institution



Invested Funds Maturing Timeline



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026**

**OPERATING ACTIVITIES  
NOTE 3  
RECEIVABLES**

Rates Receivable	30-Jun-25	31/01/2025	31 Jan 26
	\$		\$
Opening Arrears Previous Years	3,721,461	3,721,461	3,963,715
Rates levied	98,363,858	97,554,632	104,284,391
Less - Collections to date	(98,121,604)	(78,598,611)	(88,906,913)
Equals Current Outstanding	<b>3,963,715</b>	<b>22,677,482</b>	<b>19,341,193</b>
<b>Net Rates Collectable</b>	<b>3,963,715</b>	<b>22,677,482</b>	<b>19,341,193</b>
% Collected	96.1%	77.6%	82.1%

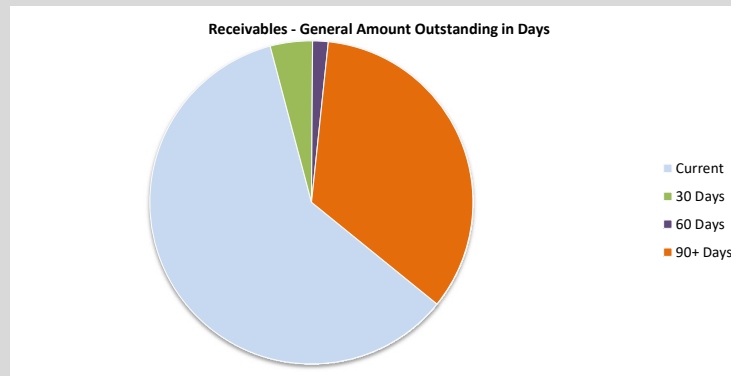
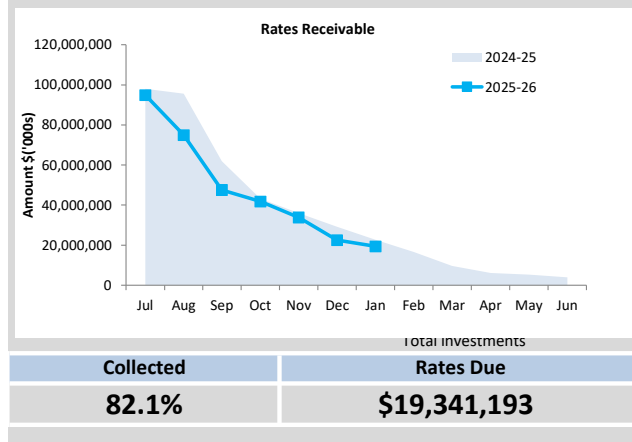
	31 Jan 25	31 Jan 26
- No. of Legal Proceedings Commenced for the financial year	0	1
- No. of properties > \$10,000 outstanding	91	83
- No. of properties between \$3,000 and \$10,000 outstanding	635	750
- Value of Rates Concession	49,247	51,256
- Estimated Value of Rates Exemptions	2,243,551	2,335,088

Receivables - General	31-Jan-25	Current	30 Days	60 Days	90+ Days	31 Jan 26
	\$	\$	\$	\$	\$	\$
<b>Balance per Trial Balance</b>						
Sundry receivable	808,858	925,786	58,621	10,559	483,018	1,477,984
Recreation Centres	59,559	0	28,619	0	38,815	67,434
Mandurah Ocean Marina	63,379	268,398	0	0	0	268,398
GST receivable	489,063	475,945	0	0	0	475,945
Allowance for impairment of receivables	(215,611)	0	0	0	(269,893)	(269,893)
Infringements	1,203,199	16,571	31,564	33,142	707,826	789,103
<b>Total Receivables General Outstanding</b>	<b>2,408,447</b>	<b>1,686,700</b>	<b>118,805</b>	<b>43,701</b>	<b>959,766</b>	<b>2,808,971</b>
Percentage		60%	4.2%	1.6%	34.2%	

Other Receivables	31-Jan-25	Current	30 Days	60 Days	90+ Days	31 Jan 26
	\$	\$	\$	\$	\$	\$
<b>Balance per Trial Balance</b>						
Pensioners rates and ESL deferred	4,190,847	0	0	0	4,405,804	4,405,804
Other Receivables	800,414	0	0	0	931,946	931,946
<b>Total Other Receivables Outstanding</b>	<b>4,991,261</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,337,750</b>	<b>5,337,750</b>
Percentage		0%	0%	0%	100%	

**KEY INFORMATION**

Rates and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of rates and other receivables is reviewed on an ongoing basis. Other receivables that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



<b>Debtors Due</b>
<b>\$2,808,971</b>
<b>Over 30 Days</b>
<b>40%</b>
<b>Over 90 Days</b>
<b>34%</b>

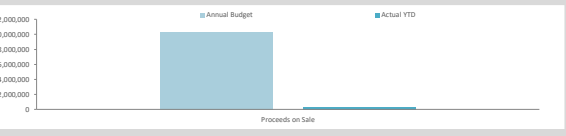
# Ordinary Council Meeting Agenda - 24 February 2026

ATTACHMENT 19.6.1 MONTHLY FINANCIAL REPORT  
 PARTS TO THE STATEMENT OF FINANCIAL ACTIVITY  
 FOR THE PERIOD ENDED 31 JANUARY 2026

OPERATING ACTIVITIES  
 NOTE 4  
 DISPOSAL OF ASSETS

Asset	Asset ID	Directorate	Budget			YTD Actual				
			Net Book Value	Proceeds	Profit (Loss)	Net Book Value	Proceeds	Profit (Loss)		
			\$	\$	\$	\$	\$	\$	\$	
<b>Land</b>										
Land			8,954,091	8,954,091	0	0	0	0	0	
<b>Light Passenger Vehicles - Replacement</b>										
TOYOTA RAV4 MH13558	C03730	Built & Natural Environment	13,967	13,967	0	16,020	23,384	7,264	0	
TOYOTA RAV4 MH33038	C04520	Built & Natural Environment	13,732	13,732	0	0	0	0	0	
SUBARU IMPREZA MH35968	C07220	Built & Natural Environment	9,707	9,707	0	0	0	0	0	
SUBARU IG SX MH10598	C04930	Built & Natural Environment	13,365	13,365	0	14,568	16,605	2,037	0	
MAZDA CX-5B MH38988	C05230	Built & Natural Environment	16,708	16,708	0	0	0	0	0	
TOYOTA RAV4 MH39688	C00330	Built & Natural Environment	16,429	16,429	0	0	0	0	0	
MAZDA CX-5 MH34438	C02830	Built & Natural Environment	16,277	16,277	0	17,460	14,333	0	(3,127)	
TOYOTA RAV 4 MH42378	C07720	Built & Natural Environment	15,531	15,531	0	0	0	0	0	
MAZDA CX-5 MH41798	C01030	Built & Natural Environment	15,784	15,784	0	17,000	21,338	4,338	0	
SUBARU JY MH41008	C07330	Built & Natural Environment	18,559	18,559	0	0	0	0	0	
NISSAN X-TRAIL MH46788	C00821	Built & Natural Environment	19,352	19,352	0	0	0	0	0	
NISSAN X-TRAIL MH46778	C05321	Built & Natural Environment	19,352	19,352	0	0	0	0	0	
TOYOTA RAV4 MH18458	C04221	Built & Natural Environment	16,906	16,906	0	0	0	0	0	
MH86978 - MAZDA CX-5B	C00623		0	0	0	18,573	0	0	(18,573)	
<b>Light Commercial Vehicles - Replacement</b>										
DMax 21MY SX MH35928	U00920	Built & Natural Environment	15,048	15,048	0	0	0	0	0	
FORD RANGER MH31988	U01020	Built & Natural Environment	24,776	24,776	0	0	0	0	0	
ISUZU D-MAX 21MY SX CREW C/C HR-RISE 4X2 3.0L MH351	U07030	Built & Natural Environment	16,909	16,909	0	0	0	0	0	
NAVARRA NAVDP2Y48X MH32198	U05620	Built & Natural Environment	18,398	18,398	0	0	0	0	0	
FORD RANGER MH30088	U06320	Built & Natural Environment	24,455	24,455	0	0	0	0	0	
Dmax 21MY SX MH41048	U01421	Built & Natural Environment	20,273	20,273	0	0	0	0	0	
Dmax 21MY SX MH41058	U03721	Built & Natural Environment	20,475	20,475	0	0	0	0	0	
ISUZU D-MAX 21MY SX CREW 4X2 MH44088	U06420	Built & Natural Environment	17,618	17,618	0	0	0	0	0	
NISSAN NAVARRA RX MH44058	U00530	Built & Natural Environment	13,434	13,434	0	0	0	0	0	
ISUZU D'MAX MH4431B	U02121	Built & Natural Environment	21,009	21,009	0	0	0	0	0	
ISUZU D-MAX SX 4X2 MH46508	U06221	Built & Natural Environment	23,928	23,928	0	0	0	0	0	
FORD RANGER MH45948	U01121	Built & Natural Environment	28,129	28,129	0	0	0	0	0	
FORD RANGER MH48028	U03021	Built & Natural Environment	20,047	20,047	0	0	0	0	0	
ISUZU MU-X MH53768	C08121	Built & Natural Environment	32,758	32,758	0	34,300	30,931	0	(3,369)	
FORD RANGER MH49958	U00221	Built & Natural Environment	28,153	28,153	0	29,700	23,611	0	(6,089)	
ISUZU D'MAX MH53828	U08321	Built & Natural Environment	19,818	19,818	0	21,000	34,293	13,293	0	
FORD RANGER MH50328	U04421	Built & Natural Environment	16,518	16,518	0	17,425	19,065	1,640	0	
ISUZU OMAX MH52598	U01821	Built & Natural Environment	25,429	25,429	0	0	0	0	0	
ISUZU 21 MY SX MH52298	U06121	Built & Natural Environment	29,216	29,216	0	0	0	0	0	
FORD TRANSIT CUSTOM MH99388	U01520	Built & Natural Environment	16,940	16,940	0	0	0	0	0	
<b>Trucks &amp; Buses Replacements</b>										
HINO 1124 MH0562A	T01615	Built & Natural Environment	39,394	39,394	0	0	0	0	0	
HINO 917 MH1202A	T03016	Built & Natural Environment	21,608	21,608	0	0	0	0	0	
HINO 917 MH1627A	T03716	Built & Natural Environment	25,874	25,874	0	0	0	0	0	
HINO 917 MH1625A	T04016	Built & Natural Environment	20,325	20,325	0	0	0	0	0	
HINO SCARAB MSTRAL HINO 1426 1GH1205	T05019	Built & Natural Environment	136,965	136,965	0	0	0	0	0	
<b>Trailers</b>										
JET WAIVE DRAIN CLEANER MH90408	V02917	Built & Natural Environment	5,041	5,041	0	0	0	0	0	
SOUTHWEST CARGO	V04116	Built & Natural Environment	3,784	3,784	0	0	0	0	0	
SOUTHWEST BOX/TRADE	V042	Built & Natural Environment	0	0	0	0	0	0	0	
SOUTHWEST CARGO	V04316	Built & Natural Environment	3,784	3,784	0	0	0	0	0	
PARK BODY BOXTOP	V06316	Built & Natural Environment	3,960	3,960	0	0	0	0	0	
<b>Parks &amp; Mowers</b>										
KUBOTA RTV UTILITY MH21715	U10819	Built & Natural Environment	7,282	7,282	0	0	0	0	0	
RAZORBACK CMK2302 RAZORBA	M00521	Built & Natural Environment	5,673	5,673	0	0	0	0	0	
Toro Groundmaster-3310 MH63728	M01521	Built & Natural Environment	26,730	26,730	0	0	0	0	0	
TORO GROUNDMASTER 2000 MH63738	M01521	Built & Natural Environment	10,582	10,582	0	0	0	0	0	
TORO REELMASTER 1H0G168	M02522	Built & Natural Environment	39,162	39,162	0	0	0	0	0	
MH761X-NEW HOLLAND -3050 TRACTOR	F02		0	0	0	15,907	15,427	0	(480)	
<b>Miscellaneous Equipment</b>										
SILVAN SQUATPAK SPRAY N/A	F156	Built & Natural Environment	0	0	0	0	0	0	0	
OTHER ASSES		Built & Natural Environment	0	24,008	0	0	0	0	0	
<b>Carryovers - Miscellaneous</b>										
GENEUTE GENERATOR PLG-CH5505	FG3820	Recreation Services	91,287	91,287	0	0	0	0	0	
<b>Carryovers - Trucks and Buses</b>										
MTSUBISHI CANTER MH3807	T017	Parks Central	26,320	26,320	0	0	0	0	0	
HINO 917 MH905Y	T036	Parks North	29,606	29,606	0	0	0	0	0	
ISUZU FVR 1000 MH954Y	T009	Civil Construction	65,907	65,907	0	0	0	0	0	
HINO 1426 MH200W	T022	Civil Maintenance	36,504	36,504	0	0	0	0	0	
HINO GH1738 MH637Y	T038	Civil Construction	68,383	68,383	0	0	0	0	0	
HINO 921 MH1428A	T03916	City Traffic	0	0	0	21,921	52,391	30,270	0	
<b>Carryovers - Parks and Mowers</b>										
Tractor	F603	Parks and Mowers - Replacement	25,461	25,461	0	23,554	27,325	3,771	0	
RTV Utility	U10519	Parks and Mowers - Replacement	5,010	5,010	0	4,935	13,719	8,784	0	
RTV Utility	U10619	Parks and Mowers - Replacement	5,010	5,010	0	4,935	15,041	10,106	0	
<b>Carryovers - Trailers</b>										
SOUTHWEST B&S BOXTOP MH92151	V03420	Civil Construction	0	0	0	6,517	0	0	(6,517)	
			0	0	0	0	0	0	0	
			<b>10,296,732</b>	<b>10,320,740</b>	<b>0</b>	<b>0</b>	<b>263,815</b>	<b>307,262</b>	<b>81,603</b>	<b>(38,155)</b>

**KEY INFORMATION**



Proceeds on Sale		
Annual Budget	YTD Actual	%
\$10,320,740	\$307,262	3%

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026**

CEO delegation – accepted/rejected tenders during the month  
Awarded under Financial Authorisation \$250,000 and above

**NOTE 5  
TENDERS/QUOTES AWARDED FOR THE MONTH**

Tender code	Tender Description	Company Awarded to	Contract Term	Contract Amount
T14-2025	Provision of BMX & Pump Track Design, Construction and Maintenance Services	That the CEO declines to accept any tender for T14-2025 Provision of BMX & Pump Track Design, Construction & Maintenance Services as no tender satisfied the value for money assessment.	Decline all	Decline all
RFQ22-2025	Supply & Delivery of Two New Large Suction Type Road sweepers	Rosmech Sales & Service Pty Ltd	One off Purchase	\$962,486
T19-2025	Installation and Maintenance Services for Pumps and Water Control Systems	Kloof Investments Pty Ltd T/A Allpumps and Water	For a period of two years with two option(s) to extend for an additional one-year period	\$2,372,596

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026**

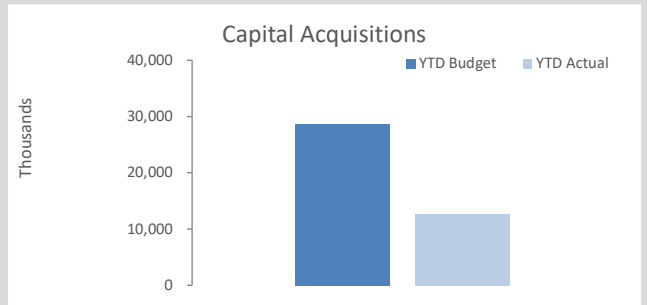
**INVESTING ACTIVITIES  
NOTE 6  
CAPITAL ACQUISITIONS**

Capital Acquisitions	Adopted Budget	Annual Budget	YTD Budget	YTD Actual	YTD Actual Variance
	\$		\$	\$	\$
Buildings	8,378,596	11,970,657	6,670,946	2,429,448	(4,241,499)
Equipment	200,000	280,612	163,690	6,040	(157,650)
Machinery	2,891,120	4,227,728	2,466,175	1,032,539	(1,433,636)
Infrastructure - Roads	13,832,059	15,118,101	8,866,981	4,565,648	(4,301,333)
Bridges	444,678	241,517	155,597	44,678	(110,919)
Parks	8,969,470	11,312,100	7,283,155	3,678,273	(3,604,882)
Drainage	586,146	871,176	492,413	308,750	(183,663)
Coastal & Estuary	5,015,819	4,025,322	2,472,250	561,546	(1,910,704)
Other Infrastructure	150,000	124,652	72,714	-	(72,714)
<b>Capital Expenditure Totals</b>	<b>40,467,887</b>	<b>48,171,865</b>	<b>28,643,923</b>	<b>12,626,923</b>	<b>(16,017,000)</b>
<b>Capital Acquisitions Funded By:</b>					
	\$		\$	\$	\$
City of Mandurah Contribution	14,465,163	13,860,201	17,263,484	11,091,499	(6,171,985)
Capital grants and contributions	12,052,916	13,177,960	7,598,529	1,228,161	(6,370,368)
Borrowings	7,510,655	7,775,629	-	-	-
Other (Disposals & C/Fwd)	989,153	1,366,649	3,781,909	307,262	(3,474,647)
Cash Backed Reserves					
Asset Management Reserve	5,300,000	9,691,073	-	-	-
Sustainability Reserve	57,500	57,500	-	-	-
Sanitation Reserve	92,500	1,109,589	-	-	-
Major Public Artworks	-	125,000	-	-	-
Specified Area Rates - Mandurah Quay Canals	-	49,152	-	-	-
Plant Reserve	-	959,112	-	-	-
<b>Capital Funding Total</b>	<b>40,467,887</b>	<b>48,171,865</b>	<b>28,643,923</b>	<b>12,626,923</b>	<b>(16,017,000)</b>

**SIGNIFICANT ACCOUNTING POLICIES**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

**KEY INFORMATION**

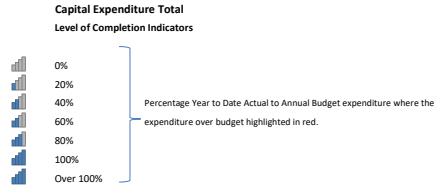


Acquisitions	Annual Budget	YTD Actual	% Spent
	<b>\$48.17 M</b>	<b>\$12.63 M</b>	<b>26%</b>
Capital Grant	Annual Budget	YTD Actual	% Received
	<b>\$13.18 M</b>	<b>\$1.23 M</b>	<b>9%</b>

Ordinary Council Meeting Agenda - 24 February 2026

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026

INVESTING ACTIVITIES  
NOTE 6  
CAPITAL ACQUISITIONS (CONTINUED)



Level of completion indicator, please see table at the end of this note for further detail.

Account Description		Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
<b>Land</b>							
<b>Buildings</b>							
750736	Operations Centre Redevelopment	500,000	271,283	173,761	88,783	182,500	Consultant work underway
750756	MPAC HVAC Renewal (Design)	4,705,157	4,734,564	2,458,819	127,097	4,607,468	Refer to Financial Report, Key Capital Projects table. Ongoing Program. Budget Variation for overspend to be processed at Budget Review.
750776	Minor City Maintenance Capital Renewals	100,000	100,000	58,333	176,639	(76,639)	Design Only
750790	New - MARC Sports Court Upgrade	326,373	326,373	27,998	27,998	298,375	Design 10% complete
750789	New - Falcon Men's Shed	692,957	51,207	78,707	49,707	1,500	Design 10% complete
750827	NEW - Peelwood Reserve Oval Storage	202,232	202,232	103,820	3,032	199,200	Design 10% complete
750788	BLD - Community Shed (Dower St)	245,678	245,678	245,678	112,534	133,144	Design 10% complete
750799	BLD - Meadow Springs Sport Fac Ext Paint	163,244	163,244	18,244	16,444	146,800	Procurement underway
750813	BLD - Southern Estuary Hall Demolition	123,244	123,244	13,244	13,244	110,000	Construction to commence Q4
750805	BLD - MARC Indoor Door & Reception Imp	113,244	113,244	113,244	64,481	48,763	Construction 90% complete
750800	BLD - MARC Squash Court Glass Walls	103,244	103,244	80,744	49,049	54,195	Procurement underway
750806	BLD - Mandurah Bowl Club Floorcovering	104,984	104,984	104,984	95,484	9,500	Complete
750820	BLD - Renew - Falcon Bay Ablution Roof	83,244	83,244	28,244	15,244	68,000	Construction to commence Q3
750804	BLD - South Mand Football Cl Sewer Conv	83,244	83,244	83,244	13,244	70,000	Construction to commence Q3
750784	BLD - CASM workshop upgrade	60,386	60,386	60,386	10,386	50,000	Design Only
750824	BLD - 25-26 - Site Main Switchboard	75,007	75,007	54,174	34,144	40,863	Ongoing Program
750825	NEW - Town Beach SLS Storage	35,437	35,437	35,437	6,937	28,500	Design Only
750819	BLD - South Mand Tennis Club Roof Repl	64,984	64,984	64,984	24,984	40,000	Design Only
750786	BLD - Antenna Mast Removal	50,244	50,244	7,726	13,244	37,000	Construction to commence Q4
750798	BLD - Port Bouvard SLC HVAC	50,020	50,020	50,020	15,020	35,000	Design Only
750809	BLD - Mandurah Family & CC Roof Cover	59,984	59,984	32,984	30,664	29,320	Design 20% complete
750796	BLD - South Dist BF Ops Demolition	48,244	48,244	13,244	13,244	35,000	Construction to commence Q4
750787	Basketball half court noise mitigation	35,354	35,354	10,354	701	34,654	Construction to commence Q3
750785	New - HHRC Basketball Backboard Winches	39,748	39,748	25,165	4,748	35,000	Construction to commence Q3
750823	NEW - Falcon Pavilion New Bin Storage	35,917	35,917	5,917	2,517	33,400	Construction to commence Q3
750801	BLD - Sth Mand FC Stormwater	54,984	54,984	54,984	24,984	30,000	Construction to commence Q3
750810	BLD - Coodanup Comm Centre Roof Repairs	54,984	54,984	39,984	40,209	14,775	Construction complete. Finances to be finalised
750802	BLD - MARC Indoor Pirate Playground	49,984	49,984	49,984	24,984	25,000	Design Only
750816	BLD - Madora Bay South Ablution	38,244	38,244	13,244	14,244	24,000	Construction to commence Q3
750807	BLD - Mandurah Museum Roof Replacement	44,984	44,984	44,984	24,984	20,000	Design Only
750792	BLD - MARC Café/Squash Thoroughfare	33,244	13,244	21,577	13,244	(0)	Project cancelled
750695	Waste Management Centre Upgrade Fire Fighting Infrastructure	0	647,872	372,244	57,212	590,660	Construction 10% complete
750660	Waste Management Centre Tipping Shed	0	262,741	153,266	214,145	48,596	Complete
750783	WMC - safety improvement projects	0	106,476	56,159	55,996	50,480	Construction 70% complete
750770	MPAC Entry Door Renewal	0	25,000	14,583	0	25,000	Construction to commence Q4
750769	MPAC Access and Operational Safety Upgrd	0	240,000	140,000	0	240,000	Construction to commence Q3
750771	MPAC Fire Detection and Protec Sys Upgrd	0	317,454	185,181	45,150	272,304	Construction to commence Q4
750741	Avalon Foreshore Ablution Renewal	0	298,370	174,049	221,556	76,814	Complete
750732	Dawesville Community Centre	0	1,677,262	978,403	430,919	1,246,343	Landscape works to commence Q3
750763	Asbestos Removal Program	0	30,000	17,500	0	30,000	Ongoing Program

# Ordinary Council Meeting Agenda - 24 February 2026

Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
750773 Rushton Park Kiosk Lower Level Tiling Repairs	0	62,800	36,634	0	62,800	Procurement underway
750828 BLD - Admin Building FIP Replacement	0	25,851	15,080	0	25,851	Construction complete. Finances to be finalised
750687 LED Buildings Plan	0	24,945	14,551	12,609	12,336	Ongoing Program
750689 Works & Services Building Refurb	0	151,258	88,234	49,653	101,605	Construction 90% complete
750761 Administration Centre Facade Renewal	0	156,005	91,003	154,757	1,249	Construction complete. Finances to be finalised
750681 MARC Roof Repairs	0	19,525	11,390	0	19,525	Construction complete. Finances to be finalised
750733 Cinema HVAC Replacement	0	57,562	33,578	27,762	29,800	Construction complete. Finances to be finalised
750753 Site Main Switchboard Program	0	50,000	29,167	7,470	42,530	Ongoing Program
750829 BLD - Falcon Library CU-3 Replacement	0	250,000	71,429	0	250,000	Design 70% complete
750830 NEW - Canopus Display Shed	1	50,000	14,286	0	50,000	Procurement underway
<b>Bridges</b>						
880017 BRG Fathom Turn Footbridge Maintenance	283,849	33,849	96,349	33,849	0	Design Only
880018 BRG - 2025-26 Level Three Inspections	160,829	160,829	35,829	10,829	150,000	Procurement underway
880012 Lakelands Madora Bay Pedestrian Bridge	0	46,839	23,419	0	46,839	Design 80% complete
<b>Parks</b>						
700619 Dawesville SE Foreshore	866,168	972,217	928,030	513,326	458,890	Construction 60% complete
700627 Roy Tuckey Reserve BMX Pump Track Renewal	227,483	227,483	143,832	57,483	170,000	Construction to commence Q3
700629 Eastern Foreshore Boardwalk Renewal	361,978	404,593	261,836	116,783	287,810	Design 10% complete
700575 Coodanup Foreshore Park Upgrade	717,890	1,336,910	808,152	639,742	697,168	Refer to Financial Report, Key Capital Projects table.
700635 Norwich Reserve Upgrade	533,514	533,514	416,014	268,335	265,179	Construction 80% complete
700639 Peel Hockey Association Surface Renewal	877,642	877,642	517,642	9,295	868,347	Construction 80% complete
700516 Yalgorup National Park	914,533	314,533	213,798	73,300	241,234	Refer to Financial Report, Key Capital Projects table.
700683 New - Regional Multi-use Facility	468,670	468,670	264,581	53,908	414,762	Design Only
700659 PRK 25-26 Boardwalk and Beach Access Rnwl	734,210	734,210	394,106	43,150	691,060	Construction to commence Q3
700662 PRK 25-26 Merlin Res Sport Light Renewal	401,656	201,656	67,489	2,856	198,800	Design 40% complete
700658 PRK Mississippi Res Playground Upgrade	459,877	459,877	263,051	64,984	394,893	Construction to commence Q3
700656 PRK 25-26 Playground Renewal	338,682	338,682	220,973	274,052	64,629	Construction 90% complete
700680 PRK 25-26 Fencing Renewal	256,708	256,708	176,714	127,366	129,342	Construction 80% complete
700666 PRK 25-26 Parks Furniture Renewal	164,728	164,728	103,061	104,553	60,175	Complete
700672 PRK 25-26 Park Fixtures New	120,354	120,354	70,354	123,620	(3,265)	Complete. Budget Variation for overspend to be processed at Budget Review.
700654 PRK 25-26 Shade Sails New	116,728	116,728	116,728	55,368	61,360	Construction 50% complete
700671 PRK 25-26 Heritage Bore Renewal	90,354	90,354	67,854	354	90,000	Construction to commence Q3
700655 PRK 25-26 Softfall Rubber Renewal	65,275	65,275	65,275	51,861	13,414	Complete
700664 PRK 25-26 Signage Renewal	60,354	60,354	35,354	24,405	35,949	Ongoing Program
700684 NEW - Lakelands Youth Park	68,980	68,980	44,377	18,980	50,000	Design Only
930050 Caddadup Recycled Water Supply (MAR)	188,881	188,881	107,690	23,881	165,000	Feasibility study in progress
700653 25-26 Res Elect Meter Replacement	50,354	50,354	29,521	354	50,000	Ongoing Program
700681 PRK 25-26 Bin Enclosures Upgrade	66,728	66,728	45,895	56,329	10,399	Complete
700667 PRK Sports Court Renewal	42,354	42,354	31,766	354	42,000	Construction to commence Q3
700673 PRK 25-26 Signage New	40,354	40,354	23,688	10,778	29,576	Ongoing Program
700677 PRK 25-26 Retaining Wall	21,131	21,131	12,800	1,135	19,996	Construction to commence Q3
700678 NEW - Bortolo Goal Compound	17,232	17,232	10,982	22,788	(5,556)	Complete. Budget Variation for overspend to be processed at Budget Review.
700657 PRK Bardoc Reserve Upgrade	67,483	67,483	57,483	58,909	8,574	Design Only
700670 NEW - Playground, Kardan Loop, Falcon	15,520	15,520	5,520	5,761	9,759	Design Only
700628 24-25 Boardwalk and Beach Access Renewal	0	511,848	298,578	233,994	277,854	Construction 80% complete
700586 BW Warrungup Spring Reserve Boardwalk	0	119,162	69,511	27,783	91,378	Construction 90% complete
700634 MARC Double Sided Digital Sign Renewal	0	139,112	81,149	119,736	19,376	Complete
700650 Lakes Lawn Cemetary Recovery	0	227,877	132,929	47,861	180,016	Construction 90% complete
700633 MARC Outdoor Shade Structures New	0	93,516	54,551	99,882	(6,366)	Complete. Budget Variation for overspend to be processed at Budget Review.
700652 Pinjarra Rd Tuart Tree Support System	0	66,055	38,532	0	66,055	Construction to commence Q3
700685 PRK - Rushton North Lighting	0	338,022	197,180	0	338,022	Construction to commence Q4
700577 Merlin Street Reserve Activation Plan	0	0	0	(12,532)	12,532	Construction complete. Finances to be finalised
700637 Shade Structures Renewal Program	0	16,911	9,865	10,066	6,844	Ongoing Program
700614 Reserve Meter Renewal Program	0	50,000	29,167	0	50,000	Ongoing Program
700686 Meadow Springs Cricket Nets	0	50,000	29,167	0	50,000	Construction to commence Q4

# Ordinary Council Meeting Agenda - 24 February 2026

Level of completion indicator, please see table at the end of this note for further detail.

Account Description		Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
700687	Lakelands Dugouts	0	82,000	47,833	0	82,000	Consultant work underway
930045	Major Public Artworks	0	125,000	72,917	35,523	89,477	Ongoing Program
#N/A							
<b>Roads</b>							
501192	Falcon Coastal Shared Path	658,902	412,448	251,755	90,427	322,022	Refer to Financial Report, Key Capital Projects table.
501264	Lakes Road - Murdoch Drive Blackspot	125,457	0	1,938	0	0	Withdrawn project
501265	Lynda Street and Baroy Street Blackspot	382,478	382,478	16,533	16,533	365,945	Construction to commence Q4
501267	Wanjeep Street Blackspot	614,883	0	4,248	0	0	Withdrawn project
501291	Pinjarra Road	1,844,765	2,553,754	1,597,333	587,473	1,966,280	Construction 50% complete
501294	Decorative Streetlighting Renewal Project Design	608,181	478,181	495,443	13,181	465,000	Ongoing project
501331	RDS - Renew - Clarice St	1,234,062	1,234,062	1,234,062	962,285	271,777	Construction 90% complete
501304	RDS - Upgrade - Tims Thicket Road	1,233,742	1,233,742	33,742	36,862	1,196,879	Construction to commence Q3
501339	RDS - Resurface - Karinga & Surrounds	659,716	659,716	659,716	162,909	496,807	Construction complete. Finances to be finalised
501308	TMP - BS - Tuckey Street	645,545	645,545	29,906	29,906	615,639	Design 60% complete
501313	TMP - BS Pinjarra-Anstruther Rd Intersect	599,616	599,616	313,825	84,674	514,941	Refer to Financial Report, Key Capital Projects table.
501309	RDS - Renew - Tims Thicket Road	595,767	595,767	24,204	31,197	564,570	Construction to commence Q3
501336	RDS - Resurface - St Annes & Surrounds	528,209	528,209	528,209	395,588	132,621	Construction complete. Finances to be finalised
501334	RDS - Resurface - Kookaburra & Surrounds	497,786	497,786	497,786	441,249	56,537	Construction complete. Finances to be finalised
501329	RDS - Resurface - Canterbury & Surrounds	484,509	484,509	19,764	100,750	383,759	Construction 20% complete
501306	RDS - Resurface - Elmore Way	305,027	305,027	305,027	222,427	82,599	Construction complete. Finances to be finalised
501311	TMP - LATM - Oakmont Avenue	284,171	284,171	12,345	12,345	271,826	Design 90% complete
501338	RDS - Resurface - Angalore Road	262,049	262,049	262,049	243,456	18,593	Construction complete. Finances to be finalised
501333	RDS - Resurface - La Grange & Augusta	241,945	241,945	241,945	169,520	72,424	Construction complete. Finances to be finalised
501332	RDS - Resurface - McLarty Road	229,452	229,452	9,452	53,100	176,352	Construction 30% complete
501335	RDS - Resurface - Carnoustie Gardens	202,818	202,818	202,818	156,320	46,498	Construction complete. Finances to be finalised
501341	RDS - Resurface - Hestia Way	179,637	179,637	179,637	148,385	31,253	Construction complete. Finances to be finalised
501326	PTH - Renewal - Old Coast Road Bypass	135,738	135,738	2,570	2,570	133,168	Construction to commence Q3
501320	PTH - Renew - Mandurah Road	132,170	132,170	99,128	2,570	129,600	Construction to commence Q4
501337	RDS - Resurface - Cuvier Place	116,948	9,608	82,745	9,608	0	Withdrawn project
501330	CPK - City Centre Parking Plan Delivery	107,819	107,819	50,911	2,819	105,000	Ongoing Project
501318	TMP - LATM - Glencoe Parade	104,855	104,855	38,089	7,929	96,927	Design 80% complete
501321	PTH - Renew - Caddadup Reserve	101,570	101,570	101,570	2,570	99,000	Consultant work underway
501322	RDS - Resurface - Waste Mgmt Centre	107,749	107,749	107,749	140,199	(32,450)	Construction complete. Finances to be finalised. Budget Variation for overspend to be processed at Budget Review.
501328	RDS - Resurface - Blossom Place	93,960	93,960	3,960	14,154	79,807	Construction to commence Q3
501317	TMP - Dandaragan Drive	55,718	55,718	55,718	2,718	53,000	Consultant work underway
501344	SLF - 25-26 Street Furniture Renewal	46,650	46,650	28,108	2,150	44,500	Ongoing Program
501343	SLF - 25-26 Street Furniture New	42,150	42,150	25,483	2,150	40,000	Ongoing Program
501319	TMP - Westview Parade, Wannanup	39,470	39,470	1,960	4,433	35,037	Design 50% complete
501316	TMP - Cossack Way	36,984	36,984	3,896	1,896	35,088	Consultant work underway
501325	PTH - Realign - Lively Place	37,570	37,570	37,570	7,674	29,897	Construction 90% complete
501345	SLF - City Centre Lighting Audit	37,150	37,150	37,150	2,150	35,000	Ongoing project
501303	RDS - Renew - The Glen	58,111	58,111	33,111	33,111	25,000	Design Only
501312	TMP - Arramall Trail	21,844	21,844	21,844	1,213	20,631	Consultant work underway
501327	PTH - Renew - Estuary Road	17,570	17,570	13,178	2,570	15,000	Design Only
501324	PTH - Renewal - Old Coast Road	16,737	16,737	2,570	2,570	14,167	Consultant work underway
501340	RDS - Renew - Finistere Island Retreat	38,111	38,111	33,111	33,111	5,000	Design Only
501314	CPK Merlin St Carpark Renewal	9,290	9,290	9,290	4,290	5,000	Design Only
501310	CPK Doddies Beach Carpark Renewal	9,498	9,498	9,498	4,498	5,000	Design Only
501307	RDS - Renew - Grafton Drive	38,111	38,111	33,111	33,111	5,000	Design Only
501305	PTH - Tanjinn Street, Dawesville PAW	7,570	7,570	7,570	2,570	5,000	Design Only
501193	23-24 TM Clarice St	0	191,460	111,685	43,690	147,769	Construction complete. Finances to be finalised
501129	Trails Project	0	406,159	236,926	26,457	379,702	Design complete
501194	TM Mandurah Tce/Adonis Rd	0	0	32,992	0	0	Withdrawn project
501235	RC Peel Street Stage 4	0	70,000	249,251	48,495	21,505	Construction complete. Finances to be finalised
501175	24-25 TM Discretionary Traffic Management	0	148,953	86,890	16,531	132,423	Ongoing Program
501292	New Street Furniture and Minor Works	0	44,190	25,778	7,698	36,492	Ongoing Program
501293	PTH 24-25 Shared Path Renewal Program	0	287,794	167,880	98,085	189,710	Construction 20% complete
501260	Mewburn Centre Carpark Upgrade	0	13,290	7,753	22,129	(8,839)	Design only. Budget Variation for overspend to be processed at Budget Review.

# Ordinary Council Meeting Agenda - 24 February 2026

Level of completion indicator, please see table at the end of this note for further detail.

