

## **Minutes of Council Meeting**

held on

**Tuesday 24 August 2021 5.30PM**

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

### **PRESENT:**

MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	A ZILANI	NORTH WARD
COUNCILLOR	D PEMBER	EAST WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	J GREEN	COASTAL WARD
COUNCILLOR	C DI PRINZIO	COASTAL WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD
COUNCILLOR	P ROGERS [5.39pm]	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MS	C MIHOVILOVICH	DIRECTOR BUSINESS SERVICES
MS	J THOMAS	DIRECTOR PLACE AND COMMUNITY
MR	J CAMPBELL-SLOAN	DIRECTOR STRATEGY AND ECONOMIC DEVELOPMENT
MR	M HALL	ACTING DIRECTOR BUILT AND NATURAL ENVIRONMENT
MR	C JOHNSON	A/DIRECTOR STRATEGY AND ECONOMIC DEVELOPMENT
MS	T JONES	MANAGER GOVERNANCE, PROCUREMENT AND LAND
MRS	L SLAYFORD	MINUTE OFFICER

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

The Mayor declared the meeting open at 5.30pm.

### **2. ACKNOWLEDGEMENT OF COUNTRY**

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

### 3. APOLOGIES

Councillor L Rodgers is on leave of absence.

### 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

Officers provided responses to questions taken on notice at the Council meeting held on Tuesday 27 July 2019.

#### 6.3 L POLICE: MANDJAR MARKETS

1. On behalf of Mandjar Markets, as the site located now approved for the markets to operate greatly differs to the previous seasons area utilised, could you please advise what exactly are the scheduled works for the Eastern Foreshore, the specific area it will impact and the start and finish dates (excluding the current floating pool works area)?
2. There is also planned state public train disruptions that will impact the visitors' to the foreshore mode of travel. Can Mandjar Markets utilise the same 'area' as previous seasons with the Rotunda then being in the centre of the markets and adjust to suit the works when they take place?

#### City of Mandurah Response

*The exact site location of the proposed project works that are being planned as part of the next stage of Eastern Foreshore Redevelopment has not yet been finalised nor have the timelines for construction.*

*As a result, the City has proposed to the Mandjar Markets an expansion area to the south of the Council endorsed location for peak times when the number of potential stallholders do not fit within the Eastern Foreshore North zone.*

*This approval is still subject to any ongoing and future works associated with the Waterfront Redevelopment. Once the fencing plans have been defined, City officers will communicate*

*and work with the Mandjar Markets to utilise alternative spaces on the foreshore that may meet their preferences.*

## **6. PUBLIC QUESTION TIME**

### **6.1 M RATTIGAN: RETAIL TRADING HOURS CHRISTMAS 2021**

Peel Chamber of Commerce and Industry Inc Vice-President, Mike Rattigan, asked the following questions.

1. According to Peel Chamber records, for well over ten years standard operating practice (SOP) concerning public comment regarding the proposal of extended hours has consisted of a minimum of two weeks survey notice period. This SOP has been adhered to for option 1 resulting in the attached letter of support from the Chamber for this option. The same SOP has not been afforded to option 2 which has only come to light in the eleventh hour. Why is this and how is this deemed as appropriate for consideration?
2. Elected Members have been given two options to choose from this evening regarding this issue:  
Option 1 consists of an additional 13 hours from those approved for the 2020/21 season  
Option 2 consists of an additional 31 hours from those approved for the 2020/21 season  
  
Why has a third option of adopting the exact same hours as the 2020/21 season not also been offered?
3. What are the real driving factors behind this constant push and what are the real and genuine underlying motivating factors?

#### City of Mandurah Response

1. *As has been the practice in previous years, the City provided relevant stakeholders with a copy of the draft extension to retail trading hours for the 2021 Christmas period to seek feedback and comments on behalf of the retail businesses that they represent. Upon receipt of this feedback and taking into account the comments received, officers deemed it appropriate to prepare a second option for Council's consideration.*  
  
*Unfortunately, due to the tight timeframes in preparing the report for Council and then subsequently seeking the Minister's approval for the extension to retail trading hours, officers did not have time to circulate the second option to stakeholders for feedback. Out of courtesy, officers did inform the Peel Chamber of Commerce and Industry of their decision to prepare a second option for Council consideration in advance of the Council agenda being made public.*
2. *Of the two options that have been prepared, Option 1 was designed to be in keeping with the hours that were approved for the Christmas 2020/21 period. The main difference is that in 2021/22, Christmas Day and New Year's Day both fall on weekends effectively creating additional public holidays for which extended hours have been proposed. In addition, Option 1 also proposes extended hours on the two Sundays that fall in the post Christmas period. Mandurah's standard trading hours for*

*Sundays and Public Holidays are 10am – 5pm. Over the Christmas period it is proposed that these extend to 8am – 6pm.*

- In preparing the recommendation outlined in the Council report, officers took into consideration the feedback from all of the different stakeholders and prepared an option that looked to balance the views of the interested parties. When developing the report and its recommendations, officers took into account all proposals and considered them on their merits including the petition tabled in November 2020 containing 617 signatures detailing public support for an extension of retail trading hours, the collective response from the management of Vicinity, ISPT and Primewest and that submitted by the Peel Chamber of Commerce and Industry.*

*Whilst Option 2 is not aligned to the retail trading hours of the Perth Metropolitan area, it does attempt to strike a balance between what has been afforded to retail businesses in the past and bridging the gap by adding an extra week at the start of the Christmas trading period (as per the Perth Metropolitan approval) and extending the length of the trade available in the days between Christmas and New Year.*

*Councillor P Rogers entered the Chamber at 5.39pm*

## **6.2 L POLICE: MANDJAR MARKETS**

Ms L Police representing Mandjar Markets submitted the following questions.

- In relation to my public question of 27 July which was taken on notice, why did I not have a full written response from the Director prior to reading it in the agenda?*
- Also, the question asked “what exactly are scheduled works”, this has been responded to as the proposed project works for the next stage, could that be given in more detail please?*

### City of Mandurah Response

- Firstly, officers would like to apologise that you did not receive a copy of the response to your Question Taken on Notice in advance of tonight’s Council Meeting. This was an administrative oversight.*
- In response to the follow up question raised tonight regarding exactly what scheduled works are proposed as part of the next stage of the Eastern Foreshore South Redevelopment, this has not yet been fully determined with the design still being developed.*

*However, at a high level, the next stage in this zone will include the redevelopment of the existing toilet facilities and surrounding landscaping works to tie into the new estuary pool construction.*

## **7. AMENDMENT TO STANDING ORDERS**

As attendance by the general public was permissible and all Council Members were present in the Chamber there was no requirement to amend the *City of Mandurah Standing Orders Local Law 2016*.

## **8. PUBLIC STATEMENT TIME**

### **8.1 JUNIOR COUNCIL: JUNIOR COUNCIL 2021 PROJECT**

The Junior Mayor, Tamsyn Hill, and Deputy Junior Mayor, Zoe Thompson, outlined the 2021 Junior Council Project – Road Safety.

### **8.2 MR GENT: MERRIVALE STREET ROADWORKS**

Mr Gent referred to November 2016 questions taken on notice by the City's former Director of Works and Services, his own Statutory Declaration of May 2020 and an August 2014 email exchange between the City's former Corporate Lawyer and former Manager Infrastructure Management in relation to previous Merrivale Street roadworks.

## **9. LEAVE OF ABSENCE REQUESTS**

### **G.1/8/21 LEAVE OF ABSENCE: COUNCILLOR D PEMBER, 26 OCTOBER – 9 NOVEMBER 2021 INCLUSIVE**

#### **MOTION**

**Moved:** Councillor C Knight  
**Seconded:** Councillor D Schumacher

**That leave of absence be granted to Councillor D Pember from 26 October to 9 November, 2021 inclusive.**

**CARRIED:** 10/0

## **10. PETITIONS**

Nil.

## **11. PRESENTATIONS**

Nil.

## **12. DEPUTATIONS**

### **12.1 L POLICE AND R KEMP: EASTERN FORESHORE MARKETS & EVENTS**

Ms Police and Mr Kemp representing Mandjar Markets spoke in opposition to the report recommendation.

### **12.2 S CUZENS: RETAIL TRADING HOURS CHRISTMAS 2021**

Mr Cuzens representing ISPT – Lakelands Shopping Centre spoke in opposition to trading hours not aligned with the Perth metropolitan area.

### **12.3 R TERHURST: RETAIL TRADING HOURS CHRISTMAS 2021**

Mr Terhurst representing Vicinity – Mandurah Forum and Halls Head Central spoke in support of option two in the report recommendation.

### **12.4 R FILMER: RETAIL TRADING HOURS CHRISTMAS 2021**

Mr Filmer representing Independent Mandurah Retail Traders spoke in opposition to the report recommendation.

## **13. CONFIRMATION OF MINUTES**

### **G.2/8/21 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 27 JULY 2021**

#### **MOTION**

**Moved: Councillor C Knight**

**Seconded: Councillor P Rogers**

**That the Minutes of Council Meeting held on Tuesday 27 July 2021 be confirmed.**

**CARRIED: 10/0**

## **14. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

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

- 14.1 Councillor D Schumacher: 18 August, 2021 Vietnam Veteran's Day and VP (Victory in the Pacific) Day at Mandurah war Memorial.
- 14.2 Councillor M Darcy: 8 August, 2021 Coastal Waste Warriors clean-up day at Port Bouvard Surf Life Saving Club.

- 14.3 Councillor C Knight: 30 July, 2021 Mandurah 9x5 art exhibition at the Mandurah Performing Arts Centre.
- 14.4 Mayor Williams: 13 August, 2021 Lotterywest cheque presentation for Dawesville Community Centre at Lot 925 Woodstock Avenue, Dawesville.
- 14.5 Mayor Williams: Local Legend – Kath Palmer of the Peel Community Kitchen and Hands Up Team.

## **15. DECLARATION OF INTERESTS**

- 15.1 Councillor P Rogers declared an impartiality interest in Minute G.5/8/21 – Code of Conduct Complaints Management Policy as there could be a perception of interest as he is a member of the Standards Panel which is mentioned in the report. Councillor P Rogers will remain in the Chamber for the debate and voting, considering the item on its merits.
- 15.2 Councillor C Knight declared a financial interest in Minute G.12/8/21 – Financial Report: July 2021 as she is the Chairperson of the Peel Harvey Catchment Council. Councillor C Knight will vacate the Chamber when this item is to be considered and voted upon.
- 15.3 Chief Executive Officer, Mark Newman, declared a financial interest in Minute G.17/8/21 – Confidential Report 1 Staff Review and Remuneration as the item relates to his employment with the City of Mandurah. The Chief Executive Officer will vacate the Chamber when this item is to be considered and voted upon.

## **16. QUESTIONS FROM ELECTED MEMBERS**

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

Nil.

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

#### **16.1 COUNCILLOR SCHUMACHER: PEEL STREET ROADWORKS**

Councillor Schumacher requested an update on the Peel Street roadworks, clarification of the East-West road link intention and dissemination of information on this project to the general public.

The Acting Director Built and Natural Environment outlined the overall project, anticipated timeframes and undertook to review public communications in regard to the project and road linkage benefits.

**17. BUSINESS LEFT OVER FROM PREVIOUS MEETING**

Nil.

**18. RECOMMENDATIONS OF COMMITTEES**

**NOTE: Council adopted en bloc (moved by Councillor D Schumacher and seconded by Councillor P Rogers), the recommendations of the Committee of Council meeting of Tuesday 10 August 2021 with the exception of Items CC.2/8/21 and CC.4/8/21 which were dealt with separately.**

**G.3/8/21 CSRFF 2021/22 SMALL GRANTS WINTER ROUND (CC.2/8/21)**Summary

The Community Sport and Recreation Facilities Fund (CSRFF) is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC). It provides financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation.

The CSRFF small grants round aims to increase participation in sport and recreation, with an emphasis on physical activity, through the development of sustainable, quality, well designed and well utilised facilities where the total cost of the project does not exceed \$300,000. The application process for submissions requires local government authorities to undertake an initial assessment to ensure that the proposed projects are well planned, prioritised and of positive benefit to the community.

No applications have been received from local sport and recreation clubs within this CSRFF Small Grants round. The City intends to submit two applications for funding as part of the CSRFF Round for the upgrade of the Peelwood Reserve Changerooms and for a Needs Assessment and Feasibility Study – “Future Options for Netball in Mandurah” to investigate the need and viability of a new facility to support Netball in Mandurah into the future.

Council is requested to support the rating and priority of the two projects being submitted for the 2021/22 CSRFF Small Grants round. Sufficient funds are available for the purpose in the 2021/22 budget to cover the City’s financial contribution towards these projects.

Officer Recommendation

That the Committee of Council recommend that Council supports the rankings and ratings for the Community Sport and Recreation Facility Fund Small Grant application:

- 1 City of Mandurah  
Project: Upgrade of the Peelwood Reserve Changerooms  
Ranking: 1  
Rating: High  
Requested Council Contribution: \$47,913.34
2. City of Mandurah  
Project: Needs Assessment and Feasibility Study: Future Options for Mandurah Netball  
Ranking: 2  
Rating: High  
Requested Council Contribution: \$25,000

Committee Recommendation

That the Committee of Council recommend that Council supports the rankings and ratings for the Community Sport and Recreation Facility Fund Small Grant application:

- 1 City of Mandurah  
Project: Upgrade of the Peelwood Reserve Changerooms  
Ranking: 1  
Rating: High  
Requested Council Contribution: \$47,913.34
2. City of Mandurah  
Project: Needs Assessment and Feasibility Study: Future Options for Mandurah Netball  
Ranking: 2  
Rating: High  
Requested Council Contribution: \$25,000

Council Resolution**MOTION**

**Moved:** Councillor C Knight

**Seconded:** Councillor D Schumacher

**That Council supports the rankings and ratings for the Community Sport and Recreation Facility Fund Small Grant application:**

- 1 **City of Mandurah**  
**Project: Upgrade of the Peelwood Reserve Changerooms**  
**Ranking: 1**  
**Rating: High**  
**Requested Council Contribution: \$47,913.34**
2. **City of Mandurah**  
**Project: Needs Assessment and Feasibility Study: Future Options for Mandurah Netball**  
**Ranking: 2**  
**Rating: High**  
**Requested Council Contribution: \$25,000**

CARRIED WITH ABSOLUTE MAJORITY: 10/0

**G.4/8/21 VESTING OF PEEL PARADE RIGHT OF WAYS (CC.3/8/21)**Summary

As part of the Coodanup foreshore redevelopment, a viable and fit for purpose water source is critical to enable commencement of works and the ongoing management of the foreshore. An original determination identified that water was available to be drawn from the foreshore itself, however, the Department of Water and Environmental Regulation (DWER) have advised that any abstraction of water is required to be a minimum 200 metres away from the wetland zone.

There are limited alternative locations to source the water from, although preliminary investigations have identified a convenient cost-effective option which is the installation of

water infrastructure underground through two abutting right of ways (ROWs) between Duncan Road and Peel Parade, which are located directly across from the foreshore.

The water infrastructure will consist of a shallow production bore being drilled and equipped, including a water mainline being installed through the ROWs. The groundwater supply will be pumped through the installed mainline to provide irrigation and greenspace for the Coodanup Foreshore upgrade.

However, as the ROWs are still held in private ownership by a descendant of the original subdivider of the area, the City must firstly arrange for the land to be transferred under its management in order to utilise it; and officers have undertaken the required actions in accordance with *Section 52 of the Land Administration Act 1997*, including a comprehensive consultation process, to facilitate this.

As the land is currently, and will continue to be, utilised as a public access way, a purpose of 'Pedestrian Accessway' is proposed to be applied to the management order.

Council is, therefore, requested to endorse a submission to the Minister for Lands for the transfer of the right of ways, being Lot 66 on Plan 6616 and Lot 266 on Plan 6698, to the Crown for subsequent vesting to the City, for the purpose of Pedestrian Accessway.

#### Officer Recommendation

That the Committee of Council recommend that Council:

- 1 Approves submission to the Minister for Lands for acquisition as Crown land of the private right of ways known as Lot 66 on Plan 6616 and Lot 266 on Plan 6698, pursuant to section 52(1)(b) of the *Land Administration Act 1997*;
- 2 Approves submission to the Minister for Lands requesting for subsequent reservation of Lot 66 on Plan 6616 and Lot 266 on Plan 6698 with a Management Order to be issued in favour of the City of Mandurah for the purpose of "Pedestrian Accessway."

#### Committee Recommendation

That the Committee of Council recommend that Council:

- 1 Approves submission to the Minister for Lands for acquisition as Crown land of the private right of ways known as Lot 66 on Plan 6616 and Lot 266 on Plan 6698, pursuant to section 52(1)(b) of the *Land Administration Act 1997*;
- 2 Approves submission to the Minister for Lands requesting for subsequent reservation of Lot 66 on Plan 6616 and Lot 266 on Plan 6698 with a Management Order to be issued in favour of the City of Mandurah for the purpose of "Pedestrian Accessway."

#### Council Resolution

#### **MOTION**

**Moved:** Councillor D Schumacher  
**Seconded:** Councillor P Rogers

**That Council:**

- 1 Approves submission to the Minister for Lands for acquisition as Crown land of the private right of ways known as Lot 66 on Plan 6616 and Lot 266 on Plan 6698, pursuant to section 52(1)(b) of the *Land Administration Act 1997*;
- 2 Approves submission to the Minister for Lands requesting for subsequent reservation of Lot 66 on Plan 6616 and Lot 266 on Plan 6698 with a Management Order to be issued in favour of the City of Mandurah for the purpose of "Pedestrian Accessway."

CARRIED: 10/0  
(This item was adopted en bloc)

Councillor P Rogers declared an impartiality interest in the following item. He remained in the Chamber and considered the item on its merits.

**G.5/8/21 CODE OF CONDUCT COMPLAINTS MANAGEMENT POLICY (CC.4/8/21)**Summary

In accordance with regulation 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* (Model Code of Conduct Regulations) and the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates (the Code of Conduct), Council is required to develop a procedure for dealing with complaints relating to an alleged breach of the Code of Conduct.

Following extensive consultation with Elected Members and consideration of the Western Australian Local Government Association (WALGA) Model Code of Conduct Behaviour Complaints Management Policy, the Code of Conduct Complaints Management Council Policy (Policy) has now been drafted.

The Policy establishes a framework for an effective and transparent complaints handling process and ensures that the principles of procedural fairness and natural justice apply to all complaints under this Policy.

The Committee is requested to consider the Code of Conduct Complaints Management Council Policy and make a recommendation to Council to adopt the Policy.

Officer Recommendation

That the Committee of Council recommend that Council:

- 1 Authorise the removal of the Mayor and approve the appointment of the Director of Business Services to receive complaints and withdrawal of complaints in accordance with regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.
- 2 Adopt the Code of Conduct Complaints Management Council Policy as per Attachment 3.1.\*
- 3 Advocate to the State Government for an Independent decision making body to determine any breaches of the City of Mandurah Code of Conduct for Elected

Members, Committee Members and Candidates and allow appeal rights to an Elected Member for any decision made.

Committee Recommendation

That the Committee of Council recommend that Council:

- 1 Authorise the removal of the Mayor and approve the appointment of the Director of Business Services to receive complaints and withdrawal of complaints in accordance with regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.
- 2 Adopt the Code of Conduct Complaints Management Council Policy as per Attachment 3.1.\*
- 3 Advocate to the State Government for an Independent decision making body to determine any breaches of the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates and allow appeal rights to an Elected Member for any decision made.

Council Resolution

**MOTION**

**Moved:** Councillor P Rogers

**Seconded:** Councillor D Pember

**That Council:**

- 1 **Authorise the removal of the Mayor and approve the appointment of the Director of Business Services to receive complaints and withdrawal of complaints in accordance with regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.**
- 2 **Adopt the Code of Conduct Complaints Management Council Policy as per Attachment 3.1.\***
- 3 **Advocate to the State Government for an Independent decision making body to determine any breaches of the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates and allow appeal rights to an Elected Member for any decision made.**

CARRIED WITH ABSOLUTE MAJORITY: 10/0

**G.6/8/21 REVIEW OF TRADING PERMIT GUIDELINES (CC.5/8/21)**

Summary

An administration review has been undertaken to ensure the Trading Permit Guidelines are relevant and reflect the current locations that an operator can trade as a result of the Western and Eastern Foreshore redevelopment. The review did not consider section three, Mobile Traders. The review included a change to section four relating to fees and charges, which now refers to the City of Mandurah Schedule of Fees and Charges. Section Five has been amended to change terminology to approval.

A review of section three of the guidelines, being Mobile Traders, will occur in 2022 and will include stakeholder engagement.

It is recommended that Council approve the amendments to the Trading Permit Guidelines to ensure the document is up-to-date ahead of the 2021/22 summer period.

Officer Recommendation

That the Committee of Council recommend that Council approve the revised Trading Permit Guidelines as detailed in Attachment 4.1.

Committee Recommendation

That the Committee of Council recommend that Council approve the revised Trading Permit Guidelines as detailed in Attachment 4.1.

Council Resolution

**MOTION**

**Moved:** Councillor D Schumacher

**Seconded:** Councillor P Rogers

**That Council approve the revised Trading Permit Guidelines as detailed in Attachment 4.1.**

CARRIED: 10/0  
(*This item was adopted en bloc*)

**G.7/8/21 BEACH PATROL SERVICE: OVERVIEW SEASON TWO 2021 (CC.6/8/21)**

Summary

At its meeting on 17 December 2019, Council resolved to accept the tender submission from Surf Life Saving Western Australia Incorporated for the provision of Beach Patrol Services with additional options for jet-ski/inflatable rescue boat (IRB) and complementary beach patrols services as required. The provision of the required services was for a trial period of three years.

As part of the report, officers committed to report an overview of Surf Life Saving Western Australia's performance against the key performance criteria upon completion of each year of the contract. Season Two was completed at the conclusion of the Easter 2021 period and Surf Life Saving Western Australia have provided statistical information to the City for each of the patrol locations.

Council is requested to note the results of the second season of the City's Beach Patrol Service and acknowledge that the patrol schedule for the 2021/22 season will commence December 2021 with a communication plan to be delivered informing the community and visitors of the service.

Officer Recommendation

That the Committee of Council recommend that Council:

1. Notes the results from the second season of the City of Mandurah Beach Patrol Service;
2. Acknowledges the patrol schedule for the 2021/22 season commencing 20 December 2021 and the proposed communications plan to inform the community and visitors of the service.

Committee Recommendation

That the Committee of Council recommend that Council:

1. Notes the results from the second season of the City of Mandurah Beach Patrol Service;
2. Acknowledges the patrol schedule for the 2021/22 season commencing 20 December 2021 and the proposed communications plan to inform the community and visitors of the service.

Council Resolution

**MOTION**

**Moved: Councillor D Schumacher**

**Seconded: Councillor P Rogers**

**That Council:**

1. **Notes the results from the second season of the City of Mandurah Beach Patrol Service;**
2. **Acknowledges the patrol schedule for the 2021/22 season commencing 20 December 2021 and the proposed communications plan to inform the community and visitors of the service.**

CARRIED: 10/0  
(This item was adopted en bloc)

**19. REPORTS**

**G.8/8/21 EASTERN FORESHORE MARKETS & EVENTS (REPORT 1)**

Summary

In June 2021, Council considered the Markets in Mandurah project proposal endorsing the new Sunday Markets Trail concept, the advertising of Expressions of Interest to identify suitable applicants for four out of the five identified locations and for the Mandjar Markets to utilise the Eastern Foreshore North location for the 2021/22 markets season.

In addition, Council requested engagement to be conducted with businesses surrounding the Eastern Foreshore North site to determine whether and any food and/or drink restrictions that should be considered.

This report outlines the results of this engagement, including feedback from the Mandjar Markets on the benefits of food and drink vendors onsite and the extent of compromise that could be delivered in the 2021/2022 season.

#### Officer Recommendation

That Council:

1. Approve the following food and drink restrictions for the operations of the Mandjar Markets for the 2021/22 market season;
  - 1.1 Items Not Permitted in 2021/22:
    - 1.1.1 Take away coffee
    - 1.1.2 Ready to eat meals (including sandwiches and rolls)
    - 1.1.3 Cold drinks (with the exception of water)
    - 1.1.4 Ice cream / soft serve ice cream
2. Note that officers will review the food and drink restrictions as part of the full review of the Markets in Mandurah program following the completion of the 2021/22 markets season.

#### Council Resolution

#### **MOTION**

**Moved:** Councillor C Knight  
**Seconded:** Councillor A Zilani

That Council:

1. **Approve the following food and drink restrictions for the operations of the Mandjar Markets for the 2021/22 market season;**
  - 1.1 **Items Not Permitted in 2021/22:**
    - 1.1.1 Take away coffee
    - 1.1.2 Ready to eat meals (including sandwiches and rolls)
    - 1.1.3 Cold drinks (with the exception of water)
    - 1.1.4 Ice cream / soft serve ice cream
2. **Note that officers will review the food and drink restrictions as part of the full review of the Markets in Mandurah program following the completion of the 2021/22 markets season.**

CARRIED: 7/3

FOR: Mayor Williams, Councillors D Pember, A Zilani, C Knight, J Green, C Di Prinzio, P Rogers

AGAINST: Councillors P Jackson, D Schumacher, M Darcy

#### **G.9/8/21 RETAIL TRADING HOURS: CHRISTMAS 2021 (REPORT 2)**

#### Summary

Retail trading hours for Mandurah are currently set in accordance with the Retail Trading Hours (City of Mandurah) Variation Order (No2) 2013.