Account Description		Adopted Budget	Annual Budget	YTD Budget	YTD Actual	Remaining Unspent Funds	Comment
501346	RDS - Preservation RRG - Coolibah Ave	0	532,000	152,000	15,019	516,981	Construction 10% complete
501347	RDS - Resurface - Cyprus Gardens	0	107,340	34,203	6,324	101,016	Construction to commence Q3
501263	RDS - Resurface - Cyprus Gardens	0	0	0	0	0	
<b>Drainage</b>							
600226	DRG - Parkview Street	176,238	176,238	11,238	11,238	165,000	Construction to commence Q4
600207	DRG - Cygni Street	156,238	156,238	156,238	134,661	21,577	Construction 90% complete
600211	DRG - Tara Street	101,238	101,238	16,238	18,207	83,031	Construction to commence Q3
600220	DRG - Durham Crescent	71,238	71,238	71,238	15,627	55,612	Design 90% complete
600225	DRG - Mississippi Drive	16,238	16,238	16,238	11,238	5,000	Design Only
600209	DRG - Portmarnock Circle	16,238	16,238	11,238	11,238	5,000	Design Only
600213	DRG - Scenic Dr and Philante St Int	16,238	16,238	16,238	11,238	5,000	Design Only
600208	DRG - Mandurah Gardens Est	16,238	16,238	11,238	12,419	3,820	Design Only
600219	DRG - Lyelta Street	16,238	16,238	16,238	11,238	5,000	Design Only
600198	DR Mary Street Drainage Renewal	0	285,030	166,268	71,645	213,386	Construction 30% complete
<b>Coastal &amp; Estuary</b>							
911008	Mandurah Quay Seawall Repair	1,768,134	1,889,352	1,338,845	119,965	1,769,387	Construction to commence Q3
911014	C&M - 25-26 Town Beach Seawall Renewal	1,217,856	1,217,856	484,523	145,203	1,072,653	Construction to commence Q3
911020	C&M - 25-26 Birchley Rd Boat Ramp Upgr	957,013	82,013	52,013	63,453	18,560	Deferred project
911016	C&M - 25-26 Waterside Foreshore seawall	325,761	40,761	40,761	10,761	30,000	Design Only
911018	C&M - 25-26 Memorial Park Seawall	278,010	58,010	58,010	28,010	30,000	Design Only
911019	C&M - 25-26 Darwin Tce Public Jetty Renew	30,237	30,237	10,237	10,237	20,000	Design only
911015	C&M - 25-26 Doddis Beach Protection	191,882	191,882	191,882	41,882	150,000	Consultant work underway Project to be withdrawn at Budget Review, as the planning is now incorporated into other City Masterplans.
911013	C&M - Mandjar Bay Concept Planning	155,575	155,575	130,575	55,575	100,000	
911017	C&M - 25-26 Breakwater Pde Entry Seawall	91,351	91,351	21,351	21,370	69,981	Design only
911021	In-Water Floating Pontoon	0	55,850	32,579	62,146	(6,296)	Procurement underway
911007	Donnelly Gardens Seawall Repair	0	212,435	111,475	2,944	209,491	Construction to commence Q3
<b>Equipment</b>							
930043	Christmas Decorations Program	200,000	210,612	122,857	0	210,612	Ongoing Program
820185	All Terrain Wheelchair	0	0	0	6,040	(6,040)	Insurance Claim in Progress budget for revenue and expenses to be updated at BR
820195	Furniture & Equipment	0	0	0	0	0	2024/2025 project. Budget Adjustment included in final carryover request.
820198	CCTV Storage	0	70,000	40,833	0	70,000	Procurement Underway
<b>Plant &amp; Machinery</b>							
770001	Replacement Light Passenger Vehicles	455,000	455,000	265,417	173,442	281,558	Ongoing Program
770002	Replacement Light Commercial Vehicles	884,000	884,000	515,667	180,562	703,438	Ongoing Program
770006	Trucks and Buses	1,130,500	2,051,918	1,196,952	492,740	1,559,178	Ongoing Program
770009	Parks and Mowers	283,000	437,189	255,027	106,451	330,738	Ongoing Program
770010	New - Heavy Vehicles Plant and Equipment	40,000	40,000	23,333	39,460	540	Ongoing Program
770011	Miscellaneous Equipment	17,500	257,500	150,209	17,519	239,981	Ongoing Program
770007	Trailers	81,120	81,120	47,320	22,365	58,755	Ongoing Program
770012	New - Vehicle and Small Plant Program	0	21,001	12,250	0	21,001	Ongoing Program
<b>Other Infrastructure</b>							
930048	LTFP Program - CSRF	150,000	124,652	72,714	0	124,652	Ongoing Program
700055	Waterfront Project	0	555,443	324,008	146,302	409,141	Construction 90% complete
700665	New - Western Foreshore Leisure Precinct	613,647	613,647	393,203	165,647	448,000	Design Only
<b>Grand Total</b>		<b>40,467,887</b>	<b>48,171,865</b>	<b>28,643,923</b>	<b>12,626,923</b>	<b>35,544,942</b>	

Ordinary Council Meeting Agenda - 24 February 2026

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026

FINANCING ACTIVITIES  
NOTE 7  
BORROWINGS

Repayments - Borrowings

Information on Borrowings Particulars	1 July 2025	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Law, order, public safety</b>									
Bortolo Fire Track Water Infrastructure	32,250	-	-	2,053	5,055	30,197	7,217	473	423
<b>Community amenities</b>									
Halls Head Recycled Water 2019/20	116,439	-	-	11,690	19,256	104,749	94,533	1,511	6,455
Ablutions 2021/22	178,490	-	-	19,315	31,209	159,175	141,396	284	3,248
Waste Water Reuse [349]	34,182	-	-	14,085	22,692	20,097	11,694	430	2,864
Halls Head Ablution Block [350]	22,843	-	-	9,386	15,121	13,457	7,855	287	1,912
<b>Recreation and culture</b>									
Falcon Seawall	449,687	-	-	68,824	113,909	380,863	319,182	955	15,713
Mandjar Square Stage 3 and 4	251,679	-	-	30,869	49,977	220,811	192,753	3,253	16,306
Novara Foreshore Stage 3	101,343	-	-	12,468	20,613	88,875	76,982	1,310	5,517
Falcon Skate Park Upgrade	65,726	-	-	6,925	11,042	58,800	54,222	852	4,358
Falcon Bay Foreshore Stage 3 of 4	163,970	-	-	17,758	28,505	146,212	130,912	2,125	10,702
Mandjar Square Final Stage	164,078	-	-	17,775	29,040	146,303	130,962	2,126	9,610
Westbury Way North side POS Stage 3	117,537	-	-	11,643	18,670	105,894	95,728	1,526	7,618
Smart Street Mall Upgrade 2019/20	248,071	-	-	29,424	46,006	218,647	202,043	3,210	16,700
Smart Street Mall 2020/21	710,247	-	-	78,150	110,305	632,097	598,366	1,374	22,998
Enclosed Dog Park	14,508	-	-	1,133	1,817	13,376	15,193	191	918
Falcon Bay Upgrade - Stage 4 of 5	176,793	-	-	18,633	32,768	158,161	137,459	1,101	5,625
Novara Foreshore Stage 4	69,844	-	-	5,775	9,421	64,069	58,217	921	4,196
Bortolo Reserve - Shared Use Parking and Fire Track Facility	190,419	-	-	21,671	34,251	168,748	149,366	665	6,856
South Harbour Paving Upgrade Stage 2	35,612	-	-	2,817	4,520	32,795	30,024	470	2,255
Eastern/ Western Foreshore 2020/21	671,687	-	-	79,089	129,194	592,597	537,058	1,467	4,915
Falcon Skate Park Upgrade 2020/21	53,033	-	-	4,545	6,810	48,488	44,659	700	3,363
Eastern/ Western Foreshore 2021/22	1,057,173	-	-	108,506	201,616	948,667	818,949	3,156	7,488
Parks and Reserves Upgrades 2021/22	344,126	-	-	37,067	64,453	307,059	268,007	930	3,213
Mandurah Library Re Roofing Project	83,629	-	-	6,483	13,175	77,146	68,186	1,237	2,790
Enclosed Dog Park 2021/22	129,152	-	-	13,290	22,540	115,862	102,566	524	2,178
Falcon Bay Upgrade - Stage 4 of 5 2021/22	51,152	-	-	4,354	9,435	46,797	40,224	756	516
Novara Foreshore Stage 4 2021/22	162,736	-	-	17,517	29,261	145,219	128,340	328	2,164
Smart Street Mall 2021/22	437,105	-	-	45,889	82,018	391,216	340,378	919	4,148
Falcon Reserve Activation Plan Stage 3	297,787	-	-	29,761	51,993	268,026	246,073	873	2,620
2022/23 Parks and Reserves Upgrades	290,167	-	-	29,233	51,179	260,935	239,018	762	2,058
Kangaroo Paw Park	229,309	-	-	23,117	40,177	206,192	189,149	568	2,024
Seascapes Boardwalk	149,003	-	-	15,264	25,991	133,739	123,131	229	1,315
Bruce Cresswell Reserve	146,040	-	-	14,493	25,655	131,547	120,465	465	1,100
Falcon Bay Stage 5 of 5	108,679	-	-	10,985	18,262	97,694	90,527	197	1,545
Mandurah Community Museum Roof and Gutters	96,899	-	-	9,851	17,068	87,048	79,655	163	686
2022/23 South Harbour Upgrades	76,835	-	-	7,766	12,221	69,070	64,911	149	1,494
Pleasant Grove Foreshore	44,383	-	-	3,142	7,386	41,241	37,036	651	682
Smart Street Mall Upgrade	44,138	-	-	3,129	7,367	41,009	36,808	647	665
Parks & Reserves Program	3,177,416	-	-	173,534	272,557	3,003,881	2,909,917	39,258	191,749
Parks & Reserves Upgrade 24-25	1,180,902	-	-	53,816	99,244	1,127,087	1,081,604	14,623	59,339
Parks & Reserves Upgrade 25-26			2,000,000		0		2,000,000		0
Halls Head Bowling Club upgrade [331]	129,500	-	-	24,198	43,842	105,302	82,304	1,702	3,447
MARC Redevelopment Stage 1 [340]	91,169	-	-	53,905	86,974	37,264	-	1,108	2,744
MARC Redevelopment Stage 2 [341]	162,227	-	-	135,628	163,038	26,599	-	630	4,607
Eastern Foreshore Wall [344]	126,209	-	-	85,952	127,115	40,258	-	1,505	4,188
MARC Stage 2 [345]	198,052	-	-	125,456	198,437	72,596	-	1,143	3,597
Falcon Bay Seawall [351]	54,668	-	-	23,623	40,795	31,044	14,162	685	1,880
MARC Solar Plan [353]	75,077	-	-	13,691	23,560	61,386	48,788	988	3,566
Novara Foreshore Development [355]	140,551	-	-	30,428	52,139	110,123	82,287	608	2,553
Falcon Bay Foreshore Upgrades [356]	144,895	-	-	28,031	53,201	116,864	85,262	1,903	1,173
Mandjar Square Development [358]	175,056	-	-	37,415	64,221	137,641	105,329	552	1,872
Lakelands DOS [360]	792,519	-	-	190,605	329,814	601,914	463,103	1,613	8,743
<b>Transport</b>									

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026

FINANCING ACTIVITIES  
NOTE 7  
BORROWINGS

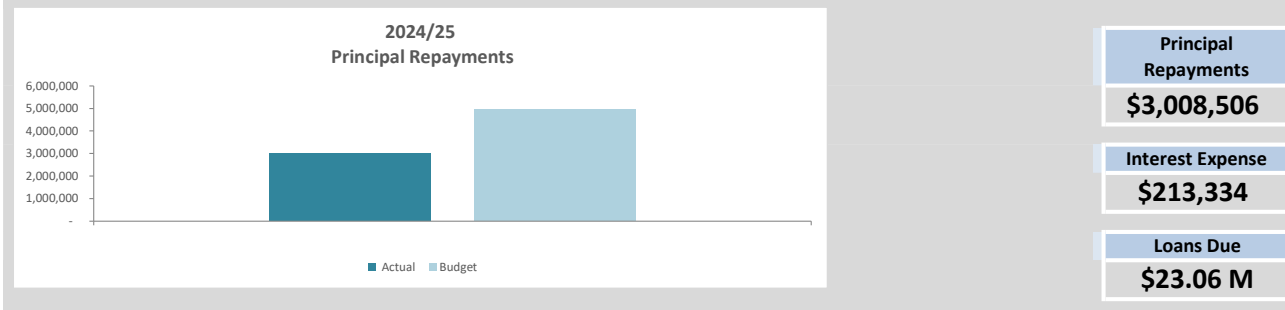
Repayments - Borrowings

Information on Borrowings Particulars	1 July 2025	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
New Road Construction 2018/19	744,243	-	-	113,240	177,241	631,002	550,176	1,726	24,473
New Boardwalks 18/19	252,515	-	-	35,427	51,359	217,088	192,273	1,446	14,117
Pinjarra Road Carpark	101,343	-	-	12,468	20,613	88,875	76,982	1,310	5,517
Coodanup Drive - Road Rehabilitation	51,166	-	-	6,212	10,017	44,954	39,023	661	3,336
South Harbour Upgrade 2019/20	134,200	-	-	13,447	22,075	120,752	108,978	1,742	7,604
New Road Construction 2019/20	404,120	-	-	62,237	99,842	341,883	301,056	975	14,874
New Roads 2020/21	366,177	-	-	42,478	62,140	323,699	297,550	1,136	12,573
Carryover Roads 2020/21	354,133	-	-	37,605	65,568	316,528	275,822	1,079	3,178
Roads 2021/22	179,941	-	-	19,333	31,611	160,608	141,800	305	2,719
Carparks 2021/22	118,730	-	-	12,492	20,752	106,238	94,159	370	2,152
Cambria Island Abutment Wall	42,183	-	-	3,654	7,706	38,529	33,354	624	508
RC Pinjarra Road Stage 3	371,737	-	-	36,797	66,212	334,940	305,562	1,259	2,257
RC Pinjarra Road Stage 4	371,752	-	-	36,796	66,211	334,956	305,578	1,259	2,258
Cambria Island Abutment Walls Repair	199,791	-	-	19,379	34,813	180,412	165,151	834	1,837
SP Halls Head PSP	149,003	-	-	15,264	25,991	133,739	123,131	229	1,315
RC Peel Street	84,018	-	-	8,450	12,950	75,568	71,380	115	2,008
Torcello Mews Canal PAW Renewal	75,295	-	-	7,608	12,061	67,687	63,528	126	1,384
Halls Head Pde Beach Central CP Stage 2	73,473	-	-	7,448	11,819	66,026	61,880	100	1,247
Halls Head Parade Car Park Stage 2a	39,191	-	-	2,606	6,555	36,585	32,395	575	281
Senior Citizens Carpark	10,258	-	-	600	935	9,658	9,331	151	728
Roads & Drainage Program	2,184,422	-	-	119,302	187,379	2,065,120	2,000,517	26,989	13,1824
Roads & Drainage Program 24-25	2,200,048	-	-	100,199	184,898	2,099,849	2,015,102	29,551	110,553
Roads & Drainage Program 25-26	-	-	2,500,000	-	0	-	2,500,000	-	0
New Road Construction [342]	104,503	-	-	67,601	102,550	36,902	-	1,256	2,788
WMC Tims Thicket [343]	21,316	-	-	10,798	17,503	10,518	2,158	263	1,796
Road Construction [346]	84,706	-	-	37,348	65,514	47,359	19,064	1,060	1,672
MARC Carpark [347]	65,448	-	-	28,263	48,269	37,185	17,544	820	2,795
MPAC Forecourt [348]	28,517	-	-	11,735	18,906	16,782	9,781	359	2,388
Mandurah Marina [352]	75,063	-	-	13,712	23,597	61,351	48,706	988	3,564
MARC Carpark [354]	109,431	-	-	20,471	37,865	88,960	68,092	1,439	2,019
Mandurah Foreshore Boardwalk Renewal [357]	160,058	-	-	34,574	58,832	125,484	95,096	354	1,883
New Road Construction [359]	423,719	-	-	97,226	166,656	326,493	257,332	1,179	4,215
Smoke Bush Retreat Footpath [361]	38,379	-	-	6,621	10,681	31,758	26,599	506	2,627
<b>Economic services</b>									
Mandurah Ocean Marina Chalets Refurbishment	106,292	-	-	11,532	19,399	94,760	83,511	186	1,294
<b>Other property and services</b>									
Civic Building - Tuckey Room Extension	252,716	-	-	31,013	51,184	221,703	192,182	3,266	14,182
Building Renewal & Upgrades Program	1,301,276	-	-	71,071	111,628	1,230,205	1,191,715	16,078	78,528
Mandurah Quay Seawall Repair	0	-	1,650,000	-	-	0	1,650,000	0	0
Building Renewal & Upgrades Program 24-25	720,736	-	0	33,342	60,512	687,393	659,488	8,917	36,180
25-26 Building Renewal & Upgrades	-	-	1,000,000	-	-	-	1,000,000	-	-
	26,064,892	0	7,150,000	3,008,506	4,946,758	23,056,386	27,988,000	213,334	981,370
<b>Total</b>	26,064,892	0	7,150,000	3,008,506	4,946,758	23,056,386	27,988,000	213,334	981,370
Current borrowings	4,946,758	-	7,150,000	3,008,506	4,946,758	2,501,826	4,946,758	213,334	981,370
Non-current borrowings	21,118,134	-	-	-	-	20,554,560	23,041,242	-	-
	26,064,892	-	-	-	-	23,056,386	27,988,000	-	-

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.



Ordinary Council Meeting Agenda - 24 February 2026

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026

OPERATING ACTIVITIES  
NOTE 8  
CASH RESERVES

Cash Backed Reserve

Reserve Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Building	1,617,101	252,918	0	8,954,091	0	0	0	10,824,110	1,617,101
Parking	529,269	13,801	0	0	0	0	0	543,070	529,269
Asset Management	26,970,114	555,920	0	733,526	0	(9,691,073)	0	18,568,486	26,970,114
Cultural Centre	493	0	0	0	0	0	0	493	493
Sustainability	296,619	7,734	0	0	0	(57,500)	0	246,853	296,619
Waste Facilities Reserve Fund	10,715,277	198,278	0	0	0	(3,932,463)	0	6,981,092	10,715,277
Interest Free Loans	191,704	0	0	0	0	0	0	191,704	191,704
CLAG	1,415	37	0	20,000	0	0	0	21,452	1,415
Mandurah Ocean Marina	195,681	5,102	0	0	0	0	0	200,783	195,681
Waterways	625,392	15,688	0	0	0	(494,238)	0	146,842	625,392
Port Mandurah Canals Stage 2 Maintenance	102,363	2,669	0	0	0	0	0	105,032	102,363
Mariners Cove Canals	93,266	2,432	0	0	0	0	0	95,698	93,266
Port Bouvard Canal Maintenance Contributions	293,559	7,654	0	0	0	0	0	301,213	293,559
Unspent Grants & Contributions	4,242,098	0	0	0	0	(855,251)	0	3,386,846	4,242,098
Long Service Leave	3,396,631	92,787	0	0	0	(701,115)	0	2,788,302	3,396,631
Bushland and Environmental Protection	1,866,955	43,217	0	0	0	0	0	1,910,172	1,866,955
Coastal Storm Contingency	284,175	7,410	0	0	0	0	0	291,585	284,175
Digital Futures	62,516	1,630	0	0	0	0	0	64,146	62,516
Decked Carparking	1,108,828	28,912	0	0	0	0	0	1,137,740	1,108,828
Specified Area Rates - Waterside Canals	115,404	5,535	0	0	0	(2,942)	0	117,997	115,404
Specified Area Rates - Port Mandurah Canals	200,290	6,270	0	64,900	0	(142,556)	0	128,904	200,290
Specified Area Rates - Mandurah Quay Canals	313,859	16,614	0	27,019	0	(49,152)	0	308,340	313,859
Specified Area Rates - Mandurah Ocean Marina	1,144,422	35,484	0	149,815	0	0	0	1,329,721	1,144,422
Specified Area Rate - Port Bouvard Canals	173,219	9,836	0	0	0	0	0	183,055	173,219
Specified Area Rate - Mariners Cove	5,927	487	0	260	0	0	0	6,674	5,927
Specified Area Rate - Eastport	67,024	2,824	0	962	0	0	0	70,810	67,024
Sportclubs Maintenance Levy	449,570	10,183	0	0	0	0	0	459,753	449,570
City Centre Land Acquisition Reserve	2,131,064	55,567	0	0	0	0	0	2,186,631	2,131,064
Lakelands Community Infrastructure Reserve	1,211,619	31,593	0	0	0	0	0	1,243,212	1,211,619
Plant Reserve	1,911,487	48,694	0	0	0	(959,112)	0	1,001,069	1,911,487
Workers Compensation Reserve	329,536	8,593	0	0	0	0	0	338,129	329,536
Restricted Cash Reserve	4,104,069	47,864	0	0	0	(2,351,907)	0	1,800,027	4,104,069
Community Safety	492,213	12,834	0	0	0	(54,848)	0	450,199	492,213
Public Art Reserve	434,996	11,537	0	0	0	(125,000)	0	321,533	434,996
Large-Scale Arts and Culture Attraction Reserve	0	0	0	0	0	0	0	0	0
	<b>65,678,155</b>	<b>1,540,105</b>	<b>0</b>	<b>9,950,573</b>	<b>0</b>	<b>(19,417,159)</b>	<b>0</b>	<b>57,751,674</b>	<b>65,678,155</b>

Ordinary Council Meeting Agenda - 24 February 2026

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026

NOTE 9

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Operating Grant, Subsidies and Contributions Liability				Operating Grants, Subsidies and Contributions Revenue			
	Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Jun	Adopted Budget	Budget Variations	Annual Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Operating Grants and Subsidies</b>								
<b>General purpose funding</b>								
2025-26 Financial Assistance Grant - Local Roads	0	0	0	0	2,399,744	0	2,399,744	1,112,611
2025-26 Financial Assistance Grant - General Roads	0	0	0	0	1,638,400	0	1,638,400	0
<b>Law, order, public safety</b>								
Southern Districts Bush Fire Brigade LGGS: DFES	0	0	0	0	35,000	0	35,000	42,243
Bushfire Mitigation: DFES	0	0	0	0	20,660	0	20,660	0
SES LGGS: 2025/26 DFES	0	0	0	0	51,000	0	51,000	78,147
Bushfire Risk Mitigation Coordinator Grant: City of Cockburn	7,075	20,737	(19,712)	8,101	0	0	0	19,712
Bushfire Risk Mitigation Coordinator Grant: DFES	14,151	77,223	(39,423)	51,950	82,948	0	82,948	39,423
CoM Housing Needs Analysis - DPIRD	50,000	0	0	50,000	0	50,000	50,000	0
Stronger Suburbs Cocooning Project	34,303	84,851	(64,184)	54,970	115,850	34,303	150,153	64,184
<b>Education and welfare</b>								
Waterwise Verge Grant: Water Corp	0	0	0	0	10,000	0	10,000	0
Paint the Town REaD: Department of Communities	33,673	0	(33,673)	0	30,526	33,673	64,199	33,673
Suicide Prevention Grant: WA Mental Health Commission	0	17,500	0	17,500	0	17,500	17,500	0
International Day of People with Disability Grant	0	1,000	(1,000)	0	0	1,000	1,000	1,000
<b>Community amenities</b>								
Bus Shelter Maintenance Assistance Scheme: PTA	0	0	0	0	18,623	0	18,623	0
Direct Grant	0	0	0	0	503,803	0	503,803	479,187
<b>Recreation and culture</b>								
Crabfest: Tourism WA 2026	0	0	0	0	140,000	0	140,000	0
Christmas Pageant	0	20,000	0	20,000	0	0	0	0
Christmas Light Trails	0	50,000	0	50,000	0	0	0	0
Christmas Carols	0	50,000	0	50,000	0	0	0	0
Christmas: Tourism WA	0	7,000	0	7,000	0	0	0	0
Every Club Funding 2026: DLGSC	0	0	0	0	20,480	0	20,480	0
Every Club Funding 2025: DLGSC	37,908	0	0	37,908	0	37,908	37,908	0
Gnoonie Youth Football Cup: Healthway	0	0	0	0	3,072	0	3,072	700
Southern Beaches CHRMAP: DPLH	98,000	28,000	0	126,000	0	140,000	140,000	0
Mandurah Estuarine CHRMAP - DPLH	0	100,000	0	100,000	0	0	0	0
Community Action Plan: Alcohol and Drug Foundation	13,639	0	(13,639)	0	16,925	19,764	36,689	13,639
CASM Signage	18,730	0	(18,730)	0	0	18,730	18,730	18,730
Australia Day 2026 Community Events Grant Program	0	12,000	0	12,000	15,000	0	15,000	0
CASM Art in Residency - DLGSCI	42,000	0	0	42,000	0	42,000	42,000	0
Better Beginnings Community Garden Storytime – Let’s Grow								
Together!	30,000	0	(8,273)	21,727	0	30,000	30,000	8,273
Gnoonie Cup	0	10,000	0	10,000	0	0	0	0
Community Gardens Grant Program	10,000	0	0	10,000	0	10,000	10,000	0
<b>Other property and services</b>								
Urban Greening Round Two Funding	40,000	0	(40,000)	0	0	40,000	40,000	40,000
<b>TOTALS</b>	<b>429,479</b>	<b>478,311</b>	<b>(238,634)</b>	<b>669,156</b>	<b>5,102,031</b>	<b>474,878</b>	<b>5,576,908</b>	<b>1,951,523</b>

\* The Note 9 above relates to Operating Grants, Subsidies and Contributions with contract liability

Ordinary Council Meeting Agenda - 24 February 2026

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026

NOTE 10  
NON-OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Non Operating Grants, Subsidies and Contributions Liability				Non Operating Grants, Subsidies and Contributions Revenue				
	Liability	Increase in Liability	Liability Reduction (As revenue)	Liability	Adopted Budget Revenue	Budget Variations	Annual Budget	YTD Revenue Actual (b)	
	1-Jul			30-Jun	\$	\$	\$	\$	
<b>Non-Operating Grants and Subsidies</b>									
<b>Community amenities</b>									
750741	Avalon Foreshore Ablution Renewal	-	-	0	-	248,370	248,370	0	
911014	C&M - 25-26 Town Beach Seawall Renewal	-	66,000	(66,000)	1,100,000	-	1,100,000	66,000	
911015	C&M - 25-26 Doddys Beach Protection	-	-	-	75,000	-	75,000	0	
<b>Recreation and culture</b>									
750790	New - MARC Sports Court Upgrade	-	-	-	298,375	-	298,375	0	
750789	New - Falcon Men's Shed	-	-	-	446,750	(446,750)	-	0	
750827	NEW - Peelwood Reserve Oval Storage	-	-	-	200,000	-	200,000	0	
750800	BLD - MARC Squash Court Glass Walls	-	-	-	30,000	-	30,000	0	
750732	Dawesville Community Centre	-	1,737,167	(430,919)	1,306,248	1,677,262	1,677,262	430,919	
700683	New - Regional Multi-use Facility	-	-	-	414,762	-	414,762	0	
700639	Peel Hockey Association Surface Renewal	-	72,000	(1,653)	70,347	340,000	340,000	1,653	
700662	PRK 25-26 Merlin Res Sport Light Renewal	-	-	-	400,000	(200,000)	200,000	0	
700685	PRK - Rushton North Lighting - State Government	-	100,000	-	100,000	100,000	100,000	0	
700685	PRK - Rushton North Lighting - Club Night Lights Program	-	-	-	-	112,674	112,674	0	
700686	Meadow Springs Cricket Nets	-	50,000	-	50,000	50,000	50,000	0	
700687	Lakelands Dugouts	-	-	-	-	82,000	82,000	0	
750825	NEW - Town Beach SLS Storage	-	30,000	(1,500)	28,500	-	-	1,500	
750830	Canopus Display Shed	-	50,000	-	50,000	-	50,000	0	
<b>Transport</b>									
880017	BRG Fathom Turn Footbridge Maintenance	-	-	-	167,000	(167,000)	-	0	
501291	Pinjarra Road	-	480,000	(480,000)	0	1,200,000	472,659	480,000	
501331	RDS - Renew - Clarice St	-	-	-	1,000,000	-	1,000,000	0	
501304	RDS - Upgrade - Tims Thicket Road	-	320,000	(3,121)	316,879	800,000	800,000	3,121	
501192	Falcon Coastal Shared Path	-	-	-	298,500	23,546	322,046	0	
501339	RDS - Resurface - Karinga & Surrounds	-	-	-	200,000	-	200,000	0	
501308	TMP - BS - Tuckey Street	-	164,170	-	164,170	410,426	410,426	0	
501267	Wanjeep Street Blackspot	-	-	-	409,667	(409,667)	-	0	
501313	TMP - BS Pinjarra-Anstruther Rd Intersct	-	228,633	(56,641)	171,992	381,055	381,055	56,641	
501309	RDS - Renew - Tims Thicket Road	-	160,000	(6,993)	153,007	400,000	400,000	6,993	
501336	RDS - Resurface - St Annes & Surrounds	-	-	-	400,000	-	400,000	0	
501334	RDS - Resurface - Kookaburra & Surrounds	-	-	-	279,615	-	279,615	0	
501329	RDS - Resurface - Canterbury & Surrounds	-	-	-	400,000	-	400,000	0	
501346	Preservation - Coolibah Ave	-	141,867	(15,019)	126,848	354,667	354,667	15,019	
501265	Lynda Street and Baroy Street Blackspot	100,924	-	-	100,924	256,367	256,367	0	
501306	RDS - Resurface - Elmore Way	-	-	-	200,000	-	200,000	0	
501311	TMP - LATM - Oakmont Avenue	-	30,706	-	30,706	181,217	181,217	0	
501264	Lakes Road - Murdoch Drive Blackspot	-	-	-	98,666	(98,666)	-	0	
501330	CPK - City Centre Parking Plan Delivery	-	-	-	50,000	-	50,000	0	
501318	TMP - LATM - Glencoe Parade	-	26,706	(3,223)	23,483	66,766	66,766	3,223	
501343	SLF - 25-26 Street Furniture New	-	-	-	20,000	-	20,000	0	
501193	23-24 TM Clarice St	68,659	-	(43,690)	24,968	103,745	103,745	43,690	
501129	Trails Project	195,452	-	(26,457)	168,995	231,294	231,294	26,457	
501194	TM Mandurah Tce/Adonis Rd	21,535	-	-	21,535	-	-	0	
700516	Yalgorup National Park	1,046,527	-	(8,767)	1,037,760	850,000	(599,999)	8,767	
911020	C&M - 25-26 Birchley Rd Boat Ramp Upgr	-	-	-	678,750	(678,750)	-	0	
501213	23-24 RS Charon Rd	1,906	-	-	1,906	-	-	0	
501196	23-24 TM Wanjeep St	2,265	-	(2,265)	(0)	-	-	0	
501235	RC Peel Street Stage 4	-	-	-	0	20,573	20,573	0	
		<b>1,437,267</b>	<b>3,657,249</b>	<b>(1,146,247)</b>	<b>3,948,268</b>	<b>12,052,916</b>	<b>925,958</b>	<b>12,978,873</b>	<b>1,164,555</b>
<b>Non-Operating Contributions</b>									
<b>Recreation and culture</b>									
700639	Peel Hockey Association Surface Renewal	-	-	-	0	-	-	50,000	
<b>Transport</b>									
700650	Lakes Lawn Cemetery Recovery	-	-	-	0	173,235	173,235	0	
<b>Other property and services</b>									
750828	BLD - Admin Building FIP Replacement	-	-	-	0	25,851	25,851	0	
770007	Trailers	-	-	-	0	-	-	8,566	
820185	All Terrain Wheelchair	-	-	-	0	-	-	5,040	
		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>199,086</b>	<b>199,086</b>	<b>63,606</b>	
<b>Total Non-operating grants, subsidies and contributions</b>									
		<b>1,437,267</b>	<b>3,657,249</b>	<b>(1,146,247)</b>	<b>3,948,268</b>	<b>12,052,916</b>	<b>1,125,044</b>	<b>13,177,959</b>	<b>1,228,161</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026**

**NOTE 11  
PROPOSED BUDGET VARIATIONS FOR COUNCIL APPROVAL**

The following are for consideration for Council to approve as budget variations

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
				0	0	0	(704,792)
							<b>(704,792)</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026**

Amendments to original budget since budget adoption. Surplus/(Deficit)  
A positive number in the amended budget running balance represents an estimated closing surplus.  
A negative number in the amended budget running balance represents an estimated closing deficit

**NOTE 12  
BUDGET AMENDMENTS APPROVED**

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
							(504,792)
	2024/25 Capital Carryover - Capital adjustment	June OCM G. 11/06/25	Capital Expenses			(4,989,906)	(5,494,698)
	2024/25 Capital Carryover - Loan adjustment	June OCM G. 11/06/25	Other: Unutilised Loans		144,577		(5,350,121)
	2024/25 Capital Carryover - Reserve adjustment	June OCM G. 11/06/25	Other: Transfer Out of Reserve		3,034,995		(2,315,126)
	2024/25 Capital Carryover - Proceeds adjustment	June OCM G. 11/06/25	Capital Revenue		35,481		(2,279,645)
	2024/25 Capital Carryover - Grants and contributions adjustments	June OCM G. 11/06/25	Capital Revenue		1,774,853		(504,792)
	2024/25 Capital Carryover - Grants and contributions adjustments	June OCM G. 11/06/25	Other: Transfer Out of Reserve		225,117		(279,675)
	2024/25 Capital Carryover - Contract Liability	June OCM G. 11/06/25	Non Cash Item	(225,117)			(504,792)
	Operating Carryovers - Reduction in Contracts and Materials	June OCM G. 11/06/25	Operating Expenses			(1,882,385)	(2,387,177)
	Operating Carryovers - Unspent Grant Reserve	June OCM G. 11/06/25	Other: Transfer Out of Reserve		156,680		(2,230,497)
	Operating Carryovers - Restricted Cash Reserve	June OCM G. 11/06/25	Other: Transfer Out of Reserve		1,725,705		(504,792)
	Operating Carryovers - Increase in Operating Revenue	June OCM G. 11/06/25	Operating Revenue		152,135		(352,657)
	Operating Carryovers - Contract Liability	June OCM G. 11/06/25	Non Cash Item	(152,135)			(504,792)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Capital adjustment	June OCM G. 11/06/25	Capital Expenses			(3,692,843)	(4,197,635)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Loan adjustment	June OCM G. 11/06/25	Other: Unutilised Loans		65,848		(4,131,787)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Proceeds adjustment	June OCM G. 11/06/25	Capital Revenue		318,007		(3,813,780)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Grants and contributions adjustment	June OCM G. 11/06/25	Capital Revenue		486,647		(3,327,133)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Reserve adjustment	June OCM G. 11/06/25	Other: Transfer Out of Reserve		2,822,341		(504,792)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Unspent Grants Reserve adjustment	June OCM G. 11/06/25	Other: Transfer Out of Reserve		140,719		(364,073)
	2024/25 Mid-Year Budget Review Budget Reinstatement - Contract Liability	June OCM G. 11/06/25	Non Cash Item	(140,719)			(504,792)
700685-6600-1001-61129	Rushton North Lighting	June OCM G. 11/06/25	Capital Expenses			(338,022)	(842,814)
700685-6600-1263-41403	Rushton North Lighting - State Election Promise Grant	June OCM G. 11/06/25	Capital Revenue		100,000		(742,814)
700685-6600-1263-41403	Rushton North Lighting - Club Night Lights Program Grant	June OCM G. 11/06/25	Capital Revenue		112,674		(630,140)
930044-6600-1001-61129	CSRFF Small Grant Program	June OCM G. 11/06/25	Capital Expenses		100,000		(530,140)
930048-6500-1001-61129	LTFP Program - CSRFF	June OCM G. 11/06/25	Capital Expenses		25,348		(504,792)
100010-4390-1267-61001	Administration - Health Promotion - Grant Expenditure	Aug OCM G. 17/08/25	Operating Expenses			(17,500)	(522,292)
100010-4390-1263-41400	Suicide Prevention Grant - WA Mental Health Commission	Aug OCM G. 17/08/25	Operating Revenue		17,500		(504,792)
100170-4200-1263-61129	CASM Artist in Residency and Mentorship Program	Aug OCM G. 17/08/25	Operating Expenses			(42,000)	(546,792)
100170-4200-1263-41400	CASM Artist in Residency and Mentorship Program Grant - LGSCI	Aug OCM G. 17/08/25	Operating Revenue		42,000		(504,792)
100010-4120-1169-61001	Administration - Strategic Planning - Corporate Projects	Aug OCM G. 17/08/25	Operating Expenses			(50,000)	(554,792)
100010-4120-1263-41400	Administration - Strategic Planning - Operating Grants - PDC	Aug OCM G. 17/08/25	Operating Revenue		50,000		(504,792)
100010-1110-1001-61129	Administration - Economic Development - CoM Project Management Projects	Aug OCM G. 17/08/25	Operating Expenses			(200,000)	(704,792)
750695-6100-1001-61129	Waste Management Centre Upgrade Fire Fighting Infrastructure	Aug OCM G. 17/08/25	Capital Expenses			(150,000)	(854,792)
	Waste Facilities Reserve	Aug OCM G. 17/08/25	Other: Transfer Out of Reserve		150,000		(704,792)
750828-6100-1001-61129	BLD - Admin Building FIP Replacement	Aug OCM G. 17/08/25	Capital Expenses			(25,851)	(730,643)
750828-6100-1305-41452	Insurance Claim Proceeds - Contributions - Non-Operating	Aug OCM G. 17/08/25	Capital Revenue		25,851		(704,792)
930045-6600-1001-61129	Major Public Artworks	Aug OCM G. 17/08/25	Capital Expenses			(125,000)	(829,792)
	Public Art Reserve	Aug OCM G. 17/08/25	Other: Transfer Out of Reserve		125,000		(704,792)
124012-5850-2150-61129	Mandurah Estuary Bridge Duplication - Fishing Platform project	Aug OCM G. 17/08/25	Operating Expenses			(160,000)	(864,792)
	Restricted Cash Reserve	Aug OCM G. 17/08/25	Other: Transfer Out of Reserve		160,000		(704,792)
100010-5410-1738-41130	Administration - Design and Development - Works in City Managed Reserves Permit - Fees and Charges	Aug OCM G. 19/08/25	Operating Revenue		300,000		(404,792)
100004-5410-1001-60001	Payroll Services - Design and Development - Salaries and Wages	Aug OCM G. 19/08/25	Operating Expenses			(300,000)	(704,792)
	2024-25 Operating Carryover Adjustment - Increase in Materials/Contracts	Sept OCM G. 3/10/25	Operating Expenses			(385,484)	(1,090,276)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026**

Amendments to original budget since budget adoption. Surplus/(Deficit)  
A positive number in the amended budget running balance represents an estimated closing surplus.  
A negative number in the amended budget running balance represents an estimated closing deficit

**NOTE 12  
BUDGET AMENDMENTS APPROVED**

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	2024-25 Operating Carryovers - Restricted Cash Reserve	Sept OCM G. 3/10/25	Other: Transfer Out of Reserve		316,303		(773,973)
	2024-25 Operating Carryovers - Unspent Grant Reserve	Sept OCM G. 3/10/25	Other: Transfer Out of Reserve		21,056		(752,917)
	2024-25 Operating Carryover Adjustment - Increase in Grants/Contributions	Sept OCM G. 3/10/25	Operating Revenue		212,243		(540,674)
	2024-25 Operating Carryover Adjustment - Non Cash Grant Movements	Sept OCM G. 3/10/25	Non Cash Item	(164,118)			(704,792)
	Capital Carryover - Capital adjustment	Sept OCM G. 3/10/25	Capital Expenses			(2,631,032)	(3,335,824)
	Capital Carryover - Loan adjustment	Sept OCM G. 3/10/25	Other: Unutilised Loans		54,548		(3,281,276)
	Capital Carryover - Net Reserve adjustment	Sept OCM G. 3/10/25	Other: Transfer Out of Reserve		1,882,642		(1,398,634)
	Capital Carryover - Proceeds adjustment	Sept OCM G. 3/10/25	Other: Proceeds From Sale of Assets		24,008		(1,374,626)
	Capital Carryover - Grants adjustments	Sept OCM G. 3/10/25	Capital Revenue		669,834		(704,792)
	Capital Carryover - Unspent Grant Reserve adjustment	Sept OCM G. 3/10/25	Other: Transfer Out of Reserve		1,067,260		362,468
	Capital Carryovers - Contract Liability	Sept OCM G. 3/10/25		(1,067,260)			(704,792)
700686-6600-1001-61001	Meadow Springs Cricket Nets	Sept OCM G. 3/10/25	Capital Expenses			(50,000)	(754,792)
700686-6600-1001-41403	Meadow Springs Cricket Nets - State Election Grant Funding	Sept OCM G. 3/10/25	Capital Revenue		50,000		(704,792)
101012-4505-1263-41400	International Day for People with Disability	Oct OCM G. 8/11/25	Operating Revenue		1,000		(703,792)
101012-4505-1263-61001	International Day for People with Disability	Oct OCM G. 8/11/25	Operating Expenses			(1,000)	(704,792)
700687-6600-1001-41403	Lakelands Dugouts - State Election Grant Funding	Oct OCM G. 8/11/25	Capital Revenue		82,000		(622,792)
700687-6600-1001-61001	Lakelands Dugouts	Oct OCM G. 8/11/25	Capital Expenses			(82,000)	(704,792)
700633-6600-1001-61129	MARC Shadesails	Oct OCM G. 8/11/25	Capital Expenses			(20,000)	(724,792)
750792-6100-1001-61129	MARC Café/Squash Thoroughfare	Oct OCM G. 8/11/25	Capital Expenses		20,000		(704,792)
	Waste	Oct OCM G. 8/11/25	Other: Transfer Out of Reserve		20,000		(684,792)
750783-6100-1001-61129	Waste - Safety Improvement Projects	Oct OCM G. 8/11/25	Capital Expenses			(20,000)	(704,792)
131007-5410-1263-61129	Waltham Street Design and Development	Oct OCM G. 8/11/25	Operating Expenses			(149,899)	(854,691)
	2024-25 Operating Carryovers - Restricted Cash Reserve	Oct OCM G. 8/11/25	Other: Transfer Out of Reserve		149,899		(704,792)
163046-4000-1263-41400	Canopus Restoration Project	Oct OCM G. 8/11/25	Operating Revenue		50,000		(654,792)
163046-4000-1263-61001	Canopus Restoration Project	Oct OCM G. 8/11/25	Operating Expenses			(50,000)	(704,792)
100010-1000-1169-61001	Administration Chief Executive Corporate Project	Oct OCM G. 8/11/25	Operating Expenses		55,850		(648,942)
911021-6400-1001-61001	In-water floating pontoon	Oct OCM G. 8/11/25	Capital Expenses			(55,850)	(704,792)
700662-6600-1001-61129	PRK 25-26 Merlin Reserve Renewal	Nov OCM G. 6/12/25	Capital Expenses		200,000		(504,792)
700662-6600-1263-41403	PRK 25-26 Merlin Reserve Renewal - State Election Commitment Grant	Nov OCM G. 6/12/25	Capital Revenue			(200,000)	(704,792)
501264-6250-1001-XXXXX	Lakes Road - Murdoch Drive	Nov OCM G. 6/12/25	Capital Expenses		125,457		(579,335)
XXXXXX-XXXX-XXXX-60206	Lakes Road - Murdoch Drive design and management OH	Nov OCM G. 6/12/25	Capital Expenses			(5,590)	(584,925)
501264-6250-1263-41403	Lakes Road - Murdoch Drive Blackspot Grant	Nov OCM G. 6/12/25	Capital Revenue			(98,666)	(683,591)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(21,201)	(704,792)
501194-6250-1001-61001	23-24 TM Mandurah Tce/Adonis Rd	Nov OCM G. 6/12/25	Capital Expenses		110,853		(593,939)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(31,917)	(625,856)
501194-6250-1263-41403	23-24 TM Mandurah Tce/Adonis Rd Grant	Nov OCM G. 6/12/25	Capital Revenue			(78,936)	(704,792)
501267-6250-1001-61001	Wanjeep Street Blackspot	Nov OCM G. 6/12/25	Capital Expenses		614,883		(89,909)
XXXXXX-XXXX-XXXX-60206	Wanjeep Street Blackspot design & management OH	Nov OCM G. 6/12/25	Capital Expenses			(26,338)	(116,247)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(178,878)	(295,125)
501267-6250-1263-41403	Wanjeep Street Blackspot Grant	Nov OCM G. 6/12/25	Capital Revenue			(409,667)	(704,792)
501235-6250-1001-61129	RC Peel Street Stage 4	Nov OCM G. 6/12/25	Capital Expenses		700,284		(4,508)
501235-6250-1263-41403	RC Peel Street Stage 4 Regional Road Group Grant	Nov OCM G. 6/12/25	Capital Revenue			(164,150)	(168,658)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026**