In previous years, the City has routinely applied for a short-term adjustment of extended retail trading hours over the Christmas period, a combination of hours currently permitted under the variation order and additional late night and Sunday trading during the pre-Christmas period.

Council is requested to consider the two options presented, adopt extended Christmas trading hours for 2021 as recommended by officers and authorise officers to apply to the Department of Mines, Industry Regulations and Safety for a short-term adjustment.

#### Officer Recommendation

That Council:

1. Approves the alternative option proposed (option 2) for the Extended Christmas Trading Hours for 2021 as follows;
  - Sunday 5, 12, 19, 26 December 2021 and Sunday 2 January 2022, 8.00am – 6.00pm.
  - Monday 6, 13, 20, Tuesday 7, 14, 21, Wednesday 8, 15, 22, 29, and Friday 10, 17 December 2021 8.00am – 9.00pm.
  - Monday 27, Tuesday 28 December 2021, Saturday 1 and Monday 3 January 2022, 8.00am – 6.00pm.
2. Authorises officers to apply to the Department of Mines, Industry Regulations and Safety for a short-term adjustment to extend Christmas trading hours.

#### Council Resolution

#### **MOTION**

**Moved: Councillor A Zilani**  
**Seconded: Councillor C Knight**

That Council:

1. **Approves the alternative option proposed (option 2) for the Extended Christmas Trading Hours for 2021 as follows;**
  - **Sunday 5, 12, 19, 26 December 2021 and Sunday 2 January 2022, 8.00am – 6.00pm.**
  - **Monday 6, 13, 20, Tuesday 7, 14, 21, Wednesday 8, 15, 22, 29, and Friday 10, 17 December 2021 8.00am – 9.00pm.**
  - **Monday 27, Tuesday 28 December 2021, Saturday 1 and Monday 3 January 2022, 8.00am – 6.00pm.**
2. **Authorises officers to apply to the Department of Mines, Industry Regulations and Safety for a short-term adjustment to extend Christmas trading hours.**

**CARRIED: 7/3**  
**FOR: Mayor Williams, Councillors D Pember, A Zilani, C Knight, P Jackson, C Di Prinzio, P Rogers**  
**AGAINST: Councillors D Schumacher, M Darcy, J Green**

**G.10/8/21 RETAIL TRADING HOURS COST BENEFIT ANALYSIS (REPORT 3)**Summary

In November 2020, a petition was presented to Council requesting adoption of the same retail trading hours as those of the Perth Metropolitan area. Council received the petition and referred it to officers for consideration at a future Council workshop.

In February 2021, Elected Members considered the request of the petition determining that given the current economic conditions and the impacts of COVID-19, it was difficult to assess fairly the potential impact that a change to trading hours may or may not have.

At a subsequent Committee of Council meeting held in May, Council directed officers to monitor the two potential triggers that indicate the uncertainty caused by COVID-19 has become manageable. These triggers were;

1. The State of Emergency declaration is lifted officially by the Western Australian Government; or
2. The ABS Payroll jobs level for Mandurah returns and exceeds pre-COVID-19 levels as at March 2020 for 12 consecutive weeks.

Subsequently, the ABS Payroll jobs level for Mandurah has rebounded from the impact from COVID-19 with the number of jobs having risen above the pre-COVID-19 level for more than 12 consecutive weeks.

Following an Elected Member workshop in early August, Council is requested to authorise officers to undertake a Cost Benefit Analysis on the economic and social impacts of permanently extending retail trading hours within the City of Mandurah. Council is also requested to authorise the City to undertake an independent community engagement and business consultation on permanently extending trading hours for general retail shops.

Officer Recommendation

That Council:

1. Authorises officers to engage a Consultant to undertake a Cost Benefit Analysis on the economic and social impacts of permanently extending retail trading hours in the City of Mandurah.
2. Authorises officers to engage a Consultant to undertake community and business engagement on permanently extending trading hours in the City of Mandurah.
3. Request officers to provide a subsequent report back to Council on:
  - 3.1 Results of the Cost Benefit Analysis
  - 3.2 Results of the community and businesses engagement.

Council Resolution**MOTION**

**Moved: Councillor P Rogers**

**Seconded: Councillor C Knight**

**That Council:**

1. **Authorises officers to engage a Consultant to undertake a Cost Benefit Analysis on the economic and social impacts of permanently extending retail trading hours in the City of Mandurah.**
2. **Authorises officers to engage a Consultant to undertake community and business engagement on permanently extending trading hours in the City of Mandurah.**
3. **Request officers to provide a subsequent report back to Council on:**
  - 3.1 **Results of the Cost Benefit Analysis**
  - 3.2 **Results of the community and businesses engagement.**

CARRIED: 10/0

**G.11/8/21 2021 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING: NOMINATION OF DELEGATES (REPORT 4)**

Summary

The Western Australian Local Government Association (WALGA) will hold its 2021 Annual General Meeting (AGM) at Crown Perth, on Monday 20 September 2021. WALGA has requested Council to nominate two voting delegates to the AGM and two Proxy Voting Delegates.

Voting delegates may be either Elected Members or officers. Delegates must be registered with WALGA to be eligible to attend and represent their respective councils. Proxy voting is available for councils that are unable to be represented by two delegates.

Notice of the AGM, Procedural Information and Submission of Motions has been received however WALGA has not yet released the agenda for the AGM. Once the agenda has been received, a Council report will be prepared by City officers for the next Ordinary Council Meeting that will request Council to provide guidance to the delegates on how to vote for each motion at the AGM.

Council is requested to approve the nominations of its Peel Zone delegates Mayor Rhys Williams and Deputy Mayor, Councillor Caroline Knight to attend the 2021 WALGA AGM on Monday 20 September 2021 and also is requested to appoint two Elected Members as Proxy Voting Delegates should either Voting Delegate be unable to attend.

Mayor Williams called for Proxy Voting Delegate nominations with two nominations received from Councillor D Pember and J Green.

Officer Recommendation

That Council appoint:

- 1 Peel Zone delegates, Mayor Rhys Williams and Councillor Caroline Knight, as the City of Mandurah voting delegates to the 2021 Western Australian Local Government Association Annual General Meeting, to be held at Crown Perth on Monday 20 September 2021.

- 2 Two Elected Members as Proxy Voting Delegates should either Voting Delegate be unable to attend.

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Council Resolution

**MOTION**

**Moved:**

**Seconded:**

**That Council appoint:**

- 1 **Peel Zone delegates, Mayor Rhys Williams and Councillor Caroline Knight, as the City of Mandurah voting delegates to the 2021 Western Australian Local Government Association Annual General Meeting, to be held at Crown Perth on Monday 20 September 2021.**
- 2 **Two Elected Members as Proxy Voting Delegates should either Voting Delegate be unable to attend.**

**Councillor D Pember**

**Councillor J Green**

CARRIED: 10/0

*Councillor C Knight declared a financial interest in the following item and vacated the Chamber at 6.59pm whilst the item was considered and voted upon.*

**G.12/8/21 FINANCIAL REPORT JULY 2021 (REPORT 5)**

Summary

The Financial Report for July 2021 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Elected Members' consideration.

Officer Recommendation

That Council:

- 1 Receives the Financial Report for July 2021 as detailed in Attachment 5.1 of the report.
- 2 Receives the Schedule of Accounts for the following amounts as detailed in Attachment 5.2 of the report:

Total Municipal Fund	\$	9,193,271.11
Total Trust Fund	\$	0.00
	\$	<u>9,193,271.11</u>

- 3 Approves the following budget variations for 2021/22 annual budget:
  - 3.1 Unbudgeted operating expenditure of \$3,000\* for CASM – Ambient Exhibition
    - To be funded from PHCC - Contribution \$3,000\*

#### Council Resolution

#### **MOTION**

**Moved:** Councillor P Rogers

**Seconded:** Councillor D Pember

#### **That Council:**

- 1 **Receives the Financial Report for July 2021 as detailed in Attachment 5.1 of the report.**
- 2 **Receives the Schedule of Accounts for the following amounts as detailed in Attachment 5.2 of the report:**

Total Municipal Fund	\$ 9,193,271.11
Total Trust Fund	\$ 0.00
	\$ 9,193,271.11
- 3 **Approves the following budget variations for 2021/22 annual budget:**
  - 3.1 **Unbudgeted operating expenditure of \$3,000\* for CASM – Ambient Exhibition**
    - **To be funded from PHCC - Contribution \$3,000\***

CARRIED WITH ABSOLUTE MAJORITY: 9/0

*Councillor C Knight returned to the Chamber at 7.09pm.*

## **21. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

### **G.13/8/21 COUNCILLOR D SCHUMACHER: WASTE VOUCHERS**

The reason for this Motion is given the explosion in illegal dumping of waste. It is important that everyone is given equal opportunity to utilise the waste transfer station to dispose of their hard waste and green waste. Hopefully this will prevent some of the illegal acts. Tenants are often at a disadvantage to homeowners as the transfer station passes provided to ratepayers are frequently not passed on if there are tenants at the property.

#### **MOTION**

**Moved:** Councillor D Schumacher

**Seconded:** Councillor M Darcy

**That Council request the Chief Executive Officer to brief Elected Members by 30 November 2021 on the current resources and action taken to address illegal dumping within the City of Mandurah and options available to reduce illegal dumping in the future including a communications plan incorporating engagement with landlords to pass on the annual hard waste and green waste vouchers to tenants.**

CARRIED: 10/0

**22. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil.

**23. LATE AND URGENT BUSINESS ITEMS**

Nil.

**24. CONFIDENTIAL ITEMS**

**G.14/8/21 CLOSE DOORS**

**MOTION**

**Moved: Councillor A Zilani**

**Seconded: Councillor C Knight**

**That the meeting proceeds with closed doors at 7.13pm in accordance with Section 5.23(2)(a) and (c) of the *Local Government Act 1995*, to allow for the confidential discussion of items.**

CARRIED: 10/0

*Councillor D Pember left the Chamber at 7.13pm*

*Members of the media, non-senior employees and persons in the gallery left the meeting at this point. The Minute Officer, Manager Governance, Procurement and Lands and City Planner remained with Senior Officers.*

THE MEETING PROCEEDED WITH CLOSED DOORS AT 7.13PM

*Councillor D Pember re-entered the Chamber at 7.14pm*

*Councillor C Di Prinzio vacated the Chamber at 7.19pm*

**G.15/8/21 CONFIDENTIAL ITEM: AUTHORISE NEGOTIATION FOR CONTRIBUTION (CONFIDENTIAL REPORT 1)**

Confidential discussion ensued regarding this issue.

Council Resolution

**Moved: Councillor C Knight**

**Seconded: Councillor D Pember**

**That Council endorse option A.**

CARRIED WITH ABSOLUTE MAJORITY: 9/0

*Councillor C Di Prinzio re-entered the Chamber at 7.21pm*

**G.16/8/21 CONFIDENTIAL ITEM: SERVICE REVIEW AND STRUCTURE  
(CONFIDENTIAL REPORT 2)**

Confidential discussion ensued regarding this issue.

Council Resolution

**MOTION**

**Moved: Mayor R Williams**  
**Seconded: Councillor P Rogers**

**That Council:**

- 1. Notes the outcomes and achievements of the City Centre Business Unit over the last three years and the key findings of the internal service review that has been conducted.**
- 2. Note that the core functions of the City Centre business unit will now be combined with those of the Economic Development business unit to form the new Transform Mandurah team.**

CARRIED: 10/0

*Employees (including the Chief Executive Officer who had declared an interest in the following item and the Minute Officer) left the meeting at this point being 7.24pm. The Director Business Services remained with Elected Members.*

**G.17/8/21 CONFIDENTIAL ITEM: STAFF REVIEW AND REMUNERATION  
(CONFIDENTIAL REPORT 3)**

Confidential discussion ensued regarding this issue.

Council Resolution

**MOTION**

**Moved: Councillor C Knight**  
**Seconded: Councillor A Zilani**

**That Council endorse the actions set out in Table 1 of this report and approve Option 1 as the Total Reward Package.**

CARRIED WITH ABSOLUTE MAJORITY: 9/1

FOR: Mayor Williams, Councillors M Darcy, D Pember, A Zilani, C Knight, J Green, P Jackson, C Di Prinzio, P Rogers  
 AGAINST: Councillor D Schumacher

**G.18/8/21 OPEN DOORS**

**MOTION**

Moved: Councillor C Knight  
 Seconded: Councillor D Schumacher

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

CARRIED: 10/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 7.34PM

**G.19/8/21 ENDORSE RESOLUTIONS**

**MOTION**

Moved: Councillor P Rogers  
 Seconded: Councillor C Knight

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

CARRIED: 10/0

**25. CLOSE OF MEETING**

There being no further business, the Mayor declared the meeting closed at 7.34pm.

CONFIRMED ..... (MAYOR)

**Attachments to Council Minutes:**  
**24 August 2021 Council Reports**  
**10 August 2021 Committee Reports**

# AGENDA

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

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. APOLOGIES**

Councillor L Rodgers – Leave of Absence

**4. IMPORTANT NOTE:**

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

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

Refer Attachment 5.1 (page 5)

**6. PUBLIC QUESTION TIME**

Public Question time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time please visit the City's website [mandurah.wa.gov.au](http://mandurah.wa.gov.au) or telephone 9550 3787.

**7. AMENDMENT TO STANDING ORDERS**

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

**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 [mandurah.wa.gov.au](http://mandurah.wa.gov.au) or telephone 9550 3787.

**9. LEAVE OF ABSENCE REQUESTS**

Councillor Pember: 26 October – 9 November 2021, inclusive

**10. PETITIONS****11. PRESENTATIONS****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 [mandurah.wa.gov.au](http://mandurah.wa.gov.au) or telephone 9550 3787.

**13. CONFIRMATION OF MINUTES:**

13.1 Ordinary Council Meeting: 27 July 2021

Minutes available on the City's website via [mandurah.wa.gov.au/council/council-meetings/agendas-and-minutes](http://mandurah.wa.gov.au/council/council-meetings/agendas-and-minutes)

**14. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)****15. DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS****16. QUESTIONS FROM ELECTED MEMBERS (WITHOUT DISCUSSION)**

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****18. RECOMMENDATIONS OF COMMITTEES**

18.1 Adoption of Recommendations of the Committee of Council Meeting: 10 August 2021

<i>Minute</i>	<i>Item</i>	<i>Page No</i>	<i>Interests Declared / Additional Information</i>
CC.2/8/21	CSRFF 2021/22 Small Grants Winter Round	6 - 12	Absolute Majority Required
CC.3/8/21	Vesting of Peel Parade Right of Ways	13 – 19	Additional Information

CC.4/8/21	Code of Conduct Complaints Management Policy	20 – 38	Absolute Majority Required Interest declared – Cr P Rogers
CC.5/8/21	Review of Trading Permit Guidelines	39 – 60	
CC.6/8/21	Beach Patrol Service: Overview Season Two 2021	61 - 71	

## 19. REPORTS

<b>No.</b>	<b>Item</b>	<b>Page No</b>	<b>Note</b>
1	Eastern Foreshore Markets & Events	72 - 84	
2	Retail Trading Hours: Christmas 2021	85 - 93	
3	Retail Trading Hours: Cost Benefit Analysis	94 - 98	
4	2021 Western Australian Local Government Association Annual General Meeting: Nomination of Delegates and Voting Guidance	99 - 105	
5	Financial Report July 2021	106 - 135	Absolute Majority Required

## 20. ADOPTION OF RECOMMENDATIONS NOT WITHDRAWN FOR FURTHER DISCUSSION

## 21. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

21.1 Councillor D Schumacher – Hard Waste and Green Waste Vouchers

## 22. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

## 23. LATE AND URGENT BUSINESS ITEMS

## 24. CONFIDENTIAL ITEMS

24.1 Authorise Negotiation for Contribution

24.2 Service Review and Structure

24.3 Staff Review and Remuneration

## 25. CLOSE OF MEETING

## COMMITTEE OF COUNCIL: 10 AUGUST 2021

During debate on the following item further information on aspects associated with the item were requested.

### CC.3/8/21 VESTING OF PEEL PARADE RIGHT OF WAYS

1. With regard to water storage, clarification of the form that this may possibly take and where it is likely be located, e.g. on the foreshore, was requested.
2. Clarification as to the quantity and quality of ground water available at the proposed site along with prospective drilling requirements was requested.

#### City of Mandurah Comment

1. *The final form for the water storage will be resolved through the detailed design process for the Coodanup Foreshore with consideration to be given to above and below ground storage options. As part of the landscape design process, regardless of the storage option selected, careful consideration will be given to an appropriate landscape treatment in order to ensure a high quality visual outcome is achieved; and*
2. *City officers have undertaken due diligence on the proposed bore site including a review of known groundwater mapping and the performance of other shallow bores in the vicinity. The results indicate that there is a high likelihood that a suitable groundwater supply will be found at the site, however, until the test hole is drilled the final outcome for both water quality and quantity is not certain.*

### RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE COUNCIL MEETING HELD ON TUESDAY 27 JULY 2021

#### 6. PUBLIC QUESTION TIME

##### 6.3 L POLICE: MANDJAR MARKETS

1. On behalf of Mandjar Markets, as the site located now approved for the markets to operate greatly differs to the previous seasons area utilised, could you please advise what exactly are the scheduled works for the Eastern Foreshore, the specific area it will impact and the start and finish dates (excluding the current floating pool works area)?
2. There is also planned state public train disruptions that will impact the visitors' to the foreshore mode of travel. Can Mandjar Markets utilise the same 'area' as previous seasons with the Rotunda then being in the centre of the markets and adjust to suit the works when they take place?

#### City of Mandurah Response

*The exact site location of the proposed project works that are being planned as part of the next stage of Eastern Foreshore Redevelopment has not yet been finalised nor have the timelines for construction.*

*As a result, the City has proposed to the Mandjar Markets an expansion area to the south of the Council endorsed location for peak times when the number of potential stallholders do not fit within the Eastern Foreshore North zone.*

*This approval is still subject to any ongoing and future works associated with the Waterfront Redevelopment. Once the fencing plans have been defined, City officers will communicate and work with the Mandjar Markets to utilise alternative spaces on the foreshore that may meet their preferences.*

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**1 SUBJECT:** CSRFF 2021/22 Small Grants Winter Round  
**DIRECTOR:** Place and Community  
**MEETING:** Committee of Council Meeting  
**MEETING DATE:** 10 August 2021

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## Summary

The Community Sport and Recreation Facilities Fund (CSRFF) is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC). It provides financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation.

The CSRFF small grants round aims to increase participation in sport and recreation, with an emphasis on physical activity, through the development of sustainable, quality, well designed and well utilised facilities where the total cost of the project does not exceed \$300,000. The application process for submissions requires local government authorities to undertake an initial assessment to ensure that the proposed projects are well planned, prioritised and of positive benefit to the community.

No applications have been received from local sport and recreation clubs within this CSRFF Small Grants round. The City intends to submit two applications for funding as part of the CSRFF Round for the upgrade of the Peelwood Reserve Changerooms and for a Needs Assessment and Feasibility Study – “Future Options for Netball in Mandurah” to investigate the need and viability of a new facility to support Netball in Mandurah into the future.

Council is requested to support the rating and priority of the two projects being submitted for the 2021/22 CSRFF Small Grants round. Sufficient funds are available for the purpose in the 2021/22 budget to cover the City’s financial contribution towards these projects.

## Disclosure of Interest

Nil

## Location

Project 1 – Peelwood Reserve Changerooms



65 Mahogany Drive, Halls Head

## Previous Relevant Documentation

Nil

## Background

The DLGSC - Sport and Recreation offer four grant categories within the CSRFF program:

- (a) Forward Planning Grants: \$166,667 up to \$4,000,000 can be allocated to large scale projects where the total project cost exceeds \$500,000 and may require an implementation period of between one and two years. Grants given in this category may be allocated in one or a combination of the years in the triennium.
- (b) Annual Grants: \$50,000 to \$166,666 can be allocated to projects with a planning and construction process that will be complete within 12 months. The total project cost for Annual Grants is between \$150,000 and \$500,000. Grants awarded in this category must be claimed in the financial year following the date of approval.
- (c) Small Grants: \$7,500 to \$100,000 can be allocated to projects involving a basic level of planning. The total project cost for Small Grants must not exceed \$300,000. Grants awarded in this category must be claimed in the financial year following the date of approval. There are two rounds per year and coincide with the summer and winter sporting seasons.
- (d) In July 2021, DLGSCI introduced the Club Night Lights Program which can be allocated to projects to develop sports floodlighting. The maximum grant provided is \$1 million dollars, grants awarded in this category must be claimed in the financial year following the date of approval. There is one round per year.

The maximum CSRFF grant approved can be no greater than one third of the total estimated project cost. The DLGSC - Sport and Recreation contribution must be at least matched by the applicant's contribution. The remaining third can be secured by the applicant or other partner(s).

Council is required by the DLGSC to rank each project according to its priorities for the development or upgrade of facilities, ensuring consistency with relevant strategic documents, and then rate each project according to individual merit.

The project ratings are identified as follows:

Well planned and needed by the municipality	High
Well planned and needed by applicant	Medium/High
Needed by municipality, more planning required	Medium
Needed by applicant, more planning required	Medium/Low
Idea has merit, more preliminary work needed	Low
Not recommended	Not recommended

## Comment

Council is requested to consider two applications as part of the CSRFF Small Grants - Summer Round.

### Project 1 – City of Mandurah

Project	Upgrade of the Peelwood Reserve Changerooms
Location	Peelwood Reserve
Years Applied for	2021/22

Total Project Cost	\$221,870
Eligible Grant Criterial Total	\$73,956.66
CSRFF Grant Request	\$73,956.66
CoM ContributionI (CSRFF)	\$47,913.34
CoM Contribution (21/22) Capital	\$100,000
Other Potential Funding	-
Clubs' Contribution (cash)	\$0
Clubs' Contribution ( in kind)	\$0
Recommended Ranking	It is recommended that this project be given a ranking of "1" and a rating of "high"

### Project Description

The City of Mandurah plays a pivotal role in ensuring that community spaces are designed to facilitate equitable access and are conducive to inclusive community participation. Peelwood Reserve changerooms are over 30 years old and do not reflect current usage levels or have capacity to accommodate future growth in participation. Upgrades are required to create appropriate facilities that include gender neutral spaces suitable for players, umpires and officials.

The City has identified an opportunity to increase community participation through the upgrade of the Peelwood Reserve changeroom amenities. The upgrade would provide standard features for unisex change facilities that cater for the needs of both males and females and include:

- Privacy screens at the entry to change rooms;
- Individual toilet cubicles; and
- Individual lockable shower cubicles with change seats inside each cubicle.

Peelwood Reserve is located in Halls Head and has three full size ovals which are an invaluable asset for the delivery of community sport. With Halls Head Cricket Club and Mandurah City Football Club based at Peelwood Reserve, there is extensive usage of the oval and its facilities, each day of the week and all year round. The changeroom facilities are available for all hirers of the reserve.

Halls Head Cricket Club and Mandurah City Football Club offer junior and senior programs, activities and competitions. They both have female teams in various age groups and as well as experiencing steady growth, both clubs have strategies in place to grow female participation within the near future.

Football West and the West Australian Cricket Association (WACA) have Infrastructure Strategies that provide direction for the future planning, provision and development of the sports at community level. Both strategies identify a focus on female sport and developing spaces that are welcoming, accessible and inclusive.

A key objective of the DLGSC - Sport and Recreation is to increase community participation in sport. The upgrade of Peelwood Changerooms will deliver this objective through facility improvements that cater for both male and female participants.

The basic provision of unisex change rooms is considered an integral component in increasing the growth of female participation in sports.

Officers have recommended that this project is ranked one and rated "high" as it is well planned and aligns with the needs of the clubs, the local community and state government objectives. In making this assessment, officers noted that the City has budgeted \$100,000 through the 2021/22 capital budget towards this project as a carry forward from the previous financial year and can meet the remaining budget through the City's CSRFF contribution.

## Consultation

Consultation for the proposed facility upgrades has been undertaken as follows:

Consultation has occurred with the DLGSC – Sport and Recreation, Football West, WACA and within the City of Mandurah – project supported.

<u>Project 2 – City of Mandurah</u>	
Project	Needs Assessment and Feasibility Study – Future Options for Netball in Mandurah
Location	Various
Years Applied for	2021/22
Total Project Cost	\$45,000
Eligible Grant Criterial Total	\$15,000.00
CSRFF Grant Request	\$15,000.00
Requested from Council	\$25,000.00
Other Potential Funding	\$5,000.00 (Netball WA)
Clubs' Contribution (cash)	\$0
Clubs' Contribution (in kind)	\$0
Recommended Ranking	It is recommended that this project be given a ranking of “2” and a rating of “high”

### Project Description

The City of Mandurah plays a critical role in providing quality community facilities for local sport and recreation clubs. Netball is the highest female participation sport within the City. In Mandurah, the Mandurah Netball Association (MNA), the Peel Football and Netball League (PFNL) and Mandurah Aquatic and Recreation Centre (MARC) provide a range of participation opportunities for netballers aged from age six to open divisions. These organisations provide programs from social to competitive netball including opportunities to play in WA’s premier netball competition, the WA Netball League.

The Thomson Street Netball facilities, located within the Rushton Park Sporting complex is the home for the MNA. The Association runs their operations from ten plexipave courts and a community clubhouse and have been delivering netball programs to the Mandurah community for over 30 years. The PFNL play their home games at MARC. Both South Mandurah, Halls Head and Mandurah Mustangs play within this league. South Mandurah and Halls Head field teams in all four divisions (League, Reserves, Open and 20 Under) and Mandurah Mustangs field teams in three of the four divisions.