Amendments to original budget since budget adoption. Surplus/(Deficit)  
A positive number in the amended budget running balance represents an estimated closing surplus.  
A negative number in the amended budget running balance represents an estimated closing deficit

**NOTE 12  
BUDGET AMENDMENTS APPROVED**

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(536,134)	(704,792)
501291-6250-1001-6XXXX	Pinjarra Rd	Nov OCM G. 6/12/25	Capital Expenses			(708,989)	(1,413,781)
501291-6250-1263-41403	Pinjarra Rd - Regional Road Group Grant	Nov OCM G. 6/12/25	Capital Revenue		472,659		(941,122)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve		236,330		(704,792)
New-6250-1001-61129	Preservation - Coolibah Ave	Nov OCM G. 6/12/25	Capital Expenses			(532,000)	(1,236,792)
New-6250-1263-41403	Coolibah Ave - Regional Road Group Grant	Nov OCM G. 6/12/25	Capital Revenue		354,667		(882,125)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve		177,333		(704,792)
501337-6250-1001-6XXXX	RDS - Resurface - Cuvier Place	Nov OCM G. 6/12/25	Capital Expenses		107,340		(597,451)
New-6250-1001-6XXXX	RDS - Resurface - Cyprus Gardens	Nov OCM G. 6/12/25	Capital Expenses			(107,340)	(704,792)
750789-6100-1001-61129	Falcon Men's Shed	Nov OCM G. 6/12/25	Capital Expenses		641,750		(63,042)
750789-6100-1263-41403	Falcon Men's Shed Grant	Nov OCM G. 6/12/25	Capital Revenue			(446,750)	(509,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(195,000)	(704,792)
911020-6400-1001-61129	Birchley Rd Boat Ramp Upgrade	Nov OCM G. 6/12/25	Capital Expenses		875,000		170,208
911020-6400-1263-41403	Birchley Rd Boat Ramp Upgrade - Grant	Nov OCM G. 6/12/25	Capital Revenue			(678,750)	(508,542)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(196,250)	(704,792)
501192-6250-1001-61129	New - Falcon Coastal Shared Path	Nov OCM G. 6/12/25	Capital Expenses		300,000		(404,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(94,392)	(499,184)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(205,608)	(704,792)
750736-6100-1001-61129	Operations Centre Redevelopment	Nov OCM G. 6/12/25	Capital Expenses		428,717		(276,075)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(200,000)	(476,075)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(228,717)	(704,792)
880017-6150-1001-61129	BRG Fathom Turn Footbridge Maintenance	Nov OCM G. 6/12/25	Capital Expenses		250,000		(454,792)
880017-6150-1263-41403	BRG Fathom Turn Footbridge Maintenance	Nov OCM G. 6/12/25	Capital Revenue			(167,000)	(621,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Into Reserve			(83,000)	(704,792)
911018-6400-1001-61129	C&M - 25-26 Memorial Park Seawall	Nov OCM G. 6/12/25	Capital Expenses		220,000		(484,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(220,000)	(704,792)
911016-6400-1001-61129	C&M - 25-26 Waterside Foreshore seawall	Nov OCM G. 6/12/25	Capital Expenses		285,000		(419,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(285,000)	(704,792)
501294-6250-1001-61129	Decorative Street Lighting Renewal	Nov OCM G. 6/12/25	Capital Expenses		380,000		(324,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(380,000)	(704,792)
700516-6600-1001-61129	Yalgorup National Park	Nov OCM G. 6/12/25	Capital Expenses		810,223		105,431
700516-6600-1263-41403	Yalgorup National Park - DPIRD Grant	Nov OCM G. 6/12/25	Capital Revenue			(810,223)	(704,792)
	Unspent Grant Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve			(810,223)	(1,515,015)
	Capital Revenue Adjustment - Contract Liability	Nov OCM G. 6/12/25	Non Cash Item	810,223			(704,792)
New-6100-1001-61129	Falcon Library Compressor Unit Replacement	Nov OCM G. 6/12/25	Capital Expenses			(250,000)	(954,792)
	Asset Management Reserve	Nov OCM G. 6/12/25	Other: Transfer Out of Reserve		250,000		(704,792)
New-6100-1001-61129	Canopus Display Shed	Nov OCM G. 6/12/25	Capital Expenses			(50,000)	(754,792)
163046-4000-1263-61001	Place & Community Projects- Operating Expenditure	Nov OCM G. 6/12/25	Operating Expenses		50,000		(704,792)
New-6100-1001-61129	Canopus Display Shed	Nov OCM G. 6/12/25	Capital Revenue		50,000		(654,792)
163046-4000-1263-41400	Canopus Display Shed operating	Nov OCM G. 6/12/25	Operating Revenue			(50,000)	(704,792)
New	CCTV - Storage Server Upgrade	Nov OCM G. 6/12/25	Capital Expenses			(70,000)	(774,792)
100004-3310-1650-60053	Organisational Training and Development	Nov OCM G. 6/12/25	Operating Expenses		70,000		(704,792)
				<b>(939,126)</b>	<b>24,678,617</b>	<b>(23,939,490)</b>	<b>(704,792)</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JANUARY 2026**

**NOTE 13  
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2025-26 year is 10.00%

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
<b>Revenue from operating activities</b>				
Operating grants, subsidies and contributions	(695,076)	(15.29%)	▼ Timing	Variance primarily due to budgeted grants/contributions not yet received. Will be monitored throughout the remainder of the year.
Other revenue	110,930	212.89%	▲ Timing	Variance primarily due to containers deposit scheme & Fuel Tax Credit rebate received.
Profit on disposal of assets	81,603	100.00%	▲ Permanent	Favourable non-cash variance due to asset disposals. At budget it was projected disposal proceeds would equal book value. Actual disposals have been more favourable for some fleet assets. Refer to note 4 for the asset disposals.
<b>Expenditure from operating activities</b>				
Materials and contracts	5,832,526	14.30%	▲ Timing	Variance in expenditure due to timing of projects.
Interest expenses	184,119	26.72%	▲ Timing	Variance in line with repayment of debentures will be monitored throughout the year
Insurance expenses	149,362	15.85%	▲ Timing	Variance mainly due to timing of insurance claims, will be monitored during the year
Other expenditure	(53,135)	100.00%	▼ Permanent	Variance relates to accounting adjustment made throughout the year.
Loss on disposal of assets	(38,155)	100.00%	▼ Permanent	Non-cash variance due to assets sales. At budget it was projected disposal proceeds would equal book value. Actual disposals have been less favourable for some fleet assets. Refer to note 4 for details of assets disposals.
<b>Investing Activities</b>				
Non-operating Grants, Subsidies and Contributions	(6,458,982)	(84.02%)	▼ Timing	Capital grants are recognised in line with capital expenditure.
Proceeds from Disposal of Assets	(5,713,170)	(94.90%)	▼ Timing	At budget it was projected disposal proceeds would equal book value. Actual timing of disposals will vary throughout the year. Refer to note 4 for further details.
Capital Acquisitions	16,004,468	55.87%	▲ Timing	Variance due timing of capital projects. Refer to note 6 for further details.
<b>Financing Activities</b>				
Payment of lease liability	104,028	47.59%	▲ Timing	Varying repayment terms on lease agreements and new take up of IT leases occurring within the year



# Audit, Risk and Improvement Committee Terms of Reference

**Document Control**

Effective date	Next review due	Amendment Details	Prepared by	Endorsed by	Approved by
October 2021	October 2023	Minor amendments including reference to regulations and Code of Conduct.	Manager Governance, Procurement and Land	Chief Audit Executive	Council
October 2023	October 2025	reviewed to ensure alignment with the Local Government Act 1995, minor amendments to reflect internal terminology, attendance via electronic means and Code of Conduct requirements	Executive Manager Governance Services	Chief Executive Officer	Council
October 2025	October 2027	Reviewed to comply with amendments to the <i>Local Government Act 1995</i>	Executive Manager Governance and Commercial Services	Chief Executive Officer	Council
<u>February 2026</u>	<u>October 2027</u>	<u>Reviewed to comply with amendments to the <i>Local Government (Audit)</i></u>	<u>Executive Manager Governance and</u>	<u>Chief Executive Officer</u>	

		<u>Regulations 1996 and Local Government (Administration) Regulations 1996</u>	<u>Commercial Services</u>		
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## 1. Committee's authority and purpose

### Authority

In accordance with section 7.1A of the *Local Government Act 1995 (the Act)*, the Council of the City of Mandurah (**the City**) has established an Audit, Risk and Improvement Committee (**the Committee**). The Committee will operate in accordance with all relevant provisions of the Act, the *Local Government (Audit) Regulations 1996* and the *Local Government (Administration) Regulations 1996*.

As prescribed in Section 16 of the *Local Government (Audit) Regulations 1996*, the Committee is to provide guidance and assistance to Council on matters relevant to its terms of reference. This role is designed to facilitate informed decision-making by Council in relation to its legislative functions and duties that have not been delegated to the Chief Executive Officer (CEO).

The Committee is a formally appointed Committee of the Council and is responsible to the Council. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

### Purpose

The purpose of the Committee is to:

- Provide advice and assistance to Council as to the carrying out of the function Receive and review reports on, and recommend to Council actions to be taken of the City in relation to
  - annual audits of the City's financial statements (external audit);
  - performance audits, or any other audit, conducted pursuant to Part 7 of the Act;
  - the City's annual Compliance Audit Return or any other compliance audit;
  - reports from the CEO under regulation 17 of the *Local Government (Audit) Regulations 1996*
- Receive and review reports on the appropriateness and effectiveness of, and make recommendations to Council improvements to, the City's systems and procedures in relation to financial management, legislative compliance and risk management. Monitor and receive reports concerning the development, implementation and on-going management of a City-wide risk management plan;

- Monitor and receive reports, and make recommendations to Council, concerning the development, implementation and on-going management of the City's internal audit function;
- ~~Review the annual Compliance Audit Return and report to Council the results of that review;~~
- ~~Monitor, receive, consider and review reports from the CEO under regulation 17 of the Local Government (Audit) Regulations 1996 and regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 and report to Council the results~~Monitor the ongoing implementation of actions recommended to Council under any of the above.

## 2. Committee's responsibilities

The Committee is to:

- Meet with the City's external auditor at least once in every year and provide a report to Council on the matter discussed and the outcomes of those discussions;
- Support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions and ethical accountability;
- Examine reports of the external auditor after receiving a report from the CEO on the matter, and;
  - Determine if any matter raised requires action to be taken by the City;
  - Ensure that appropriate action is taken in respect of those matters; and
  - Review the report prepared by the CEO in respect of any matters raised in the report of the external auditor and presenting the report to Council for adoption.
- On an annual basis approve the following:
  - Internal Audit Charter;
  - Internal Audit Manual;
  - Strategic Internal Audit and Annual Audit Plans; and
  - Recommendations arising from internal audit services.
- Review the level of resources allocated to internal audit and the scope of the functions authority;
- Receive and review reports of internal audits, review the extent to which management reacts to matters raised by those internal audits, ~~and monitor the implementation of action plans developed in response to those matters to ensure continuous improvement;~~
- Review the City's annual Compliance Audit Return ~~and~~ report the results of that review and any recommendations for improvement in relation to compliance to Council;
- ~~—~~
- At four-yearly intervals, ~~Receive~~ receive and review ~~triennial~~ reports from the CEO regarding the appropriateness and effectiveness, and make recommendations to Council in relation to the improvement of, ~~of~~ the City's systems and procedures in relation to risk management, internal controls and legislative compliance; and
- Receive and review monitoring reports, and make recommendations to Council, on the implementation of improvement recommendations generated by a financial audit, performance audit, internal audit, compliance audit or review in accordance with Regulation 17.

- Support the City's culture of continuous improvement through receiving reports issued by, but not restricted to, the Office of the Auditor General, and Corruption and Crime Commission comparing City's practices with other approaches.

### 3. Committee membership

#### Composition

The Committee shall comprise of up to eight members, consisting of:

- An Independent Presiding Member;
- One Independent Member;
- Six Elected Members.

#### Deputies

Council shall appoint an Independent Deputy of the Presiding Member. The Deputy of the Presiding Member only attends a committee meeting if the presiding member is unable to attend.

No elected member deputies are appointed to the committee. The Council can appoint additional deputies, or increase the number of Members of the Committee at any time.

Members of the Committee shall be appointed by Council in accordance with section 7.1A of the Act, which states:

- *The members of the audit committee are to be appointed by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
- *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- *An employee is not to be a member of an audit committee.*

The tenure of members' appointment to the Committee must be compliant with Section 5.11 of the Act, being up to two years terminating on the day of the Ordinary Council elections, at which time all Elected Members will be eligible for reappointment.

Committee members must declare interests in any matter to be discussed at the meeting in accordance with section 5.65 of the Act, in a written notice given to the CEO before the meeting or at the meeting immediately before the matter is discussed.

All members of the Committee are bound by the Code of Conduct for Elected Members, Committee Members and Candidates.

#### Appointment of Independent Members

Appointment of the Independent Presiding Member, Independent Member and Deputy of the Presiding Member will be made following a public advertisement. The evaluation of potential members will be reviewed by the CEO for recommendation to Council.

The evaluation of potential members will be reviewed by the CEO and appointments will be approved by Council on the basis of the potential member's experience and qualifications in any or all of the following:

- Internal audit;
- Risk management;

- Financial management/reporting;
- Fraud, cyber security, internal controls;
- Understanding of complexities associated with the City of Mandurah.

The external Independent Members will be a person with no operating responsibilities with the City of Mandurah, nor will that person provide paid services to the City either directly or indirectly.

Any instance where an external member has a commercial interest, or is closely associated with an organisation that has an interest in the business of the City which represents a conflict of interest or pecuniary interest, or there is a risk or perception of conflict of interest, should be declared to the CEO before or at the relevant Committee meeting.

#### **Termination of appointment**

- Council may terminate the appointment of any member at any time in accordance with the Act.

#### **Committee member entitlements**

All Committee members will be provided with appropriate training and professional development to be determined by the Committee and provided that adequate funds are available in the City of Mandurah budget for this purpose.

External independent members are paid a sitting fee in accordance with the *Salaries and Allowances Tribunal* determination for the applicable financial year.

## **4. Role of City staff**

The following will be issued with a standing invitation to attend Committee meetings, in order to provide advice and guidance to the Committee:

- CEO;
- Executive Leadership Team;
- Chief Audit Executive (CAE) (or some other person as determined by the CEO to act as the CAE);
- Executive Manager Governance and Commercial Services; and
- Representative of the Office of the Auditor General.

The Internal Auditor will be invited to present reports as and when required by the Committee. Internal audit services providers or specialists may be requested to present to the Committee as required.

Other staff may be invited to attend meetings to discuss specific issues or reviews as and when required.

Such attendees may take part in the discussions and business of the meetings, but have no voting rights.

A Minute Officer will be appointed by the CEO to assist the Committee as follows:

- (a) Arranging meetings, preparing agendas, preparing minutes;

- (b) Taking action to implement Committee decisions as guided by the City's Governance section in relation to:
- Obtaining information for the next or future meeting;
  - Preparing a paper for the next or future meeting;
  - Coordinating relevant staff of the City to provide advice at the next or a future meeting;
  - Promulgating decisions e.g. reporting, providing or seeking advice on significant correspondence of all kinds.
- (c) Preparing background notes;
- (d) Providing advice to the Presiding Member, Committee Members and Committee users on Committee policy and process matters; and
- (e) Maintaining appropriate Committee records in an accessible form.

## 5. Committee meetings

### **Quorum**

As prescribed by Section 5.19 of the Act, the quorum for Committee meetings shall be at least 50% of the number of offices of the Committee (whether vacant or not), including at least one Independent Member.

In the Presiding Member's absence, the Deputy of the Presiding Member shall perform the functions of the Presiding Member.

### **Attendance by Electronic Means**

Committee members may be authorised to attend meetings by electronic means. Attendance by electronic means must be in accordance with regulation 14 (c) of the *Local Government (Administration) Regulations 1996*.

### **Frequency**

Meetings will be scheduled where necessary to allow the Committee to discharge its functions up to seven times per year.

### **Agenda**

An agenda will be distributed at least 72 hours prior to the meeting, along with the minutes of the previous meeting, reports and other attachments or information to be addressed.

### **Public Attendance at Meetings**

The Committee meeting will be open to the public.

In accordance with Section 5.23 of the Act, the Committee may close to members of the public at the meeting or part of the meeting, if the meeting or the part of the meeting deals with a number of aspects as defined by Section 5.23 of the Act.

### **Voting**

Voting is in accordance with Section 5.21 of the Act.



**Minutes and matters arising**

All meetings shall be minuted by the Minute Officer, and minutes shall be approved by the Committee at the next Committee meeting.

**Reporting**

Recommendations of each Committee meeting shall be presented to the next ordinary meeting of the Council.

**Confidentiality**

All Committee members will be required to adhere to the City's confidentiality requirements. In particular, no confidential information received or generated by the Committee will be disclosed to unauthorised persons.

**Subject:** 19.7 Local Law Amendment

### Summary

Upon concluding the section 3.16 *Local Government Act 1995* (the Act) review of the City of Mandurah's *Local Government Property and Public Places Local Law 2015* (LGP&PP Local Law), Council resolved to commence development of the proposed *Local Government Property and Public Places Amendment Local Law 2025* (Amendment Local Law) for Council's consideration.

Drafting of the proposed Amendment Local Law is now complete and has been provided to Council for consideration. In accordance with section 3.12 of the Act, Council approval is now sought to make the proposed Amendment Local Law and to commence public notice of Council's intention to do so.

The purpose and effect of the Amendment Local Law is stated below:

**Purpose:** To amend provision within the *City of Mandurah Local Government Property and Public Places Local Law* relating to regulation of the use of local government property, activities in public places, verge treatments, property numbering, advertising devices, obstructions on or in local government property or public places, trading and alfresco dining.

**Effect:** To control the use of local government property and public places and ensure the *Local Government Property and Public Places Local Law* is as clear and effective as possible; it provides that some activities are permitted only under a permit or under a determination, and that some activities are restricted or prohibited.

### Disclosure of Interest

Nil

### Previous Relevant Documentation

- G.8/12/2025 16 December 2025 Local Law Amendment (Deferred)
- G.6/03/25 25 March 2025 Local Law Review determination
- G.7/10/24 22 October 2024 Commence review of LGP&PP Local Law
- G.21/5/17 23 May 2017 Minute amended by Council (due to administrative error)
- G.15/5/17 9 May 2017 2016 LGP&PP Local Law, final adopted
- G.15/2/16 9 February 2016 2016 LGP&PP Local Law, proposed

### Background

The City of Mandurah (City) is currently reviewing its suite of local laws through an ongoing Local Law Review Program (Review Program), in order to meet its statutory obligations under the Act.

At the Ordinary Council Meeting of 22 October 2024, a review of the LGP&PP Local Law was undertaken in accordance with section 3.16 of the Act (Section 3.16 Review) and concluded when Council resolved that the LGP&PP Local Law would be updated by amendment.

Council resolved to initiate the section 3.12 local law-making process under the Act (Making a Local Law) to formally amend the LGP&PP Local Law, following a period of research and development undertaken to draft the proposed Amendment Local Law.

The proposed Amendment Local Law was presented to Council at the Ordinary Council Meeting of 16 December 2025, where Council resolved to defer consideration of the amendments pending a further workshop with Elected Members. This workshop was subsequently held on 3 February 2026.

### Comment

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Section 3.5 of the Act provides the power for local governments to make local laws to help perform their function of providing good governance for persons in its district.

All local laws are required to follow the procedures prescribed by the Act for a Section 3.16 Review and Making a Local Law. Recent Local Government Reform has introduced significant changes to these provisions, including clearer sequential steps for review and adoption. These changes aim to improve transparency and consistency in the local law-making process.

The statutory requirements and process for adoption of an Amendment Local Law and the City's status in relation to the Amendment Local Law is set out in the table below:

Stage of the Making of a Local Law Process	Requirement	Status/ Date of Compliance
<b>Stage1</b> <b>s3.16 Procedure</b> <b>Review of Local Law</b>	Within a period of 8 years from the day when a local law commenced a local government is to carry out a review of the local law (section 3.16 (1))  Note: Pre-amendment (December 2024) and so reviewing the LGP&PP Local Law was conducted under the old provisions)	22 October 2024  Status: complete
Stage 1A	Local public notice must be given stating that – (c) The local government proposes to review the local law; (c) A copy may be inspected or obtained; and (c) Submissions about the local law may be made (before a day to be specified in the notice), being not less than 6 weeks after the notice is given.  (section 3.16 (2))	13 December 2024  Closing date for public consultation  Status: complete
Stage1B	After the last day for submissions, the City must consider any submissions received and prepare a report for Council to determine (by absolute majority) whether it considers that the local law should be repealed or amended. (Section 3.16 (2))	24 March 2025 Resolution of Council  Status: complete
<b>Stage 2</b> <b>s3.12 Procedure</b> <b>Making of Local Law</b>	At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner. (Section 3.12(2))  Purpose and effect to be included in both the agenda and minutes for the meeting. ( <i>Local Government (Function and General) Regulations Reg 3</i> )	<b>24 February 2026</b> Report Recommendation made at Council Meeting
Stage 2B(i)	Local public notice must be given stating that – (c) The local government proposes to make a local law and summarise the purpose and effect of the local law; (c) A copy may be inspected or obtained; and (c) Submissions about the local law may be made (before a day to be specified in the notice), being not less than 6 weeks after the notice is given  (Section 3.12(3))	Date to be determined

2B(ii)	A copy of the notice and a copy of the proposed local law is given to the Departmental CEO and any other department assisting the administration of an Act under which the local law is proposed to be made (Section 3.12(3))	Date to be determined
2C	After the last day of submissions, the local government is to consider any submissions and may make the local law as proposed or make a local law that is not significantly different from what was proposed (Section 3.12(4)) *absolute majority required.	Date to be determined
2D	Once adopted, local laws must be advertised in the <i>Government Gazette</i> and a copy must be given to the Departmental CEO and any other department assisting the administration of an Act under which the local law is made (Section 3.12(5))	Date to be determined
2E	Local public notice must be given stating – (c) The title of the local laws; (c) Summarizing the purpose and effect of the local law, specifying the date the local laws come into force; and (c) The local law is published on the City’s website and that copies of the local law may be inspected at or obtained. (Section 3.12(6))	Date to be determined
2F	Within 10 working days of gazettal, copies of Local Laws to be provided to the Joint Standing Committee on Delegated Legislation (JSCDL) including explanatory or other material relating to them. (Section 3.12(7))  *Note: The JSCDL has the authority to recommended to Parliament that a local law is disallowed if it determines that the process as detailed in the Act is not followed, or the proposed local law does not meet the standard prescribed.	Date to be determined

City officers are now seeking Council resolution to commence the Making of the Local Law as per the table above which is stage 2 of the City’s Local Law Review Program. The amendment of a local law is the same procedure for ‘making’ a local law. Commencement of Stage 2 requires the giving of local public notice of the proposed Amendment Local Law for a period of no less than six weeks.

The public notice must state the City proposes to make the Amendment Local Law and summarising the purpose and effect in accordance with section 3.12 of the Act.

Following the period of advertisement, a report will be prepared by City officers incorporating public submissions for consideration by Council. Council will be requested to determine whether or not to adopt the LGP&PP Local Law as proposed or make Local Laws which are not significantly different from what was proposed.

Summary of changes

The proposed Amendment Local Law is available at **Attachment 1**. As was noted in the review process, the City’s current LGP&PP Local Law contains clauses which requires updating to reflect contemporary practices, legislative changes and to ensure the LGP&PP Local Law reflects current practices and community needs.

Additionally, minor amendments have been made to focus on making the LGP&PP Local Law easier to understand and apply, without altering the intent of the current local law. These amendments are administrative in nature and are not considered to significantly or substantially change the terms of the current local law.

The amendments will improve public safety, environmental protection, and clarity for residents, reducing ambiguity and supporting easier compliance.

Key amendments include:

<u>Summary of amendments</u>
<b><u>Major Changes</u></b>
<ul style="list-style-type: none"> <li>• Environmental protection New clauses to protect flora on local government property (clause 5.5) and sand dunes on beaches and foreshore areas (clause 5.8).</li> </ul>
<ul style="list-style-type: none"> <li>• Access control (clause 6.14) Prohibition on entry to fenced or closed property and thoroughfares for safety or works.</li> </ul>
<ul style="list-style-type: none"> <li>• Infrastructure protection (clauses 7.4 to 7.7) New division on works affecting thoroughfares, including:                             <ul style="list-style-type: none"> <li>▪ No damage to footpaths, verges, or street trees.</li> <li>▪ Liability for damage and cost recovery provisions.</li> <li>▪ Mandatory tree protection zones during adjacent works.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Verge Treatments (clauses 7.11 to 7.16) Simplified and restructured provisions:                             <ul style="list-style-type: none"> <li>▪ Permissible treatments include natural lawn, gardens, and acceptable materials (to be listed in policy).</li> <li>▪ Street tree requirements and flexibility for narrow verges.</li> <li>▪ Clear owner obligations and enforcement powers.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Temporary Fencing (clause 7.21) Discretionary power to require fencing for environmental protection or public safety during works.</li> </ul>
<ul style="list-style-type: none"> <li>• Public safety Enhanced fishing provisions to reduce hygiene and safety risks near swimming areas (clause 6.12).</li> </ul>
<b><u>Minor Changes</u></b>
<ul style="list-style-type: none"> <li>• Modernisation of clauses to include e-rideables and vaping under existing prohibition.</li> </ul>
<ul style="list-style-type: none"> <li>• Expanded or updated definitions – to reflect changes in legislation, reduce ambiguity, address gaps and ensure consistency with contemporary practices.</li> </ul>
<ul style="list-style-type: none"> <li>• Clarified powers for refusal of entry and enforcement.</li> </ul>
<ul style="list-style-type: none"> <li>• Signage rules strengthened for safety and consistency.</li> </ul>
<ul style="list-style-type: none"> <li>• Expansion of existing obligations for traders and alfresco dining to maintain pedestrian access.</li> </ul>

- Consolidation of insurance requirements under permit conditions.

- Updated penalties to reflect Local Government Act reforms.

#### **Administrative**

- Updated definitions and references to reflect legislative changes and JSCDL decisions.

- Restructuring for improved readability and usability.

- Removal of outdated or unused provisions (e.g., seafood signage).

**Attachment 2** is a marked-up version of the consolidated LGP&PP Local Law.

The drafting and development of the proposed amendments have been guided by several key references:

- WALGA Template Local Laws, which provide a proven and legally sound framework;
- Advice from the Department of Local Government, Industry Regulation and Safety (LGIRS) to ensure compliance with current legislative requirements;
- Examples from other Western Australian local governments, used for benchmarking and practical application; and
- Past decisions of the JSCDL, which inform drafting to avoid common compliance issues.

## **Consultation**

### Public Consultation

- The Local Law was advertised inviting the community to provide submissions. No public submissions were received following the Section 3.16 review.

### Working Groups

Discussions with the relevant Working Groups included the Access and Inclusion Advisory Group and feedback was taken into consideration in the development of the proposed Amendment Local Law to ensure the safe and unobstructed access on local government property and public spaces.

The proposed Amendment Local Law will be provided to relevant identified parties and businesses to give them the opportunity to provide feedback.

### Elected Member Consultation

A series of workshops were held with Elected Members to support the development of the Amendment Local Law, as outlined below:

- 4 February 2025, Elected Members were presented with City officer research and proposed amendment areas for discussion.
- 19 August 2025, feedback from Elected Members was presented during the 4 February 2025 session which informed the proposed amendments.
- 2 December 2025, City officers delivered a further presentation on the proposed amendments, ensuring Members had a clear understanding of the proposed Amendment Local Law prior to being presented to Council in December 2025.
- 3 February 2026 a further workshop was held to address final Elected Member queries following their review of the Local Law.

## **Statutory Environment**

### *Local Government Act 1995*

Section 3.5 - the power for local governments to make local laws to help perform their function of providing good government for persons in its district.

Section 3.12(2) - At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

(3) - The local government is to —

(c) give local public notice stating that —

- (ii) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
- (ii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and

(c) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to —

- (ii) the Departmental CEO; and
- (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(4) - After the last day for submissions under subsection (3), the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

\* Absolute majority required.

## **Policy Implications**

Policy drafting may be required to complement these proposed Amendment Local Law and any relevant policies will be updated.

## **Financial Implications**

A budget of \$20,000 has been allocated for the local law reviews. Whilst the majority of drafting will be undertaken by Governance Services, the City will incur fees for public advertising costs and publishing in the Government Gazette and fees for legal advice.

## **Risk Implications**

If the City does not follow the local law-making process as detailed in the Act, or if a proposed Amendment Local Law does not meet the standard prescribed by the JSCDL, the JSCDL may recommend the local law be disallowed. In such cases, the City will need to address any undertakings that the JSCDL may require.

## **Strategic Implications**

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 are relevant to this report:

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### Economy

- Well-planned, sustainable urban development
- A thriving city that residents are proud to call home and people want to visit

### Community

- Safe and connected communities
- Inclusive and welcoming places, spaces and neighbourhoods

### Environment

- Nature has a voice in all decision-making
- Our natural environment is celebrated, protected and restored for generations to come
- Our built environment is clean, accessible and sustainable
- Our coast and waterways are healthy and celebrated

### Leadership

- Sound decisions based on evidence and meaningful engagement
- Well-maintained assets and facilities that meet the needs of our community

## **Conclusion**

The proposed Amendment Local Law reflects feedback provided during the consultation phase to provide clear, practical rules that support safe, accessible, and sustainable public spaces. Council is requested to resolve to initiate the section 3.12 local law-making process by giving public notice of its intention to make the Amendment Local Law in accordance with the Act. Advertisement will be open to receive public submissions for a period of not less than six weeks and copies will be forwarded to the relevant Departmental CEO.

## **Officer Recommendation**

- **The Presiding Member is to give notice to the meeting of the purpose and effect of the proposed *Local Government Property and Public Places Amendment Local Law 2025***

## **That Council:**

- 1. Resolve to provide local public notice in accordance with section 3.12(3) of the *Local Government Act 1995*, for a period of at least 6 weeks, stating\*:**
    - 1.1. Councils' intention to make a new *City of Mandurah Local Government Property and Public Places Amendment Local Law 2025* as per Attachment 2;**
    - 1.2. the purpose of this local law is to amend provisions within the *City of Mandurah Local Government Property and Public Places Local Law* relating to regulation of the use of local government property, activities in public places, verge treatments, property numbering, advertising devices, obstructions on or in local government property or public places, trading and alfresco dining.**
    - 1.3. the effect of this local law is to ensure that the local law is control the use of local government property and public places and ensure the *City of Mandurah Local Government Property and Public Places Local Law* is as clear and effective as possible; it provides that some activities are permitted only under a permit or under a determination, and that some activities are restricted or prohibited.**
    - 1.4. a copy of the proposed *City of Mandurah Local Government Property and Public Places Local Law* may be inspected or obtained at any place specified in the notice; and**
    - 1.5. submissions about the proposed *City of Mandurah Local Government Property and Public Places Local Law* may be made to the City of Mandurah before the day specified in the notice.**
  - 2. Provide a copy of the proposed *City of Mandurah Local Government Property and Public Places Local Law* to the to the Departmental CEO.**
-

## **Absolute Majority**

### **Attachments**

1. Proposed Amendment Local Law [**19.7.1** - 41 pages]
2. Marked Up Local Government Property and Public Places Local Law [**19.7.2** - 87 pages]

**LOCAL GOVERNMENT ACT 1995**

CITY OF MANDURAH

**LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES AMENDMENT LOCAL LAW 2026**

Under the powers conferred by the *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.

**Part 1 - Preliminary**

**1.1 Citation**

This local law may be cited as the *City of Mandurah Local Government Property and Public Places Amendment Local Law 2026*.

**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**

This local law amends the *City of Mandurah Local Government Property and Public Places Local Law 2016* as published in *Government Gazette* No.101 on 26 May 2017.

**Part 2 - Amendments**

**2.1 Clause 1.1 amended**

In clause 1.1 delete the heading “**Citation**” and replace with “**Short title**”.

**2.2 Clause 1.3 amended**

In clause 1.3(2) delete the words “Part 5” and replace with “Part 6”.

**2.3 Clause 1.5 amended**

In clause 1.5:

(a) amend the title “**Definitions**” to “**Meaning of the terms used in this local law**”; and

(b) delete the following definitions:

- (i) **Chief Executive Officer;**
- (ii) **major event day;**
- (iii) **major event location;**
- (iv) **nuisance;**
- (v) **permissible verge treatment;**
- (vi) **seafood business;**
- (vii) **seafood sign;**
- (viii) **smoke;**
- (ix) **solicit;**
- (x) **street market;** and
- (xi) **wheeled recreational device.**

(c) insert the following definitions in alphabetical order:

- (i) **CEO** means the Chief Executive Officer of the local government;
- (ii) **community facility** means a facility owned or under the care, control or management of the local government accessible to the public for hire or use for recreational purposes and includes, but is not limited to, a hall, public swimming pool, library, community centre and recreation centre;
- (iii) **designated swimming area** means an area of a beach or adjacent waters that has been set aside by the local government, and indicated by signs, patrol flags or other notices, for the purpose of swimming;
- (iv) **electric personal transporter** has the meaning given in the *Road Traffic Code 2000*;
- (v) **electric rideable device** has the meaning given in the *Road Traffic Code 2000*;
- (vi) **fence** means any structure used or functioning as a barrier, irrespective of where it is located and includes any affixed gate or screening;
- (vii) **lot** has the meaning given to it in the *Planning and Development Act 2005*;
- (viii) **major event** means an event held on local government property or in a public place that is attended by more than 5000 persons;
- (ix) **nuisance** means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which—
  - (a) is injurious or dangerous to the health or safety of another person of normal susceptibility; or
  - (b) anything a person does or permits or causes to be done which interferes with, or is likely to interfere with, the enjoyment or safe use by another persons of their ownership or occupation of land or use of a public place;

- (x) **permissible verge treatment** has the meaning given to it in clause 7.11 and includes any reticulation, pipes and sprinklers;
  - (xi) **private property** means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;
  - (xii) **sand dune** means the established or incipient ridge(s) and depressions of sand and coastal vegetation adjacent to the beach, that extend inland to include the low-lying land depressions behind the ridges and includes areas identified by the local government as sand dunes by signs or otherwise;
  - (xiii) **smoke** and/or **smoking** means to—
    - (a) smoke, hold or otherwise have control over an ignited tobacco product;
    - (b) light a tobacco product; or
    - (c) use a vaping device;
  - (xiv) **street market** means a collection of stalls, stands, displays and vehicles used for trading or display on local government property or a public place for the purposes of selling goods, wares, merchandise, produce or services, or carrying out any other transaction;
  - (xv) **vaping device** has the meaning given to it in the *Therapeutic Goods Act 1989* (Cth) as applied by the *Therapeutic Goods Law Application Act 2024*;
  - (xvi) **waterway** means any area of water under the care, control and management of the local government or a person authorised by the local government to undertake such care, control or management on behalf of the local government; and
  - (xvii) **wheeled recreational device** has the meaning given in the *Road Traffic Code 2000*.
- (d) in the definition **alfresco dining area** amend the first reference to “by the public” by deleting “by” and replacing with “to”;
- (e) in the definition of **animal** insert the words “cat or” before the word “dog”;
- (f) amend the definition of **authorised person** by deleting the words “local government” and replacing with “CEO”;
- (g) amend the definition of **attendant** by:
- (i) deleting the words “with responsibility for the control and management of persons” and insert “duly authorised to perform duties”; and
  - (ii) deleting the words “a public swimming pool or recreation” and insert “connection with a community”;
- (h) amend the definition of **Firearms Act** by deleting the year “1973” and insert “2024”;
- (i) amend the definition of **local government property** insert the words “land or other” after “means any”;

- (j) amend the definition of **manager** by deleting the words “swimming pool or recreation” and insert the word “community” before the word “facility”;
- (k) in the definition **person responsible for works** delete the words “Division 2” after “Part 7”;
- (l) in the definition of **premises** delete the reference to “clause 2.8(1)(a) and 4.6” and insert “clause 2.8(1)(a) and 5.8”;
- (m) in the definition of **street tree** insert the words “in a public place” after the word “location”;
- (n) in the definition of **surf lifesaving club** insert the words “or any branch thereof” after the words “Western Australia Inc.”;
- (o) in the definition of **trading** after subclause (b), insert new subclause (c) as follows:
  - “(c) the going from place to place, whether or not public places, and—
  - (i) offering goods or services for sale or hire;
  - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services;
  - or
  - (iii) carrying out any other transaction in relation to goods and services;” and
- (p) at the end of the definition **Western Power** insert the word “and”.

#### **2.4 Clause 1.7 amended**

In clause 1.7 insert the words “section 9(2) of” before the words “*Disability Discrimination Act*”.

#### **2.5 Clause 2.2 amended**

In clause 2.2 of Part 2, Division 1 delete all references to “the local government” in subclauses (3), (4), (5) and (6) and replace with the word “Council”.

#### **2.6 Clause 2.6 amended**

In clause 2.6 of Part 2, Division 1 delete all references to “the local government” in subclauses (1), and (3) and insert the word “Council”.

#### **2.7 Clause 2.7 amended**

In clause 2.7 of Part 2, Division 2:

- (a) delete subclause (1)(c) and replace with the words “fly or use a motorised model aircraft, car, ship, glider, rocket or other similar remotely piloted device”; and
- (b) in subclause (1)(i) after the word “bicycle,” insert the words “an electric rideable device, an electric personal transporter,”.

#### **2.8 Clause 2.8 amended**

In clause 2.8 of Part 2, Division 2:

- (a) in subclause (1)(b) after the word “bicycle,” insert the words “an electric rideable device, an electric personal transporter,”;
- (b) delete the word “and” at the end of subclause (1)(g) and insert “and” at the end of subclause (1)(h); and
- (c) insert new subclause (1)(i) with the words “the use of a motorised model aircraft, car, ship, glider, rocket, or other similar remotely piloted device.”.

## **2.9 Clause 3.1 amended**

In clause 3.1 of Part 3, Division 1:

- (a) in subclause (1)(q) insert the word “event,” after the words “conduct a function”;
- (b) after subclause (1)(u), insert a new subclause (1)(v) and the remaining subclauses are renumbered accordingly:
  - “(v) play or practice on local government property—
  - (i) golf, archery or aim, shoot or throw a similar projectile; or
  - (ii) gun or rifle shooting including possession of a gun or rifle or means of discharging any projectile that may cause injury or damage to a person or property;”;
- (c) in subclause (1)(w) (formerly subclause (1)(v)) insert the word “wagering” before the word “contest”; and
- (d) after subclause (1)(x) (formerly subclause (1)(w)) insert new subclauses 1(y) and 1(z):
  - “(y) film or make a recording for commercial gain on local government property; and
  - (z) unless an employee of the local government in the course of their duties or on an area set aside for that purpose—
  - (i) drive, ride or take any vehicle or particular class of vehicle on local government property; or
  - (ii) park or stop any vehicle on local government property.”.

## **2.10 Clause 3.2 amended**

In clause 3.2 of Part 3, Division 1:

- (a) in subclause (a):
  - (i) delete the words “*Liquor Control Act 1988 (WA)*” and insert “Liquor Act;”;
  - (ii) delete the word “and” at the end of the subclause;
- (b) insert the word “and” at the end of subclause (b); and
- (c) insert a new subclause (c) with the following words “the consumption of liquor does not, in the reasonable opinion of the local government or an authorised person, result in anti-social or unsafe behaviour or create a risk to members of the public accessing the local government property.”.

**2.11 Clause 3.3 amended**

In Part 3, Division 2 delete clause 3.3 and insert:

**3.3 Application for a permit to hire local government property**

- (1) The local government may—
  - (a) hire local government property to a person who makes an application for a permit for the hire of local government property under Part 12; and
  - (b) on the application of a person seeking a permit, waive the requirement to pay a hire fee or any part of a hire fee.
- (2) The Council may determine that the requirements of this local law do not apply to the hiring of particular local government property or a class of local government property.
- (3) A permit is not required where the local government property is subject to a lease, licence, facility hire or other legal instrument and the proposed use is within the scope of that agreement.

**2.12 Clause 3.4 amended**

In clause 3.4 of Part 3, Division 2:

- (a) delete all references to the number “2” in the clause and clause title and replace with the word “two”; and
- (b) replace the word “shall” with “may” after the word “applicant”.

**2.13 Clause 3.5 amended**

In clause 3.5 of Part 3, Division 2:

- (a) in subclause (e) delete the words “Chief Executive Officer” and replace with the word “CEO”;
- (b) in subclause (g) insert the words “sale, supply or” before the word “consumption”; and
- (c) in subclause (h) delete the word “imposed” and replace with the word “given” and after the words “local government” insert the words “or an authorised person”.

**2.14 Clause 3.6 amended**

In clause 3.6 of Part 3, Division 2:

- (a) in subclause (c) insert the words “materials associated with events or” before the word “decorations”; and
- (b) in subclause (e) insert the words “or an authorised person” after the words “local government” and insert the words “reschedule or” before the word “cancel”.

**2.15 Clause 3.7 amended**

In clause 3.7(1) of Part 3, Division 2 delete “regulation 11(2)(a)” and insert “regulation 11(1)”.

## **2.16 Part 4 amended**

Delete Part 4 and insert:

### **PART 4—ENTRY ONTO LOCAL GOVERNMENT PROPERTY**

#### **4.1 Entry to local government property**

A person, other than an authorised person performing a function or a contractor of the local government carrying out a contracted duty, must not—

- (a) enter or leave any local government property other than by the public entrance or exit, except in an emergency;
- (b) enter or remain on any local government property except on those days and during those times when access is available to the public; or
- (c) enter any place that has been fenced off or closed to the public.

#### **4.2 Payment of applicable fees for entry or participation**

- (1) Subject to clause 4.2(2), where a fee is payable for entry to local government property or participation in an activity on or in any local government property, a person must not enter that property or participate in the activity without first paying the applicable fee.
- (2) The local government may exempt a person from compliance with clause 4.2(1) on the application of that person.

#### **4.3 Refusal of entry and removal**

- (1) If an authorised person, manager or attendant reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, an authorised person may refuse to allow entry or suspend entry to any local government property.
- (2) A person who has been refused entry under clause 4.3(1) must immediately leave the local government property.
- (3) If a person fails to comply with clause 4.3(2), authorised person, manager or attendant may remove the person, or arrange for the person to be removed, from the local government property.
- (4) A refusal or suspension under subclause 4.3(1) may be for any period of up to 12 months as determined by an authorised person.
- (5) Clause 4.3(1) does not apply to a venue where Council or Committee meetings are held.

**2.17 Part 5 amended**

Delete Part 5 and insert:

**PART 5—BEHAVIOUR ON LOCAL GOVERNMENT PROPERTY OR PUBLIC PLACES**

*Division 1 – General behaviour on and interference with local government property or public places*

**5.1 Behaviour which interferes with others**

A person must not, in or on local government property or in a public place, behave in a manner which—

- (a) is likely to or does interfere with, interrupt or disturb the enjoyment of a person who might use the property or who is using the property or public place;
- (b) causes or is likely to cause a disturbance to nearby residents;
- (c) otherwise creates a nuisance; or
- (d) places the public at risk or interferes with the safety of others.

**5.2 Behaviour detrimental to property**

A person must not, in or on local government property or public place, behave in a way which is or might be detrimental to the property or public place unless authorised by the local government.

**5.3 Behaviour at major events**

Except with the written approval of the local government a person must not at any major event—

- (a) smoke; or
- (b) bring, or allow to remain, any animal, cat or dog.

**5.4 Taking or injuring any fauna**

A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property unless that person is authorised under a written law to do so.

**5.5 Flora**

Unless authorised to do so under a written law or with the written approval of the local government or an authorised person, a person must not—

- (a) remove, damage or interfere with any flora that is on or above any local government property; or
- (b) cultivate, plant or deposit any flora on local government property.

**5.6 Drunk persons not to enter local government property**

A person must not enter or remain on local government property while drunk or under the influence of a prohibited drug.

**5.7 No prohibited drugs**

A person must not take a prohibited drug onto or consume or use a prohibited drug on local government property.

**5.8 No smoking**

- (1) A person must not smoke within a 5 metre radius of any entrance, exit or aperture of premises on local government property.
- (2) The use of vaping devices for delivery of nicotine or other substances is not permitted to be used in any area on local government property where smoking is restricted.
- (3) Where an authorised person reasonably believes that a person is contravening or has contravened clauses 5.8(1) or 5.8(2), the authorised person may direct the person to cease smoking.

**5.9 Appropriate behaviour and adequate clothing**

- (1) A person over the age of 6 years must not on or in any local government property or public place—
  - (a) appear in public unless properly dressed in clothing which covers the body to prevent indecent exposure, except where the property is set aside for the wearing of no clothes under clause 2.7(1)(j);
  - (b) loiter outside or act in an inappropriate manner in any portion of a toilet block or change room facility; or
  - (c) without the consent of the occupier, enter or attempt to enter any toilet or other compartment which is already occupied.
- (2) Where an authorised person, an attendant or a manager considers that the clothing of any person on local government property or in a public place is not proper or adequate to cover the body so as to prevent indecent exposure, the authorised person may direct that person to put on adequate clothing and that person must comply with that direction immediately.

*Division 2—Signs*

**5.10 Signs**

- (1) The local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person must comply with a sign erected under clause 5.10(1).
- (3) A condition of use specified on a sign erected under clause 5.10(1) is—

- (a) not to be inconsistent with any provision of this local law or any determination;  
and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

**2.18 Part 6 amended**

Delete Part 6 and insert:

**PART 6—SPECIFIC MATTERS RELATING TO TYPES OF LOCAL  
GOVERNMENT PROPERTY AND PUBLIC PLACES**

*Division 1—Community Facilities*

**6.1 General prohibitions**

A person must not—

- (a) obstruct an authorised person, manager or attendant in carrying out his or her duties;
- (b) fail to comply with a direction given by an authorised person, manager or attendant—
  - (i) refusing admission to a person;
  - (ii) directing a person to leave a community facility; or
  - (iii) directing a person in relation to his or her use of a community facility;
- (c) fail to comply with a direction given by an authorised person or manager suspending admission to a person;
- (d) permit an animal, cat or dog to enter or remain in or about a community facility where such entry is prohibited by a sign;
- (e) consume any food or drink in an area where consumption is prohibited by a sign;  
or
- (f) foul or pollute the water in a public swimming pool.

**6.2 Use of all or part of a community facility**

An authorised person, manager or attendant may—

- (a) direct that all or part of a community facility is for the use of certain persons to the exclusion of others; and
- (b) direct a person as to that person's use of a community facility.

**6.3 When entry and use may be refused**

- (1) An authorised person, manager or attendant may—
  - (a) refuse admission to;
  - (b) direct to leave; or

- (c) cause to be removed from,  
a community facility any person where any of the requirements set out in clause 6.3(2) are not being complied with or for any reason set out in clause 6.3(3).
- (2) For the purposes of clause 6.3(1), the requirements are—
  - (a) children under the age of 5 years must be accompanied into a community facility by a responsible adult who is at least 16 years of age, and must be supervised by that responsible adult within arms' length at all times while within a community facility;
  - (b) a responsible adult can only be responsible for a maximum of 3 children under the age of 5 years at any one time; and
  - (c) subject to clause 6.3(2)(a), children under the age of 12 years must be accompanied into a community facility by a responsible adult who is at least 16 years of age and must be supervised by that responsible adult within line of sight at all times while within the community facility.
- (3) For the purposes of clause 6.3(1), the reasons are—
  - (a) where the authorised person, manager or attendant reasonably suspects the person is—
    - (i) suffering from any gastrointestinal disease, contagious, infectious or cutaneous disease or complaint, skin infection or has unhealed wounds;
    - (ii) in an unclean condition;
    - (iii) wearing unclean clothes; or
    - (iv) under the influence of liquor or a prohibited drug;
  - (b) if the authorised person, manager or attendant is satisfied that—
    - (i) such action is necessary or desirable to prevent a contravention of this local law; or
    - (ii) the person is committing a breach of any provision of this local law; or
  - (c) by reason of his or her past or present conduct within or about a community facility, has created or is creating a nuisance.

#### **6.4 Suspension of access to community facility**

Subject to clause 4.3, an authorised person or manager may suspend admission for a minimum period of one day to any person who has committed a breach of any provision of this local law in relation to the community facility.

#### **6.5 Carnivals**

- (1) A person, club, organisation or association must not conduct controlled swimming or other sporting events, carnivals or competitions at a community facility without the prior approval of the manager.
- (2) The manager may grant such approval subject to any conditions considered fit by the manager and may withdraw that approval at any time.
- (3) A person, club, organisation or association conducting a carnival or event at a community facility must take reasonable steps to—
  - (a) prevent overcrowding;
  - (b) ensure that no damage is done to the buildings or fencing or any other portion of the community facility; and
  - (c) ensure that this local law is observed by all competitors, officials and spectators.

*Division 2—Beaches and foreshore areas*

**6.6 General prohibitions**

On a beach or foreshore area, a person must not obstruct, disturb, insult or neglect to obey the lawful directions of any authorised person or member of an on-duty surf lifesaving club patrol.

**6.7 Compliance with signs and directions**

A person must—

- (a) comply with any sign erected on a beach, sand dune or foreshore area;
- (b) comply with any lawful direction given by an authorised person, a patrol captain or a patrolling member of a surf lifesaving club patrolling the beach; and
- (c) not enter any area designated as being used for any surf lifesaving activity, training, competition or carnival.

**6.8 Sand dune protection**

- (1) On a beach or sand dune area—
  - (a) the local government may set aside by signs or fencing an area restricting or prohibiting entry due to sand dune rehabilitation or protection where the local government is satisfied the area has environmental value warranting such protection or poses a hazard to public safety; and
  - (b) a person must not interfere with, damage, or alter the natural structure or vegetation of a sand dune.
- (2) A person must not, without permission of the local government or an authorised person—
  - (a) remove, tamper or damage any sign, fence or structure or thing placed by the local government to protect a sand dune or manage public access to it; or

- (b) scale, crawl beneath, or pass through any fence or gate installed for the purpose of restricting the entry of persons or vehicles to avoid damage to the dune.

**6.9 Use of off-road vehicles on beaches and foreshore areas**

A person must not drive or operate an off-road vehicle on a beach or foreshore area unless that person is authorised to do so under any written law.

**6.10 Surf lifesaving activities and identification of surf lifesaving patrol**

- (1) An authorised person, patrol captain or patrolling member of a surf lifesaving club authorised by that club to carry out duties set out in this clause may perform the following functions in the interests of maintaining safety at beaches in the district—
  - (a) patrol any beach;
  - (b) take onto any beach any lifesaving gear, including vehicles or boats that are used for lifesaving activities;
  - (c) indicate by signs or patrol flags, any designated swimming areas of a beach or adjacent water beyond the beach;
  - (d) indicate by signs any areas of a beach or the adjacent water beyond the beach where—
    - (i) riding of surfboards or any other bathing appliance is prohibited;
    - (ii) driving of boats is prohibited; or
    - (iii) fishing is prohibited;
  - (e) regulate or designate any areas for the following activities—
    - (i) conduct of training or surf lifesaving club carnivals; or
    - (ii) establishing a first aid or command post;
  - (f) direct any person to—
    - (i) swim only within the designated swimming area indicated by signs or patrol flags; or
    - (ii) leave the water during any period if, the authorised person, patrol captain or patrolling member is satisfied of potentially dangerous conditions or the sighting of a shark; and
  - (g) close any beach or part of any beach during any period of potentially dangerous conditions or sighting of a shark.
- (2) A person who is not a patrolling member of a surf lifesaving patrol on duty must not give the impression that they are a patrolling member of a surf lifesaving patrol on duty.
- (3) When any beach or part of any beach is closed in accordance with clause 6.10(1)(g) an authorised person or patrol captain of a surf lifesaving club must advise the CEO as soon as practicable.

### **6.11 Authority of local government employee to prevail**

If the local government has authorised a person to perform a duty under clause 6.10(1) and a member of a surf lifesaving club is also authorised in relation to the same duty contemporaneously, the authority of an authorised person employed by the local government must prevail in the event of inconsistency.

### **6.12 Fishing**

- (1) A person must not fish in any area—
  - (a) where fishing is prohibited by the local government and the prohibition is designated by signs; or
  - (b) set aside by an authorised person or member of a surf lifesaving club patrol as a designated swimming area.
- (2) A person must not, whether fishing is permitted or not—
  - (a) clean fish or dispose of fish waste within 10 metres of a designated swim area in a manner that may cause a nuisance to members of the public; or
  - (b) cut bait within 10 metres of a designated swim area in a manner that may cause a nuisance to members of the public.
- (3) A person who does not have a disability must not fish in an area which is designated and marked for use for fishing by a person with a disability unless there are no persons with a disability wanting to use that area at that time.

### **6.13 Boat launching**

- (1) A person must not launch a boat into the sea or from a foreshore area into any other body of water other than at a boat launching ramp designed, constructed and approved for that purpose or from the beach or foreshore area where this activity is permitted and designated by signs.
- (2) A person must not launch a personal watercraft into the sea or from a foreshore area into any other body of water other than at a boat launching ramp designated, constructed and approved for that purpose, unless that person has the written approval of the local government to launch a personal watercraft from another location.
- (3) Clauses 6.13(1) and 6.13(2) do not apply to any member of a surf lifesaving club or lifesaving patrol in the course of their duties, training or competition.

*Division 3—Fenced or closed property*

### **6.14 No entry to fenced or closed local government property**

A person must not enter local government property or fenced thoroughfare which has been fenced off or closed to the public by a sign or otherwise unless authorised by the local government.

*Division 4—Toilet blocks and change rooms*

**6.15 Only specified gender to use entry of toilet block or change room**

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—
  - (a) females, then a person of the male gender must not use that entry to the toilet block or change room; or
  - (b) males, then a person of the female gender must not use that entry to the toilet block or change room.
- (2) Clause 6.15(1) does not apply to a child, when accompanied by a parent, guardian or caregiver where the child is—
  - (a) under the age of 6 years; or
  - (b) otherwise permitted by an authorised person to use the relevant entry.

**6.16 Hire of lockers**

- (1) A person may hire a locker in or near a change room for the purpose of safekeeping articles.
- (2) A person must not store in any locker a firearm or an offensive weapon or any article or substance that has been unlawfully acquired or which is a substance or article within the meaning of 'dangerous goods' under the *Dangerous Goods Safety Act 2004* (WA).

**6.17 Inspection of lockers**

An authorised person, manager or attendant may open and inspect the contents of a locker at any time, where the authorised person, manager or attendant reasonably suspects that a breach of this local law has occurred.

**6.18 Use of showers**

A person may use a shower in a change room provided that—

- (a) the facilities must only be used by the person for the purpose of cleansing, bathing and washing themselves; and
- (b) the facilities must not be used for the purposes of laundering or washing any clothing or other articles.

**6.19 No use of camera devices in toilet blocks or change rooms**

A person must not operate a camera device in any portion of a toilet block or change room to record or transmit an image.

## **2.19 Part 7, Division 1 amended**

In Part 7, Division 1:

- (a) delete clause 7.1 and insert:

### **7.1 General prohibitions**

Subject to this local law, a person must not—

- (a) plant any plant on a thoroughfare—
    - (i) within the vicinity of an intersection that creates a sight line hazard in relation to pedestrians or drivers of vehicles using that intersection and which is not maintained at or below 0.5 metres in height; or
    - (ii) so that it is within 2 metres of a carriageway, except in the case of grass or a similar plant to grass;
  - (b) damage a lawn or garden on or in a public place or remove any plant or part of a plant from a lawn or garden that is not a street tree on or in a public place unless—
    - (i) the person is the owner or occupier of the lot abutting that portion of the thoroughfare and the lawn, garden or the particular plant was installed or planted by that owner or occupier and is not a street tree; or
    - (ii) the person is acting under the authority of a written law;
  - (c) on a verge, repair or service any vehicle;
  - (d) place, allow to be placed or allow to remain on a thoroughfare or verge any thing that results in a hazard for any person using the thoroughfare or verge;
  - (e) cause or permit any water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians;
  - (f) play or participate in any game or sport so as to—
    - (i) cause danger to any person on a thoroughfare; or
    - (ii) obstruct the movement of vehicles or persons on a thoroughfare; or
  - (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, electric rideable device, electric personal transporter, wheeled recreational device or similar device.
- (b) in clause 7.2(1)(c) delete the words “Division 3” and replace with “Division 4”.

## **2.20 Part 7, Division 2 amended**

In Part 7, Division 2:

- (a) Division 2 is renumbered to Division 3 and the remaining Divisions and clauses in this Part being renumbered accordingly; and
- (b) insert new Division 2:

*Division 2 - Works affecting a thoroughfare*

**7.4. No damage to thoroughfare**

A person must not alter, interfere with, remove or disturb, without lawful authority, a thoroughfare or anything belonging to or under the care, control or management of the local government that is on a thoroughfare, including but not limited to a footpath, verge or street tree.

**7.5 Footpath and verge protection**

- (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a footpath or verge, must—
  - (a) take all necessary precautions to ensure that the footpath or verge is not damaged during the course of the works;
  - (b) take all necessary action to ensure that the footpath or verge remains in a safe functional state suitable for use by the public; and
  - (c) notify the local government of any existing damage to the footpath or verge prior to the commencement of the works.
- (2) A person who carries out any building or other operations or works necessitating the crossing of a footpath with vehicles that may cause damage to the footpath or verge, must ensure that—
  - (a) all reasonable precautions are taken to prevent damage to the footpath or verge during the course of the works; and
  - (b) heavy vehicles that access the private property, are to cross the footpath at the designated area for the proposed vehicle crossing.
- (3) If a person fails to comply with subclause 7.5(1) or 7.5(2) and a footpath or verge is damaged during works undertaken on private property or works within the road reserve, the local government or an authorised person may by written notice to that person, require that person within the time stated in the notice, to pay the costs of reinstating or repairing the footpath or verge.
- (4) On a failure to comply with a notice issued under subclause 7.5(3), the local government may recover the costs referred to in the notice as a debt due to it.

**7.6 Liability for damage to thoroughfare**

- (1) Where a person unlawfully damages a thoroughfare or any thing belonging to or under the care, control or management of the local government that is on a thoroughfare, the local government may by written notice to that person require that person within the time stated in the notice to, at the option of the local government, pay the costs of—
  - (a) reinstating the thoroughfare or thing to the state it was in prior to the occurrence of the damage; or
  - (b) replacing that thing.
- (2) On a failure to comply with a notice issued under subclause 7.6(1), the local government may recover the costs referred to in the notice as a debt due to it.

#### **7.7 Street Tree Protection**

- (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a street tree, must—
  - (a) take all necessary precautions to ensure that the street tree is protected and not damaged during the course of the works;
  - (b) provide a tree protection zone around the trunk of the tree comprising of temporary fixed barricade/fencing, measuring from the trunk of the tree, of at least 2m by 2m (preferably with appropriate signage), erected around the tree to protect the root zone and tree during the construction works;
  - (c) not place or store any building materials, building rubble and/or debris against the tree protection barricade or within the tree protection zone;
  - (d) ensure clear access to the tree is maintained at all times to enable the local government to access the tree for watering or carry out any works to the tree as required; and
  - (e) notify the local government of any existing damage to the street tree or if the tree becomes damaged.
- (2) Any person who causes damage to a street tree must pay the costs of the local government to carry out remedial works or to replace the street tree.
- (3) Any person who causes significant damage to a street tree or its destruction, commits an offence.
- (4) In instances where a tree is assessed by the local government as being significant in size, the barricade around the tree may need to be a greater distance from the tree trunk and this will be determined by the local government or an authorised person.

#### **2.21 Part 7, Division 3 amended**

In Part 7, Division 3 (formerly Division 2):

- (a) insert new clause 7.8 and renumber remaining clauses accordingly:

*Division 3—Vehicle crossings*

**7.8 Vehicle crossings**

The owner or occupier of land adjacent to a thoroughfare may install a vehicle crossing in accordance with the *Local Government (Uniform Local Provisions) Regulations 1996* and the local government's vehicle crossing specifications, as varied from time to time.

- (b) in clause 7.9(1) (formerly clause 7.4(1)):
- (i) after the word "drains" insert a comma and delete the word "and"; and
  - (ii) after the word "footpath" insert the words "and street trees"; and
- (c) in clause 7.9(2) (formerly clause 7.4(2)) replace the words "clause 7.4(1)" with "clause 7.9(1)".

**2.22 Part 7, Division 4 amended**

In Part 7, delete Division 4 (formerly Division 3) and insert:

*Division 4—Verge treatments*

**7.11 Permissible verge treatments**

- (1) An owner or occupier of land which abuts a verge may, on that part of the verge, install a permissible verge treatment comprising—
- (a) the planting and maintenance of a natural lawn that is not made of synthetic grass;
  - (b) the planting and maintenance of a garden provided that—
    - (i) it contains no plant or other vegetation of a thorny or poisonous nature or may otherwise create a hazard;
    - (ii) a clear and unobstructed pedestrian access of at least 2 metres is maintained along that part of the verge where no footpath exists;
    - (iii) it does not include a wall or built structure; and
  - (c) unobstructed access around signs, letterboxes, water meters, telecommunication pits, fire hydrants and manhole covers be maintained;
  - (d) the installation of an acceptable material;
  - (e) a combination of subclause 7.11(a), 7.11(b), and 7.11(c), provided that no more than 50% of the verge area (including any approved footpath and/or vehicle crossing) is covered with an acceptable material; or
  - (f) other treatment approved by the local government in writing.

- (2) In this clause **acceptable material** means any material that creates an impervious or semi-permeable surface, and which appears on a list of acceptable materials approved by the local government.
- (3) The local government may approve a greater proportion of acceptable material where the verge is less than 1.5 metres wide (excluding footpath) and it is not possible to maintain a natural lawn or garden.
- (4) Any street tree planted on a verge must be of a species approved by the local government or an authorised person.
- (5) The local government or an authorised person may by written notice, require a verge to be altered if shedding of stormwater or flooding is likely to cause a nuisance to neighbours or users of a thoroughfare.

#### **7.12 Only permissible verge treatments be installed**

- (1) A person must not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) The owner and occupier of the land abutting on a verge treatment referred to in subclause 7.12(1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 7.13.

#### **7.13 Obligations of owner or occupier**

An owner or occupier who installs or maintains a verge treatment must—

- (a) ensure that clear sight visibility is maintained at all times for pedestrians, cyclists and motorists using the abutting street or using a driveway on land adjacent to the street for access to and from the street;
- (b) ensure that the verge treatment does not cause injury to any person or damage or obstruct any street, pavement, kerb, drain, footpath, crossing of any pipe or cable, or tree planted by the local government and make good at such owner's or occupier's expense all such damage caused;
- (c) keep the verge treatment in good and tidy condition and ensure where the verge treatment is a garden or a lawn, that any accessway, footpath or thoroughfare adjoining the verge are not obstructed by the verge treatment;
- (d) not place or allow to remain any object, structure or material on or within the verge treatment area that obstructs access;
- (e) unless authorised by the local government or an authorised person, ensure the level and grade of a verge remains consistent with the surrounding levels to prevent hazards;

- (f) not water or maintain a verge treatment in such a manner as to cause a nuisance or hazard to any person, particularly any person using any street, footpath, or access way adjoining the verge; and
- (g) ensure that any hardstand area is not used to provide formal verge parking, unless approved in writing by the local government.

**7.14 Notice to owner or occupier**

- (1) The local government or authorised person may give a notice in writing to an owner or occupier of land abutting a verge, to make good any breach or remove all or any part of a verge treatment that does not comply with this Part, within the time specified in the notice.
- (2) If the owner or occupier does not comply with a notice issued in accordance with clause 7.14(1), the local government may carry out any works to make good any breach of this local law.

**7.15 Powers to carry out public works**

- (1) For the purposes of carrying out any works, the local government or any other authority empowered by law to dig up or carry out any other works on a street may, without notice and without being liable to compensate any person—
  - (a) dig up all or any part of a street; or
  - (b) disturb any verge treatment placed there by an owner or occupier of the adjacent land.
- (2) Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—
  - (a) is not liable to compensate any person for that disturbance;
  - (b) may backfill with sand, if necessary, any garden or lawn; and
  - (c) is not liable to replace or restore any—
    - (i) verge treatment and, in particular, any hardstand, plant or any other acceptable material; or
    - (ii) sprinklers, pipes or other reticulation equipment.

**7.16 Transitional**

- (1) In this clause, **former provisions** mean the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.
- (2) A verge treatment which—
  - (a) was installed prior to the commencement day; and

- (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions, is to be taken to be a permissible verge treatment under this local law for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

### **2.23 Division 5 amended**

In Part 7, Division 5 (formerly Division 4):

- (a) delete the word "Property" in the division title and insert the word "Street";
- (b) in clause 7.17(1) (formerly 7.10(1)) replace the word "shall" with "may";
- (c) in clause 7.18(2) (formerly 7.11(1)) replace the words "clause 7.11(1)" with "clause 7.18(1)";  
and
- (d) in clause 7.19 (formerly 7.12) replace the word "shall" in subclauses (1) and (2) with "must".

### **2.24 Part 7, Division 6 amended**

In Part 7, Division 6 (formerly Division 5) after clause 7.20 (formerly clause 7.13) insert new clause 7.21:

#### **7.21 Temporary fencing**

- (1) A person responsible for the works on a lot that adjoins or impacts a public place, waterway, or local government property may be required by a notice given by the local government or an authorised person to install temporary fencing, to the reasonable satisfaction of the local government, for the purpose of protecting and conserving the environment or ensuring public safety.
- (2) A person who fails to comply with a requirement under clause 7.21(1) commits an offence.

### **2.25 Part 7, Division 7 amended**

In Part 7, Division 7 (formerly Division 6):

- (a) in subclauses 7.22(2) and 7.22(3) (formerly 7.14(2) & 7.14(3)) delete all references to "clause 7.14(1)" and insert the words "clause 7.22(1)"; and
- (b) in clause 7.23 (formerly 7.15) delete the words "clause 7.14" and insert the words "clause 7.22".

### **2.26 Part 8 amended**

Part 8 is amended:

- (a) in clause 8.2:

- (i) delete subclause (2)(e) and insert:
    - “(e) on—
    - (i) the Mandurah Estuary Bridge on Mandurah Road;
    - (ii) the Old Mandurah Bridge, or its replacement;
    - (iii) all fencing on the intersection of Mandurah Terrace and Pinjarra Road;
    - (iv) all fencing on the corner of Pinjarra Road and Sutton Street; or
    - (v) on any pedestrian overpass bridges in the district;”;
  - (ii) in subclause (2)(f) delete the words “in the opinion of” and insert the words “or authorised person is satisfied that” after the words “local government”;
  - (iii) after subclause (2)(f)(iii) delete the full stop and insert “; or”; and
  - (iv) insert new subclause (2)(g) inserting the words “by affixing with metal star pickets.”;
- (b) in clause 8.3:
- (i) in subclause (3)(g)(i) delete the word “or” at the end of the clause and insert at the end of subclause (3)(g)(ii);
  - (ii) insert a new subclause (g)(iii) with the words “is not secured in position in accordance with the requirements of the local government,”;
  - (iii) in subclause (3)(j) delete the word “long” and insert the words “in length”; and
  - (iv) in subclause (4) insert the words “or authorised person” after the first occurrence of the words “local government”;
- (c) in clause 8.4(2)(f) replace the word “crossover” with “crossing”;
- (d) in clause 8.5:
- (i) in subclause 2 delete the words “clause 8.7” and insert “clause 8.6” and delete the word “shall” replace with “must”;
  - (ii) in subclause 2(l) delete the word “crossover” and replace with “crossing”; and
  - (iii) in subclause (4)(a) delete the words “\$10 million” and replace with “\$20 million (twenty million dollars),”;
- (e) delete clause 8.6 and renumber remaining clauses accordingly;
- (f) in clause 8.6 (formerly 8.7):
- (i) delete subclause (2)(a) and replace with the words “being erected at least 50m from any intersection, roundabout or traffic sign”;
  - (ii) insert new subclause (2)(b) with the words “having a display area less than 4.5 square metres;” and
  - (iii) insert new subclause (2)(c) with the words “not being placed with the leading edge of the sign closer than 3.5 metres to the trafficable path of vehicles” and renumber the remaining clauses accordingly;
- (g) after newly numbered clause 8.7 (formerly clause 8.8) insert new clause 8.8 as follows:

### **8.8 Removal of sign for works**

When directed to do so by an authorised person, a person who has displayed a sign on local government property or a public place will ensure that the sign is removed to permit any authorised work to be carried out.

- (h) in clause 8.9, replace the word “shall” with “must”; and
- (i) delete clause 8.11.

### **2.27 Part 9, Division 1 amended**

In Part 9, Division 1:

- (a) in clause 9.1(1) place a comma and insert the words “cat or dog” after the word “animal”;
- (b) in clause 9.1 insert new subclause (2):
  - “(2) A person does not contravene subclause 9.1(1) where the animal is secured or tethered for a period not exceeding 1 hour.”; and
- (c) in clause 9.3:
  - (i) insert the words “remove or” before the word “impound”; and
  - (ii) after the words “clause 9.1” insert the words “in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.”

### **2.28 Part 9, Division 2 amended**

In clause 9.4 of Part 9, Division 2:

- (a) Insert new subclause (2) as follows:
  - “(2) Any vehicle left in contravention of clause 9.4(1) may be removed, impounded or disposed of by an authorised person in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.”

### **2.29 Part 9, Division 3 amended**

In Part 9, Division 3:

- (a) in clause 9.5 replace the word “shall” with “must”;
- (b) in clause 9.6 replace the word “shall” with “must”;
- (c) in clause 9.8 insert the words “at the nearest location.” after the last reference to “shopping trolley”; and
- (d) delete clauses 9.9 to 9.11 and insert the following:

#### **9.9 Shopping trolley to be removed by retailer**

- (1) If a shopping trolley is found abandoned on local government property, in a public place, and in contravention of this Part, the local government or authorised person may advise a retailer whose name is marked on the shopping trolley, verbally or in writing of its location.
- (2) A retailer must remove the shopping trolley within 24 hours of being advised.

#### **9.10 Impounding of abandoned shopping trolley**

- (1) Subject to the provisions of the Act and regulation 29 of the Regulations, the local government or authorised person may remove, impound or dispose of any shopping trolley that is—
  - (a) left on a thoroughfare, verge, beach, natural area, waterway or any local government property or public place that is found to be abandoned in accordance with clause 9.7; and
  - (b) marked in accordance with clause 9.5.
- (2) A retailer must pay any fees for removing and impounding abandoned shopping trolleys of the retailer within the period specified by the local government.

#### **9.11 Retailer to be notified**

The retailer must be notified in writing prior to the disposal of a shopping trolley of the retailer.

### **2.30 Part 10, Division 1 amended**

In Part 10, Division 1:

- (a) in clause 10.1 delete the title of the clause and replace with **“Trading and street market permits”**;
- (b) in clause 10.1 after the word “trading” insert the words “or conduct a street market”;
- (c) in clause 10.1(1)(a) insert the word “valid” before the word “permit” in subclauses (1)(a)(i) and (1)(a)(ii);
- (d) in clause 10.1(1)(b) insert the words “or street market” after the words “trading activity” and delete the word “and” at the end of the subclause and replace with a full stop;
- (e) delete subclause 10.1(1)(c);
- (f) in clause 10.2(1), after the first reference to “trading” delete the words “on the application” and insert the words “on making an application”; and
- (g) delete clauses 10.3 and 10.4 and insert new clause 10.3 as follows:

#### **10.3 Obligations of traders and street markets**

A trader or person conducting a street market must not—

- (a) deposit, place or store any goods or equipment on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
- (b) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond the area specified in any permit;
- (c) fail to maintain a clear pedestrian access area of at least 2 metres in width adjacent to a building frontage, to provide for consistent unobstructed pedestrian access; or
- (d) carry on trading from a public place unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

### **2.31 Part 10, Division 2 amended**

In Part 10, delete Division 2 and insert:

#### *Division 2—Street entertaining*

##### **10.4 When a permit is required for street entertaining**

A person must not perform on or in local government property or a public place without a permit for the purpose of street entertaining.

##### **10.5 Cancellation of a permit for street entertaining**

The local government or an authorised person may cancel a permit for street entertaining if the local government or authorised person is satisfied that—

- (a) the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons or businesses in a public place; or
- (b) the performance otherwise constitutes a nuisance.

##### **10.6 Obligations of a permit for street entertaining**

- (1) A person holding a permit for street entertaining must not, except with the written approval of the local government, in a public place or on local government property—
  - (a) use or fire any weapon or object with sharp edges;
  - (b) perform any act that endangers the safety of the public;
  - (c) perform in public places so as to unduly interfere with vehicular or pedestrian traffic, public amenities or cause undue obstruction to others;
  - (d) perform any act of cruelty to an animal, cat or dog;
  - (e) have more than 4 people perform, unless otherwise authorised by the permit;

- (f) unless otherwise authorised by the permit, allow any person under the age of 14 years to perform—
    - (i) during school hours on school days; and
    - (ii) between 7.00pm and 6.00am;
  - (g) sell or permit the sale of any music tapes, recordings, compact discs or merchandise unless authorised by the local government;
  - (h) act in an offensive or obscene manner; or
  - (i) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier—
    - (i) other than in the permitted area; and
    - (ii) unless the musical instrument or device is specified in the permit.
- (2) A person who performs in a public place or on local government property must comply with directions issued by an authorised officer, if the authorised officer is satisfied that—
- (a) the street entertaining is causing a nuisance;
  - (b) the noise level is too high;
  - (c) the safety of the public or the person performing is compromised;
  - (d) the person performing has failed to keep their site safe and clean while working; or
  - (e) the person performing is interfering in any way with an approved event or activity.
- (3) A person may be prohibited from performing in a public place in the district by a written notice from an authorised person.

### **2.32 Part 11 amended**

Part 11 is amended:

- (a) in clause 11.2 amend subclause (e) insert the words “including lighting” after the word “equipment”;
- (b) in clause 11.3:
  - (i) insert new subclause and renumber accordingly:  
“(1)(c) maintain a clear pedestrian access area of at least 2 metres in width adjacent to the building frontage, to provide for consistent unobstructed pedestrian access;” and
  - (ii) in subclause (1)(e) (formerly (1)(d) replace the word “shall” with “must”; and
- (c) in clause 11.5(b) replace the word “shall” with “must” and delete the words “a tobacco product” after the word “smoke”.

**2.33 Part 12, Division 1 amended**

In Part 12, Division 1:

(a) delete clause 12.1 and insert:

**12.1 Application for a permit**

- (1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with clause 12.1(2).
- (2) An application for a permit under this local law must—
  - (a) be in the form determined by the local government;
  - (b) state the full name and address of the applicant;
  - (c) be signed by the applicant;
  - (d) in the case of an application for a permit for an alfresco dining area, be signed by the proprietor of the abutting food business adjacent to the portion of the local government property or public place to which the application relates;
  - (e) contain the information required by the form;
  - (f) contain any other information required for that particular type of permit under this local law; and
  - (g) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) An application for a permit for the purposes of conducting trading or a street market on or in local government property or a public place must contain the following additional information (as applicable)—
  - (a) details of any location in which the applicant proposes to trade or conduct a street market;
  - (b) the period of time for which the permit is sought, together with the proposed days and hours of operation of the street market;
  - (c) the proposed goods and services which will be traded, sold, hired or offered for sale or hire by the trader or at a street market;
  - (d) details regarding public liability insurance held by applicant; and
  - (e) details of any proposed structure, stall or vehicle which may be used in conducting the trading or street market and a plan showing where any such structure, stall or vehicle will be located.
- (4) An application for a permit for the purposes of a street entertaining must contain the following additional information (as applicable)—

- (a) details of any location in which the applicant proposes to perform; and
  - (b) the period of time for which the permit is sought.
- (5) An application for a permit for the purposes of an alfresco dining area must contain the following additional information—
- (a) two copies of a plan and specifications of the proposed alfresco dining area on a scale of 1:50 showing—
    - (i) the location and dimensions of the proposed alfresco dining area including any footpath and the means by which the alfresco dining area is to be separated from the balance of the local government property or public place; and
    - (ii) the position of all tables, chairs and other structures proposed to be provided in the alfresco dining area including proximity to footpath and which of such items, if any, are to be retained within the alfresco dining area at all times;
  - (b) a colour photograph(s) or brochure(s) of the tables, chairs and other structures to be set up in the alfresco dining area;
  - (c) a description of the manner in which foodstuffs and other dining accessories are to be conveyed to, and protected from contamination within, the alfresco dining area;
  - (d) details regarding the public liability insurance taken out or to be taken out by the applicant in respect of the alfresco dining area; and
  - (e) be signed by the proprietor of the abutting food business adjacent to the portion of the local government property or public place to which the application relates.
- (6) Before determining an application for a permit, the local government or an authorised person may require the applicant to provide additional information reasonably related to the application.
- (7) If the local government or an authorised person makes a request under subclause 12.1(6) the local government or authorised person does not have to consider the application, or consider it further, until the request is complied with.
- (8) The local government may refuse to consider an application for a permit which does not satisfy the requirements within clause 12.1(2).
- (9) The local government may require an applicant to give local public notice of the application for the permit.
- (b) in clause 12.2:
- (i) amend subclause (1)(a) by inserting the words “unconditionally or subject to conditions; or” after the word “permit”; and

- (ii) delete subclause (1)(b) and renumber accordingly;
- (c) in clause 12.3:
  - (i) in subclause (1)(e) delete the word “considers” after the words “local government” and insert word “may consider”; and
  - (ii) delete subclause 2(c) and replace with the words “the applicant is not a fit and proper person to carry on the activity”.

**2.34 Part 12, Division 2 amended**

In Part 12, delete Division 2 and insert:

*Division 2—Conditions on a permit*

**12.4 Examples of conditions**

The local government may impose conditions on a permit relating to—

- (a) the payment of a fee;
- (b) compliance with a standard or a policy of the local government adopted by the local government;
- (c) the duration and commencement of the permit, including the days and hours within which the activity the subject of the permit may be carried out or is prohibited;
- (d) the commencement of the permit being contingent on the happening of an event;
- (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (f) the area or specific location within the district to which the permit applies, including any set back distances applicable to the activity;
- (g) the payment of a bond against possible damage, cleaning or other expenses;
- (h) the obtaining of public liability insurance in an amount and on terms reasonably required by the local government;
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place or local government property by the permit holder;
- (j) any prohibition or restriction concerning the—
  - (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
  - (ii) the use of amplifiers, sound equipment and sound instruments;
  - (iii) the use of any lighting apparatus or device; or

- (i) the use of signs;
- (k) if the permit relates to the trading of food, the provisions to be made for the storage of cooked and uncooked food, and the storage and disposal of waste water;
- (l) the designation of any place where trading is wholly or from time to time prohibited by the local government; and
- (m) any other matter that the local government considers fit or appropriate.