Although netball participation is strong within Mandurah, MNA over many years has reported that they have been unable to grow membership and participation numbers due to a lack of sufficient courts to cater for increasing demand. At the current home of MNA there is no opportunity for additional courts to be built at the site and therefore due to increasing demand and opportunities within netball there is a need to investigate future options for netball provision and suitable facilities within Mandurah.

This proposed project will enable the City to engage a consultant to look at the future needs of netball in the City of Mandurah and to undertake a feasibility study, both of which will provide information that will assist in the decision-making process to ascertain the recommended future direction and possible site selection for a new home for netball, if this is deemed necessary.

The analysis will take a broad focus on finding a solution to address the expressed need by MNA for increased netball court provision. The investigation will explore a range of ways to address this need, from different management models including different days of operation, times and service delivery, through to construction of new courts. It will provide comprehensive information to identify and analyse whether a

new facility is required within the City or whether the projected growth and need can be satisfied in some other way.

If it is determined that construction of a new facility is required, the needs assessment will offer direction with regard to the most appropriate scope, scale, facility components and any timing implications for a proposed facility. The Needs Assessment is the first vital step in the facility planning process. The study will then examine the viability of a new facility so that any decision can be informed by objective analysis. The study may examine some of the following, but is not limited to:

- Management options
- Facility components
- Location options
- Basic concept plans
- Social, economic and environmental sustainability
- Cost

Therefore, the project will look at the need for a new facility and what the scope, requirements and costs of such a facility may be now and into the future to meet the needs of local netball. The project will examine and provide potential location sites and highlight any implications these options may have. It will also provide some options in terms of the approach to the project in regards to timing and staging alternatives. It will also provide basic concept designs on each of the potential sites for consideration.

The DLGSC - Sport and Recreation has a focus on increasing participation. The project will provide the City with vital information to determine a position on the need for a new purpose-built netball facility, allowing for future projected growth. In addition, it will provide the basis for a solid business case, if required, to seek State Government and other funding partners support via investment in this infrastructure project.

Officers have recommended that this project is ranked two and rated “high”, as it will provide a range of information that will assist the City to make an informed decision on possible future options for netball in Mandurah to enable local participation and growth . Officers have been in discussions with Netball WA and they have confirmed their maximum funding support of \$5,000 through their Community Facilities Fund. It is anticipated the remaining budget be met through the City’s CSRFF contribution.

## **Consultation**

Communication about the proposed Needs Assessment and Feasibility Study – “Future Options for Mandurah Netball” has occurred with the following:

- Mr David Templeman, MLA
- Minister Tony Buti, Minister for Finance; Lands; Sport and Recreation;
- Department of Local Government, Sport and Cultural Industries: Peel Office - Troy Jones
- Netball WA: Liz Booth - General Manager - Community Netball, David Lindsay - Netball Operations Manager and Jo Smith - Stakeholder Engagement Manager.
- Mandurah Netball Association
- City of Mandurah Representatives

## **Statutory Environment**

N/A

## **Policy Implications**

### Policy CNP-07 Community & Recreation Facilities

This policy guides the City in the design, development and management of City owned community and recreational facilities. The policy applies to both existing and future facilities.

### Policy CNP-05 Recreation Facility Development

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

### **Financial Implications**

The project recommended for support is:

Project	Lodged by	Council Contribution Requested
Upgrade of the Peelwood Reserve Changerooms	City of Mandurah	\$47,913.34
Needs Assessment and Feasibility Study – Future Options for Mandurah Netball.	City of Mandurah	\$25,000
Total		\$72,913.34

Results of the grant applications will be announced in November 2021 with the projects to be delivered in the 2021/22 financial year. If the projects are successful with the grant submission, the combined funding contribution from Council would total \$72,913. Currently, the City has the following funds remaining in the 2021/22 budget;

- \$118,353 CSRFF Projects – Various
- \$100,000 – Peelwood Changeroom Project (Capital Budget 2021/22)

The City currently has no funds listed in the Long Term Financial Plan for the construction of new netball facilities. The City has not identified suitable local government land within the City of Mandurah for new netball courts.

### **Risk Analysis**

To ensure the provision of quality community infrastructure that is delivered in a safe and timely manner with little or no disruption to the community, a City Project Officer will be assigned to the project.

### **Strategic Implications**

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

#### Social:

- Facilitate opportunities that promote community led initiatives and build local capacity and capability.
- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.

#### Health:

- Provide and facilitate quality infrastructure that is accessible and conducive to a healthy, active community.

#### Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.

### **Conclusion**

The application received through the 2021/22 CSRFF Small Grants Round has been well prepared by the City and is consistent with Council's Community and Recreation Facilities Policy.

It is considered suitable that the City is the applicant for the Peelwood Reserve changerooms because the upgrade improves the provision for all in the multi-use facility.

It's considered suitable that the City is the applicant for the netball study to ensure a neutral, equitable, solutions-focussed analysis that is innovative in exploring options to meet the needs of netball.

A requirement of the CSRFF funding program is that if the City funds are being contributed then there is a pre-commitment of funding for the year in which the grant is approved. The City contributions reflected in this report in the table below:

Grant Type	Rank	Project	Rating	Lodged by	CSRFF Funding Requested	Existing Council Contribution	City of Mandurah Contribution Requested
Small	1	Upgrade of the Peelwood Reserve Changerooms	High	COM	\$73,956.66	\$100,000	\$47,913.34
Small	2	Feasibility Study	High	COM	\$15,000	\$0	\$25,000

#### Officer Recommendation

That the Committee of Council recommend that Council supports the rankings and ratings for the Community Sport and Recreation Facility Fund Small Grant application:

1. City of Mandurah  
Project: Upgrade of the Peelwood Reserve Changerooms  
Ranking: 1  
Rating: High  
Requested Council Contribution: \$47,913.34
2. City of Mandurah  
Project: Needs Assessment and Feasibility Study: Future Options for Mandurah Netball  
Ranking: 2  
Rating: High  
Requested Council Contribution: \$25,000

#### Committee Recommendation

**That the Committee of Council recommend that Council supports the rankings and ratings for the Community Sport and Recreation Facility Fund Small Grant application:**

- 1. City of Mandurah  
Project: Upgrade of the Peelwood Reserve Changerooms  
Ranking: 1  
Rating: High  
Requested Council Contribution: \$47,913.34**
- 2. City of Mandurah  
Project: Needs Assessment and Feasibility Study: Future Options for Mandurah Netball  
Ranking: 2  
Rating: High  
Requested Council Contribution: \$25,000**

**\*ABSOLUTE MAJORITY REQUIRED**

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<b>2</b>	<b>SUBJECT:</b>	Vesting of Peel Parade ROWs - Provision of Groundwater at Coodanup Foreshore
	<b>DIRECTOR:</b>	Business Services
	<b>MEETING:</b>	Committee of Council Meeting
	<b>MEETING DATE:</b>	10 August 2021

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## Summary

As part of the Coodanup foreshore redevelopment, a viable and fit for purpose water source is critical to enable commencement of works and the ongoing management of the foreshore. An original determination identified that water was available to be drawn from the foreshore itself, however, the Department of Water and Environmental Regulation (DWER) have advised that any abstraction of water is required to be a minimum 200 metres away from the wetland zone.

There are limited alternative locations to source the water from, although preliminary investigations have identified a convenient cost-effective option which is the installation of water infrastructure underground through two abutting right of ways (ROWs) between Duncan Road and Peel Parade, which are located directly across from the foreshore.

The water infrastructure will consist of a shallow production bore being drilled and equipped, including a water mainline being installed through the ROWs. The groundwater supply will be pumped through the installed mainline to provide irrigation and greenspace for the Coodanup Foreshore upgrade.

However, as the ROWs are still held in private ownership by a descendant of the original subdivider of the area, the City must firstly arrange for the land to be transferred under its management in order to utilise it; and officers have undertaken the required actions in accordance with *Section 52 of the Land Administration Act 1997*, including a comprehensive consultation process, to facilitate this.

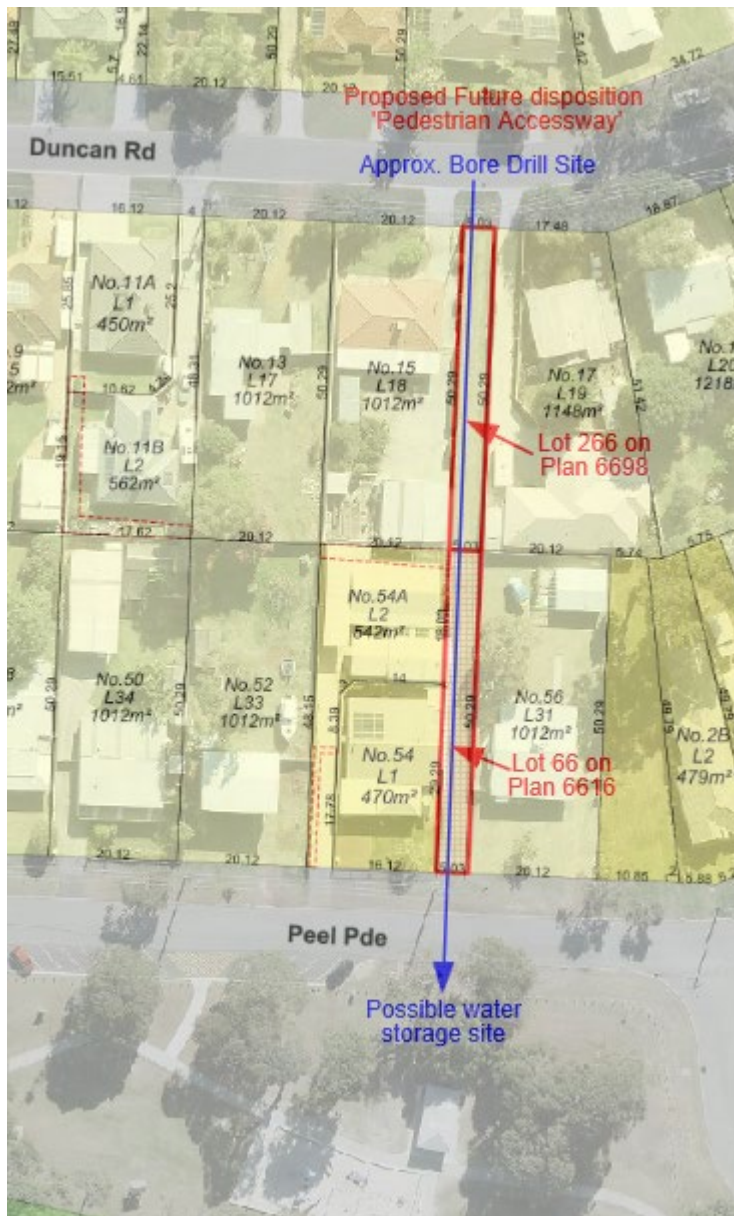
As the land is currently, and will continue to be, utilised as a public access way, a purpose of 'Pedestrian Accessway' is proposed to be applied to the management order.

Council is, therefore, requested to endorse a submission to the Minister for Lands for the transfer of the right of ways, being Lot 66 on Plan 6616 and Lot 266 on Plan 6698, to the Crown for subsequent vesting to the City, for the purpose of Pedestrian Accessway.

## Disclosure of Interest

Nil

## Location



## Previous Relevant Documentation

- G.10/12/20 15 December 2020 Council endorsed the draft Coodanup Foreshore Landscape Masterplan.

## Background

The subject right of ways, Lot 66 on Plan 6616 and Lot 266 on Plan 6698, are remnant parcels from the original subdivision circa 1970s, they are still held in private ownership by a descendant of the original subdivider. They have been utilised since inception as unmanaged access ways for the public through to the foreshore and as such, no local government rates have been raised or charged to the property during this time.

As part of the Coodanup Foreshore redevelopment, a viable and fit for purpose water source is critical, officers have identified that the ROWs are required for the installation of underground water infrastructure to support the foreshore upgrades, however the land will need to be transferred to the Crown for vesting to the City under a management order before this can occur. Section 52 of the *Land Administration Act*

1997 requires a Council resolution to be provided as part of a submission to the Department of Planning, Lands and Heritage (DPLH).

## Comment

The Council endorsed Coodanup Foreshore Reserve Landscape Masterplan, incorporated the requirement for infrastructure upgrades including the addition of irrigation to the Central Recreation zone. Initial investigations identified there was adequate water on the foreshore which could be utilised to supplement the existing water levels, however, DWER has since advised that any abstraction of water is required to be a minimum 200 metres away from the wetland zone.

Other alternative locations have been identified including drilling a superficial aquifer bore at Beacham Street (verge area) or connecting to the existing Leederville aquifer bore mainline however this remains fully allocated and the bore is an ageing asset (drilled in 1995). These options are not preferred as they are a significant distance from the Central Recreation zone and will require more pipe infrastructure which will also increase the cost of the project.