#### **12.5 Imposing conditions under a policy**

- (1) In this clause—

**policy** means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 12.2(1)(a).

- (2) Under this Part 12, the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 12.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

#### **12.6 Compliance with terms and conditions of permit**

A permit holder must comply with any terms and conditions imposed on a permit, including any conditions as varied.

### **2.35 Part 12, Division 3 amended**

In Part 12, delete Division 3 and insert:

#### *Division 3—General*

#### **12.7 Duration of permit**

A permit is valid for one year from the date on which it is issued unless it is—

- (a) otherwise stated in this local law or in the terms and conditions of the permit; or
- (b) suspended or cancelled under clause 12.12.

**12.8 Renewal of permit**

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of a permit.
- (2) The provisions of—
  - (a) this Part 12 regarding an application for a permit; or
  - (b) any other provision of this local law relevant to the permit which is to be renewed,apply to an application for the renewal of a permit with any necessary modifications.

**12.9 Variation of permit**

- (1) The local government may by notice in writing to a person holding a permit vary a condition of the permit.
- (2) The local government or an authorised person may direct a holder of a permit to move from one permitted area to another permitted area if more than one area is specified in the permit.
- (3) A permit holder may apply to the local government to vary or remove any conditions imposed on a permit.
- (4) In determining whether to vary any condition imposed on a permit, the local government will have due regard to any relevant local government policy.

**12.10 Transfer of permit**

- (1) An application may be made to the local government to transfer a valid permit.
- (2) An application to transfer a permit must—
  - (a) be made in writing;
  - (b) be signed by the permit holder and the proposed transferee for the permit;
  - (c) provide such information as the local government may require to enable the application to be determined; and
  - (d) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may—
  - (a) approve an application for the transfer of a permit;
  - (b) approve an application for the transfer of a permit subject to conditions; or
  - (c) refuse an application to transfer a permit.
- (4) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—
  - (a) an endorsement on the permit signed by the CEO or an authorised person; or

- (b) issuing to the transferee a permit in the form determined by the local government.
- (5) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.
- (6) Alfresco dining permits are non-transferable.

#### **12.11 Production of permit**

A permit holder must produce to an authorised person his or her permit immediately on being directed to do so by that authorised person.

#### **12.12 Cancellation or suspension of permit**

- (1) Subject to clause 13.1, a permit may be suspended or cancelled by the local government if—
  - (a) the permit was improperly obtained;
  - (b) the permit holder has not complied with a condition of the permit;
  - (c) the permit holder has not complied with a provision of any written law which relates to the activity regulated by the permit;
  - (d) the activity regulated by the permit constitutes or will constitute an unacceptable risk to the safety of the public;
  - (e) the local government has approved an event in or near the place to which the permit applies;
  - (f) the local government or a utility requires access to or near the place to which the permit applies for the purposes of carrying out works in or near the vicinity of that place;
  - (g) the permit holder has transferred or assigned or sought to transfer or assign the permit without the approval of the local government; or
  - (h) a law is amended or repealed in a manner which is inconsistent with the terms and conditions of the permit and which renders the permit invalid, ineffective or contrary to law.
- (2) If a permit is cancelled under clause 12.12(1), the permit holder—
  - (a) must return the permit to the local government as soon as practicable; and
  - (b) is to be taken to have forfeited any fees paid in respect of the permit.
- (3) On the cancellation or suspension of a permit under clause 12.12(1)(f), the permit holder is, subject to clause 12.12(4), to be taken to have forfeited any fees paid in respect of the permit.
- (4) Where a permit is cancelled or suspended under clause 12.12(1)(f) through no fault of the permit holder, the local government may refund to the permit holder all or part of

the fees paid in respect of what would otherwise have been the remaining term of the permit.

**12.13 Nominee of permit holder**

Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may, at the request of the permit holder, authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit apply to the nominee as if they were the permit holder.

**12.14 Public liability insurance**

Where, as a condition of a permit, the permit holder is required to obtain and maintain a public liability insurance policy, the permit holder must—

- (a) effect and maintain a policy of insurance in the name of the permit holder in respect to any injury to any person or any damage to any property which may occur in connection with the use of the local government property by the permit holder;
- (b) ensure that any policy of insurance referred to in subclause 12.14(1)(a) indemnifies the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the local government property by the permit holder;
- (c) effect and maintain the policy of insurance referred to in subclause 12.14(1)(a) for the duration of the permit;
- (d) immediately notify the local government if the policy of insurance cover lapses, in which case the permit may be cancelled by the local government in accordance with clause 12.12;
- (e) at any time requested by the local government, provide the local government with a certificate of currency confirming that public liability insurance cover is in place;
- (f) ensure that, as a minimum, the permit holder's public liability insurance policy provides coverage of \$20 million (twenty million dollars), or such other amount as the local government considers appropriate to the risk and liability involved in the activity authorised by the permit;
- (g) upon the request of the local government (in its absolute discretion), increase the minimum value of coverage at the public liability insurance policy renewal date; and

- (h) ensure that the public liability insurer of the permit holder is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority.

#### **12.15 Production of certificate of insurance**

If the permit holder is required by the local government to hold public liability insurance as a condition of the permit, a permit holder must produce to an authorised person a current certificate of insurance upon the direction of that authorised person.

#### **2.36 Part 13 amended**

In Part 13, amend clause 13.1:

- (a) in subclause (a) delete the word “consent” and insert the word “approval”; and
- (b) delete subclause (b) and insert the words “renew, vary, transfer, suspend or cancel a permit or approval that a person has under this local law,”.

#### **2.37 Part 14, Division 1 amended**

In Part 14, Division 1 amend clause 14.2 by deleting the words “he or she” and insert the words “the authorised person”.

#### **2.38 Part 14, Division 2 amended**

In Part 14, Division 2:

- (a) in clause 14.3(1) insert the words “or an authorised person” before the words “may by notice”; and
- (b) in clause 14.7(1) insert the words “or an authorised person” after the words “local government”.

#### **2.39 Part 14, Division 3 amended**

In Part 14, Division 3 delete clause 14.8 and insert:

##### **14.8 Lost property and unclaimed property in a locker**

- (1) A person who finds an article which may have been left on or lost by another person on local government property must immediately deliver that article to a manager, attendant or other employee of the local government.
- (2) If an article in a locker is not claimed or collected at the expiry of the period of hire or before the close of operations of the local government property or public place on the date of hire, the article may be removed by an attendant or authorised person.

- (3) In respect of any article removed from a locker or otherwise left on local government property, an authorised person, manager or attendant must record in the unclaimed property register—
  - (a) a description of the relevant article;
  - (b) the time and date when the article was removed from the locker or identified; and
  - (c) if an original receipt exists in respect of the hire of the locker, the time and date recorded on that original receipt.
- (4) An authorised person, manager or attendant must ensure that an article removed from the locker or otherwise left on local government property is stored at a place for storing lost property determined by the local government.
- (5) An authorised person, manager or attendant may deliver to a person an article recorded in the unclaimed property register provided that the attendant or authorised person has received—
  - (a) satisfactory evidence of the person's right to obtain the article;
  - (b) an accurate description of the article being claimed; and
  - (c) payment of any outstanding fees or storage charges.
- (6) A person who receives delivery of an article from the unclaimed property register must, by way of acknowledging receipt of the article, write his or her name and address and sign his or her name in the unclaimed property register.
- (7) An article left on any local government property, that is not claimed or collected within a period of 1 month may be disposed of by the CEO or an authorised person—
  - (a) if the value of the property is reasonably believed to have a realisable value more than 1% of the amount prescribed by regulation 30(3) of the Regulations but not exceeding the amount prescribed, by handing the property to the Western Australian Police Force; or
  - (b) if the property is reasonably believed to be of less value than that the value in clause 14.8(7)(a)—
    - (i) by donation to a not for profit body incorporated under the Associations Incorporations Act 2015; or
    - (ii) if unlikely to be of interest to a not for profit body, in any manner determined by the CEO or an authorised person.
- (8) Adequate records must be kept by the local government of any articles of lost property disposed of pursuant to subclause 14.8(7).

- (9) This clause will not apply where a local government considers an item left on local government property or a public place to be, in its absolute discretion, suspicious or dangerous.

#### 2.40 Part 15, Division 2 amended

In Part 15, Division 2 delete clause 15.3(2)(a) and insert the words “a penalty not exceeding \$10,000; and”.

#### 2.41 Schedule 1 – Prescribed Offences

Delete the table in Schedule 1 and insert:

ITEM NO.	CLAUSE	DESCRIPTION	MODIFIED PENALTY
1.	2.4	Failure to comply with a determination	\$300
2.	3.1(1)	Carrying out an activity without a permit	\$300
3.	3.2	Consuming or possessing liquor on local government property contrary to the local law	\$300
4.	3.5	Failure of permit holder to comply with responsibilities	\$300
5.	4.1	Unauthorised entry to local government property	\$300
6.	4.2(1)	Entering local government without paying the required fee	\$300
7.	4.3	Failure to comply with a direction to leave local government property	\$300
8.	5.1	Behaviour on local government property or public place which interferes with others	\$500
9.	5.2	Behaviour on local government property or public place detrimental to property	\$500
10.	5.3	Prohibited behaviour at major event	\$300
11.	5.4	Taking or injuring any fauna on local government property	\$500
12.	5.5	Removing, damaging or depositing flora on local government property without authorisation	\$300
13.	5.6	Entering or remaining on local government property while drunk	\$500
14.	5.7	Taking or consuming a prohibited drug on local government property	\$500
15.	5.8(1)	Smoking within a 5 metre radius of an entrance, exit or aperture of premises on local government property	\$300
16.	5.8(2)	Using a vaping device in an area on local government property where smoking is restricted	\$300
17.	5.8(3)	Failing to comply with a direction to cease smoking or vaping given by an authorised person	\$300
18.	5.9(1)(a)	Failing to wear adequate clothing to prevent indecent exposure on local government property	\$300
19.	5.9(1)(b)	Loitering outside or acting in an inappropriate manner in a toilet block or change room facility on local government property	\$300
20.	5.9(1)(c)	Entering or attempting to enter an occupied toilet or other compartment without the consent of the occupier	\$300
21.	5.9(2)	Failing to comply with a direction to put on adequate clothing	\$300
22.	5.10(2)	Failure to comply with a sign on local government property regarding conditions of use	\$300
23.	6.1	Carrying out a prohibited activity at a community facility	\$300
24.	6.5(1)	Conducting a controlled swimming or other sporting event, or carnival or competition without consent at a community facility	\$300
25.	6.6	Carrying out a prohibited activity at a beach or foreshore	\$300

26.	6.7	Failing to comply with a sign or direction at a beach	\$500
27.	6.8(1)(b)	Interfering with, damaging, or altering the natural structure or vegetation of a sand dune set aside by signs or fencing	\$300
28.	6.8(2)(a)	Remove, tamper or damage any sign, fence or structure or thing placed by the local government to protect a sand dune or manage public access to it	\$300
29.	6.8(2)(b)	Entering a restricted sand dune area by scaling, crawling beneath, or passing through a fence or gate installed to prevent entry	\$300
30.	6.9	Driving or operating an off-road vehicle on a beach or foreshore area	\$500
31.	6.10(2)	Falsely giving the appearance of a member of a surf lifesaving patrol	\$300
32.	6.12(1)(a)	Fishing in an area where fishing is prohibited and designated by signs	\$300
33.	6.12(1)(b)	Fishing in an area set aside as a designated swimming area	\$300
34.	6.12(2)(a)	Cleaning fish or disposing of fish waste within 10 metres of a designated swimming area in a manner that may cause a nuisance	\$300
35.	6.12(2)(b)	Cutting bait within 10 metres of a designated swimming area in a manner that may cause a nuisance	\$300
36.	6.12(3)	Fishing in an area designated for use by a person with a disability when a person with a disability wishes to use that area	\$300
37.	6.13(1)	Launching a boat from a prohibited area	\$300
38.	6.13(2)	Launching a personal watercraft in a prohibited area	\$300
39.	6.14	Unauthorised entry to fenced off or closed local government property or fenced thoroughfare	\$300
40.	6.15(1)	Gender not specified using entry of toilet block or change room on local government property	\$300
41.	6.16(2)	Storing a prohibited item in a locker on local government property	\$300
42.	6.18	Using a shower in a prohibited manner	\$300
43.	6.19	Using a camera device to record or transmit an image in a toilet, shower or change room	\$500
44.	7.1(a)	Planting a plant on a thoroughfare in a prohibited manner	\$300
45.	7.1(b)	Damaging a lawn or garden or removing any plant or part of a plant on or in a public place	\$300
46.	7.1(c)	Repairing or servicing any vehicle on a verge	\$300
47.	7.1(d)	Placing, allowing to be placed or allowing to remain on a thoroughfare or verge an obstructive or hazardous thing	\$500
48.	7.1(e)	Causing or permitting water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians	\$300
49.	7.1(f)	Playing games or sport in a prohibited manner on or in a thoroughfare	\$300
50.	7.1(g)	Riding a bicycle, electric rideable device, electric personal transporter, wheeled recreational device, or similar device within a mall, arcade or verandah of a shopping centre	\$300
51.	7.2(1)(a)	Digging or creating a trench through or under a kerb or footpath without a permit	\$300
52.	7.2(1)(b)	Damaging or removing a street tree without a permit	\$500
53.	7.2(1)(c)	Throwing, placing or depositing any thing on a verge without a permit	\$300
54.	7.2(1)(d)	Damaging, removing or interfering with a thoroughfare, kerb, footpath or structure or sign erected on a thoroughfare without a permit	\$1000
55.	7.2(1)(e)	Causing an obstruction to a thoroughfare without a permit	\$500
56.	7.2(1)(f)	Causing an obstruction to a water channel or a water course in a thoroughfare without a permit	\$300
57.	7.2(1)(g)	Lighting a fire or burning any thing on a thoroughfare or verge without a permit	\$1000
58.	7.2(1)(h)(i)	Laying pipes under or providing taps on any verge without a permit	\$300
59.	7.2(1)(h)(ii)	Placing or installing prohibited materials on a thoroughfare without a permit	\$300
60.	7.2(1)(i)	Providing, erecting, installing or using a hoist or other thing for use over a thoroughfare without a permit	\$300
61.	7.2(1)(j)	Interfering with the soil of or anything in a thoroughfare or taking anything from a thoroughfare without a permit	\$300
62.	7.2(1)(k)	Driving any vehicle over or across a kerb or footpath except at a vehicle crossing without a permit	\$300

63.	7.2(1)(l)	Driving a vehicle or permitting a vehicle to be driven across a kerb or footpath without a permit	\$300
64.	7.2(1)(m)	Driving or taking a vehicle on a closed thoroughfare without a permit	\$300
65.	7.4	Damaging a thoroughfare or anything belonging to or under the care control or management of the local government that is on a thoroughfare	\$500
66.	7.5 (1)(a)	Failing to take reasonable precautions to prevent damage to footpath or verge	\$500
67.	7.5 (1)(b)	Failing to ensure footpath remains in a safe and functioning state suitable for use by the public	\$500
68.	7.5(1)(c)	Failing to notify local government of existing footpath damage prior to commencement of works	\$300
69.	7.5(2)(a)	Failing to take reasonable precautions to prevent damage to footpath or verge	\$500
70.	7.7(1)(a)	Failing to take reasonable precautions to ensure that the street tree is protected and not damaged during the course of works	\$500
71.	7.7(1)(b)	Failing to provide a tree protection zone comprising of a temporary barricade/fencing to protect a street tree during the construction works	\$300
72.	7.7(1)(c)	Placing and storing of any building materials, building rubble and/or debris against the tree protection barricade or within the tree protection zone	\$300
73.	7.7(1)(d)	Failure to ensure clear access is maintained at all times around a street tree to enable a local government to water the tree or carry out works	\$300
74.	7.7(1)(e)	Failing to notify local government of existing damage to a street tree prior to commencement of works	\$300
75.	7.7(3)	Causing significant damage to a street tree or causing its destruction	\$500
76.	7.9(1)	Failure to obtain a permit for a temporary vehicle crossing	\$300
77.	7.12(1)	Installing or maintaining a verge treatment which is not a permissible verge treatment	\$500
78.	7.13(1)(a)	Failing to ensure clear sight visibility is maintained at all times	\$500
79.	7.13(1)(b)	Failing to repair and make good any damage to the verge treatment	\$500
80.	7.13(1)(c)	Failing to keep verge treatment in good and tidy condition and avoid obstruction of any sort to any accessway, footpath or thoroughfare	\$300
81.	7.13(1)(d)	Place or allow to remain any object, structure or material on or within the verge treatment area that obstructs access	\$300
82.	7.13(1)(e)	Failing to ensure the level and grade of the verge remains consistent with surrounding levels to prevent hazard	\$500
83.	7.13(1)(f)	Water or maintain a verge treatment so as to cause a nuisance or a hazard to any person	\$300
84.	7.18(1)	Failure to properly display and maintain street number	\$300
85.	7.19(1)	Placing or display a street number in a location causing confusion or which is misleading	\$300
86.	7.19(2)	Adopting, using or displaying a street number other than the street number assigned.	\$300
87.	7.21(2)	Failure to comply with a notice to install temporary fencing	\$300
88.	7.22(2)	Failure to comply with a sign on a public place	\$300
89.	8.2(1)	Erecting or placing etc. any advertising sign contrary to the local law	\$500
90.	8.3(2)	Erecting or displaying a public interest sign without a permit	\$300
91.	8.3(3)	Permit holder erecting or displaying a public interest sign in a prohibited manner	\$300
92.	8.4(2)	Erecting or displaying a home open sign, display home sign or garage sale sign in a prohibited manner	\$300
93.	8.5(2)	Erecting or displaying an other portable sign in a prohibited manner	\$300
94.	8.5(3)	Erecting or displaying more than one other portable sign per business	\$300
95.	8.5(4)	Erecting or displaying any other portable sign on a local government verge in a prohibited manner	\$300
96.	8.6(2)	Erecting or displaying election advertising in a prohibited manner	\$500
97.	8.8	Refusing or failing to remove a sign to allow for authorised works	\$300
98.	8.9	Erecting an advertising sign without marking a name	\$300

99.	9.1	Leaving an animal in a public place or local government property without a permit or authorisation	\$300
100.	9.2(2)(a)	Allowing an animal to enter or remain on a thoroughfare	\$300
101.	9.2(2)(b)	Allowing an animal with a contagious or infectious disease to enter local government property or a public place	\$300
102.	9.2(2)(c)	Training or racing an animal on a thoroughfare	\$300
103.	9.2(2)(d)	Allowing an animal to defecate on local government property or a thoroughfare and failing to remove defecation	\$500
104.	9.2(3)	Leading, riding or driving a horse on a thoroughfare in a built-up area without a permit or authorisation	\$300
105.	9.4	Leaving a vehicle in a public place which causes an obstruction without a permit or authorisation	\$300
106.	9.5	Failure to mark a shopping trolley with the name of its retailer	\$300
107.	9.6	Leaving or discarding a shopping trolley in a public place other than an area set aside for shopping trolleys	\$300
108.	9.9(2)	Failing to remove shopping trolley within 24 hours	\$500
109.	10.1(1)(a)	Carrying on trading or conducting a street market in a public place or on local government property without a permit	\$300
110.	10.3	Failure of trader or person conducting street market to comply with obligations under local law	\$300
111.	10.4	Engaging in street entertaining on or in a public place without a permit	\$300
112.	10.6(1)	Failure of a holder of a permit for street entertaining to comply with obligations under local law	\$300
113.	10.6(2)	Failure to comply with directions issued by an authorised officer	\$300
114.	11.1(2)	Establishing or conducting an alfresco dining area contrary to local law	\$300
115.	11.3(1)	Failure of a holder of a permit for an alfresco dining area to comply with obligations	\$300
116.	11.5(b)	Smoking in an alfresco dining area	\$300
117.	11.6(2)	Failure to comply with direction of authorised person to remove tables, chairs, umbrellas or other chairs in an alfresco dining area	\$300
118.	11.8	Failure to notify the local government of a change of ownership of an alfresco dining area	\$300
119.	12.6	Failure to comply with terms and conditions of a permit	\$300
120.	12.11	Failure to produce permit upon request by an authorised person	\$300
121.	12.14(1)(a)	Failing to obtain and maintain a public liability insurance required as a condition of a permit	\$300
122.	12.15	Failure to produce a current certificate of insurance upon request by an authorised person	\$300
123.	14.1(a)	Failure to obey a lawful direction of an authorised person	\$300
124.	14.1(b)	Obstructing or hindering an authorised person in the execution of his or her duties	\$500
125.	15.1	Failure to comply with a notice	\$500
126.	15.6(2)(a)	Refusing to give name and address contrary to local law	\$500
127.	15.6(2)(b)	Giving false or misleading information regarding name and address etc.	\$500

Dated this \_\_\_\_\_ of \_\_\_\_\_ 2026.

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

\_\_\_\_\_  
 AMBER KEARNS  
 MAYOR

---

CASEY MIHOVLOVICH  
CHIEF EXECUTIVE OFFICER

PROPOSED

## LOCAL LAW



### LOCAL GOVERNMENT ACT 1995

## CITY OF MANDURAH

### LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2016

(Government Gazette 101, 26 May 2017)

**This Local Law is approved to apply outside the district see Government Gazette: 90, 9 May 2017:**

<p>LOCAL GOVERNMENT ACT 1995 <i>City of Mandurah</i> EXTENSION OF AREA OF APPLICATION OF LOCAL LAW Department of Local Government and Communities .</p> <p>DLGSC: MH7-53</p> <p>It is hereby noted for public information that the Governor has approved under section 3.6 of the <i>Local Government Act 1995</i> of the making of the <i>City of Mandurah Local Government Property and Public Places Local Law 2016</i> to the extent that it will apply outside the district of the City of Mandurah.</p> <p>JENNIFER MATHEWS, Director General.</p>
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**DETERMINATIONS UNDER THE  
LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2016**

The following determinations are taken to be made by Council at its meeting held 28 November 2017, under Part 2 of the *Local Government Property and Public Places Local Law 2016*.

These determinations take effect as of the 28 November 2017.

No.	Matter	Determination
4	Taking, riding or driving a vehicle or a particular class of vehicle	A person shall not, except with a permit or local government approval or upon an area specified by a sign erected on the local government property. Take, ride or drive a vehicle on any local government property.
2	The playing or practice of: <ul style="list-style-type: none"> <li>○ golf, archery, pistol or rifle shooting; or</li> <li>○ a similar activity specified in the determination involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property</li> </ul>	A person shall not except with a permit or local government approval: <ul style="list-style-type: none"> <li>(a) play or practice golf on any local government property;</li> <li>(b) aim, shoot or throw an arrow or similar projectile on any local government property; or</li> <li>(c) have in their possession any gun or rifle or means of discharging any projectile that may cause injury or damage to a person or property on local government property.</li> </ul>

For further information, please contact Governance Services on 9550 3278.

**Mark R Newman**  
Chief Executive Officer

**LOCAL GOVERNMENT ACT 1995**  
**CITY OF MANDURAH**  
**LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2016**

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**LOCAL GOVERNMENT ACT 1995**

CITY OF MANDURAH

**LOCAL GOVERNMENT PROPERTY AND  
PUBLIC PLACES LOCAL LAW 2016**

Under the power conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Mandurah resolved on 9 May 2017 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation Short title**

This local law may be cited as the *City of Mandurah Local Government Property and Public Places Local Law 2016*.

**1.2 Commencement**

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

**1.3 Application**

- (1) This local law applies throughout the district.
- (2) Part 56, Division 2 of this local law applies to—
  - (a) rivers, water courses, tidal and non-tidal waters, in or outside but adjoining the district; and
  - (b) without limiting the generality of clause 1.3(2)(a), in the sea adjoining the district for a distance of 200 metres seaward from the low water mark at ordinary spring tides.

**1.4 Repeal**

The following local laws are repealed—

- (a) Divisions 1, 2, 3 and 4 of Part III, Part IV, Division 1 of Part V, Part XIII, Part XV and Part XIX of the *City of Mandurah Consolidated Local Laws* published in the *Government Gazette* of 13 February 1998; and

- (b) Part XII and Part XIV of the *City of Mandurah Consolidated Local Laws* published in the *Government Gazette* of 6 December 2000.

**1.5 Definitions Meaning of the terms used in this local law**

In this local law, unless the context otherwise requires—

**Act** means the *Local Government Act 1995* (WA);

**advertising sign** means a sign or advertisement used for the purposes of advertising or drawing attention to a product, business, person or event and includes election advertising and portable signs;

**alfresco dining area** means an area in which tables, chairs and other temporary structures are provided for the purpose of the supply of food or beverages or both ~~by to~~ the public or the consumption of food or beverages or both by the public;

**animal** means any animal other than a ~~cat or~~ dog;

**AS or AS/NZS** means an Australian or New Zealand Standard as published by Standards Australia and amended from time to time;

**authorised person** means a person appointed by the ~~local government~~ **CEO** under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

**attendant** means an employee of the local government ~~with responsibility~~ **duly authorised to perform duties for the control and management of persons in a public swimming pool or recreation connection with a community** facility which is local government property;

**bathing appliance** means a float of any material, including surf skis, surf boards, sea kayaks, kickboards, Malibu boards, paddle boards, body boards, boats or any other device whether motorised or not, used or capable of being used for bathing or surf riding but does not include a boat or personal watercraft;

**beach** means the area of the sea adjoining the district for a distance of 200 metres seawards from the low-water mark at ordinary spring tides to either the toe of the sand dune or the commencement of vegetation or a man-made structure;

**boat** means any structure or vessel whether motorised or not and made or used to travel to or float on water or travel under water, excluding—

- (a) personal watercraft; and
- (b) bathing appliances;

**Building Act** means the *Building Act 2011* (WA);

**Building Code Australia** means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

**camera device** means an apparatus for taking photographs or moving pictures and includes a mobile phone when used for this purpose;

**carriageway** has the meaning given to it in the *Road Traffic Code 2000*;

**CEO means the Chief Executive Officer of the local government;**

**change room** means a room designated for the changing of clothes and may include showers, toilets and hand washing basins;

**charitable organisation** means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other similar nature and from which no member receives any pecuniary profit except where the member is an employee or the profit is an honorarium;

**Chief Executive Officer means the Chief Executive Officer of the local government;**

**closed thoroughfare** means a thoroughfare wholly or partially closed by the local government under sections 3.50 or 3.50A of the Act;

**commencement day** means the day on which this local law commences under clause 1.2;

**Commissioner of Main Roads WA** means the person appointed under section 7 of the *Main Roads Act 1930* (WA) to be the Commissioner;

**community facility means a facility owned or under the care, control or management of the local government accessible to the public for hire or use for recreational purposes and includes, but is not limited to, a hall, public swimming pool, library, community centre and recreation centre;**

**Competition Principles Agreement** means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

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

**crossing** means a crossing giving access from a public thoroughfare to—

- (a) private land; or
- (b) a private thoroughfare serving private land;

**designated swimming area means an area of a beach or adjacent waters that has been set aside by the local government, and indicated by signs, patrol flags or other notices, for the purpose of swimming;**

**determination** means a determination made under clause 2.1;

**detrimental to the property** includes—

- (a) removing any thing from the local government property such as a rock, plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person;

- (b) destroying, defacing or damaging a building or any thing on the local government property, such as a plant, fixture, chattel, equipment or furniture provided for the use, enjoyment or safety of any person; and
- (c) causing environmental harm or nuisance on the local government property;

**development approval** means an approval issued under the local government's planning scheme;

**display home sign** means a portable sign erected and displayed to advertise that a display home is open for inspection;

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

**drunk** has the meaning provided in the *Liquor Control Act 1988*;

**election advertising** means any sign or advertisement which encourages persons to vote for a candidate, political party or referenda or matter relating to any federal, state or local government election;

**election date** means the date on which a federal, state or local government election is held;

**electric personal transporter** has the meaning given in the *Road Traffic Code 2000*;

**electric rideable device** has the meaning given in the *Road Traffic Code 2000*;

**fauna** means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal—

- (a) any class of animal or individual members;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur;

**fence** means any structure used or functioning as a barrier, irrespective of where it is located and includes any affixed gate or screening;

**Firearms Act** means the *Firearms Act 2024-1973* (WA);

**fishing** means to use any line, lure, rod, pot or other method for the purposes of catching marine life;

**flora** means all vascular plants other than plants recognised as weeds;

**Food Act** means the *Food Act 2008* (WA);

**food business** has the same meaning as given in the Food Act;

**footpath** has the meaning given in the *Road Traffic Code 2000* and includes a shared and dual use path;

**foreshore area** means the land along the edge of a body of water from the low-water mark at ordinary spring tides to either the toe of the sand dune or the commencement of vegetation or a man-made structure, but does not include a beach;

***gaming*** means has the same meaning as in the *Gaming and Wagering Commission Act 1987*;

***garage sale sign*** means a portable sign erected and displayed to advertise goods for sale at residential premises on a one-off or occasional basis;

***home open sign*** means a portable sign erected and displayed to advertise that a home for sale is open;

***intersection*** has the meaning given to it by the *Road Traffic Code 2000*;

***liquor*** has the meaning given to it by the Liquor Act;

***Liquor Act*** means the *Liquor Control Act 1988* (WA);

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

***local government policy*** means a policy or standard adopted by the local government;

***local government property*** means any land or other thing except a thoroughfare which—

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

***local public notice*** means notice given in accordance with the procedure set out in section 1.7 of the Act;

***lot*** has the meaning given to it in the *Planning and Development Act 2005*;

***major event*** means an event held on local government property or in a public place that is attended by more than 5000 persons;

***major event day*** means a date on which one of the 'major events' set out in Schedule 2 is held;

***major event location*** means a location set out in Schedule 3;

***manager*** means the person for the time being employed, contracted or appointed by the local government to manage any swimming pool or recreation community facility, and includes any assistant or deputy;

***nuisance*** means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which—

- (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 common law; is injurious or dangerous to the health or safety of another person of normal susceptibility;  
or

- (b) ~~anything a person does or permits or causes to be done which interferes with, or is likely to interfere with, the enjoyment or safe use by another persons of their an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land or use of a public place; or~~
- (c) ~~interference which causes material damage to land or other property on the land affected by the interference;~~

**occupier** has the meaning given to it by the Act, but does not include the local government;

**off-road vehicle** has the meaning given to that term by the *Control of Vehicles (Off-road Areas) Act 1978* (WA);

**other portable sign** means a portable sign other than a home open sign, display home sign or garage sale sign;

**owner** has the meaning given to it by the Act;

**permissible verge treatment** ~~has the meaning given to it in clause 7.7~~ has the meaning given to it in clause 7.11 and includes any reticulation, pipes and sprinklers;

**perform** includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

**permit** means a permit issued under this local law;

**permit holder** means a person who holds a valid permit;

**permitted area** means the area or areas, specified in a permit for the purpose of street entertaining, in which the permit holder may perform;

**permitted time** means the time or times, specified in a permit for the purpose of street entertaining, during which the permit holder may perform;

**person responsible for the works** in the context of Part 7, ~~Division 2~~ means—

- (a) the applicant named on a building approval certificate, building permit or demolition permit issued under the Building Act; or
- (b) the owner or occupier of the lot, if no building approval certificate, building permit or demolition permit has been issued under the Building Act;

**personal watercraft** means any vessel designed for the transport of 1 to 3 persons, other than a bathing appliance, that—

- (a) is propelled by means of an inboard motor powering a water jet pump; and
- (b) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it;

**planning scheme** has the same meaning as “local planning scheme” in the *Planning and Development Act 2005*;

**portable sign** means a free standing portable advertising sign not permanently attached to a structure or fixed to the ground or pavement, and includes a 'A' frame sign;

**premises** for the purposes of clauses 2.8(1)(a) and ~~4.65.8~~ means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field;

~~**private property** means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;~~

**prohibited drug** has the meaning given to it in the *Misuse of Drugs Act 1981* (WA);

**promotional activity** means the advertising of, promotion of, or raising of funds for, a particular group, product or service;

**public interest sign** means an advertising sign for an event that is open to the public to attend at no cost and is of significant interest to persons within, and visitors to, the district, and which is being held on local government property or in a public place, but does not include election advertising;

**public place** includes a thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

- (a) premises on private property from which trading is lawfully conducted under a written law; or
- (b) local government property;

**Regulations** means the *Local Government (Functions and General) Regulations 1996* (WA);

**retailer** means a proprietor of a shop in respect of which shopping trolleys ~~may be~~ are provided for the use of customers of the shop;

~~**seafood business** means a business selling seafood of which 80% of the seafood that is to be sold was caught in the waters of the district;~~

~~**seafood sign** means an advertising sign for a seafood business;~~

~~**sand dune** means the established or incipient ridge(s) and depressions of sand and coastal vegetation adjacent to the beach, that extend inland to include the low-lying land depressions behind the ridges and includes areas identified by the local government as sand dunes by signs or otherwise;~~

**shopping trolley** means a container or receptacle on wheels provided by a retailer to enable a person to transport goods;

**smoke** and/or **smoking** has the meaning given to it in the *Tobacco Products Control Act 2006 (WA)* means to—;

- (a) smoke, hold or otherwise have control over an ignited tobacco product;
- (b) light a tobacco product; or
- (c) use a vaping device;

**solicit** in relation to money, means actively seeking or calling for a donation from another person, but does not include a non-verbal invitation by a holder of a permit approved under clause 10.3 to place a donation in a receptacle within the permitted area;

**street entertaining** means any form of theatrical, artistic, musical, audio or visual performance and includes busking;

**street market** means a collection of stalls, stands, ~~and displays~~ and vehicles used for trading or display on local government property or a public place for the purposes of selling goods, wares, merchandise, produce or services, or carrying out any other transaction;

**street numbering** means a number or numbers with or without an alphabetical suffix assigned to identify the street address of a property;

**street tree** means any tree or tall plant that has a wooden trunk and branches that grow from its upper part, planted or self-sown in the street, of an appropriate species and in an appropriate location in a public place for the purpose of contributing to the streetscape;

**synthetic grass** refers to artificial fibres made to look like natural grass;

**surf lifesaving club** means a surf lifesaving club affiliated with Surf Life Saving Western Australia Inc. or any branch thereof;

**thoroughfare** has the meaning given to it by the Act, but does not include a private thoroughfare which is not under the management or control of the local government;

**tobacco product** has the meaning given to it in the *Tobacco Products Control Act 2006 (WA)*;

**trader** means a person who carries on trading;

**trading** means—

- (a) the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for, goods or services in a public place or on local government property;
- (b) displaying goods in a public place or local government property for the purpose of—
  - (i) offering them for sale or hire;
  - (ii) inviting offers for their sale or hire;

- (iii) soliciting orders for them; or
  - (iv) carrying out any other transaction in relation to them,  
and includes the setting up of a stall, or the conducting of a business at a stall;
- ~~(c) the going from place to place, whether or not public places, and—~~
- ~~(i) offering goods or services for sale or hire;~~
  - ~~(ii) inviting offers or soliciting orders for the sale or the hire of goods or services; or~~
  - ~~(iii) carrying out any other transaction in relation to goods and services;~~

**Tree Protection Zone** has the meaning given in “AS 4970-2009 Protection of trees on development sites” as amended from time to time;

**vaping device** ~~has the meaning given to it in the Therapeutic Goods Act 1989 (Cth) as applied by the Therapeutic Goods Law Application Act 2024;~~

**vehicle** includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise, including an off-road vehicle; and
  - (b) an animal being ridden or driven;
- but excludes—
- (c) a wheelchair or any device designed for use by physically impaired person on a footpath;
  - (d) a pram, a stroller or a similar device;
  - (e) a bicycle or wheeled recreational device;
  - (f) a shopping trolley; and
  - (g) a boat;

**verge** means that part of a thoroughfare that is between the carriageway and a lot which abuts the thoroughfare and includes a nature strip;

**waterway** ~~means any area of water under the care, control and management of the local government or a person authorised by the local government to undertake such care, control or management on behalf of the local government;~~

**Western Power** means the body corporate known as the Electricity Networks Corporation established under section 4 of the *Electricity Corporations Act 2005* (WA) or such other entity established or constituted in its place or by which its functions have become exercisable; and

**wheeled recreational device** ~~has the meaning given in the Road Traffic Code 2000. means a wheeled device built to transport a person which is propelled by human power or gravity and ordinarily used for recreation or play, including— in-line skaters, rollerskates, a skateboard or similar wheeled device; a scooter being used by a person 12 years of age or older; and~~

~~a unicycle,  
but excludes a goffer, golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or  
wheeled toy.~~

### **1.6 Transitional**

Any permit, licence, consent or authorisation issued in accordance with a local law listed in clause 1.4—

- (a) is taken to be a permit granted under this local law;
- (b) is to be valid for the period specified on the permit, licence, consent or authorisation; and
- (c) may be earlier cancelled or suspended in accordance with this local law.

### **1.7 Application as to assistance animals**

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in [section 9\(2\) of the Disability Discrimination Act 1992](#) (Cth).

## **PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY**

### *Division 1—Determinations*

### **2.1 Determinations as to use of local government property**

The local government may make a determination in accordance with clause 2.2—

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

### **2.2 Procedure for making a determination**

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice must state that—
  - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
  - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and

- (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received under clause 2.2(2)(c), the local government Council is to decide—
  - (a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;
  - (b) to amend the proposed determination, in which case clause 2.2(5) will apply; or
  - (c) not to continue with the proposed determination.
- (4) If submissions are received under clause 2.2(2)(c), the local government Council—
  - (a) is to consider those submissions; and
  - (b) is to decide—
    - (i) whether to amend the proposed determination; or
    - (ii) not to continue with the proposed determination.
- (5) If the local government Council decides to amend the proposed determination, it is to give local public notice—
  - (a) of the effects of the amendments; and
  - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the local government Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed amendment is to have effect as a determination on and from the date of publication of the local public notice referred to in clauses 2.2(3), 2.2(5) and 2.2(6).
- (8) A decision under clauses 2.2(3) or 2.2(4) is not to be delegated by Council.

### **2.3 Discretion to erect a sign**

The local government may erect a sign on local government property to give notice of the effect of a determination.

### **2.4 Determination to be complied with**

A person must comply with a determination.

### **2.5 Register of determinations**

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in clause 2.5(1) and for that purpose, the register is taken to be information within section 5.94(u)(i) of the Act.

## 2.6 Amendment or revocation of a determination

- (1) The ~~local government Council~~ may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the ~~local government Council~~ revokes a determination, it must give local public notice of the revocation and the determination will cease to have effect on and from the date of publication.

*Division 2—Activities which may be pursued or prohibited on specified local government property as a result of a determination*

## 2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may—
  - (a) bring, ride or drive an animal;
  - (b) take, ride or drive a vehicle, or a particular class of vehicle;
  - (c) fly or use a motorised model aircraft, car, ship, glider, ~~or rocket~~ or other similar remotely piloted device;
  - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
  - (e) launch, beach, retrieve or leave a boat;
  - (f) take or use a boat, or a particular class of boat;
  - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
  - (h) play or practice—
    - (i) golf or archery;
    - (ii) pistol or rifle shooting, but subject to compliance of that person with the Firearms Act; or
    - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government, may cause injury and damage to a person or property; or
  - (i) ride a bicycle, an electric rideable device, an electric personal transporter, a wheeled recreational device, a sandboard or similar device; or
  - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in clause 2.7(1) may be pursued and in particular—

- (a) the days and times during which the activity may be pursued;
- (b) that any activity may be pursued on a class of local government property, specified local government property or all local government property;
- (c) that an activity is taken to be prohibited on all local government property other than that specified in the determination;
- (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
- (e) may specify that the activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of the activity.

**2.8 Activities which may be prohibited on specified local government property**

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—
  - (a) smoking in premises;
  - (b) riding a bicycle, an electric rideable device, an electric personal transporter, a wheeled recreational device, a sandboard or a similar device;
  - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
  - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
  - (e) taking or using a boat, or a particular class of boat;
  - (f) the playing or practice of—
    - (i) golf, archery, pistol or rifle shooting; or
    - (ii) a similar activity specified in the determination involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
  - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; ~~and~~
  - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose; and
  - (h)(i) the use of a motorised model aircraft, car, ship, glider, rocket, or other similar remotely piloted device.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in clause 2.7(1) and, in particular—
  - (a) the days and times during which the activity is prohibited;

- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and
- (e) may distinguish between different classes of the activity.

*Division 3—Transitional*

**2.9 Existing signs to have effect as a determination**

- (1) Where a sign erected on local government property has been erected under a local law that is repealed by this local law, then it is to be taken to have effect as a determination under this local law on and from the commencement day, except to the extent that the sign is inconsistent with any provisions of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in clause 2.9(1).

**PART 3—ACTIVITIES ON LOCAL GOVERNMENT PROPERTY**

*Division 1—When a permit is required*

**3.1 Activities needing a permit—general**

- (1) Subject to this local law, a person must not without a permit granted in accordance with Part 12—
  - (a) hire local government property;
  - (b) cut, break, damage, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass, plant or flora of any kind on any local government property;
  - (c) cut, collect or remove any timber, firewood, stone, sand or other materials on local government property;
  - (d) plant any plant or sow any seeds on local government property;
  - (e) erect any sign on local government property;
  - (f) erect on local government property a structure for public amusement or for any other performance, whether for gain or otherwise;
  - (g) erect a building or a refuelling site on local government property;
  - (h) make any excavation on, erect a fence on or remove a fence from, local government property;
  - (i) erect or install any structure above or below ground which is local government property for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;

- (j) deposit or store any thing on local government property;
- (k) depasture, tether, drive or ride any animal on local government property;
- (l) launch an aircraft or helicopter from, or land an aircraft or helicopter into, local government property;
- ~~(l)~~(m) camp on or lodge at local government property for the purpose of sleeping on local government property;
- ~~(m)~~(n) occupy any structure, including a vehicle, at night for the purpose of sleeping on local government property;
- ~~(n)~~(o) erect a tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day;
- ~~(o)~~(p) teach, coach or train for profit any person, animal or dog on or in local government property;
- ~~(p)~~(q) conduct a function, event, or undertake any promotional activity, on local government property;
- ~~(q)~~(r) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a charitable organisation;
- ~~(r)~~(s) light a fire on local government property except in a facility provided for that purpose;
- (t) light or set off any fireworks or conduct a fireworks display on local government property;
- (u) parachute, hang glide, abseil or base jump from or onto local government property;
- (v) play or practice on local government property—
  - (i) golf, archery or aim, shoot or throw a similar projectile; or
  - (ii) gun or rifle shooting including possession of a gun or rifle or means of discharging any projectile that may cause injury or damage to a person or property;
- ~~(s)~~(w) conduct or take part in any gambling game or wagering contest or bet, or offer to bet, publicly on local government property; ~~or~~
- (x) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property, other than those used by a surf lifesaving club in the performance of its functions;
- (y) film or make a recording for commercial gain on local government property; and
- (z) unless an employee of the local government in the course of their duties or on an area set aside for that purpose—

(i) drive, ride or take any vehicle or particular class of vehicle on local government property; or

(ii) park or stop any vehicle on local government property.

(2) The local government may exempt by written notice—

(a) a person from compliance with clause 3.1(1) or any part thereof on the application by that person; or

(b) specified local government property or a class of local government property or any part thereof from the application of clause 3.1(1).

### **3.2 Possession and/or consumption of liquor**

A person must not, on local government property, consume any liquor or have in his or her possession or under his or her control any liquor unless—

(a) it is permitted under the *Liquor Control Act, 1988 (WA)*; and

(b) any necessary permit has been obtained for that purpose; and

(b)(c) the consumption of liquor does not, in the reasonable opinion of the local government or an authorised person, result in anti-social or unsafe behaviour or create a risk to members of the public accessing the local government property.

#### *Division 2—Hiring local government property*

### **3.3 Application for a permit to hire local government property**

(1) The local government may—

(a) hire local government property to a person who makes an application for a permit for the hire of local government property under Part 12; and who pays the hire fee determined by the local government; and

(a)(b) on the application of a person seeking a permit, waive the requirement to pay a hire fee or any part of a hire fee.

(1)(2) The local government Council may— determine that the requirements of this local law do not apply to the hiring of particular local government property or a class of local government property; and waive the requirement to pay a hire fee or any part thereof on the application of the person seeking a permit.

(3) A permit is not required where the local government property is subject to a lease, licence, facility hire or other legal instrument and the proposed use is within the scope of that agreement.

### **3.4 Decision on application where two or more applicants**

In the event of two or more applications being made for the hire of the same local government property for the same date and time, the local government may determine, in its

absolute discretion, which, if any, applicant ~~shall~~may be granted a permit to hire the local government property.

### 3.5 Responsibilities of a permit holder

The holder of a permit must—

- (a) take reasonable steps to maintain law and order by all in attendance at any function for which the local government property has been hired;
- (b) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (c) prevent overcrowding;
- (d) leave the local government property in a clean and tidy condition after its use;
- (e) comply with a direction from the ~~Chief Executive Officer~~CEO or an authorised person to take the action specified in the direction for the purpose of maintaining public safety;
- (f) report any damage or defacement of the local government property to the local government;
- (g) prevent the sale, supply or consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the Liquor Act for that purpose; and
- (h) comply with any other direction ~~imposed~~given by the local government or an authorised person.

### 3.6 Conditions on use and hire

In addition to the conditions described in clause 12.4, the local government may impose conditions on the hire of local government property relating to—

- (a) the purpose for which the local government property may be hired;
- ~~(a)~~(b) the use of furniture, plants and effects;
- ~~(b)~~(c) restrictions on the erection of materials associated with events or decorations inside and outside any building which is local government property;
- ~~(c)~~(d) the number of persons that may attend any function in or on local government property;
- ~~(d)~~(e) the right of the local government or an authorised person to reschedule or cancel a booking at any time during the course of an annual or seasonal booking;
- ~~(e)~~(f) securing and locking up local government property at the end of each hire period;
- ~~(f)~~(g) the prohibition of gaming unless a gaming approval has been obtained under the *Gaming and Wagering Commission Act 1987* (WA);

- ~~(g)~~(h) requiring that the amplification of any noise or any noise emitted during the hire complies at all times with the *Environmental Protection (Noise) Regulations 1997* (WA); or
- ~~(h)~~(i) any other matter that the local government considers fit or appropriate.

*Division 3—Camping on local government property*

**3.7 Camping on local government property**

- (1) The maximum period for which the local government may approve an application for a permit in respect of the activities set out in clauses 3.1(1)(m) and 3.1(1)(o) is that provided in regulation 11~~(2)~~(1)~~(a)~~ of the *Caravan Parks and Camping Grounds Regulations 1997* (WA).
- (2) Any tent, camp, hut or similar structure erected in contravention of clause 3.1(1)(o) and associated goods may, subject to regulation 29 of the Regulations, be impounded.

**PART ~~64~~—FEES FOR ENTRY ONTO LOCAL GOVERNMENT PROPERTY**

**4.18—Entry to local government property**

A person, other than an authorised person performing a function or a contractor of the local government carrying out a contracted duty, shall~~must not~~—

- (a) enter or leave any local government property other than by the public entrance or exit, except in an emergency;
- (b) enter or remain on any local government property except on those days and during those times when access is available to the public; or
- (c) enter any place that has been fenced off or closed to the public.

**6.1 4.2—Payment of applicable fees for entry or participation**

- (1) Subject to clause 6.14.2(2), where a fee is payable for entry to local government property or participation in an activity on or in any local government property, a person ~~shall~~must not enter that property or participate in the activity without first paying the applicable fee.
- (2) The local government may exempt a person from compliance with clause 4.26.1(1) on the application of that person.

**4.39 Refusal of entry ~~to local government property~~ and removal**

~~(1) Subject to clauses 5.3 and 5.4, an authorised person, manager or attendant may refuse to allow entry, or suspend admission to any local government property to any person whom he or she reasonably suspects has behaved in a manner contrary to the provisions of this Part.~~

(1) If an authorised person, manager or attendant reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, an authorised person may refuse to allow entry or suspend entry to any local government property.

(2) A person who has been refused entry under clause 4.3(1) must immediately leave the local government property.

(3) If a person fails to comply with clause 4.3(2), authorised person, manager or attendant may remove the person, or arrange for the person to be removed, from the local government property.

(4) A refusal or suspension under subclause (1) ~~can~~ may be for any period of up to 12 months as determined by an authorised person.

(5) Clause ~~4.35.8~~ (1) does not apply to a venue where Council or Committee meetings are held.

**PART ~~45~~—BEHAVIOUR ON ~~ALL~~ LOCAL GOVERNMENT PROPERTY OR  
PUBLIC PLACES**

*Division 1—~~B~~ General behaviour on and interference with local government property or  
public places*

**45.1 Behaviour which interferes with others**

A person must not, in or on local government property or in a public place, behave in a manner which—

- (a) is likely to or does interfere with, interrupt or disturb the enjoyment of a person who might use the property or who is using the property or public place;
- (b) causes or is likely to cause a disturbance to nearby residents;
- (c) otherwise creates a nuisance; or
- (d) places the public at risk or interferes with the safety of others.

**45.2 Behaviour detrimental to property**

A person must not, in or on local government property or public place, behave in a way which is or might be detrimental to the property or public place unless authorised by the local government.

**5.3 Behaviour at major events s locations**

Except with the written consent of the local government a person shall must not on a major event day at any major event location—

- (a) smoke a tobacco product; or
- (b) bring, or allow to remain, any animal, cat or dog

**45.43 Taking or injuring any fauna**

A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property unless that person is authorised under a written law to do so.

**5.5 Flora**

Unless authorised to do so under a written law or with the written approval of the local government or an authorised person, a person must not—

- (a) remove, damage or interfere with any flora that is on or above any local government property; or
- (b) cultivate, plant or deposit any flora on local government property.

**45.46 Drunk persons not to enter local government property**

A person must not enter or remain on local government property while drunk or under the influence of a prohibited drug.

**45.57 No prohibited drugs**

A person must not take a prohibited drug onto or consume or use a prohibited drug on local government property.

**45.68 No smoking**

- (1) A person must not smoke within a 5 metre radius of any entrance, exit or aperture of premises on local government property.
- (2) The use of vaping devices for delivery of nicotine or other substances is not permitted to be used in any area on local government property where smoking is restricted.
- (1)(3) Where an authorised person reasonably believes that a person is contravening or has contravened clauses 5.8(1) or 5.8(2), the authorised person may direct the person to cease smoking.

**45.79 Appropriate behaviour and adequate clothing**

- (1) A person over the age of 6 years ~~shall~~must not on or in any local government property ~~or public place~~—
  - (a) appear in public unless properly dressed in clothing which covers the body to prevent indecent exposure, except where the property is set aside for the wearing of no clothes under clause 2.7(1)(j);
  - (b) loiter outside or act in an inappropriate manner in any portion of a toilet block or change room facility; or
  - (c) without the consent of the occupier, enter or attempt to enter any toilet or other compartment which is already occupied.
- (2) Where an authorised person, an attendant or a manager considers that the clothing of any person on local government property ~~or in a public place~~ is not proper or adequate to cover the body so as to prevent indecent exposure, the authorised person may direct that person to put on adequate clothing and that person ~~shall~~must comply with that direction immediately.

**4.8—Entry to local government property**

~~A person, other than an authorised person performing a function or a contractor of the local government carrying out a contracted duty, shall not—~~

- ~~(a) enter or leave any local government property other than by the public entrance or exit, except in an emergency;~~
- ~~(b) enter or remain on any local government property except on those days and during those times when access is available to the public; or~~
- ~~(c) enter any place that has been fenced off or closed to the public.~~

*Division 2—Signs*

**4.105.10 Signs**

- (1) The local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person must comply with a sign erected under clause 54.10(1).
- (3) A condition of use specified on a sign erected under clause 54.10(1) ~~is—~~
  - (a) ~~must~~ not ~~to~~ be inconsistent with any provision of this local law or any determination; and
  - ~~(a)(b)~~ to be for the purpose of giving notice of the effect of a provision of this local law.

**PART 56—SPECIFIC MATTERS RELATING TO TYPES OF LOCAL  
GOVERNMENT PROPERTY AND PUBLIC PLACES**

Division 1—~~Public swimming pools and other recreation facilities~~Community Facilities

**56.1 General prohibitions**

A person ~~shall~~must not—

- (a) obstruct an authorised person, manager or attendant in carrying out his or her duties;
- (b) fail to comply with a direction given by an authorised person, manager or attendant—
  - (i) refusing admission to a person;
  - (ii) directing a person to leave ~~the public swimming pool or recreational~~community -facility; or
  - (iii) directing a person in relation to his or her use of a community ~~the public swimming pool or recreation~~-facility;
- (c) fail to comply with a direction given by an authorised person or manager suspending admission to a person;
- (d) permit an animal, cat or dog to enter or remain in or about a ~~public swimming pool or recreational~~community facility where such entry is prohibited by a sign;
- (e) consume any food or drink in an area where consumption is prohibited by a sign;  
or
- (f) foul or pollute the water in a public swimming pool.

**56.2 Use of all or part of a ~~public swimming pool or recreation~~community facility**

An authorised person, manager or attendant may—

- (a) direct that all or part of a ~~public swimming pool or recreation~~community facility is for the use of certain persons to the exclusion of others; and
- (b) direct a person as to that person's use of ~~the public swimming pool or recreational~~community facility.

**56.3 When entry and use may be refused**

- (1) An authorised person, manager or attendant may—
  - (a) refuse admission to;
  - (b) direct to leave; or
  - (c) cause to be removed from,

- a ~~public swimming pool, the water at a public swimming pool or recreation community~~ facility any person where any of the requirements set out in clause ~~56.3(2)~~ are not being complied with or for any reason set out in clause ~~56.3(3)~~.
- (2) For the purposes of clause ~~56.3(1)~~, the requirements are—
- (a) children under the age of 5 years must be accompanied into ~~a the public swimming pool or recreation community~~ facility by a responsible adult who is at least 16 years of age, and must be supervised by that responsible adult within arms' length at all times while within ~~the public swimming pool or recreation a community~~ facility;
  - (b) a responsible adult can only be responsible for a maximum of 3 children under the age of 5 years at any one time; and
  - (c) subject to clause ~~56.3(2)(a)~~, children under the age of 12 years must be accompanied into ~~the public swimming pool or recreation a community~~ facility by a responsible adult who is at least 16 years of age, and must be supervised by that responsible adult within line of sight at all times while within ~~the public swimming pool or recreation the community~~ facility.
- (3) For the purposes of clause ~~56.3(1)~~, the reasons are—
- (a) where the authorised person, manager or attendant reasonably suspects the person is—
    - (i) suffering from any gastrointestinal disease, contagious, infectious or cutaneous disease or complaint, ~~skin infection~~ or has unhealed wounds;
    - (ii) in an unclean condition;
    - (iii) wearing unclean clothes; or
    - (iv) under the influence of liquor ~~or~~ a prohibited drug; ~~or~~
  - (b) if ~~in the opinion of~~ the authorised person, manager or attendant ~~is satisfied that~~—
    - (i) such action is necessary or desirable to prevent a contravention of this local law; or
    - (ii) the person is committing a breach of any provision of this local law; ~~or~~
  - (c) by reason of his or her past or present conduct within or about ~~a the public swimming pool or recreation community~~ facility, has created or is creating a nuisance.

#### **56.4 Suspension of ~~admission access to community facility~~**

Subject to clause 4.3, Aan authorised person or manager may suspend admission for a minimum period of one day to any person who has committed a breach of any provision of this local law in relation to the ~~public swimming pool or recreation community~~ facility.

### **56.5 Carnivals**

- (1) A person, club, organisation or association ~~shall~~must not conduct controlled swimming or other sporting events, carnivals or competitions at a community facility without the prior ~~consent~~approval of the manager.
- (2) The manager may grant such ~~consent~~approval subject to any conditions considered fit by the manager and may withdraw that ~~consent~~approval at any time.
- (3) A person, club, organisation or association conducting a carnival or event at a ~~public swimming pool or recreation~~community facility must take reasonable steps to—
  - (a) prevent overcrowding;
  - (b) ensure that no damage is done to the buildings or fencing or any other portion of the ~~public swimming pool or recreation~~community facility; and
  - (c) ensure that this local law is observed by all competitors, officials and spectators.

#### *Division 2—Beaches and foreshore areas*

### **56.6 General prohibitions**

On a beach or foreshore area, a person ~~shall~~must not obstruct, disturb, insult or neglect to obey the lawful directions of any authorised person or member of an on-~~the~~duty surf lifesaving club patrol.

### **56.7 —Compliance with signs and directions**

A person ~~shall~~must—

- (a) comply with any sign erected on a beach, ~~sand dune~~ or foreshore area;
- (b) comply with any lawful direction given by an authorised person, a patrol captain or a patrolling member of a surf lifesaving club patrolling the beach; and
- (c) not enter any area designated as being used for any surf lifesaving activity, training, competition or carnival.

### **6.8 Sand dune protection**

#### **(1) On a beach or sand dune area—**

- (a) the local government may set aside by signs or fencing an area restricting or prohibiting entry due to sand dune rehabilitation or protection where the local government is satisfied the area has environmental value warranting such protection or poses a hazard to public safety; and**
- (b) a person must not interfere with, damage, or alter the natural structure or vegetation of a sand dune.**

#### **(2) A person must not, without permission of the local government or an authorised person—**

- (a) ~~remove, tamper or damage any sign, fence or structure or thing placed by the local government to protect a sand dune or manage public access to it; or~~
- (b) ~~scale, crawl beneath, or pass through any fence or gate installed for the purpose of restricting the entry of persons or vehicles to avoid damage to the dune.~~

**~~6.89~~—Use of off-road vehicles on beaches and foreshore areas**

A person must not drive or operate an off-road vehicle on a beach or foreshore area unless that person is authorised to do so under any written law.

**~~56.910~~—Surf lifesaving activities and identification of surf lifesaving patrol**

- (1) An authorised person, patrol captain or patrolling member of a surf lifesaving club authorised by that club to carry out duties set out in this clause may perform the following functions in the interests of maintaining safety at beaches in the district—
  - (a) patrol any beach;
  - (b) take onto any beach any lifesaving gear, including vehicles or boats that are used for lifesaving activities;
  - (c) indicate by signs or patrol flags, any designated swimming areas of a beach or adjacent water beyond the beach ~~where bathing is permitted~~;
  - (d) indicate by signs any areas of a beach or the adjacent water beyond the beach where—
    - (i) riding of surfboards or any other bathing appliance is prohibited;
    - (ii) driving of boats is prohibited; or
    - (iii) fishing is prohibited;
  - (e) regulate or designate any areas for the following activities—
    - (i) conduct of training or surf lifesaving club carnivals; or
    - (ii) establishing a first aid or command post;
  - ~~(f)~~ direct any person to—
    - ~~(i)~~ bathe swim within the designated ~~permitted swimming bathing~~ area indicated by signs or patrol flags; or
    - ~~(i)(ii)~~ leave the water during any period if, the authorised person, patrol captain or patrolling member is satisfied of potentially dangerous conditions or the sighting of a shark; and
  - ~~(f)(g)~~ close any beach or part of any beach during any period of potentially dangerous conditions or sighting of a shark; and
  - ~~(g)~~ direct any person to leave the water if, in the opinion of the authorised person, patrol captain or patrolling member, the person is in immediate life threatening danger.

~~(2) When any beach or part of any beach is closed in accordance with clause 5.9(1)(g) an authorised person or patrol captain of a surf lifesaving club shall advise the Chief Executive Officer as soon as practicable.~~

(2) A person who is not a patrolling member of a surf lifesaving patrol on duty ~~shall~~must not give the impression that they are a patrolling member of a surf lifesaving patrol on duty.

~~(3) When any beach or part of any beach is closed in accordance with clause 65.910(1)(g) an authorised person or patrol captain of a surf lifesaving club shall must advise advise the Chief Executive Officer CEO as soon as practicable.~~

### **6.11 Authority of local government employee to prevail**

If the local government has authorised a person to perform a duty under clause 6.10(1) and a member of a surf lifesaving club is also authorised in relation to the same duty contemporaneously, the authority of an authorised person employed by the local government must prevail in the event of inconsistency.

### **~~56.120~~ Fishing**

(1) A person ~~shall~~must not fish in any area—

(a) where fishing is prohibited by the local government and the prohibition is designated by— signs; or

~~(b) designated set aside~~ by an authorised person or member of a surf lifesaving club patrol as a designated ~~permitted bathingswimming~~ area.

~~(2) A person must not, whether fishing is permitted or not—~~

~~(a) clean fish or dispose of fish waste within 10 metres of a designated swim area in a manner that may cause a nuisance to members of the public; or~~

~~(b) cut bait within 10 metres of a designated swim area in a manner that may cause a nuisance to members of the public.~~

~~(2)(3)~~ A person who ~~is~~does not ~~have~~ a ~~disabled person~~disability ~~shall~~must not fish in an area which is designated and marked for use for fishing by ~~disabled persons~~a person with a disability unless there are no ~~disabled~~ persons with a disability wanting to use that area at that time.

### **~~56.143~~ Boat launching**

(1) A person ~~shall~~must not launch a boat into the sea or from a foreshore area into any other body of water other than at a boat launching ramp designed, constructed and approved for that purpose or from the beach or foreshore area where this activity is permitted and designated by signs.

- (2) A person ~~shall~~must not launch a personal watercraft into the sea or from a foreshore area into any ~~other~~ body of water other than at a boat launching ramp designated, constructed and approved for that purpose, unless that person has the written ~~consent~~approval of the local government to launch a personal watercraft from another location.
- (3) Clauses ~~56.134~~(1) and ~~56.134~~(2) do not apply to any member of a surf lifesaving club or lifesaving patrol in the course of their duties, training or competition.

*Division 3—Fenced or closed property*

**56.124 No entry to fenced or closed local government property**

A person must not, unless authorised by the local government, enter local government property or fenced thoroughfare which has been fenced off or closed to the public by a sign or otherwise.

*Division 4—Toilet blocks and change rooms*

**56.135 Only specified gender to use entry of toilet block or change room**

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—
  - (a) females, then a person of the male gender must not use that entry to the toilet block or change room; or
  - (b) males, then a person of the female gender must not use that entry to the toilet block or change room.
- (2) Clause ~~65.153~~(1) does not apply to a child, when accompanied by a parent, guardian or caregiver where the child is—
  - (a) under the age of 6 years; or
  - (b) otherwise permitted by an authorised person to use the relevant entry.

**56.164 Hire of lockers**

- (1) A person may hire a locker in or near a change room for the purpose of safekeeping articles.
- (2) A person must not store in any locker a firearm or an offensive weapon or any article or substance that has been unlawfully acquired or which is a substance or article within the meaning of 'dangerous goods' under the *Dangerous Goods Safety Act 2004* (WA).

### **6.17 Inspection of lockers**

An authorised person, manager or attendant may open and inspect the contents of a locker at any time, where the authorised person, manager or attendant reasonably suspects that a breach of this local law has occurred.

### **56.185 Use of showers**

A person may use a shower in a change room provided that—

- (a) the facilities must only be used by the person for the purpose of cleansing, bathing and washing themselves; and
- (b) the facilities must not be used for the purposes of laundering or washing any clothing or other articles.

### **56.196—No use of camera devices in toilet blocks or change rooms**

A person must not operate a camera device in any portion of a toilet block or change room to record or transmit an image.

### **5.17—Behaviour on major event locations**

~~Except with the written consent of the local government a person shall not on a major event day at any major event location—~~

- ~~(a)—smoke a tobacco product; or~~
- ~~(b)—bring, or allow to remain, any animal or dog~~

## **PART 7—ACTIVITIES IN PUBLIC PLACES**

### *Division 1—General*

#### **7.1 General prohibitions**

Subject to this local law, a person ~~shall~~must not—

- (a) plant any plant on a thoroughfare—
  - (i) within the vicinity of an intersection that creates a sight line hazard in relation to pedestrians or drivers of vehicles using that intersection and which is not maintained at or below 0.5 metres in height; or
  - (ii) so that it is within 2 metres of a carriageway, except in the case of grass or a similar plant to grass;
- (b) damage a lawn or garden on or in a public place or remove any plant or part of a plant from a lawn or garden that is not a street tree on or in a public place unless—

- (i) the person is the owner or occupier of the lot abutting that portion of the thoroughfare and the lawn, garden or the particular plant was installed or planted by that owner or occupier; or
- (ii) the person is acting under the authority of a written law;
- (c) on a verge, repair or service any vehicle;
- (d) place, allow to be placed or allow to remain on a thoroughfare or verge any thing that results in a hazard for any person using the thoroughfare or verge;
- (e) cause or permit any water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians;
- (f) play or participate in any game or sport so as to—
  - (i) cause danger to any person on a thoroughfare; or
  - (ii) obstruct the movement of vehicles or persons on a thoroughfare; or
- (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, electric rideable device, electric personal transporter, wheeled recreational device or similar device; ~~or~~
- ~~(h) use anything or do anything so as to create a nuisance on or in a public place.~~

## 7.2 Activities requiring a permit

- (1) Subject to clause 7.2(2), a person must not without a permit—
  - (a) dig or otherwise create a trench through or under a kerb or footpath;
  - (b) damage a street tree or remove a street tree or part of a street tree, including the roots, which is on or in a public place irrespective of whether the street tree was planted by the owner or occupier of the lot abutting the thoroughfare or by the local government unless the person is acting under the authority of a written law;
  - (c) subject to Division ~~43~~ of this Part, throw, place or deposit any thing on a verge except for the purpose of removal by the local government under a bulk rubbish collection and then only in accordance with the terms and conditions and during the period of time advertised by the local government in connection with that collection;
  - (d) damage, remove or interfere with any part of a thoroughfare, kerb, footpath or any structure or sign erected on or in a thoroughfare by the local government or a person acting under written authority;
  - (e) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
  - (f) cause any obstruction to a water channel or a water course, including drainage swales, in a thoroughfare;
  - (g) light any fire or burn any thing on a thoroughfare or verge;

- (h) unless installing, or in order to maintain, a permissible verge treatment—
    - (i) lay pipes under or provide taps on any verge; or
    - (ii) place or install, on any part of a thoroughfare, any thing such as crushed limestone, gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust, including for the purposes of storage of stockpiling;
  - (i) provide, erect, install or use in or on any building, structure or land abutting a thoroughfare any hoist or other thing for use over the thoroughfare;
  - (j) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare;
  - (k) drive any vehicle over or across a kerb or footpath except at a vehicle crossing;
  - (l) drive a vehicle or permit a vehicle to be driven across a kerb or footpath if such vehicle is so heavy or is of such a nature that it causes or is likely to cause damage to the kerb or the paving of the footpath; and
  - (m) drive or take a vehicle on a closed thoroughfare unless it is in accordance with any limit or exception specified in an order made under section 3.50 of the Act.
- (2) The local government may exempt a person from compliance with clause 7.2(1) on the application of that person.

### **7.3 Obstructions**

Where any thing is deposited or an obstruction is caused to a thoroughfare, kerb or footpath contrary to clauses 7.1 and 7.2, the local government may—

- (a) remove or cause to be removed such deposit or obstruction; and
- (b) recover the costs of doing so as a debt due to it.

#### *Division 2 - Works affecting a thoroughfare*

### **7.4 No damage to thoroughfare**

A person must not alter, interfere with, remove or disturb, without lawful authority, a thoroughfare or anything belonging to or under the care, control or management of the local government that is on a thoroughfare, including but not limited to a footpath, verge or street tree.

### **7.5 Footpath and verge protection**

- (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a footpath or verge, must—
  - (a) take all necessary precautions to ensure that the footpath or verge is not damaged during the course of the works;

- (b) take all necessary action to ensure that the footpath or verge remains in a safe functional state suitable for use by the public; and
  - (c) notify the local government of any existing damage to the footpath or verge prior to the commencement of the works.
- (2) A person who carries out any building or other operations or works necessitating the crossing of a footpath with vehicles that may cause damage to the footpath or verge, must ensure that—
  - (a) all reasonable precautions are taken to prevent damage to the footpath or verge during the course of the works; and
  - (b) heavy vehicles that access the private property, are to cross the footpath at the designated area for the proposed vehicle crossing.
- (3) If a person fails to comply with subclause 7.5(1) or 7.5(2) and a footpath or verge is damaged during works undertaken on private property or works within the road reserve, the local government or an authorised person may by written notice to that person, require that person within the time stated in the notice, to pay the costs of reinstating or repairing the footpath or verge.
- (4) On a failure to comply with a notice issued under subclause 7.5(3), the local government may recover the costs referred to in the notice as a debt due to it.

#### **7.6 Liability for damage to thoroughfare**

- (1) Where a person unlawfully damages a thoroughfare or any thing belonging to or under the care, control or management of the local government that is on a thoroughfare, the local government may by written notice to that person require that person within the time stated in the notice to, at the option of the local government, pay the costs of—
  - (a) reinstating the thoroughfare or thing to the state it was in prior to the occurrence of the damage; or
  - (b) replacing that thing.
- (2) On a failure to comply with a notice issued under subclause 7.6(1), the local government may recover the costs referred to in the notice as a debt due to it.

#### **7.7 Street Tree Protection**

- (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a street tree, must—
  - (a) take all necessary precautions to ensure that the street tree is protected and not damaged during the course of the works;
  - (b) provide a tree protection zone around the trunk of the tree comprising of temporary fixed barricade/fencing, measuring from the trunk of the tree, of at

least 2m by 2m (preferably with appropriate signage), erected around the tree to protect the root zone and tree during the construction works;

- (c) not place or store any building materials, building rubble and/or debris against the tree protection barricade or within the tree protection zone;
  - (d) ensure clear access to the tree is maintained at all times to enable the local government to access the tree for watering or carry out any works to the tree as required; and
  - (e) notify the local government of any existing damage to the street tree or if the tree becomes damaged.
- (2) Any person who causes damage to a street tree must pay the costs of the local government to carry out remedial works or to replace the street tree.
- (3) Any person who causes significant damage to a street tree or its destruction, commits an offence.
- (4) In instances where a tree is assessed by the local government as being significant in size, the barricade around the tree may need to be a greater distance from the tree trunk and this will be determined by the local government or an authorised person.

*Division 32—Vehicle crossings*

**7.8 Vehicle crossings**

The owner or occupier of land adjacent to a thoroughfare may install a vehicle crossing in accordance with the *Local Government (Uniform Local Provisions) Regulations 1996* and the local government's vehicle crossing specifications, as varied from time to time.

**7.49 —Temporary crossing**

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must obtain a permit for the construction and use of a temporary crossing to protect the existing carriageway, kerb, drains, and footpath and street trees where—
  - (a) a crossing does not exist; or
  - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) If the local government approves an application for a permit for the purpose of clause 7.94(1), the permit is taken to be issued on the condition that, until such time as the temporary crossing is removed, the permit holder must keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

**7.510 – Removal of a redundant crossing**

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government may give written notice to the owner or occupier of a lot requiring him or her to—
  - (a) remove any part of or all of a crossing which does not give access to the lot; and
  - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal, within the period of time stated in the notice.

*Division 43—Verge treatments*

**7.6 Interpretation**

~~In this Division 3, unless the context otherwise requires—~~

~~(a) **acceptable material** means any of the following—~~

~~(i) organic mulch of a particle size not greater than 25 millimetres;~~

~~(ii) semi-permeable materials such as—~~

~~(A) compacted limestone with particle size not greater than 10 millimetres;~~

~~(B) compacted gravel with particle size not greater than 10 millimetres;~~

~~(C) synthetic grass onto a compacted aggregate or roadbase which has a particle size no greater than 10 millimetres with the synthetic grass being pegged down or held in place in such a manner that that there are no protrusions or trip hazards;~~

~~(iii) impermeable materials such as—~~

~~(D) coloured concrete of earthy tones and which is not grey to a minimum thickness of 75 millimetres and maximum thickness of 100 millimetres; or~~

~~(E) brick paving installed to the manufacturer's specifications including recommended compacted subgrade and edge restraints,~~

~~provided that—~~

~~(F) the semi-permeable materials set out in (A) to (C) shall be compacted to such a degree that there are no loose stones on the verge surface;~~

- ~~(G) materials such as compacted gravel, crushed compacted rock or stabilised limestone cannot cover more than 50% of the verge area including the crossover and footpath without—~~
  - ~~(I) having one or more street trees planted by or approved in writing by the local government; or~~
  - ~~(II) some reasonable planting installed, within that gravel, crushed rock or limestone area; and~~
- ~~(H) the finished level of the compacted gravel, rock or limestone material is to be between 5 millimetres and 15 millimetres below the adjacent concrete edge;~~

~~(b) **hardstand** includes concrete, asphalt and paving;~~

~~(c) **small format pavers** include cobblestones, brick sized pavers and pavers up to 300 millimetres x 300 millimetres; and~~

~~(d) **verge treatment** means any of the 3 treatments permitted by this local law and shall include any reticulation, pipes and sprinklers.~~

#### **7.711 Permissible verge treatments**

~~(1) The An owner or occupier of land abutting which abuts a street may, on the a verge may, on that part of the vergedirectly in front of such land, install a permissible verge treatment comprising— any one of the following 3 verge treatments—~~

~~(1) The permissible verge treatments are—~~

~~(a) **Treatment One** ~~the P~~planting and maintenance of a natural lawn that is not made of synthetic grass;~~

~~The Plant and maintain a natural lawn that is not made of synthetic grass.~~

~~(b) **Treatment Two** the Pplanting and maintainmaintenance of a garden provided that—~~

~~Plant and maintain a garden provided that—~~

~~(i) clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway and landscaping inhibiting visibility may be removed at the discretion of the local government;~~

~~(ii)(i) it contains no plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard;~~

~~(ii) unobstructed pedestrian access of a stable material along the full length of the verge and to a clear and clearunobstructed access of a minimum widthat least of 2 metres adjacent to the kerbline where no footpaths or~~

~~alternative pathways exist~~ is maintained along that part of the verge where no footpath exists;

~~(iii)~~ it does not include a wall or built structure; and

~~(iii)(iv)~~ unobstructed access around signs, ~~letterboxes,~~ water meters, telecommunication pits, fire hydrants and manhole covers ~~isarebe~~ maintained; ~~and there is adequate access to the letterbox for mail deliv~~

~~(a)~~ **Treatment Three**

~~(b)(c)~~ the installation of an acceptable material; ~~Install hardstand over no more than 50% of the area of the verge, including any cross-over or footpath, with an acceptable material and plant and maintain either a lawn or garden on the balance provided that—~~

~~(i)~~ the lawn is a natural lawn and is not synthetic grass;

~~(ii)~~ semi-permeable or impermeable paved areas are not to provide formal verge parking, unless approved in writing by the local government;

~~(iii)~~ clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway, and landscaping inhibiting visibility may be removed at the discretion of the local government;

~~(iv)~~ no plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard;

~~(v)~~ unobstructed pedestrian access of a stable material along the full length of the verge and to a minimum of 2 metres adjacent to the kerbline where no footpaths or alternative pathways exist is maintained;

~~(vi)~~ unobstructed access around signs, water meters, telecommunications pits, fire hydrants and manhole covers must be maintained; and

~~(vii)~~ there is adequate access to the letterbox for mail delivery.

~~(d)~~ a combination of subclause 7.11(a), 7.11(b), and/or 7.11(c), provided that no more than 50% of the verge area (including any approved footpath and/or vehicle crossing) is covered with an acceptable material; or

~~(e)~~ other treatment approved by the local government in writing.

~~(2)~~ In this clause **acceptable material** means any material that creates an impervious or semi-permeable surface, and which appears on a list of acceptable materials approved by the local government.

- ~~(2) verges cannot consist of more than 50% of hardstand area, including crossovers and footpaths, except in the case of verges which are less than 1.5 metres wide not including the width of footpath where it is not possible to maintain a natural lawn or garden. The local government may approve a greater proportion of acceptable material where the verge is less than 1.5 metres wide (excluding footpath) and it is not possible to maintain a natural lawn or garden, a street tree is required where—~~
- ~~(i) a footpath abuts a property boundary and the remaining verge area width is sufficient to accommodate the tree; and~~
- ~~(3) where hardstand is installed on the verge (c) pavers used on the verge must be heavy duty and at least 60 millimetres thick; and~~
- ~~(4)(3)(d) depending on tree species, a minimum distance of 1.5 metres between the trunk of a street tree and the installation of paving is required.~~
- (4) Any street tree planted on a verge must be of a species approved by the local government or an authorised person.
- (5) For the purposes of clause 7.7(2)(a), a person developing a verge may request the local government or an authorised person to assess the Tree Protection Zone for a thoroughfare. The local government or an authorised person may by written notice, require a verge to be altered, if shedding of stormwater or flooding is likely to cause a nuisance to neighbours or users of a thoroughfare.
- ~~(4) An owner or occupier who installs and maintains a verge treatment shall—~~
- ~~(a) be responsible for all or any damage or injury caused to any person or thing, including any street, pavement, footpath or crossing of any pipe or cable, and shall make good at such owner's or occupier's expense all such damage caused;~~
- ~~(b) keep the verge treatment in good and tidy condition and ensure where the verge treatment is a garden or a lawn that no obstruction of any sort is caused to any footpath, pavement or street;~~
- ~~(c) lay, install or pave a hard surface with an acceptable material only;~~
- ~~(d) not place any obstruction on or around any verge treatment; and~~
- ~~(e) not water or maintain a verge treatment in such a manner as to cause a nuisance or inconvenience to any other person and in particular any person using any street or footpath or access way adjoining the verge.~~
- ~~(5) If an owner or occupier fails to install or maintain a verge treatment in accordance with clause 7.7(4), the local government may issue the owner or occupier with a notice requiring that person to make good any breach of clause 7.7(4).~~

**7.812 Only permissible verge treatments be installed**

- (1) A person must not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) The owner and occupier of the land abutting on a verge treatment referred to in subclause 7.12 (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 7.13.

**7.13 Obligations of owner or occupier**

- (1) An owner or occupier who installs ~~and-or~~ maintains a verge treatment ~~shall~~must—
- (a) ensure that clear sight visibility is maintained at all times for pedestrians, cyclists and motorists using the abutting street or using a driveway on land adjacent to the street for access to and from the street;
- ~~(f)(b)~~ be responsible for all or any damage or injury caused to any person or thing, ensure that the verge treatment does not cause injury to any person or damage or obstruct including any street, pavement, kerb, drain, footpath, or crossing of any pipe or cable, or tree planted by the local government, and shall make good at such owner's or occupier's expense all such damage caused;
- ~~(g)(c)~~ keep the verge treatment in good and tidy condition and ensure where the verge treatment is a garden or a lawn, that any accessway, footpath on the verge and a carriageway or thoroughfare adjoining the verge are not obstructed by the verge treatment no obstruction of any sort is caused to any footpath, pavement or street;
- ~~(h)~~ lay, install or pave a hard surface with an acceptable material only;
- ~~(d)~~ not place or allow to remain any object, structure or material obstruction on or around any within the verge treatment area that obstructs access;
- ~~(i)(e)~~ unless authorised by the local government or an authorised person, ensure the level and grade of a verge remains consistent with the surrounding levels to prevent hazards; and
- ~~(f)~~ not water or maintain a verge treatment in such a manner as to cause a nuisance, or inconvenience or present a hazard to any other person, particularly and in particular any person using any street, or footpath, or access way adjoining the verge; and-
- ~~(j)(g)~~ ensure that any hardstand area is not used to provide formal verge parking, unless approved in writing by the local government.

**7.14 Notice to owner or occupier**

(1) ~~The local government or authorised person may give a notice in writing to an owner or occupier of land abutting a verge, to make good any breach or remove all or any part of a verge treatment that does not comply with this Part, within the time specified in the notice.~~

(2) ~~If the owner or occupier does not comply with a notice issued in accordance with clause 7.14(1), the local government may carry out any works to make good any breach of this local law.~~

**7.8-15 Powers to carry out public works ~~on~~**

(1) ~~If the owner or occupier does not comply with a notice issued in accordance with clause 7.7(5), the local government may carry out any works to make good any breach of this local law, and~~For the purposes of carrying out any works, the local government or any other authority empowered by law to dig up ~~or carry out any other works on~~ a street may, without ~~notice and without~~ being liable to compensate any person—

(a) ~~dig up all or any part of a street; or and~~

~~(a)(b)~~ disturb any verge treatment placed there~~on~~ by an owner or occupier of the adjacent land.