The preferred option, Duncan Road/Peel Parade ROWs, involves drilling a superficial aquifer production bore within the Duncan Road reserve and, subject to an adequate water source being found, drawing water through water pipes to be installed underground through the length of the ROWs across Peel Parade to the foreshore, where the water would either be stored in a storage tank (road side behind the existing ablutions) or placed underground.

Private right of ways or Pedestrian Accessways are often the “balance of title” contained in a parent lot and still registered to the original developer, often this is a deceased person or deregistered company. These remnant parcels are intended to be transferred to the Crown for the management of the local authority and used by the public for access purposes, however in some circumstances the final transfer of the remnant parcel is not progressed and as such the lots remain in the name of the original developer.

The City has recognised that private right of ways, which have occurred from older subdivisions, are generally being used by the public. Over time, City officers will progress the transfer of these ROWs, where the general public use the land, to be transferred to the Crown for vesting under a formal management order. This will ensure the land is managed by the City into the future in accordance with community requirements and City and Planning guidelines.

Section 52 of the *Land Administration Act 1997* (LAA) provides for a local government to request the Minister for Lands to close a right of way by acquiring the land as Crown land where the land is designated for a public purpose on a plan of survey or sketch plan; subject to completion of a comprehensive consultation process including advertising of the proposal, giving notification to the current landowner, adjoining landowners and public utility providers, with all parties to be provided with a minimum 30-day notice period to lodge objections.

Upon consultation with DPLH it was confirmed that, in accordance with section 52.7 of the LAA, neither the current landowner, nor any abutting landowners who may have easement benefits under section 167 of the LAA, are entitled to compensation due to the proposed change in land tenure.

The consultation process has been undertaken, with key outcomes as follows:

1. Current landowner – City officers were required to obtain two Grants of Probate (including Wills) through the Supreme Court of Australia to establish that the current legal owner is a descendent of the original landowner. City officers have subsequently met with the family and obtained written consent to the proposed dedication to the Crown.
2. Adjoining landowners – Letters were sent out to all adjoining landowners, with only one response received. Comments are contained with the consultation table below.

3. Public Utility Providers
  - a. Water Corporation sewerage infrastructure runs between the middle of the two lots as shown on the aerial above. City officers have advised that this infrastructure will remain, as it is too costly and disruptive to relocate the Water Corporation infrastructure.
  - Whilst there does not appear to be any other infrastructure located within the ROW land, there is evidence of such within the road reserves at each end of the ROWs and this will be managed in accordance with standard practices.
4. The Department of Planning, Lands and Heritage (DPLH) has been consulted and advised that they do not have any objection to the City's proposal, subject to the reinstatement of the land following any installation of infrastructure, and the continued use of the ROW by the public for pedestrian access purposes to the foreshore.
5. An advertisement was placed in the Mandurah Mail to advise the general public of the proposal and gave a 30-day notice period to lodge any objections; no responses received.

### Consultation

Owner / Address	Submission (Summarised comments)	Comment
1. P. Williams	a. Confirmed that he is the legal descendant and current landowner. b. No objection to the proposal.	a. Noted. b. Noted.
2. S & D P Const	a. Extremely concerned that any water storage tank to be installed on the foreshore might block their views and devalue their property. b. Prepared to take legal action if this occurs.	a. Any works undertaken within the ROW will remain underground, there will be no physical change to the ROW. The Coodanup Foreshore Reserve Landscape Masterplan details the proposed infrastructure that will be constructed on the foreshore and it is advised that the landowner continues to be engaged in the consultation process for the development as it occurs. b. Noted
3. Cachet Developments P/L	a. No response.	
4. R & P N Langoulant 1	a. No response.	
5. D R Mullen 1	a. No response.	
6. G J & J M Green	a. No response.	
7. D B & T Rand	a. No response.	
8. Department of Planning	a. No objection, subject to reinstatement of the ROW post installation of the water pipes, and continued usage by the public for access purposes.	a. Noted.
9. Water Corporation	a. Dial Before You Dig (DBYD) confirmed <u>sewerage infrastructure</u> contained within the ROW land.	a. Noted.

	b. No objection to the proposal. c. Provided standard guidelines for working near infrastructure.	b. Noted. c. Noted.
10. Western Power	a. DBYD confirmed no infrastructure held within the ROW land but is held within the road reserves at the entrance points to the ROW. b. Provided standard guidelines for working near infrastructure.	a. Noted. b. Noted.
11. NBN	a. DBYD and NBN confirmed no infrastructure held within ROWs. b. Provided standard guidelines for working near infrastructure.	a. Noted. b. Noted.
12. Atco	a. DBYD confirmed no infrastructure held within the ROW. b. Atco advised no objection to the proposed change in tenure. c. DBYD provided standard guidelines for working near infrastructure.	a. Noted. b. Noted. c. Noted.
13. Telstra	a. DBYD confirmed no infrastructure within the ROWs and provided guidelines for working near infrastructure.	a. Noted.
14. Mandurah Mail - Public Notices - 20 May 2021	a. No responses.	

## Statutory Environment

- Section 41 *Land Administration Act 1997* – Reserving Crown land, Minister’s powers as to - subject to Section 45(6), the Minister may be order reserve Crown land to the Crown for one or more purposes in the public interest;
- Section 46 *Land Administration Act 1997* – The Minister may by order place the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under Section 41.
- Section 52 *Land Administration Act 1997*– Local government may ask the Minister to acquire as Crown land certain land in district, any (b) private road within the district of the local government (in this section called the subject land);
- Regulation 6(a) *Land Administration Regulations 1998* – Procedures to be followed by local government before requesting acquisition of private road (Act s. 52(1)(b)). The local authority must (a) resolve to make the request detailing the relevant resolution was passed by Council (b) give reasons for the proposed request for the Minister to acquire the land(c) give a sketch of the land to the Minister and persons given notice under section 52 (3)(a) of the Act, (d)giving written evidence the local authority has taken reasonable steps to identify all person required to be given notice (e) supply the Minister with copies of submissions relating to the proposed request and evidence of notice and advertisement under section 52(3) of the Act (f) give to the Minister written confirmation that the local authority has complied with section 52(3) of the Act.

## Policy Implications

NA

## Financial Implications

The City is undertaking the maintenance works when required. City officers have confirmed through the City's insurers that the City does not have insurance over this land, but rather "protections" as part of its membership under the discretionary mutual scheme that it is part of, and there wouldn't be any incremental costs in terms of the overall public liability premium as a result of the vesting.

The Coodanup foreshore is currently a dry reserve with no access to a water supply for irrigation. The proposed Coodanup foreshore upgrade will consist of approximately 1.0 hectare of recreational greenspace or 6000 kilolitres of water per annum. The existing groundwater supply nearest to the area is fully subscribed (Leederville groundwater supply), ageing infrastructure (early 90s installation) and would require at least 300 metres of mainline connection and residential verge installation works.

The proposed irrigation water supply infrastructure has been approved and licensed by the Department of Water and Environmental Regulation and would require a much shorter mainline installation (130 metres), with minimal impact to existing residential verges. Future ongoing maintenance for the proposed water infrastructure would also be supported by ease of access to the system through the provision of ROW's.

## Risk Analysis

Nil

## Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

### Social:

- Facilitate safe neighbourhoods and lifestyles by influencing the built form through urban design.

### Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.

## Conclusion

Two privately owned right of ways between Duncan Road and Peel Parade, Coodanup, have been identified as an appropriate cost effective option for the installation of critical water infrastructure to support the impending foreshore upgrade, however, as the ROWs are still held in private ownership they must be transferred to the Crown for vesting to the City under a management order before they can be utilised for this purpose.

As the land will still predominantly be used for public access through to the foreshore, a purpose of Pedestrian Accessway will be applied to the management order thus ensuring the land is managed in accordance with City and Planning guidelines for such land parcels.

Officers have undertaken the actions required in accordance with section 52 of the *Land Administration Act 1997* to enable submission to the DPLH for approval. Council is requested to endorse the submission to the Minister for Lands for the transfer of the right of ways, being Lot 66 on Plan 6616 and Lot 266 on Plan 6698, to the Crown for subsequent vesting to the City.

### Officer Recommendation

That the Committee of Council recommend that Council:

- 1 Approves submission to the Minister for Lands for acquisition as Crown land of the private right of ways known as Lot 66 on Plan 6616 and Lot 266 on Plan 6698, pursuant to section 52(1)(b) of the *Land Administration Act 1997*;
- 2 Approves submission to the Minister for Lands requesting for subsequent reservation of Lot 66 on Plan 6616 and Lot 266 on Plan 6698 with a Management Order to be issued in favour of the City of Mandurah for the purpose of "Pedestrian Accessway."

### Committee Recommendation

That the Committee of Council recommend that Council:

- 1 **Approves submission to the Minister for Lands for acquisition as Crown land of the private right of ways known as Lot 66 on Plan 6616 and Lot 266 on Plan 6698, pursuant to section 52(1)(b) of the *Land Administration Act 1997*;**
- 2 **Approves submission to the Minister for Lands requesting for subsequent reservation of Lot 66 on Plan 6616 and Lot 266 on Plan 6698 with a Management Order to be issued in favour of the City of Mandurah for the purpose of "Pedestrian Accessway."**

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<b>3</b>	<b>SUBJECT:</b>	Code of Conduct Complaints Management Policy
	<b>DIRECTOR:</b>	Business Services
	<b>MEETING:</b>	Committee of Council
	<b>MEETING DATE:</b>	10 August 2021

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## Summary

In accordance with regulation 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* (Model Code of Conduct Regulations) and the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates (the Code of Conduct), Council is required to develop a procedure for dealing with complaints relating to an alleged breach of the Code of Conduct.

Following extensive consultation with Elected Members and consideration of the Western Australian Local Government Association (WALGA) Model Code of Conduct Behaviour Complaints Management Policy, the Code of Conduct Complaints Management Council Policy (Policy) has now been drafted (detailed in Attachment 3.1).

The Policy establishes a framework for an effective and transparent complaints handling process and ensures that the principles of procedural fairness and natural justice apply to all complaints under this Policy.

The Committee is requested to consider the Code of Conduct Complaints Management Council Policy and make a recommendation to Council to adopt the Policy.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- G.11/2/21      23 February 2021      Code of Conduct and CEO Standards

## Background

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.103 was inserted into the *Local Government Act 1995* (the Act) to make provisions around the prescription of a model code of conduct for elected members, committee members and local government election candidates. Section 5.104 of the Act was also inserted requiring local governments to prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the provisions stated in the model code.

On 3 February 2021, the *Local Government Legislation Amendment Act 2019* was finalised resulting in the *Local Government (Administration) Amendment Regulations 2021* and *Local Government (Model Code of Conduct) Regulations 2021* taking effect.

## Comment

In accordance with section 5.104 of the Act, Council adopted a Code of Conduct for Elected Members, Committee Members and Candidates at its meeting of 23 February 2021. The Code of Conduct reflects the Model Code of Conduct Regulations as prescribed by section 5.103(1) of the Act which includes:

- general principles to guide behaviour – (Division 2 of Model Code of Conduct Regulations)
- requirements relating to behaviour – (Division 3 of Model Code of Conduct Regulations)
- provisions specified to be rules of conduct – (Division 4 of Model Code of Conduct Regulations)

The Code of Conduct sets out principles and standards of behaviour Elected Members, Committee Members and Candidates must observe and is intended to promote accountable and ethical decision-making and conduct.

As required by regulation 15(2) of the Model Code of Conduct Regulations and the Code of Conduct, Council is required to have a procedure for dealing with complaints relating to a breach of Division 3 – Behaviour of the Code of Conduct. Division 3 of the Code of Conduct sets the standards of behaviour which reflect the general principles outlined in Division 2. It is the individual responsibility of Elected Members, Committee Members and Candidates to demonstrate, promote and support professional and ethical behaviour as provided in the Code of Conduct. The behaviours include personal integrity, relationships with others and conduct at council or committee meetings.

Division 3 also sets out the mechanism for dealing with the alleged breaches of behaviours outlined in the Code of Conduct. The Model Code of Conduct Regulations requires Council to be the decision-maker for determining whether it was more likely that the breach of the Code of Conduct occurred than that it did not occur.

Regulation 11 of the Model Code of Conduct Regulations provides that a person can make a complaint alleging a breach of the Code of Conduct within one month of the alleged breach occurring. The regulation also provides a process for responding to alleged breaches.

Where a local government makes a finding that the alleged breach has occurred, any action to address the behaviour is outcomes focused aiming to restore positive working relationships and prevention of further breaches. The action that a local government can require a person to whom the complaint relates can be one or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training; and/or
- other action the local government considers appropriate.

In accordance with Division 4 of the Model Code of Conduct Regulations, where a person does not comply with the action required by Council, it is considered a contravention of a rule of conduct and the Elected Member commits a minor breach.

#### Code of Conduct Complaints Management Council Policy

The Policy establishes a framework for an effective and transparent complaints management process and requires the principles of procedural fairness and natural justice to apply to all complaints under this Policy. The Policy has been drafted on the basis of minimising both actual and perceived bias due to conflict of interests, by requiring the engagement of an Independent Complaints Assessor in the early stage of the complaint process.

To ensure transparency of the complaints process, the Policy provides detailed information on the procedural components of how complaints will be managed.

A summary of the key components of the Policy is below:

#### Authorised Person

The Chief Executive Officer (CEO) or the Director Business Services where the complainant is the City's CEO, are recommended to be appointed as the Authorised Persons to receive complaints and the withdrawal of complaints.

At the Ordinary Council Meeting of 23 February 2021, Council appointed the Mayor and CEO as the Authorised Persons. As the Policy requires the procurement of an external Independent Complaints Assessor (in accordance with Council's Procurement Policy CPM-02), Council is requested to remove the

Mayor as an Authorised Person and approve the Director of Business Services to be an Authorised Person when the complainant is the CEO.

### Complaint Process

The Independent Complaints Assessor is an impartial third party, specialising in complaints management and required to undertake the functions in accordance with the proposed Policy. It is a key responsibility of the Independent Complaint Assessor to ensure that the principles of procedural fairness and natural justice are upheld and maintained throughout the process. The Policy requires that all processes must be conducted without bias and in an impartial and objective manner without any actual or perceived conflict of interest.

The Policy provides two complaints pathways:

- 1 Alternative Dispute Resolution which may support both parties reaching a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances. If a complaint is resolved through this pathway and the complainant withdraws their complaint the matter will be finalised and will not progress to Council.
- 2 Complaints managed through investigation will result in the development of a Complaint Report and proposed Plan which will be presented to Council as a confidential report for determination. It is a requirement of the Code of Conduct that the respondent has an opportunity to be consulted on the Plan. As such the Policy provides reasonable opportunity for the respondent to make a submission.

Following the investigation, the Independent Complaints Assessor will prepare a Complaint Report for Council that will include:

- the substance of the complaint;
- the nature and extent of the investigation into the complaint;
- the evidence obtained during the investigation into the complaint, including the complaint documents, the respondent documents and any relevant attachments;
- outline the process followed, including how the Respondent was provided with an opportunity to respond to complaint;
- include recommendations on each option that is available for Council;
- include reasons for each recommendation; and
- any recommended plan prepared to address the behaviour of the person to whom the complaint relates.

### Council's determination

In accordance with the Code of Conduct, Council will determine matters relating to complaints, including:

- a. Dismissing a behaviour complaint and providing reasons for any such dismissal.
- b. Making a finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur.

Where a finding is made that a breach has occurred, determining:

- a. To take no further action; or
- b. Prepare and implement a Plan to address the behaviour of the person to whom the complaint relates.

In deciding whether to take action, or prepare and implement a Plan, Council may consider:

- the nature and seriousness of the breach(es);
- the respondent's submission in relation to the contravention;

- the respondent and complainant's willingness to participate in the complaint management process;
- whether the respondent has breached the Code of Conduct knowingly or carelessly;
- likelihood or not of the respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

The Policy also includes the expectations for all parties in regards to confidentiality, conflict of interest and consultation.

City Officers recommend that the Policy be reviewed regularly to ensure improvements are incorporated in a timely manner to ensure it is effective in guiding and supporting the complaints management process.

Over the last five years, Council and the City officers have actively contributed to the Local Government reform agenda including providing multiple submissions to Department Local Government Sports and Cultural Industries (DLGSC), Minister for Local Government and WA Local Government Association (WALGA) in relation to amendments to the Act. More recently, at the Special Council Meeting of 6 October 2021 Council adopted a response to the Local Government Review Panel Final Report which supported the establishment of an Office of the Independent Assessor. The Councils adopted position is stated below:

- Recommendation 59 recommends the establishment of an Office of the Independent Assessor which would be an independent body to receive, investigate and assess complaints, removing the CEO from processing and determining complaints. The City generally supports Recommendations 59 (a) to (f) and would welcome further information on how this Office will function.

It is acknowledged that the Standards Panel has in recent times experienced resourcing pressures. The City supports the creation and resourcing of an independent Office; however, it is recommended that the DLGSC should aim to address the shortfalls within the existing model when considering the implementation of a new Office.

- Recommendation 60 states that consideration should be given to the appropriate recognition and management of complaints by an Elected Member against a CEO or other senior officer, with one option for these to be investigated by the Office of the Independent Assessor. The City supports the management of such complaints by an independent Office. The management of complaints can have a detrimental impact on the relationships between the CEO, Mayor and Council and being managed independently and objectively will provide much benefit.

WALGA also shared similar concerns regarding the complaints mechanism introduced in the *Local Government (Model Code of Conduct) Regulations 2021*. In particular, the role of Council in deciding complaints and a lack of mechanisms for managing conflicts of interest are problematic.

At its meeting on 2 December 2020, State Council resolved that WALGA:

- Does not support the inclusion of local level complaints about alleged behavioural breaches and Local Governments dealing with complaints provisions in Division 3, Clauses 10 and 11; and
- Supports an external oversight body to manage local level complaints involving council members as prefaced in the Local Government Review Panel Report, City of Perth Inquiry Report and Select Committee into Local Government Report, to be considered in a future Local Government Act.

The City will continue to advocate for an independent decision maker and for Elected Members to have appeal rights to a decision or action plan.

## **Statutory Environment**

### *Local Government (Model Code of Conduct) Regulations 2021*

#### **11. Complaint about alleged breach**

- (1) *A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.*
- (2) *A complaint must be made —*
  - (a) *in writing in the form approved by the local government; and*
  - (b) *to a person authorised under subclause (3); and*
  - (c) *within 1 month after the occurrence of the alleged breach.*
- (3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*

#### **12. Dealing with complaint**

- (1) *After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.*
- (2) *Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.*
- (3) *A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.*
- (4) *If the local government makes a finding that the alleged breach has occurred, the local government may —*
  - (a) *take no further action; or*
  - (b) *prepare and implement a plan to address the behaviour of the person to whom the complaint relates.*
- (5) *When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.*
- (6) *A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —*
  - (a) *engage in mediation;*
  - (b) *undertake counselling;*
  - (c) *undertake training;*
  - (d) *take other action the local government considers appropriate.*
- (7) *If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —*
  - (a) *its finding and the reasons for its finding; and*
  - (b) *if its finding is that the alleged breach has occurred — its decision under subclause (4).*

#### **13. Dismissal of complaint**

- (1) *The local government must dismiss a complaint if it is satisfied that —*
  - (a) *the behaviour to which the complaint relates occurred at a council or committee meeting; and*
  - (b) *either —*
    - (i) *the behaviour was dealt with by the person presiding at the meeting; or*
    - (ii) *the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.*
- (2) *If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.*

#### **14. Withdrawal of complaint**

- (1) *A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.*

- (2) *The withdrawal of a complaint must be —*
- (a) *in writing; and*
  - (b) *given to a person authorised under clause 11(3).*

**15. Other provisions about complaints**

- (1) *A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.*
- (2) *The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.*

**Policy Implications**

Code of Conduct for Elected Members, Committee Members and Candidates  
Council Procurement Policy POL-CPM 02

**Risk Implications**

The determination of Division 3 Behaviour Complaints by Council is effectively placing Elected Members in the challenging role of considering complaints about an Elected Member. The Policy has been drafted on the basis of minimising both actual and perceived bias due to conflict of interests, through the engagement of an Independent Complaints Assessor to carry out the management of the complaint. In addition, the Policy focuses on resolving the complaint in the early stages through Alternative Dispute Resolution by providing both parties with an opportunity to resolve the complaint.

**Financial Implications**

The average cost to undertake a complaint management process is not yet known. A scope of works will be agreed to before the complaint process commences and will required the Authorised Person to monitor expenditure to ensure that the complaint is managed in an efficient and effective manner.

**Strategic Implications**

The following strategy from the City of Mandurah Strategic Community Plan 2020 – 2040 is relevant to this report:

Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.

**Conclusion**

The Code of Conduct Complaints Management Policy has now been drafted for adoption by Council.

NOTE:

- Refer **Attachment 3.1 Code of Conduct Complaints Management Council Policy**

Officer Recommendation

That the Committee of Council recommend that Council:

- 1 Authorise the removal of the Mayor and approved the appointment of the Director of Business Services to receive complaints and withdrawal of complaints in accordance with regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.
- 2 Adopt the Code of Conduct Complaints Management Council Policy as per Attachment 3.1.\*

- 3 Advocate to the State Government for an Independent decision making body to determine any breaches of the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates and allow appeal rights to an Elected Member for any decision made.

### **Committee Recommendation**

**That the Committee of Council recommend that Council:**

- 1 **Authorise the removal of the Mayor and approved the appointment of the Director of Business Services to receive complaints and withdrawal of complaints in accordance with regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.**
- 2 **Adopt the Code of Conduct Complaints Management Council Policy as per Attachment 3.1.\***
- 3 **Advocate to the State Government for an Independent decision making body to determine any breaches of the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates and allow appeal rights to an Elected Member for any decision made.**

**\*ABSOLUTE MAJORITY REQUIRED\***

# Council Policy

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## 1. Policy Objective

In accordance with regulation 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates (the Code of Conduct), the Policy details the process for dealing with complaints about alleged breaches of the Code of Conduct.

This Policy establishes a framework for an effective and transparent complaints handling processes . The principles of procedural fairness and natural justice apply to all complaints under this Policy.

## 2. Policy Statement

In accordance with section 5.104 of the *Local Government Act 1995* (the Act), Council adopted a Code of Conduct for Elected Members, Committee Members and Candidates.

The Code of Conduct reflects the model code of conduct prescribed by section 5.103(1) of the Act which includes:

- general principles to guide behaviour – Division 2
- requirements relating to behaviour – Division 3
- provisions specified to be rules of conduct – Division 4

The Code of Conduct sets out principles and standards of behaviour elected members, committee members and candidates must observe and is intended to promote accountable and ethical decision-making and conduct.

For the purposes of this Policy a complaint is one that alleges a breach of Division 3 – Behaviour, of the Code of Conduct.

## 3. Applicability

This Policy applies to:

- a. Elected members, committee members and candidates where a complaint has been received by the City under the City's Code of Conduct.
- b. Authorised Person; and
- c. Independent Complaints Assessor.

A complaint about an alleged breach by a candidate cannot be dealt with unless the candidate has been elected as an Elected Member for the City of Mandurah.

This Policy does not apply to complaints involving allegations of:

- serious improper conduct, corruption, fraud or other criminal conduct which must be referred to the appropriate authority
- minor breach of Division 4 – Rules of Conduct of the *Local Government (Model Code of Conduct) Regulations 2021* which must be referred to the appropriate authority

## 4. Procedural Fairness

### 4.1 Principles

The principles of procedural fairness and natural justice, will apply when dealing with a Complaint under this Policy, including:

- a. Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a Plan implemented;
- b. Council should be objective and impartial, with an absence of bias or the perception of bias; and
- c. any findings made will be based on proper and genuine consideration of the evidence.

### 4.2 Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

## 5. Making a complaint

In accordance with Clause 11 of the Code of Conduct, a complaint must be made within one month after the occurrence of the alleged breach.

The complaint must be in writing using the approved Complaints Form which requires the following:

- a. Name and contact details of the person who is making the complaint (anonymous complaints will not be accepted);
- b. Name of the Elected Member, Candidate or Committee Member who allegedly breached the Code of Conduct;
- c. Details of the alleged breach of a requirement of Division 3 – Behaviour, accompanied with supporting information to be attached to the Form; and
- d. Marked confidential and submitted to the Authorised Person via [codecomplaints@mandurah.wa.gov.au](mailto:codecomplaints@mandurah.wa.gov.au) or delivered to 3 Peel Street Mandurah WA 6210.

In relation to candidate complaints no action will be taken until the results of the election are declared by the Returning Officer. If the Respondent is elected, then the complaint will be dealt with in accordance with this Policy.

If the Respondent is not elected, the Authorised Person will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with.

## 6. Authorised Person

In accordance with Clause 11(3) of the Code of Conduct:

- a. The Chief Executive Officer (CEO) is authorised to receive complaints and withdrawal complaints; or
- b. Where the Complainant is the CEO, the Director of Business Services is authorised to receive complaints and withdrawal complaints.

The Authorised Person is responsible for:

- a. receiving complaints in accordance with Part 7 of this Policy;
- b. communicating with the complainant to advise the complaint has been accepted or rejected in accordance with this Policy and the Code of Conduct;
- c. engaging an Independent Complaints Assessor in accordance with the Council Procurement Policy POL CPM-02;

- d. liaising with and providing administrative support to the Independent Complaint Assessor appointed under this Policy;
- e. liaising with the City to facilitate the calling and convening of Council meetings if required;
- f. taking necessary steps to terminate the complaint if the complaint is withdrawn in accordance with Part 9 of this Policy; and
- g. undertaking their functions in accordance with this Policy.