~~(1)(2)~~Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

(a) is not liable to compensate any person for that disturbance;

(b) may backfill with sand, if necessary, any garden or lawn; and

(c) is not liable to replace or restore any—

(i) verge treatment and, in particular, any hardstand, plant or any other acceptable material ~~or other hard surface~~; or

(ii) sprinklers, pipes or other reticulation equipment.

**7.916 Transitional**

(1) In this clause, ~~repealed provisions former provisions~~ means ~~Part XIX of the City of Mandurah Consolidated Local Laws~~ the local law of the local government repealed by clause 1.4(a) which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

~~(1)(2)~~A verge treatment which—

(a) was installed prior to the commencement day; and

(b) on the commencement day is a type of verge treatment which was permitted under and complied with the ~~repealed former~~ provisions,

is to be taken to be a permissible verge treatment under this local law for so long as the verge treatment remains of the same type and continues to comply with the ~~repealed former~~ provisions.

*Division ~~54~~—~~Property Street~~ numbers*

**7.107 Assignment of street numbering**

- (1) The local government or an authorised person ~~may shall~~ assign a street number to each property in a street, thoroughfare or way in the district having regard to its policy on street numbering so as to ensure unambiguous and easy identification of every individual property.
- (2) The local government or an authorised person may from time to time assign another street number to a property instead of that which was previously assigned.

**7.184 Street number to be displayed**

- (1) The owner or occupier of each property must display and maintain the current street number assigned by the local government in a conspicuous place on the front of the building, letterbox, fence or gate adjacent to the street fronting the property.
- (2) A sign painted on the kerb adjacent to a property depicting the street number is satisfactory for the purposes of clause 7.184(1).

**7.192 Location of number not to be misleading**

- (1) A person ~~shall must~~ not place or display the street number of the property in such a location as to cause confusion or be misleading.
- (2) A person ~~shall must~~ not adopt, use or display a street number other than that street number assigned by the local government.
- (3) Where the location of a street number causes confusion or is misleading, or an unauthorised street number is being used or displayed on a property, the local government or an authorised person may serve notice in writing on the owner or occupier of the land specifying remedial action to be taken and the time within which action must be taken.

*Division ~~65~~—~~Fencing~~*

**7.4320 Public place—clause 4(1) of Division 1, Schedule 3.1 of the Act**

Each of the following places is specified as a public place for the purpose of clause 4(1) of Division 1 of Schedule 3.1 of the Act—

- (a) a public place, as that term is defined in clause 1.5; and
- (b) local government property.

### **7.21 Temporary fencing**

- (1) A person responsible for the works on a lot that adjoins or impacts a public place, waterway, or local government property may be required by a notice given by the local government or an authorised person to install temporary fencing, to the reasonable satisfaction of the local government, for the purpose of protecting and conserving the environment or ensuring public safety.
- (2) A person who fails to comply with a requirement under clause 7.21(1) commits an offence.

*Division 76—Signs erected by the local government*

### **7.2214 Signs**

- (1) The local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person must comply with a sign erected under clause 7.2214(1).
- (3) A condition of use specified on a sign erected under clause 7.2214(1) is to be for the purpose of giving notice of the effect of the provision of a local law.

### **7.2315 Transitional**

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 7.2214 if the sign is not inconsistent with any provisions of this local law.

## **PART 8—ADVERTISING DEVICES ON OR IN LOCAL GOVERNMENT PROPERTY OR PUBLIC PLACES**

### **8.1 Relationship with planning scheme**

The provisions of the local government's planning scheme and the terms of any development approval issued pursuant to that planning scheme will prevail over the provisions of Part 8 of this local law in the event of any inconsistency.

### **8.2 General prohibitions**

- (1) A person must not erect, place, post, paint or affix any advertising sign on, in or over local government property or a public place other than in accordance with this local law.
- (2) Subject to clauses 8.3 to 8.7, a person must not, unless authorised by the local government in writing or a written law, erect or place an advertising sign on or in local government property or a public place—

- (a) within 30 metres of a similar or identical advertising sign erected or placed for the same purpose;
- (b) over any footpath where the resulting vertical clearance between the advertising sign is less than 2.5 metres;
- (c) on any roundabout;
- (d) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge;
- (e) on—
  - (i) the Mandurah Estuary bB Bridge on Mandurah Road;
  - (ii) the Old Mandurah Bridge, or its replacement;
  - (iii) all fencing on the intersection of Mandurah Terrace and Pinjarra Road;
  - ~~(iii)(iv)~~ all fencing on the corner of Pinjarra Road and Sutton Street; or
  - ~~(iv)(v)~~ on any pedestrian overpass bridges in the district; ~~or~~
- (f) in any location where, ~~in the opinion of~~ the local government or authorised person is satisfied that, the advertising sign or portable direction sign is likely to—
  - (i) obstruct or impede the reasonable use of a thoroughfare or access to a place by any person;
  - (ii) obstruct a line of sight of drivers of vehicles along a thoroughfare, verge or vehicle crossing; or
  - (iii) create a hazard for any person using the thoroughfare or verge, including by obstructing or impeding the vision of a driver of a vehicle entering or leaving a thoroughfare or vehicle crossing; ~~or-~~
  - (g) by affixing with metal star pickets.
- (3) Public liability insurance in respect of the erection or placement of the advertising sign must be obtained if required by the local government.

### **8.3 Public interest signage**

- (1) Public interest signage is subject to the general prohibitions outlined in clause 8.2.
- (2) A person must not erect or display a public interest sign on or in any local government property or a public place unless that person has a permit issued by the local government for that purpose.
- (3) A permit holder must not erect or display on or in local government property or a public place—
  - (a) subject to clause 8.3(3)(b), more than 6 public interest signs for one event at any one time within the district;

- (b) more than 10 public interest signs for one event on the day on which the event is taking place within the district;
  - (c) more than one public interest sign for one event on or in the same location, including an intersection, within the district;
  - (d) subject to clause 8.3(3)(e), a public interest sign for a period longer than 10 days in any 6 month period within the district;
  - (e) a public interest sign for an event that occurs on a regular basis for a period longer than 3 days prior to the day on which the event takes place within the district;
  - (f) a public interest sign which is, at the absolute discretion of the local government, not of a professional standard and quality;
  - (g) a public interest sign in a position which—
    - (i) creates a hazard for pedestrians; ~~or~~
    - (ii) causes interference with the clear visual lines of sight required by motorists for the safe movement of vehicular traffic; or
    - (ii)(iii) is not secured in position in accordance with the requirements of the local government,unless permitted by the terms and conditions of a permit;
  - (h) a public interest sign with colours that may cause confusion for motorists approaching an intersection controlled by traffic lights;
  - (i) a public interest sign which is not maintained in a good and orderly manner for the duration of the period that the public interest sign is on display;
  - (j) a public interest sign that exceeds dimensions of 2 metres ~~long in length~~ x 1 metre high, unless permitted by the terms and conditions of a permit;
  - (k) on a verge, a public interest sign which is—
    - (i) less than 3 metres from the kerb line;
    - (ii) if there is no kerb line, less than 3 metres from the edge line or the edge of the seal where there is no edge line; and
    - (iii) less than 80 metres from the projection of the nearest kerb line of any intersecting road; or
  - (l) a public interest sign which is tied or secured to power poles or street lights, unless permitted by Western Power.
- (4) The local government or authorised person may approve an advertising sign, that is not public interest signage, associated with an event in accordance with this local law, subject to any condition imposed by the local government.

#### **8.4 Home open signs, display home signs and garage sale signs**

- (1) Home open signs, display home signs and garage sale signs are subject to the general prohibitions outlined in clause 8.2.
- (2) A person must not erect or display a home open sign, display home sign or garage sale sign—
  - (a) which is constructed from a hard or sharp material that may create a hazard to pedestrians or road users should the sign be hit, knocked or blown over in the wind;
  - (b) which exceeds 0.6 square metres in area per sign face;
  - (c) which contains more than 2 sign faces;
  - (d) which exceeds 0.9 metres in height above the surrounding ground level or pavement;
  - (e) within 10 metres from any intersection;
  - (f) within 2 metres of any vehicle crossing~~over~~;
  - (g) which exceeds 3 signs per individual home open, display home or garage sale, including the sign placed on the property on which the sale is being conducted or displayed;
  - (h) which is not free-standing and is affixed to any existing sign, post, power or light pole, or other structure;
  - (i) at a time other than—
    - (i) when the relevant home is open for inspection or garage sale is manned and goods are being offered for sale; and
    - (ii) one hour before and after the home is open for inspection of garage sale is manned and goods are being offered for sale;
  - (j) on a constructed footpath or within one metre of the road edge;
  - (k) which is more than 1 kilometre away from the property which is open for inspection or which is holding the garage sale; and
  - (l) within the road reserves of Pinjarra Road, Mandurah Road, Old Coast Road, Mandjoogoordap Drive or in the centre of a road where the road is divided by a traffic island.
- (3) The local government may exempt a person from the requirements of clause 8.4(1) on the application of that person.

#### **8.5 Other Portable Signs**

- (1) Other portable signs are subject to the general prohibitions outlined in clause 8.2.
- (2) Subject to clause 8.~~67~~ any other portable sign ~~shall~~must—
  - (a) not exceed 1.2 metres in height above the finished ground or pavement level;

- (b) not contain more than 2 sign faces;
  - (c) not exceed 1 square metre total area on any single sign face;
  - (d) not be illuminated or incorporate reflective or fluorescent materials;
  - (e) not have moving parts once the sign is in place;
  - (f) contain writing that is of a professional standard and quality, and is appropriately maintained;
  - (g) in the case of any other portable sign relating to a business, only incorporate the name of the businesses operating from the lot and must not incorporate brand advertising;
  - (h) only be erected and displayed on pedestrian areas with the sign faces directed at pedestrians and not at drivers;
  - (i) not be erected and displayed within regional road reservations, as defined by the local government's planning scheme;
  - (j) in the case of an other portable sign relating to a business—
    - (i) be displayed in a location immediately adjacent to the business premises to which the sign relates; and
    - (ii) be removed at the close of trading each day and not displayed again until the business opens for trading the next day;
  - (k) not be erected or displayed so as to impede the reasonable use of local government property or a public place;
  - (l) not be erected or displayed within 1.8 metres of an intersection or crossing~~over~~;
  - (m) not be fixed or attached to a building, wall, fence, pole, tree or other structure within a road reserve; and
  - (n) be removed and relocated at the request of a person authorised for the purpose of a special event, parade, road or footpath works, or other event.
- (3) A person can only erect one other portable sign per business.
- (4) A person can only erect an other portable sign on a verge of a road which is under the care, control and management of the local government if—
- (a) that person has provided the local government with a current certificate for public liability insurance to an amount not less than \$240 million ~~(twenty million dollars)~~, which notes that the cover extends to any sign that is located within a road reserve, and maintains that public liability insurance for the duration that the portable sign is so displayed;
  - (b) the portable sign is to be erected and displayed adjacent to and between the front of the business premises and the nearest kerb, as approved by the local government in writing;

- (c) no part of the sign is to be less than 600 millimetres from the face of the nearest kerb or, if no kerb, from the edge of the nearest road surface or car parking bay; and
- (d) the effective width of a footpath, pedestrian access way or similar access route is not reduced to less than 2 metres effective width.

### **8.6 Seafood signage**

- ~~(1) Seafood signage is subject to the general prohibitions outlined in clause 8.2.~~
- ~~(2) A person must not erect or display a seafood sign—~~
  - ~~(a) which is not, at the absolute discretion of the local government, of a professional standard and quality;~~
  - ~~(b) in a position which—~~
    - ~~(i) creates a hazard for pedestrians; or~~
    - ~~(ii) causes interference with the clear visual lines of sight required by motorists for the safe movement of vehicular traffic;~~
  - ~~(c) with colours that cause confusion for motorists approaching an intersection controlled by traffic lights;~~
  - ~~(d) which is not maintained in a good and orderly manner for the duration of the period that the seafood sign is on display;~~
  - ~~(e) that exceeds dimensions of 2 metres long x 1 metre high, unless otherwise authorised in writing by the local government;~~
  - ~~(f) on a verge, which is—~~
    - ~~(i) less than 3 metres from the kerb line;~~
    - ~~(ii) if there is no kerb line, less than 3 metres from the edge line or the edge of the seal where there is no edge line; and~~
    - ~~(iii) less than 80 metres from the projection of the nearest kerb line of any intersecting road; or~~
  - ~~(g) a seafood sign which is tied or secured to power poles or street lights, unless permitted by Western Power.~~
- ~~(3) A person must not erect or display a seafood sign which is a direction sign to a seafood business—~~
  - ~~(a) unless the premises at which the fresh local seafood is being sold has all required approvals from the local government;~~
  - ~~(b) unless the premises at which the fresh local seafood is being sold is not in, or part of a retail building or complex which permits greater levels of signage on the building and property;~~

- ~~(c) — unless there is a clear sign displayed at the premises at which the fresh local seafood is being sold in accordance with any written law and the local government's planning scheme;~~
- ~~(d) — unless the seafood business operates for no less than 5 days per week during a fishing season, of which one of those days must be a weekend day;~~
- ~~(e) — during any period where the seafood business is intended to be closed for more than one month, unless otherwise authorised in writing by the local government;~~
- ~~(f) — if the direction sign is to be installed on a road that is under the care and control of the Commissioner of Main Roads WA, without the approval of the Commissioner of Main Roads WA for the installation of the direction sign;~~
- ~~(g) — if there is already one direction sign for the same purpose at any intersection, except where the road on which the direction sign is being erected or displayed is a divided road, in which case 2 signs may be considered; and~~
- ~~(h) — on a maximum of two intersections providing directions to the premises at which the seafood business operates, unless otherwise authorised in writing by the local government.~~

#### **8.67 Election advertising**

- (1) Election advertising is subject to the general prohibitions outlined in clause 8.2.
- (2) If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign—
  - ~~(a)~~ being erected at least 350m from any intersection, roundabout or traffic sign;
  - ~~(b)~~ having a display area less than 4.5 square metres;
  - ~~(a)(c)~~ not being placed with the leading edge of the sign closer than 3.5 metres to the trafficable path of vehicles;
  - ~~(b)(d)~~ being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
  - ~~(e)(e)~~ being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
  - ~~(d)(f)~~ being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
  - ~~(e)(g)~~ being maintained in good condition;
  - ~~(f)(h)~~ not being erected until 6 weeks prior to the election to which it relates has been officially announced;
  - ~~(g)(i)~~ being removed within 72 hours of the close of polls on voting day;
  - ~~(h)(j)~~ not being placed within 100m of any works on the thoroughfare;

- (i)(k) being securely installed;
- (j)(l) not being an illuminated sign;
- (k)(m) not incorporating reflective or fluorescent materials; or
- (i)(n) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

### **8.78 Notification regarding removal and impounding of advertising signs**

- (1) An authorised person may issue a person who has erected or placed an advertising sign on or in local government property or a public place with a notice requiring that person to remove the advertising sign within 24 hours, or earlier if, at the absolute discretion of the local government or an authorised person, the advertising sign is a potential hazard or nuisance to members of the public.
- (2) An authorised person may remove or impound an advertising sign that has been erected or placed on or in local government property or a public place contrary to this local law.

### **8.8 Removal of sign for works**

When directed to do so by an authorised person, a person who has displayed a sign on local government property or a public place will ensure that the sign is removed to permit any authorised work to be carried out.

### **8.9 Advertising sign to be marked**

Each advertising sign erected in or on local government property or a public place ~~shall~~must be clearly marked with the name of the person, organisation or business who erected the advertising sign.

### **8.10 Person or business taken to own advertising sign**

In the absence of any proof to the contrary, an advertising sign is to be taken to belong to the person, organisation or business whose name is marked on the advertising sign.

### **8.11 Insurance**

~~If a person is required by the local government to hold public liability insurance in respect of the erection or placement of an advertising sign on or in local government property or a public place, that person must present an authorised person with a current certificate of public liability insurance upon the direction of the authorised person.~~

**PART 9—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS ON  
OR IN LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES**

*Division 1—Animals*

**9.1 Leaving an animal on local government property or in a public place**

- (1) A person must not leave an animal, cat or dog on local government property or a public place so that it obstructs the use of any part of that local government property or public place unless that person—
  - (a) has first obtained a permit; or
  - (b) is authorised to do so under a written law or a determination made under this local law.
- (2) A person does not contravene subclause 9.1(1) where the animal is secured or tethered for a period not exceeding 1 hour.

**9.2 Prohibitions relating to animals**

- (1) In this clause, **owner** in relation to an animal includes—
  - (a) the owner of the animal;
  - (b) a person who has the animal in his or her possession or under his or her control; or
  - (c) the occupier of any premises where the animal is ordinarily kept or ordinarily permitted to live.
- (2) An owner of an animal must not—
  - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare and unless it is led, ridden or driven;
  - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in or on local government or a public place;
  - (c) train or race the animal on a thoroughfare; or
  - (d) subject to clause 9.2(4), allow the animal to defecate on local government property or in a public place.
- (3) An owner of a horse must not lead, ride or drive the horse on a thoroughfare in a built-up area, unless the person does so under a permit or under the authority of a written law.
- (4) An owner of an animal does not commit an offence if the defecation is immediately removed.

### 9.3 Removal of animals

An authorised person may remove or impound an animal left on or in local government property or a public place contrary to clause 9.1 in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

#### *Division 2—Vehicles*

### 9.4 Leaving a vehicle in a public place

(1) A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit from the local government or is authorised to do so under a written law.

(2) Any vehicle left in contravention of clause 9.4(1) may be removed, impounded or disposed of by an authorised person in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

#### *Division 3—Shopping trolleys*

### 9.5 Shopping trolley to be marked

A retailer ~~shall~~must clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

### 9.6 Person not to leave shopping trolley in a public place

A person ~~shall~~must not leave or discard a shopping trolley on local government property or in a public place other than in an area designated for the storage of shopping trolleys.

### 9.7 Abandoned shopping trolley

If a shopping trolley is found discarded on local government property or in a public place, other than in an area designated for the storage of shopping trolleys, the local government may assume that the shopping trolley has been abandoned.

### 9.8 Retailer taken to own shopping trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the shopping trolley at the nearest location.

### 9.9 Shopping trolley to be removed by retailer

(1) ~~Where~~if a shopping trolley is found abandoned on local government property, ~~or~~ in a public place, and in contravention of this Part, and the local government or authorised person may advise a retailer whose name is marked on the shopping trolley, has been advised verbally or in writing of its location, ~~by the local government,~~

~~(1)(2) the A~~ retailer ~~shall must~~ remove the shopping trolley ~~from the public place~~ within ~~24~~ hours~~3 hours~~ of being advised.

#### 9.10 Impounding of abandoned shopping trolley

(1) Subject to the provisions of the Act and regulation 29 of the Regulations, the local government or authorised person may remove, impound or dispose of any shopping trolley that is—

~~An authorised person may impound a shopping trolley that is—~~

(a) left on a thoroughfare, verge, beach, natural area, waterway or any local government property or public place that is found to be abandoned in accordance with clause 9.7; and

(b) marked in accordance with clause 9.5.

(2) A retailer must pay any fees for removing and impounding abandoned shopping trolleys of the retailer within the period specified by the local government.

#### 9.11 Retailer to be notified

The retailer ~~shall must~~ be notified in writing prior to the disposal of ~~the a~~ shopping trolley of the retailer.

### PART 10—TRADING IN PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY

#### *Division 1—Traders and street markets*

#### 10.1 ~~Restrictions and requirement to obtain a permit~~Trading and street market permits

(1) A person must not carry on trading or conduct a street market on local government property or in a public place unless—

(a) subject to clause 10.1(2), that person is—

(i) the holder of a valid permit for that purpose; or

(ii) an assistant specified in a valid permit for trading; and

(b) if required by the local government, public liability insurance in respect of the trading activity or street market has been taken out by the relevant permit holder; ~~and (c) if the person is trading in food, the place of trading must have access to a supply of potable water and/or a sewer for the disposal of waste water.~~

(2) The local government may by written notice exempt a person or class of persons from the need to obtain a permit.

- (3) In determining whether to grant an exemption under clause 10.1(2), the local government may have regard to the matters set out in any local government policy.

#### **10.2 Exemptions from requirement to pay a fee**

- (1) The local government may waive any fee required to be paid by an applicant for a permit for the purpose of trading on ~~the making an~~ application if the trading is carried on—
- (a) at a portion of local government property or a public place adjoining the normal place of business of the applicant; or
  - (b) by a charitable organisation that—
  - (c) does not sublet space to commercial participants;
  - (d) does not involve commercial participants in the conduct of the stall or trading; and
  - (e) operates under a permit where any assistants specified in the permit are members of that charitable organisation.
- (2) In this clause 10.2, *commercial participant* means any person who is involved in operating or in conducting any trading activity for personal gain or profit.

#### **~~10.3 Insurance~~**

~~If required by the local government to hold public liability insurance in respect of the permit holder's trading activities, a permit holder must produce to an authorised person a current certificate of insurance upon the direction of that authorised person.~~

#### **~~10.4 When a permit is required for a street market~~**

~~A person must not conduct a street market on a public place or on local government property—~~

- ~~(a) without a valid permit for that purpose; and~~
- ~~(b) unless, if required by the local government, the holder of the permit has taken out public liability insurance in respect of the street market.~~

#### **10.3 Obligations of traders and street markets**

~~A trader or person conducting a street market must not—~~

- ~~(a) deposit, place or store any goods or equipment on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;~~
- ~~(b) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond the area specified in any permit;~~

- ~~(c) fail to maintain a clear pedestrian access area of at least 2 metres in width adjacent to a building frontage, to provide for consistent unobstructed pedestrian access; or~~
- ~~(d) carry on trading from a public place unless there is adequate parking for customers' vehicles reasonably close to the place of trading.~~

*Division 2—Street entertain~~ing~~ers*

**10.45** ~~—~~When a permit is required **for street entertaining**

A person must not perform on or in local government property or a public place without a permit for the purpose of street entertaining.

**10.6** ~~—~~Variation of permitted area and permitted time

- ~~(1) The local government may by notice in writing to a person holding a permit for the purpose of street entertaining vary—~~
  - ~~(a) the permitted area;~~
  - ~~(b) the permitted time; or~~
  - ~~both the permitted area and the permitted time.~~
- ~~(2) The local government or an authorised person may direct a holder of a permit for street entertaining to move from one permitted area to another permitted area if more than one area is specified in the permit.~~

**10.7** ~~—~~Duration of a permit for street entertaining

~~A permit for street entertaining is valid for the period of time specified in the permit, unless it is cancelled earlier in accordance with this local law.~~

**10.58** Cancellation of a permit for street entertaining

The local government may cancel a permit for street entertaining if, the local government or in its opinion or in the opinion of an authorised person is satisfied that—

- (a) the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons or businesses in a public place; or
- (b) the performance otherwise constitutes a nuisance.

**10.69** Obligations of a permit for street entertaining

- (1) A person holding a permit for street entertaining ~~shall~~ must not, except with the written approval of the local government, in a public place or on local government property—
  - ~~(a) perform wearing dirty or ragged clothing;~~

- ~~(b)~~(a) use or fire any weapon or object with sharp edges;
  - (b) perform any act that endangers the safety of the public;
  - (c) perform in public places so as to unduly interfere with vehicular or pedestrian traffic, public amenities or cause undue obstruction to others;
  - (d) perform any act of cruelty to an animal, cat or dog;
  - (e) have more than 4 people perform, unless otherwise authorised by the permit;
  - (f) unless otherwise authorised by the permit, allow any person under the age of 14 years to perform—
    - (i) during school hours on school days; and
    - (ii) between 7.00pm and 6.00am;
  - (g) sell or permit the sale of any music tapes, recordings, compact discs or merchandise unless authorised by the local government;
  - (h) act in an offensive or obscene manner; or
  - (i) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier—
    - (i) other than in the permitted area; and
    - (ii) unless the musical instrument or device is specified in the permit; ~~or~~
  - ~~(j)~~ solicit money from members of the public.
- (2) A person who performs in a public place or on local government property must comply with directions issued by an authorised officer, if the authorised officer is satisfied that—
- (a) the street entertaining is causing a nuisance;
  - (b) the noise level is too high;
  - (c) the safety of the public or the person performing is compromised;
  - (d) the person performing has failed to keep their site safe and clean while working;
  - or
  - (e) the person performing is interfering in any way with an approved event or activity.
- ~~(2)~~(3) A person may be prohibited from performing in a public place in the district by a written notice from an authorised person.

## **PART 11—ALFRESCO DINING ON OR IN LOCAL GOVERNMENT PROPERTY OR PUBLIC PLACES**

### **11.1 Permit required for alfresco dining area**

- (1) In clause 11.1(2)(c)(ii), 'private property' means any property which is not local government property or a public place.

- (2) Subject to clause 11.1(3), a person must not establish or conduct an alfresco dining area in or on local government property or a public place—
  - (a) unless the person has a permit for that purpose;
  - (b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business;
  - (c) other than in a portion of local government property or a public place which—
    - (i) adjoins a food business; or
    - (ii) is adjacent to or in the immediate vicinity of a food business, provided that if the portion of local government property or public place is adjacent to private property, the person has the permission of the owner and occupier of that private property to establish and conduct an alfresco dining area on that adjacent portion of local government property or public place; and
  - (d) unless the person has public liability insurance in respect of the establishment and conduct of the alfresco dining area; and
  - (e) other than in accordance with a permit.
- (3) The local government may exempt a person from any requirements in clause 11.1 on the application of that person.

#### **11.2 Matters to be considered in determining an application**

In determining an application for a permit to establish or conduct an alfresco dining area, the local government may consider, in addition to the relevant considerations described in clause 12.3, whether or not—

- (a) the abutting food businesses are registered in accordance with the Food Act and whether the use of the food premises is permitted under the planning scheme;
- (b) the alfresco dining area will comply with any other local law made by the local government under the Act;
- (c) users of the alfresco dining area will have access to proper and sufficient sanitary and ablutionary conveniences as per the Building Code of Australia;
- (d) the alfresco dining area would—
  - (i) obstruct the visibility or clear sight lines for pedestrians and motorists at an intersection of thoroughfares; or
  - (ii) impede pedestrian access;
- (e) the proposed furniture is unsuitable, including whether or not the tables, chairs and other equipment including lighting to be used may obstruct or impede the use of the local government property or public place for the purposes for which it was designed;

- (f) any abutting food businesses provide sufficient car parking bays for customers of the alfresco dining area; and
- (g) the applicant is a fit and proper person.

### 11.3 Obligations of a permit holder for an alfresco dining area

- (1) A holder of a permit for an alfresco dining area must—
  - (a) display the permit in a conspicuous place in the alfresco dining area or in the abutting food business and when requested by an authorised person or employee of the local government, produce the permit to him or her;
  - (b) ensure that the alfresco dining area is conducted at all times in accordance with the provisions of—
    - (i) this local law;
    - (ii) any other local law made under the Act; and
    - (iii) the Food Act;
  - (c) maintain a clear pedestrian access area of at least 2 metres in width adjacent to the building frontage, to provide for consistent unobstructed pedestrian access;
  - ~~(e)~~(d) ensure that the alfresco dining area is kept in a clean and tidy condition, including by maintaining the chairs, tables and other structures in the alfresco dining area in a good, clean and serviceable condition at all times;
  - ~~(e)~~(e) on the cancellation of the permit, the permit holder ~~shall~~ must at his or her cost, reinstate or restore the local government property or public place on which the alfresco dining area is established or conducted, to a condition consistent with the condition prior to the commencement of the alfresco dining area; and
  - ~~(e)~~(f) present an authorised person with a copy of a current certificate of public liability insurance upon the request of the authorised person.
- (2) If, at the absolute discretion of the local government, any work is required to be carried out to an alfresco dining area, the local government may give notice to the permit holder to carry out that work specified within the notice within the time specified in the notice.
- (3) In this part, “work” includes the removal, alteration, repair, reinstatement or construction of a street or footpath or any part of a street or footpath arising from or in connection with the setting up or conduct of an alfresco dining area.

### 11.4 Conditions on an alfresco dining area

In addition to the conditions described in clause 12.4, the local government may impose conditions or grant an exemption on the grant of a permit for an alfresco dining area relating to—

- (a) the permit holder having non-exclusive rights to establish and conduct an alfresco dining area in the relevant area;
- (b) the colour, number, type, form and construction, as the case may be, of any furniture which may be used in the alfresco dining area;
- (c) the care, maintenance and cleaning of any furniture used in the alfresco dining area;
- (d) the removal and storage of all furniture used in the alfresco dining area prior to the close of business of the abutting food business on any day that the alfresco dining area is operating;
- (e) the removal of all furniture used in the alfresco dining area for the purposes of events or other activities of the local government;
- (f) the requirement to maintain pedestrian access between the alfresco dining area and an abutting food business;
- (g) the alfresco dining area not impeding or obstructing any local government property or public place used by either pedestrians or vehicles;
- (h) the obtaining of public liability insurance in an amount and or terms reasonably required by the local government;
- (i) the requirement to maintain clear sight lines for vehicles entering or leaving local government property, a thoroughfare or a vehicle crossing; and
- (j) the payment of costs associated with the local government preparing the local government property or public place for use as an alfresco dining area including the reshaping of footpaths and marking the boundaries of the alfresco dining area.

#### **11.5 No smoking areas**

Subject to this local law if a permit is granted under this local law in respect of an alfresco dining area—

- (a) the alfresco dining area is deemed to be a no smoking area; and
- (b) a person ~~shall~~ must not smoke ~~a tobacco product~~ while in the alfresco dining area.

#### **11.6 Removal of an unlawfully conducted alfresco dining area**

- (1) Where an alfresco dining area is conducted without a permit or in contravention of the terms or condition of a permit—
  - (a) an authorised person may direct a person or the holder of the permit to remove any tables, chairs, umbrellas or other equipment; and

- (b) any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.
- (2) If an authorised person directs a person or the holder of the permit to remove any tables, chairs, umbrellas or other equipment, that person must comply with the direction of the authorised person.

#### **11.7 Temporary removal of an alfresco dining area**

- (1) The holder of a permit for an alfresco dining area must temporarily remove the alfresco dining area when requested to do so on reasonable grounds by an authorised person or a member of the police service or an emergency service.
- (2) The holder of a permit for an alfresco dining area may replace the alfresco dining area removed under clause 11.7(1) as soon as the person who directed him or her to remove it allows it to be replaced.

#### **11.8 Change of ownership of an alfresco dining area**

Where the ownership of a food business subject to an alfresco dining permit changes, the new owner must notify the local government within 2 weeks of the change of ownership.

#### **11.9 Terms and validity of an alfresco dining permit**

Except where otherwise stated in the local law or on the permit an alfresco dining permit remains valid until—

- (a) the proprietor of the food business changes;
- (b) approved changes are made to an existing licence, including increase or reduction in area subject of the licence, or conditions under which the licence was granted;
- (c) the public liability insurance policy required in accordance with 11.4(h) lapses, is cancelled or is no longer in operation;
- (d) the permit is cancelled by the local government.

### **PART 12—PERMITS**

#### *Division 1—Applying for a permit*

##### **12.1 Application for a permit**

- (1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with clause 12.1(2).
- (2) An application for a permit under this local law must—
  - (a) be in the form determined by the local government;
  - (b) state the full name and address of the applicant;

- (c) be signed by the applicant;
  - (d) in the case of an application for a permit for an alfresco dining area, be signed by the proprietor of the abutting food business adjacent to the portion of the local government property or public place to which the application relates;
  - (e) contain the information required by the form;
  - (f) contain any other information required for that particular type of permit under this local law; and
  - (g) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) An application for a permit for the purposes of conducting trading or a street market on or in local government property or a public place must contain the following additional information (as applicable)—
- ~~(a) the proposed number of assistants, if any, to be engaged by the applicant in trading or the street market, as well as their full names and address~~
  - ~~(b)(a)~~ details of any location in which the applicant proposes to trade or conduct a street market;
  - ~~(e)(b)~~ the period of time for which the permit is sought, together with the proposed days and hours of operation of the street market;
  - ~~(c)~~ the proposed goods and services which will be traded, ~~or sold,~~ hired or offered for sale or hire by the trader or at a street market;
  - ~~(d)~~ details regarding public liability insurance held by applicant; and
  - (e) details of any proposed structure, stall or vehicle which may be used in conducting the trading or street market and a plan showing where any such structure, stall or vehicle will be located.
- ~~(4)~~ An application for a permit for the purposes of a street entertaining must contain the following additional information (as applicable)—
- ~~(a)~~ details of any location in which the applicant proposes to perform; and
  - ~~(b)~~ the period of time for which the permit is sought.
- ~~(4)(5)~~ An application for a permit for the purposes of an alfresco dining area must contain the following additional information—
- (a) two copies of a plan and specifications of the proposed alfresco dining area on a scale of 1:50 showing—
    - (i) the location and dimensions of the proposed alfresco dining area including any footpath and the means by which the alfresco dining area is to be separated from the balance of the local government property or public place; and

- (ii) the position of all tables, chairs and other structures proposed to be provided in the alfresco dining area including proximity to footpath and which of such items, if any, are to be retained within the alfresco dining area at all times;
- (b) a colour photograph(s) or brochure(s) of the tables, chairs and other structures to be set up in the alfresco dining area;
- (c) a description of the manner in which foodstuffs and other dining accessories are to be conveyed to, and protected from contamination within, the alfresco dining area; ~~and~~
- (d) details regarding the public liability insurance taken out or to be taken out by the applicant in respect of the alfresco dining area; and
- (d)(e) be signed by the proprietor of the abutting food business adjacent to the portion of the local government property or public place to which the application relates.
- (6) Before determining an application for a permit, the local government or an authorised person may require the applicant to provide additional information reasonably related to the application.
- (7) If the local government or an authorised person makes a request under subclause 12.1(6) the local government or authorised person does not have to consider the application, or consider it further, until the request is complied with.
- ~~(5)(8)~~ The local government may refuse to consider an application for a permit which does not satisfy the requirements within clause 12.1(2).
- ~~(6)(9)~~ The local government may require an applicant to give local public notice of the application for the permit.

## **12.2 Decision on application for permit**

- (1) The local government may—
  - (a) approve an application for a permit unconditionally or subject to conditions; or
  - ~~(b)—approve an application for a permit subject to conditions; or~~
  - (e)(b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit with or without conditions, it must issue to the applicant a permit in the form approved by the local government.
- (3) Where the local government approves an application for a permit for an alfresco dining area with or without conditions, the local government must attach to the permit a plan showing the area where the alfresco dining area may be conducted, which will then form part of the permit.
- (4) If the local government refuses to approve an application for a permit, it must give written notice of that refusal to the applicant.

- (5) Where a clause of this local law refers to conditions which may be imposed on a permit or the grounds on which an application for a permit may be refused, the clause does not limit the power of the local government to impose other conditions on the permit or to refuse the application for a permit on other grounds.

### 12.3 Relevant considerations in determining application for granting a permit

- (1) In determining an application for a permit, the local government is to have regard to—
- (a) any relevant local government policies;
  - (b) the Competition Principles Agreement;
  - (c) the desirability of the proposed activity;
  - (d) the location of the proposed activity, including safety and health requirements, and the character and function of, the location; and
  - (e) such other matters as the local government may considers relevant.
- (2) A local government may refuse to approve an application for a permit on any one or more of the following grounds—
- (a) the application is inconsistent with a local government policy or would result in an activity being carried out contrary to this local law or any other written law;
  - (b) the applicant has committed a breach of any provision of this local law or of any other written law relevant to the activity in respect of which the permit is sought;
  - (c) the applicant is not a desirable or suitable person to hold a permit fit and proper person to carry on the activity;
  - (d) the applicant is insolvent or under administration;
  - (e) the activity may result in traffic and pedestrian safety being adversely impacted;
  - (f) the activity is not in keeping with the surrounding land uses; or
  - (g) such other grounds as the local government considers relevant.

#### *Division 2—Conditions on a permit*

### 12.4 Examples of conditions

The local government may impose conditions on a permit relating to—

- (a) the payment of a fee;
- (a)(b) compliance with a standard or a policy of the local government adopted by the local government;
- (b)(c) the duration and commencement of the permit, including the days and hours within which the activity the subject of the permit may be carried out or is prohibited;
- (e)(d) the commencement of the permit being contingent on the happening of an event;
- (d)(e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;

- ~~(e)~~(f) the area or specific location within the district to which the permit applies, including any set back distances applicable to the activity;
- ~~(f)~~(g) the payment of a bond against possible damage, cleaning or other expenses;
- ~~(g)~~(h) the obtaining of public liability insurance in an amount and on terms reasonably required by the local government;
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place or local government property by the permit holder;
- ~~(j)~~ any prohibition or restriction concerning the—
  - ~~(i)~~ causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
  - ~~(ii)~~ the use of amplifiers, sound equipment and sound instruments;
  - ~~(iii)~~ the use of any lighting apparatus or device; or
  - ~~(i)~~(iv) the use of signs;
- (k) if the permit relates to the trading of food, the provisions to be made for the storage of cooked and uncooked food, and the storage and disposal of waste water; ~~and~~
- ~~(l)~~ the designation of any place where trading is wholly or from time to time prohibited by the local government; and
- ~~(h)~~(m) any other matter that the local government considers fit or appropriate.

#### **12.5 Imposing conditions under a policy**

- (1) ~~In this clause—~~
  - ~~***policy*** means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 12.2(1)(a).~~
- (2) ~~Under this Part 12, the local government may approve an application subject to conditions by reference to a policy.~~
- (3) ~~The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 12.2(2).~~
- (4) ~~An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.~~

~~(1)(5) Sections 5.94 and 5.95 of the Act apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.~~

#### **12.6 Compliance with ~~and variations to~~ terms and conditions of permit**

A permit holder must comply with any terms and conditions imposed on a permit, including any conditions as varied.

~~(1) A permit holder may apply to the local government to vary or remove any conditions imposed on a permit.~~

~~(2) In determining whether to vary any condition imposed on a permit, the local government must have regard to any relevant local government policy.~~

#### *Division 3—General*

#### **12.76 Duration of permit**

- ~~(1) A permit is valid for one year from the date on which it is issued unless it is—~~
- ~~(a) otherwise stated in this local law or in the terms and conditions of the permit; or~~
  - ~~(b) suspended or cancelled under clause 12.120.~~

#### **12.87 Renewal of permit**

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of a permit.

~~(2) The provisions of—~~

~~(a) this Part 12 regarding an application for a permit; or~~

~~(b) any other provision of this local law relevant to the permit which is to be renewed.~~

apply to an application for the renewal of a permit with any necessary modifications.

#### **12.9 Variation of permit**

~~(1) The local government may by notice in writing to a person holding a permit vary a condition of the permit.~~

~~(2) The local government or an authorised person may direct a holder of a permit to move from one permitted area to another permitted area if more than one area is specified in the permit.~~

~~(3) A permit holder may apply to the local government to vary or remove any conditions imposed on a permit.~~

~~(4) In determining whether to vary any condition imposed on a permit, the local government will have due regard to any relevant local government policy.~~

### **12.10 ~~8~~ Transfer of permit**

- (1) An application may be made to the local government to transfer a valid permit.
- (2) An application to transfer a permit must—
  - (a) be made in writing;
  - (b) be signed by the permit holder and the proposed transferee for the permit;
  - (c) provide such information as the local government may require to enable the application to be determined; and
  - (d) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may—
  - (a) approve an application for the transfer of a permit;
  - (b) approve an application for the transfer of a permit subject to conditions; or
  - (c) refuse an application to transfer a permit.
- (4) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—
  - ~~(i)~~(a) an endorsement on the permit signed by the ~~Chief Executive Officer-CEO~~ or an authorised person; or
  - ~~(ii)~~(b) issuing to the transferee a permit in the form determined by the local government.
- (5) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.
- (6) Alfresco dining permits are non-transferable.

### **12.119 Production of permit**

A permit holder must produce to an authorised person his or her permit immediately on being directed to do so by that authorised person.

### **12.120 Cancellation or suspension of permit**

- (1) Subject to clause 13.1, a permit may be ~~suspended or~~ cancelled by the local government if—
  - ~~(a)~~ the permit was improperly obtained;
  - ~~(a)~~(b) the permit holder has not complied with a condition of the permit;
  - ~~(c)~~ the permit holder has not complied with a provision of any written law which relates to the activity regulated by the permit; ~~or~~
  - ~~(d)~~ the activity regulated by the permit constitutes or will constitute an unacceptable risk to the safety of the public;

- ~~(e) the local government has approved an event in or near the place to which the permit applies;~~
- ~~(f) the local government or a utility requires access to or near the place to which the permit applies for the purposes of carrying out works in or near the vicinity of that place;~~
- ~~(b)(g) the permit holder has transferred or assigned or sought to transfer or assign the permit without the approval of the local government; or~~
- ~~(e)(h) a law is amended or repealed in a manner which is inconsistent with the terms and conditions of the permit and which renders the permit invalid, ineffective or contrary to law.~~

(2) If a permit is cancelled under clause 12.1~~20~~(1), the permit holder—

- (a) must return the permit to the local government as soon as practicable; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

~~(3) The local government may cancel or suspend a permit if the local government or a utility requires access to or near the place to which a permit applies for the purposes of carrying out works in or near the vicinity of that place.~~

~~(4)(3) On the cancellation or suspension of a permit under clause 12.1~~02~~(~~13~~)(f), the permit holder is, subject to clause 12.1~~02~~(~~45~~), to be taken to have forfeited any fees paid in respect of the permit.~~

~~(5)(4) Where a permit is cancelled or suspended under clause 12.1~~20~~(~~13~~)(f) through no fault of the permit holder, the local government may refund to the permit holder all or part of the fees paid in respect of what would otherwise have been the remaining term of the permit.~~

#### **12.1~~31~~ Nominee of permit holder**

Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may, at the request of the permit holder, authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit apply to the nominee as if ~~he or she was~~they were the permit holder.

#### **12.14 Public liability insurance**

~~Where, as a condition of a permit, the permit holder is required to obtain and maintain a public liability insurance policy, the permit holder must—~~

- ~~(a) effect and maintain a policy of insurance in the name of the permit holder in respect to any injury to any person or any damage to any property which may~~

occur in connection with the use of the local government property by the permit holder;

- (b) ensure that any policy of insurance referred to in subclause 12.14(1)(a) indemnifies the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the local government property by the permit holder;
- (c) effect and maintain the policy of insurance referred to in subclause 12.14 (1)(a) for the duration of the permit;
- (d) immediately notify the local government if the policy of insurance cover lapses, in which case the permit may be cancelled by the local government in accordance with clause 12.12;
- (e) at any time requested by the local government, provide the local government with a certificate of currency confirming that public liability insurance cover is in place;
- (f) ensure that, as a minimum, the permit holder's public liability insurance policy provides coverage of \$20 million (twenty million dollars), or such other amount as the local government considers appropriate to the risk and liability involved in the activity authorised by the permit;
- (g) upon the request of the local government (in its absolute discretion), increase the minimum value of coverage at the public liability insurance policy renewal date; and
- (h) ensure that the public liability insurer of the permit holder is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority.

#### **12.15 Production of certificate of insurance**

If the permit holder is required by the local government to hold public liability insurance as a condition of the permit, a permit holder must produce to an authorised person a current certificate of insurance upon the direction of that authorised person.

### **PART 13—OBJECTIONS AND APPEALS**

#### **13.1 Objection and appeal rights**

Where the local government makes a decision as to whether it will—

- (a) grant a person a permit or ~~consent~~approval; or
- (b) renew, vary, ~~transfer, suspend~~ or cancel a permit or ~~consent~~approval that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

## **PART 14—MISCELLANEOUS**

### *Division 1—Authorised person*

#### **14.1 Authorised person to be obeyed**

A person in or on local government property or a public place—

- (a) must obey any lawful direction of an authorised person; and
- (b) must not in any way obstruct or hinder an authorised person in the execution of his or her duties.

#### **14.2 Persons may be directed to leave local government property or a public place**

An authorised person may direct a person to leave local government property or a public place where ~~he or she~~ the authorised person reasonably suspects that the person has contravened a provision of this local law.

### *Division 2—Notices*

#### **14.3 Liability for damage to local government property or a public place**

- (1) Where a person unlawfully damages local government property or a public place, the local government or an authorised person may by notice in writing to that person require that person within the time specified in the notice to, at the option of the local government, pay the costs of—
  - (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
  - (b) replacing that property.
- (2) On a failure to comply with a notice issued under clause 14.3(1), the local government may recover the costs referred to in the notice as a debt due to it.

#### **14.4 Notice to redirect or repair sprinklers**

Where a lawn or garden is being watered with a sprinkler, which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government or an authorised person may give a notice to the owner or the occupier of the land abutting the lawn or the garden requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

#### **14.5 Notice to remove thing unlawfully placed on thoroughfare**

Where any thing is placed on a thoroughfare contrary to this local law, the local government or an authorised person may give a notice to—

- (a) the owner or the occupier of the property which abuts that portion of the thoroughfare where the thing has been placed; or
- (b) such other person who may be responsible for the thing being so placed, requiring the relevant person to remove the thing.

#### **14.6 Notice to repair damage to thoroughfare**

Where any portion of a thoroughfare has been damaged, the local government or an authorised person may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare.

#### **14.7 Hazardous plants**

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government or an authorised person may give a notice to the owner or the occupier of the land abutting the garden to remove, cut, move or otherwise deal with that plant so as to remove that hazard.
- (2) Clause 14.7(1) does not apply where the plant was planted by the local government.

#### *Division 3—Lost property*

#### **14.8 Lost property and unclaimed property in a locker**

- (1) A person who finds an article which may have been left on or lost by another person on local government property must immediately deliver that article to a manager, attendant or other employee of the local government.
- (2) If an article in a locker is not claimed or collected at the expiry of the period of hire or before the close of operations of the local government property or public place on the date of hire, the article may be removed by an attendant or authorised person.
- (3) In respect of any article removed from a locker or otherwise left on local government property, an authorised person, manager or attendant must record in the unclaimed property register—
  - (a) a description of the relevant article;
  - (b) the time and date when the article was removed from the locker or identified; and
  - (c) if an original receipt exists in respect of the hire of the locker, the time and date recorded on that original receipt.

- (4) An authorised person, manager or attendant must ensure that an article removed from the locker or otherwise left on local government property is stored at a place for storing lost property determined by the local government.
- (5) An authorised person, manager or attendant may deliver to a person an article recorded in the unclaimed property register provided that the attendant or authorised person has received—
  - (a) satisfactory evidence of the person's right to obtain the article;
  - (b) an accurate description of the article being claimed; and
  - (c) payment of any outstanding fees or storage charges.
- (6) A person who receives delivery of an article from the unclaimed property register must, by way of acknowledging receipt of the article, write his or her name and address and sign his or her name in the unclaimed property register.

~~(7) If a~~An article left on any local government property, that is not claimed or collected within a period of 1 month ~~the local government~~ may be disposed of by the article in any manner that the local government sees fit. CEO or an authorised person—

- (a) if the value of the property is reasonably believed to have a realisable value more than 1% of the amount prescribed by regulation 30(3) of Regulations but not exceeding the amount prescribed, by handing the property to the Western Australian Police Force; or
- (b) if the property is reasonably believed to be of less value than that the value in clause 14.8(7)(a)—
  - (i) by donation to a not for profit body incorporated under the Associations Incorporations Act 2015; or
  - (ii) if unlikely to be of interest to a not for profit body, in any manner determined by the CEO or an authorised person.

~~(8)~~ Adequate records must be kept by the local government of any articles of lost property disposed of pursuant to subclause 14.8(7).

~~(7)(9)~~ This clause will not apply where a local government considers an item left on local government property or a public place to be, in its absolute discretion, suspicious or dangerous.

## **PART 15—ENFORCEMENT**

### *Division 1—Notices given under this local law*

#### **15.1 Offence to fail to comply with a notice**

A person who fails to comply with a notice given to him or her under this local law commits an offence.

### **15.2 Local government may undertake requirements of a notice**

If a person fails to comply with a notice given to him or her under this local law, the local government may do, or arrange to be done, the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in doing so.

#### *Division 2—Offences and penalties*

### **15.3 Offences and general penalty**

- (1) A person who—
  - (a) fails to do anything required or directed to be done under this local law; or
  - (b) does an act or omits to do an act contrary to this local law, commits an offence.
- (2) A person who commits an offence under this local law is liable, upon conviction to—
  - (a) a penalty not exceeding ~~\$5,000~~\$10,000; and
  - (b) if the offence is a continuing offence, an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

### **15.4 Prescribed offences**

- (1) An offence against an item specified in Schedule 1 is a prescribed offence for the purposes of section 9.16 of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the item in Schedule 1.

### **15.5 Form of notices**

- (1) For the purposes of this local law—
  - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
  - (b) the form of the infringement notice give under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
  - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

*Division 3—Person to give name and address on demand*

**15.6 Requirement to give name and address on demand**

- (1) An authorised person may—
  - (a) upon finding a person committing or having committed; or
  - (b) on reasonable grounds suspecting a person of having committed, an offence against this local law, demand from the person the person's name, place of residence and date of birth.
- (2) A person from whom information is demanded in accordance with clause 15.6(1) commits an offence if the person—
  - (a) refuses without lawful excuse to give the information; or
  - (b) gives information that is false or misleading in any material particular.

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**SCHEDULE 1—PRESCRIBED OFFENCES**

[Clause 15.4(1)]

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY
1.	2.4	Failure to comply with a determination	\$300
<del>2.</del>	<del>3.1(1)</del>	<del>Carrying out an activity without a permit</del>	<del>\$300</del>
<del>2.</del>	<del>3.1(1)(b)</del>	<del>Damaging a tree or plant etc. on local government property without a permit</del>	<del>\$300</del>
<del>3.</del>	<del>3.1(1)(c)</del>	<del>Cutting, collecting or removing timber, firewood etc. on local government property without a permit</del>	<del>\$300</del>
<del>4.</del>	<del>3.1(1)(d)</del>	<del>Planting any plant or sowing any seeds on local government property without a permit</del>	<del>\$300</del>
<del>5.</del>	<del>3.1(1)(e)</del>	<del>Erecting a sign on local government property without a permit</del>	<del>\$300</del>
<del>6.</del>	<del>3.1(1)(f)</del>	<del>Erecting a structure for public amusement etc. on local government property without a permit</del>	<del>\$300</del>
<del>7.</del>	<del>3.1(1)(g)</del>	<del>Erecting a building or a refuelling site on local government property without a permit</del>	<del>\$300</del>
<del>8.</del>	<del>3.1(1)(h)</del>	<del>Making an excavation on, erecting a fence or removing a fence on local government property without a permit</del>	<del>\$300</del>
<del>9.</del>	<del>3.1(1)(i)</del>	<del>Erecting or installing structures on local government for supplying power, water etc. services without a permit</del>	<del>\$300</del>
<del>10.</del>	<del>3.1(1)(j)</del>	<del>Depositing or storing any thing on local government property without a permit</del>	<del>\$300</del>
<del>11.</del>	<del>3.1(1)(k)</del>	<del>Depasturing, tethering, driving or riding animals on local government property without a permit</del>	<del>\$300</del>
<del>12.</del>	<del>3.1(1)(l)</del>	<del>Launching an aircraft or helicopter from or landing an aircraft into local government property without a permit</del>	<del>\$300</del>
<del>13.</del>	<del>3.1(1)(m)</del>	<del>Camping on or lodging at local government property for the purpose of sleeping on local government property without a permit</del>	<del>\$300</del>
<del>14.</del>	<del>3.1(1)(n)</del>	<del>Occupying a structure on local government property at night for the purpose of sleeping without a permit</del>	<del>\$300</del>
<del>15.</del>	<del>3.1(1)(o)</del>	<del>Erecting a tent, camp, hut or similar structure on local government property in certain circumstances without a permit</del>	<del>\$300</del>
<del>16.</del>	<del>3.1(1)(p)</del>	<del>Teaching, coaching or training person, animal or dog for profit in or on local government property without a permit</del>	<del>\$300</del>
<del>17.</del>	<del>3.1(1)(q)</del>	<del>Conducting a function or undertaking a promotional activity on local government property without a permit</del>	<del>\$300</del>
<del>18.</del>	<del>3.1(1)(r)</del>	<del>Charging a person for entry to local government property without a permit</del>	<del>\$300</del>
<del>19.</del>	<del>3.1(1)(s)</del>	<del>Lighting a fire on local government property without a permit</del>	<del>\$300</del>
<del>20.</del>	<del>3.1(1)(t)</del>	<del>Lighting, setting off or conducting a display of fireworks on local government property without a permit</del>	<del>\$300</del>
<del>21.</del>	<del>3.1(1)(u)</del>	<del>Parachuting, hang-gliding, abseiling or base jumping from or onto local government property without a permit</del>	<del>\$300</del>
<del>22.</del>	<del>3.1(1)(v)</del>	<del>Gambling or betting etc. on local government property without permit</del>	<del>\$300</del>
<del>23.</del>	<del>3.1(1)(w)</del>	<del>Erecting, installing, operating or using devices for the emission and amplification of noise on local government property without a permit</del>	<del>\$300</del>
<del>3.</del>	<del>3.2</del>	<del>Consuming or possessing liquor on local government property contrary to the local law</del>	<del>\$300</del>
<del>24.</del>	<del>3.5</del>	<del>Failure of permit holder to comply with responsibilities</del>	<del>\$300</del>
<del>5.</del>	<del>4.8 4.1</del>	<del>Unauthorised entry to local government property</del>	<del>\$300</del>
<del>6.</del>	<del>6.1(1)4.2(1)</del>	<del>Entering local government without paying the required fee</del>	<del>\$300</del>
<del>7.</del>	<del>4.3</del>	<del>Failure to comply with a direction to leave local government property</del>	<del>\$300</del>
<del>258.</del>	<del>4.4 5.1</del>	<del>Behaviour on local government property or public place which</del>	<del>\$5300</del>

		interferes with others	
<del>269.</del>	<del>4.25.2</del>	Behaviour on local government property <del>or public place</del> detrimental to property	<del>\$3500</del>
<del>10.</del>	<del>5.3</del>	<del>Prohibited behaviour at major events</del>	<del>\$300</del>
<del>27-11.</del>	<del>4.35.4</del>	Taking or injuring any fauna on local government property	<del>\$3500</del>
<del>12.</del>	<del>5.5</del>	<del>Removing, damaging or depositing flora without authorisation</del>	<del>\$300</del>
<del>28-13.</del>	<del>4.45.6</del>	Entering or remaining on local government property while drunk or under the influence of a prohibited drug	<del>\$3500</del>
<del>29-14.</del>	<del>4.55.7</del>	Taking or consuming a prohibited drug on local government property	<del>\$3500</del>
<del>30-15.</del>	<del>4.65.8(1)</del>	Smoking within a 5 metre radius of an entrance, exit or aperture of premises on local government property	<del>\$300</del>
<del>16.</del>	<del>5.8(2)</del>	<del>Using a vaping device in an area on local government property where smoking is restricted</del>	<del>\$300</del>
<del>17.</del>	<del>5.8(3)</del>	<del>Failing to comply with a direction to cease smoking or vaping given by an authorised person.</del>	<del>\$300</del>
<del>34-18.</del>	<del>4.75.9(1)(a)</del>	Failing to wear adequate clothing to prevent indecent exposure on local government property	<del>\$300</del>
<del>32-19.</del>	<del>4.75.9(1)(b)</del>	Loitering outside or acting in an inappropriate manner in a toilet block or change room facility on local government property	<del>\$300</del>
<del>33-20.</del>	<del>4.75.9(1)(c)</del>	Entering or attempting to enter an occupied toilet or other compartment without the consent of the occupier	<del>\$300</del>
<del>34-21.</del>	<del>4.75.9(2)</del>	Failing to comply with a direction to put on adequate clothing	<del>\$300</del>
<del>36-22.</del>	<del>4.105.10(2)</del>	Failure to comply with a sign on local government property regarding conditions of use	<del>\$300</del>
<del>37-23.</del>	<del>5.4.6.1</del>	Carrying out a prohibited activity at a <del>public swimming pool or recreation community</del> facility	<del>\$300</del>
<del>38-24.</del>	<del>56.5(1)</del>	Conducting a controlled swimming or other sporting event, or carnival or competition without consent at a <del>public swimming pool or recreation community</del> facility	<del>\$300</del>
<del>39-25.</del>	<del>56.6</del>	Carrying out a prohibited activity at a beach or foreshore	<del>\$300</del>
<del>26.</del>	<del>6.7</del>	Failing to comply with a sign or direction at the beach	<del>\$500</del>
<del>27.</del>	<del>6.8(1)(b)</del>	<del>Interfering with, damaging, or altering the natural structure or vegetation of a sand dune set aside by signs or fencing</del>	<del>\$300</del>
<del>28.</del>	<del>6.8(2)(a)</del>	<del>remove, tamper or damage any sign, fence or structure or thing placed by the local government to protect a sand dune or manage public access to it</del>	<del>\$300</del>
<del>29.</del>	<del>6.8(2)(b)</del>	<del>Entering a restricted sand dune area by scaling, crawling beneath, or passing through a fence or gate installed to prevent entry.</del>	<del>\$300</del>
<del>44-30.</del>	<del>56.9</del>	Driving or operating <del>a</del> on off-road vehicle on a beach or foreshore area	<del>\$3500</del>
<del>42-31.</del>	<del>56.10(2)</del>	Falsely giving the appearance of a member of a surf lifesaving patrol	<del>\$300</del>
<del>43-32.</del>	<del>56.12(1)(a)</del>	<del>Fishing in an area where fishing is prohibited and designated by signs</del> <del>Fishing in a prohibited area or contrary to this local law</del>	<del>\$300</del>
<del>33.</del>	<del>6.12(1)(b)</del>	<del>Fishing in an area set aside as a designated swimming area</del>	<del>\$300</del>
<del>34.</del>	<del>6.12(2)(a)</del>	<del>Cleaning fish or disposing of fish waste within 10 metres of a designated swimming area, or at a jetty or beach</del>	<del>\$300</del>
<del>35.</del>	<del>6.12(2)(b)</del>	<del>Cutting bait within 10 metres of a designated swimming area in a manner that may cause a nuisance</del>	<del>\$300</del>
<del>36.</del>	<del>6.12(3)</del>	<del>Fishing in an area designated for use by a person with a disability when a person with a disability wishes to use that area</del>	<del>\$300</del>
<del>44-37.</del>	<del>56.134(1)</del>	Launching a boat from a prohibited area	<del>\$300</del>
<del>45-38.</del>	<del>56.134(2)</del>	Launching a personal watercraft in a prohibited area	<del>\$300</del>
<del>46-39.</del>	<del>56.142</del>	Unauthorised entry to fenced off or closed local government property <del>or thoroughfare</del>	<del>\$300</del>
<del>47-40.</del>	<del>56.153(1)</del>	Gender not specified using entry of toilet block or change room on local government property	<del>\$300</del>
<del>48-41.</del>	<del>56.164(2)</del>	Storing a prohibited item in a locker on local government property	<del>\$300</del>

<del>49-42</del>	<del>56.185</del>	Using a shower in a prohibited manner	\$300
<del>50-43</del>	<del>56.196</del>	Using a camera device to record or transmit an image in a toilet, shower or change room	<del>\$3500</del>
<del>51-52</del>	<del>5.17</del>	<del>Prohibited behaviour on major event locations</del>	<del>\$300</del>
<del>53-44</del>	7.1(a)	Planting a plant on a thoroughfare in a prohibited manner	\$300
<del>54-45</del>	7.1(b)	Damaging a lawn or garden or removing any plant or part of a plant on or in a public place	\$300
<del>55-46</del>	7.1(c)	Repairing or servicing any vehicle on a verge	\$300
<del>56-47</del>	7.1(d)	Placing, allowing to be placed or allowing to remain on a thoroughfare or verge an obstructive or hazardous thing	<del>\$3500</del>
<del>57-48</del>	7.1(e)	Causing or permitting water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians	\$300
<del>58-49</del>	7.1(f)	Playing games or sport in a prohibited manner on or in a thoroughfare	\$300
<del>59-50</del>	7.1(g)	Riding a bicycle, <u>electric rideable device, electric personal transporter, or wheeled recreational device, or similar device</u> within a mall, arcade or verandah of a shopping centre	\$300
<del>60-51</del>	<del>7.1(h)</del>	<del>Creating a nuisance on or in a public place</del>	<del>\$300</del>
<del>61-51</del>	7.2(1)(a)	Digging or creating a trench through or under a kerb or footpath without a permit	\$300
<del>62-52</del>	7.2(1)(b)	Damaging or removing a street tree without a permit	<del>\$3500</del>
<del>63-53</del>	7.2(1)(c)	Throwing, placing or depositing any thing on a verge without a permit	\$300
<del>64-54</del>	7.2(1)(d)	Damaging, removing or interfering with a thoroughfare, kerb, footpath or structure or sign erected on a thoroughfare without a permit	<del>\$300</del> <u>1000</u>
<del>65-55</del>	7.2(1)(e)	Causing an obstruction to a thoroughfare without a permit	\$300
<del>66-56</del>	7.2(1)(f)	Causing an obstruction to a water channel or a water course in a thoroughfare without a permit	\$300
<del>67-57</del>	7.2(1)(g)	Lighting a fire or burning any thing on a thoroughfare or verge without a permit	<del>\$10300</del>
<del>68-58</del>	7.2(1)(h)(i)	Laying pipes under or providing taps on any verge without a permit	\$300
<del>69-59</del>	7.2(1)(h)(ii)	Placing or installing prohibited materials on a thoroughfare without a permit	\$300
<del>70-60</del>	7.2(1)(i)	Providing, erecting, installing or using a hoist or other thing for use over a thoroughfare without a permit	\$300
<del>71-61</del>	7.2(1)(j)	Interfering with the soil of or anything in a thoroughfare or taking anything from a thoroughfare without a permit	\$300
<del>72-62</del>	7.2(1)(k)	Driving any vehicle over or across a kerb or footpath except at a vehicle crossing without a permit	\$300
<del>73-63</del>	7.2(1)(l)	Driving a vehicle or permitting a vehicle to be driven across a kerb or footpath without a permit	\$300
<del>74-64</del>	7.2(1)(m)	Driving or taking a vehicle on a closed thoroughfare without a permit	\$300
<del>75-65</del>	<del>7.3</del>	<del>Depositing any thing or causing an obstruction to a thoroughfare, kerb or footpath</del>	<del>\$300</del>
<del>65</del>	<del>7.4</del>	<del>Damaging a thoroughfare or anything belonging to or under the care control or management of the local government that is on a thoroughfare</del>	<del>\$500</del>
<del>66</del>	<del>7.5 (1)(a)</del>	<del>Failing to take reasonable precautions to prevent damage to footpath or verge</del>	<del>\$500</del>
<del>67</del>	<del>7.5 (1)(b)</del>	<del>Failing to ensure footpath remains in a safe and functioning state suitable for use by the public</del>	<del>\$500</del>
<del>68</del>	<del>7.5(1)(c)</del>	<del>Failing to notify local government of existing footpath damage prior to commencement of works</del>	<del>\$300</del>
<del>69</del>	<del>7.5(2)(a)</del>	<del>Failing to take reasonable precautions to prevent damage to footpath or verge</del>	<del>\$500</del>
<del>70</del>	<del>7.7(1)(a)</del>	<del>Failing to take reasonable precautions to ensure that the street</del>	<del>\$500</del>

		<u>tree is protected and not damaged during the course of works</u>	
<u>71</u>	<u>7.7(1)(b)</u>	<u>Failing to provide a tree protection zone comprising of a temporary barricade/fencing to protect a street tree during the construction works</u>	<u>\$300</u>
<u>72</u>	<u>7.7(1)(c)</u>	<u>Placing and storing of any building materials, building rubble and/or debris against the tree protection barricade or within the tree protection zone</u>	<u>\$300</u>
<u>73</u>	<u>7.7(1)(d)</u>	<u>Failure to ensure clear access is maintained at all times around a street tree to enable a local government to water the tree or carry out works</u>	<u>\$300</u>
<u>74</u>	<u>7.7(1)(e)</u>	<u>Failing to notify local government of existing damage to a street tree prior to commencement of works</u>	<u>\$300</u>
<u>75</u>	<u>7.7(3)</u>	<u>Causing significant damage to a street tree or causing its destruction</u>	<u>\$500</u>
<u>76-76</u>	<u>7.94(1)</u>	<u>Failure to obtain a permit for a temporary vehicle crossing</u>	<u>\$300</u>
<u>77-77</u>	<u>7.127(1)</u>	<u>Installing or maintaining a verge treatment other than which is not a permissible verge treatment</u>	<u>\$5300</u>
<u>78-78</u>	<u>7.13(1)(a)7.7(4)</u>	<u>Failing to ensure clear sight visibility is maintained at all timesFailure to properly maintain a verge treatment</u>	<u>\$500\$300</u>
<u>79</u>	<u>7.13(1)(b)</u>	<u>Failing to repair and make good any damage to the verge treatment</u>	<u>\$500</u>
<u>80</u>	<u>7.13(1)(c)</u>	<u>Failing to keep verge treatment in good and tidy condition and avoid obstruction of any sort to any accessway, footpath or thoroughfare</u>	<u>\$300</u>
<u>81</u>	<u>7.13(1)(d)</u>	<u>Placing any obstruction on or around any verge treatment</u>	<u>\$300</u>
<u>82</u>	<u>7.13(1)(e)</u>	<u>Failing to ensure the level and grade of the verge remains consistent with surrounding levels to prevent hazard</u>	
<u>83</u>	<u>7.13(1)(f)</u>	<u>Water or maintain a verge treatment so as to cause a nuisance or a hazard to any person</u>	<u>\$300</u>
<u>79-84</u>	<u>7.184(1)</u>	<u>Failure to properly display and maintain street number</u>	<u>\$300</u>
<u>80-85</u>	<u>7.192(1)</u>	<u>Placing or display a street number in a location causing confusion or which is misleading</u>	<u>\$300</u>
<u>84-86</u>	<u>7.192(2)</u>	<u>Adopting, using or displaying a street number other than the street number assigned.</u>	<u>\$300</u>
<u>87</u>	<u>7.21(2)</u>	<u>Failure to comply with a notice to install temporary fencing</u>	<u>\$300</u>
<u>82-88</u>	<u>7.224(2)</u>	<u>Failure to comply with a sign on a public place</u>	<u>\$300</u>
<u>83-89</u>	<u>8.2(12)</u>	<u>Erecting or placing etc. any advertising sign in a prohibited mannercontrary to the local law</u>	<u>\$3500</u>
<u>84-90</u>	<u>8.3(24)</u>	<u>Erecting or displaying a public interest sign without a permit</u>	<u>\$300</u>
<u>85-91</u>	<u>8.3(3)</u>	<u>Permit holder erecting or displaying a public interest sign in a prohibited manner</u>	<u>\$300</u>
<u>86-92</u>	<u>8.4(24)</u>	<u>Erecting or displaying a home open sign, display home sign or garage sale sign in a prohibited manner</u>	<u>\$300</u>
<u>87-93</u>	<u>8.5(24)</u>	<u>Erecting or displaying an other portable sign contrary to local lawin a prohibited manner</u>	<u>\$300</u>
<u>88-94</u>	<u>8.5(3)</u>	<u>Erecting or displaying more than one other portable sign per business</u>	<u>\$300</u>
<u>89-95</u>	<u>8.5(4)</u>	<u>Erecting or displaying any other portable sign on a local government verge contrary to local-lawin a prohibited manner</u>	<u>\$300</u>
<u>96</u>	<u>8.6(2)</u>	<u>Erecting or displaying election advertising in a prohibited manner</u>	<u>\$500</u>
<u>90-9</u>	<u>8.6(4)</u>	<u>Erecting or displaying a seafood sign contrary to local-law</u>	<u>\$300</u>
<u>91-9</u>	<u>8.6(3)</u>	<u>Erecting or displaying a seafood sign which is a direction sign contrary to local-law</u>	<u>\$300</u>
<u>92-9</u>	<u>8.7(4)</u>	<u>Erecting or placing election advertising contrary to local-law</u>	<u>\$300</u>
<u>93</u>	<u>8.7(2)(e)</u>	<u>Failing to maintain election advertising in good condition</u>	<u>\$300</u>
<u>94-9</u>	<u>8.7(2)(g)</u>	<u>Failing to remove election advertising within 72 hours of close of</u>	<u>\$300</u>

		<del>polls on election date</del>	
<del>95-96</del>	<del>8.7(2)(i)</del>	<del>Failing to securely install election advertising</del>	<del>\$300</del>
<del>97</del>	<del>8.8</del>	<del>Refusing or failing to remove a sign for authorised works</del>	<del>\$300</del>
<del>96-98</del>	8.9	Erecting an advertising sign without marking a name	\$300
<del>97-99</del>	9.1	Leaving an animal in a public place or local government property without a permit or authorisation	\$300
<del>98-100</del>	9.2(2)(a)	Allowing an animal to enter or remain on a thoroughfare	\$300
<del>99-101</del>	9.2(2)(b)	Allowing an animal with a contagious or infectious disease to enter local government property or a public place	\$300
<del>100-102</del>	9.2(2)(c)	Training or racing an animal on a thoroughfare	\$300
<del>101-103</del>	9.2(2)(d)	Allowing an animal to defecate on local government property or a thoroughfare and failing to remove defecation	<del>\$3500</del>
<del>102-104</del>	9.2(3)	Leading, riding or driving a horse on a thoroughfare in a built-up area without a permit or authorisation	\$300
<del>103-105</del>	9.4	Leaving a vehicle in a public place which causes an obstruction without a permit or authorisation	\$300
<del>104-106</del>	9.5	Failure to mark a shopping trolley with the name of its retailer	\$300
<del>105-107</del>	9.6	Leaving or discarding a shopping trolley in a public place other than an area set aside for shopping trolleys	\$300
<del>106-108</del>	<del>9.9(2)</del>	<del>Failing to remove shopping trolley within 3 24 hours</del>	<del>\$3500</del>
<del>107-109</del>	<del>10.1</del>	<del>Carrying on trading in a restricted area without the express written consent of the local government</del>	<del>\$300</del>
<del>108-109</del>	10.1(1)(a)	Carrying on trading <del>or conducting a street market</del> in a public place or on local government property <del>contrary to local law</del> without a permit	\$300
<del>109-110</del>	<del>10.4(a)</del>	<del>Conducting a street market on or in a public place without a permit</del>	<del>\$300</del>
<del>110</del>	<del>10.3</del>	<del>Failure of trader or person conducting street market to comply with obligations under local law</del>	<del>\$300</del>
<del>110-111</del>	10.45	Engaging in street entertaining on or in a public place without a permit	\$300
<del>111-112</del>	10.6(1)9	Failure of a holder of a permit for street entertaining to comply with obligations under local law	\$300
<del>113</del>	10.6(2)	<del>Failure to comply with directions issued by an authorised officer</del>	<del>\$300</del>
<del>112-114</del>	11.1(2)	Establishing or conducting an alfresco dining area contrary to local law	\$300
<del>113-115</del>	11.3(1)	Failure of a holder of a permit for an alfresco dining area to comply with obligations	\$300
<del>114-116</del>	11.5(b)	Smoking <del>a tobacco product</del> in an alfresco dining area	\$300
<del>115-117</del>	11.6(2)	Failure to comply with direction of authorised person to remove tables, chairs, umbrellas or other chairs in an alfresco dining area	\$300
<del>116-118</del>	11.8	Failure to notify the local government of a change of ownership of an alfresco dining area	\$300
<del>117-119</del>	12.75(1)	Failure to comply with terms and conditions of a permit	\$300
<del>118-120</del>	12.912	Failure to produce permit upon request by an authorised person	\$300
<del>121</del>	12.14(1)(a)	<del>Failing to obtain and maintain a public liability insurance required as a condition of a permit</del>	<del>\$300</del>
<del>122</del>	12.15	<del>Failure to produce a current certificate of insurance upon request by an authorised person</del>	<del>\$300</del>
<del>119-123</del>	14.1(a)	Failure to obey a lawful direction of an authorised person	\$300
<del>120-124</del>	14.1(b)	Obstructing or hindering an authorised person in the execution of his or her duties	<del>\$3500</del>
<del>121-125</del>	15.1	Failure to comply with a notice	<del>\$3500</del>
<del>122-126</del>	15.6(2)(a)	Refusing to give name and address contrary to local law	<del>\$3500</del>
<del>123-127</del>	15.6(2)(b)	Giving false or misleading information regarding name and address etc.	<del>\$3500</del>

## **SCHEDULE 2—MAJOR EVENTS**

[Clause 5.17]

The following events are 'major events' for the purposes of the definition of 'major event' and Part 5, Division 5—

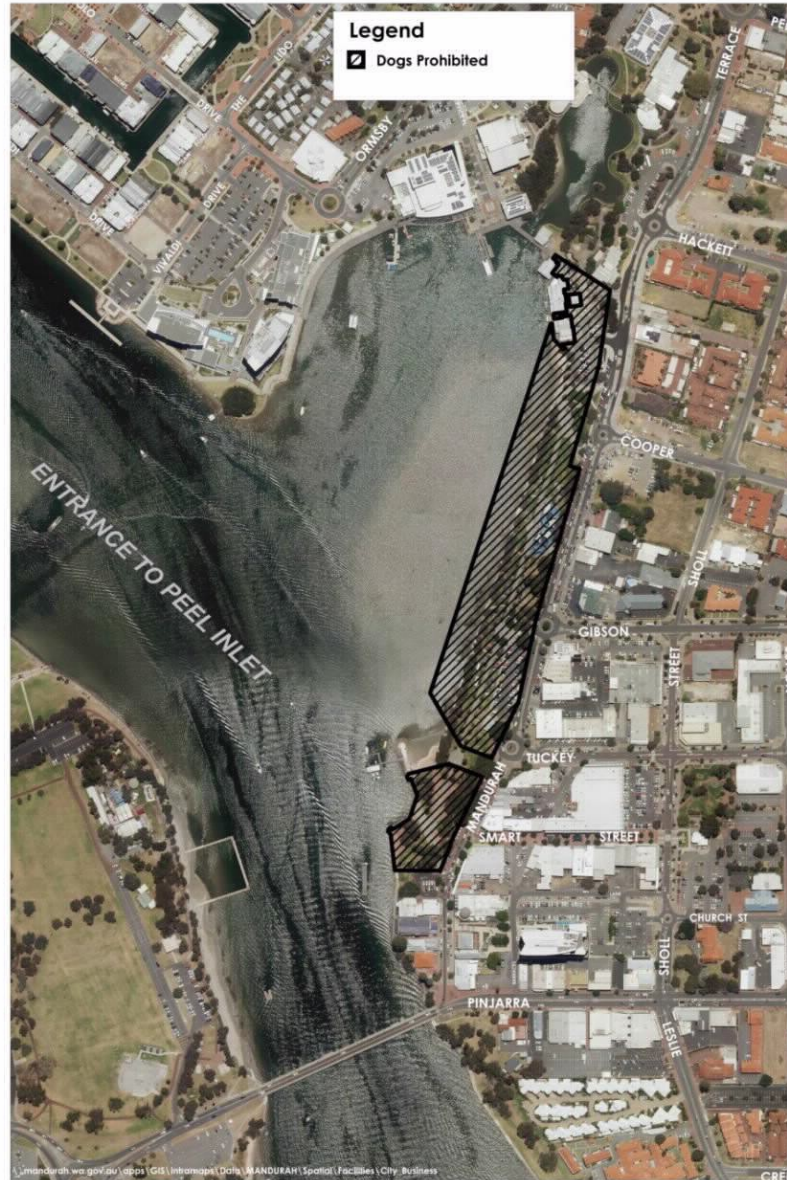
1. ~~'Mandurah Crab Fest', being the annual event commonly known by that name which takes place within the district;~~
2. ~~'Mandurah Children's Festival', being the annual event commonly known by that name which takes place within the district;~~
3. ~~'Community Christmas Pageant', being the annual event commonly known by that name which takes place within the district;~~
4. ~~'New Years Eve', being the annual event taking place on 31 December and 1 January of each year within the district;~~
5. ~~Any other event where the following factors apply—~~
  - ~~(a) audience and/or participation of more than 5000 people;~~
  - ~~(b) brings significant economic and social benefits to the Mandurah and Peel Region; and~~
  - ~~(c) includes significant social or community issues which require consideration (e.g. noise, road closures, safety impacts).~~

**SCHEDULE 3—MAJOR EVENTS LOCATIONS**

[Clause 5.17]

- (a) 1. Subject to item 2 of this Schedule 3, for the purposes of clause 5.17(1)(a) and 5.17(1)(b), for all major events the major event location is the 'Eastern Foreshore', being Reserve 14004, on lot 2050—land register 3014/604, lot 350—land register 3024/434, lot 3024—land register 435, lot 701—land register 3164/905, lot 702—land register 3164/906 and Reserve 9633, on lot 503—land register 3157/246

2.



3. — For the purposes of clause 5.17(1)(a) in relation to the 'Mandurah Crab Fest' the following are additional major event locations—

- (a) the 'Western Foreshore', being Reserve 27581 on lot 1561—land register 3014/635 and lot 1562—land register 3014/636;
- (b) the 'Keith Holmes Reserve', being Reserve 48415 and Reserve 50593 on lot 324—land register 3157/982 and lot 500—land register 3162/28;
- (c) the 'Boardwalk Precinct', being Reserve 42050 on lot 300—land register 3136/671; and
- (d) the 'Smart Street Mall'.

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Dated this XX day of XX 20XX.

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

~~RHYS WILLIAMS~~ Amber Kearns, Mayor.  
CASEY MIHOVILOVICH, Chief Executive Officer.

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**20 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**21 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil

**22 LATE AND URGENT BUSINESS ITEMS**

**23 CONFIDENTIAL ITEMS**

23.1 Rivers Regional Subsidiary - Waste to Energy Contract (Deed of Variation No. 3)

**24 CLOSE OF MEETING**

**ORDINARY COUNCIL MEETING: 24 FEBRUARY 2026**

**19.1 MOTIONS CARRIED AT THE ANNUAL GENERAL ELECTORS' MEETING OF 9 FEBRUARY 2026**

Amendments are displayed in red:

Officer Recommendation

Part A

That Council:

1. Acknowledge the Strong Women's Group cultural obligations in protecting and advocating for Aboriginal heritage **and is committed to genuine, collaborative reconciliation with the Bindjareb community and we are committed to deepen our understanding of local Indigenous heritage and cultural knowledge.**
2. Affirm **the Chief Executive Officer has the power to determine any activities that are restricted or prohibited within a City building.** ~~support that a protest cannot take place within a City building.~~
3. Acknowledge that the actions taken are ~~consistent with~~**in** the CEO's statutory authority and the City's workplace safety obligations.

**Comment:** The amendment to resolution one, reinforces Councils commitment to engagement and reconciliation with the Binjareb community. Amendments to resolutions two and three ensure that Council are not resolving matters that are outside of the role of Council to deal with the management of the City's administration and operations.

## ORDINARY COUNCIL MEETING: 24 FEBRUARY 2026

### 19.2 COUNCIL POLICY REVIEWS

Amendments are displayed in red:

#### Officer Recommendation

That Council:

1. Adopts amendments to POL-GVN 07 Elected Member Entitlements Policy as per Attachment 1.
2. Adopts amendments to POL-GVN 08 Elected Member and CEO Training, Professional Development, Travel and Events Policy as per Attachment 3 **and insert a new subclause at 6.3 Cancellations, Booking Change / Modification Costs:**
  - a. **6.3 (c) *Where a cancellation, change or modification is required due to an Elected Member's illness, accident or other unforeseen and unavoidable emergency, the CEO may, at their discretion, where written evidence has been provided, determine that any reasonable costs incurred are to be met by the City.***
3. Adopts amendments to POL-CPM 05 Complaints Management Policy as per Attachment 5, **and make a minor amendment to clause 12 Aggressive and Threatening Behaviours:**

*In some instances, the City ~~will~~ **may** encounter complainants whose behaviour is aggressive or threatening, consistently rude, abusive or the complainant makes threats to oneself, staff or third parties (whilst using City services or on City premises) or in general. The City has a zero tolerance for these behaviours and has a duty of care to provide a safe working environment for staff, contractors and volunteers. City officers should refer to the CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy for guidance.*

**Comment:** amendment to resolution two provides the CEO with their discretion, with the provision of written evidence, may make a decision for reasonable costs to be incurred by the City, in the event of a cancellation in the case of an emergency. The amendment to resolution two is recommended as currently conveys inevitability, by replacing the 'will' with 'may' reframes the clause.