## 7. Receiving Complaints

### 7.1 Processing a Complaint

Within 7 days of a complaint being lodged, the Authorised Person will ensure that the complaint meets the following requirements:

- a. has been made within one month after the occurrence of the alleged breach;
- b. is in writing and within the approved Form and all sections of the Form are complete;
- c. the complaint is relating to an alleged breach of Division 3 – Behaviour of the Code; and
- d. the complaint is about a current Elected Member or Committee Member or a candidate that has nominated for the upcoming local government election;

### 7.2 Complaints to be actioned

For complaints that meet these requirements as per Part 7 of this Policy, the Authorised Person will:

- a. confirm receipt of the Complaint;
- b. provide a copy of this Policy;
- c. explain the application of confidentiality;
- d. advise that the complaint has been referred to an Independent Complaints Assessor for further action.

Note: Where the complaint relates to a candidate of the upcoming local government election, no action will be taken unless the candidate is elected into office.

### 7.3 Complaints not to be actioned

For complaints that do not meet the requirements as specified in Part 7.1 of this Policy, the Authorised Person will give notice as to the reasons the complaint will not be actioned.

A complaint shall not be actioned if the complaint meets at least one of the following:

- a. It is withdrawn by the Complainant;
- b. The alleged breach is greater than one month;
- c. The Alleged conduct relates to a person who is not an elected member of the City, or a person who was a candidate and was not elected;
- d. The allegation is not a breach of the Standards of Behaviour set out Division 3 of the Code of Conduct;
- e. Not on the Complaints Form approved by Council nor does the complaint provide sufficient information or evidence;
- f. Complaint made anonymously;
- g. Alleging a breach of the Rules of Conduct Division 4 of the Code of Conduct;
- h. Complaint has been dealt with by the presiding member at a Committee or Council Meeting;
- i. Duplicate of a complaint made by the same person for the same matter; or
- j. The complaint is of the same subject matter that has been dealt with, or dismissed by the local government.

## 8. Independent Complaints Assessor

An Independent Complaints Assessor will be appointed by the Authorised Person to conduct the complaints process in accordance with this Policy. Prior to commencing the complaints process, the Authorised Person will develop a scope of work through consultation with the Independent Complaints Assessor.

The Independent Complaints Assessor is an impartial third party, specialising in complaints management, required to undertake the functions in accordance with this Policy and must ensure that the principles of procedural fairness and natural justice are upheld and maintained throughout the process. All complaints processes must be conducted without bias and in an impartial and objective manner without any actual or perceived conflict of interest.

To be eligible to be engaged as the Independent Complaints Assessor, a person must, at a minimum, meet the following requirements:

- a. an understanding of local government; and
- b. knowledge and experience of investigative processes including but not limited to procedural fairness requirements; and
- c. knowledge and experience of one or more of the following:
  - i. investigations
  - ii. law
  - iii. public administration
  - iv. alternative dispute resolution.

In accordance with this Policy, a complaint must be managed through the following complaint processes:

- a. Alternative Dispute Resolution in accordance with Part 8.3 of this Policy; and/or
- b. Investigation in accordance with Part 8.4 of this Policy.

Complaints must be managed in a cost effective and efficient manner. In instances where the scope of work expands the Independent Complaints Assessor they must seek approval from the Authorised Person.

### 8.1 Notice to the Complainant

Within 7 days after receiving a Complaint from the Authorised Person, the Independent Complaints Assessor will provide written notice to the Complainant that:

- a. confirms receipt of the Complaint;
- b. provides a copy of this Policy which includes the complaint management pathways;
- c. outlines the process that will be followed and the possible outcomes;
- d. explains the application of confidentiality to the complaint; and
- e. if necessary seeks clarification or additional information.

The Complainant will be provided with 7 days to provide clarification or additional information (if necessary). All reasonable attempts will be made to contact the Complainant.

In the event that the Complainant does not respond to any request for clarification or additional information, the Independent Complaints Assessor shall write to the Complainant using the contact information provided on the Complaint Form advising them that they have 14 days to provide a response.

If the Complainant does not respond then the complaint will be managed in accordance with Part 8.4 of this Policy.

## **8.2 Notice to the Respondent**

Within 14 days after receiving a Complaint from the Authorised Person, the Independent Complaints Assessor will provide written notice to the Respondent that:

- a. advises that a Complaint has been made in accordance with the Code of Conduct;
- b. includes a copy of the Complaints Form (in accordance with clause 14 – confidentiality) and any supporting information provided;
- c. provides a copy of this Policy which includes the complaint management pathways;
- d. outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes; and
- e. if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

The Respondent will be invited to make a written submission in relation to the matter within at least 14 days. All reasonable attempts will be made to contact the Respondent.

If the event that the Respondent requests an extension of time to provide a response, the Independent Complaints Assessor may grant an extension of up to 14 days. No additional extensions are to be granted.

If the Respondent fails to provide a response within the period stated (including the extension of time) the Independent Complaints Assessor shall write to the Respondent's last known place of residence or email to the Respondent's email address, advising them that they have 7 days to provide a response.

If the Respondent does not respond then the complaint will be managed in accordance with Part 8.4 of this Policy.

## **8.3 Alternative Dispute Resolution**

Alternative Dispute Resolution may support both parties to reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Independent Complaints Assessor will, as the first course of action upon providing a notice, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Independent Complaints Assessor will pause the formal process.

The objective of Alternative Dispute Resolution is to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 9 of this Policy.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of the Independent Complaints Assessor.

If Alternative Dispute Resolution is terminated or does not result in the withdrawal of the Complaint, the Independent Complaints Assessor will resume an investigation as required under Part 8.4 of this Policy.

## **8.4 Investigation**

The Independent Complaints Assessor is given the necessary powers and authority to undertake an investigation process in accordance with the Code of Conduct, this Policy and industry best practice.

The Independent Complaints Assessor may:

- a. inquire with all parties to provide any evidence or statements relevant to the complaint;

- b. obtain any information from other parties in relation to policies, procedures and practices including access to relevant records or witness statements; and
- c. seek advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

The Independent Complaints Assessor may take evidence in the form of one or more of the following:

- a. oral or written evidence;
- b. documentary evidence; and
- c. expert or technical evidence.

All investigations of a complaint are to observe due process and procedural fairness. Procedural fairness for an investigation shall include:

- a. ability for the Respondent to provide an opportunity to respond to the complaint;
- b. all parties given a reasonable opportunity to respond;
- c. careful consideration of all evidence obtained during the course of the investigation;
- d. maintaining confidentiality;
- e. conducting the investigation in accordance with the Code of Conduct and this Policy;
- f. taking into account relevant considerations;
- g. investigation recommendations being appropriately documented;
- h. ensuring any conflicts of interest are managed appropriately;
- i. acting fairly, without bias and in an impartial manner; and
- j. conducting the investigation without undue delay.

## 8.5 Records Management

The Independent Complaints Assessor must comply with the records management requirements as outlined in the contract for service. Once the investigation is finalised all records must be provided to the Authorised Person who will ensure that the records are maintained in accordance with the City's record-keeping system with restricted access to ensure confidentiality.

## 9. Complaint Report

The complaints process must ensure that the Respondent is provided with a reasonable opportunity to respond before forming any opinions, or drafting the Complaint Report, proposed Plan or recommendations. This includes evidence to Council must be of a sufficient quality and relevance to lead to a conclusion the conduct alleged, on the balance of probabilities, likely occurred.

The Independent Complaints Assessor will prepare a Complaint Report for Council that will include:

- a. the substance of the complaint;
- b. the nature and extent of the investigation into the complaint;
- a. the evidence obtained during the investigation into the complaint, including the complaint documents, the Respondent documents and any relevant attachments;
- c. outline of the process followed, including how the Respondent was provided with an opportunity to be heard;
- d. a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means;
- e. a description of any attempts made to resolve the matter by use of alternative means (Alternative Dispute Resolution);
- f. include recommendations on each decision that may be made by Council;
- g. include reasons for each recommendation; and
- h. any recommended plan prepared to address the behaviour of the person to whom the complaint relates.

The Independent Complaint Assessor will liaise with the Authorised Person to include the Complaint Report in the Agenda for the Council Meeting. The Authorised Person will be responsible for the preparation of a Confidential Report which will include the Complaint Report and proposed Plan.

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

### **9.1 Submission from Respondent**

In accordance with clause 12(5) of the Code of Conduct, the Respondent must be consulted when preparing the Plan. All reasonable attempts will be made to contact the Respondent.

The Independent Complaints Assessor shall provide the Respondent with a copy of the findings included in the draft Complaint Report and proposed Plan. The Respondent will be invited to make a written submission which will be considered as part of the proposed Plan. A copy of the Respondents submission will also be provided within the Complaints Report. Council will consider any submissions made by the Respondent before adopting and implementing a proposed Plan.

The Respondent will be given 14 days to make a submission. In the event that the Respondent requests an extension of time to make a submission, the Independent Complaints Assessor may grant an extension of up to 7 days.

If the Respondent does not provide a submission or fails to respond within the time stated (including an extension of time), the Independent Complaints Assessor shall write to the Respondent advising that they have 7 days to provide a response.

In instances where Council decides to prepare an alternate Plan, Council must consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. The Authorised Person will instruct the Independent Complaints Assessor to invite the Respondent to make a written submission.

The Respondent will be given 14 days to make a submission on the alternate Plan. In the event that the Respondent requests an extension of time to make a submission, the Independent Complaints Assessor may grant an extension of up to 7 days.

If the Respondent does not provide a submission or fails to respond within the time stated (including an extension of time), the Independent Complaints Assessor shall write to the Respondent advising that they have 7 days to provide a response.

If the Respondent does not provide a submission or fails to respond, the Independent Complaints Assessor will provide an updated Complaints Report outlining the consultation process undertaken on the alternate Plan. Council will consider the updated Complaints Report and make a determination in relation to whether Council approves the alternate Plan.

The Independent Complaints Assessor may at any time prior to issuing a draft Complaint Report and Plan, issue an amended Complaint Report and Plan to the Respondent in relation to the matter referred to them.

Where the Independent Complaints Assessor issues an amended Complaint Report and Plan, they must provide the Respondent with a further opportunity to make a written submission in response to the amended report within at least 14 days. The amended Complaint Report and Plan will be presented to Council for consideration once the Respondent has had an opportunity to provide comments in response to the amendments.

## 10 Withdrawal of complaint

A Complainant may withdraw their complaint at any time before Council makes a Finding in relation to the complaint.

The withdrawal of a Complaint must be in writing and given to an Authorised Person.

## 11 Council to make a determination

Decisions made under this Policy will reflect the principles of procedural fairness.

Council will determine matters relating to complaints, including:

- a. Dismissing a behaviour complaint and providing reasons for any such dismissal.
- b. Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur.

Where a Finding is made that a breach has occurred, determining:

- a. To take no further action; or
- b. Prepare and implement a Plan to address the behaviour of the person to whom the complaint relates.

### 11.1 Options for determination

Council will consider the Complaint Report and proposed Plan and give due regard to the recommendations. In accordance with the Code of Conduct the following decisions are available:

#### a. Dismissing a complaint

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Council will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 10.2 of this Policy.

If the Council dismisses a Complaint, the Authorised Person must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13.2 of the Code of Conduct. This action is to be undertaken in accordance with the *City of Mandurah Standing Orders Local Law 2016*. This concludes the process of this complaint.

If the Complaint is not dismissed, the processes outlined in this Policy must be followed.

#### b. Breach did not occur

If Council finds that the alleged Breach did not occur, the Authorised Person must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This action is to be undertaken in accordance with the *City of Mandurah Standing Orders Local Law 2016*. This concludes the process of this complaint.

#### c. Breach did occur

If Council finds that the alleged breach did occur, the Council will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or adopt the proposed Plan or prepare an alternate Plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and this Policy.

##### i. No further action

If the Council decides to take no further action, the Authorised Person must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This action is to be undertaken in

accordance with the *City of Mandurah Standing Orders Local Law 2016*. This concludes the process of this complaint.

## ii. **Determining a Plan**

Council may decide to adopt the proposed Plan or an alternate Plan. If Council decides to adopt an alternate Plan, Council must consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. Council will consider any submissions made by the Respondent before adopting and implementing an alternate Plan, refer to Part 9.2 and 10.5 of this Policy.

## **11.2 Dismissal of a complaint**

The Council must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that:

- a. the behaviour to which the Complaint relates is a breach of Division 3 of the Code of Conduct and occurred at a Council or Committee Meeting; and
- b. either :
  - i. the behaviour was dealt with by the person presiding at the meeting; or
  - ii. the Respondent has taken remedial action in accordance with the *City of Mandurah Standing Orders Local Law 2016*.

## **11.3 Finding**

A Finding that the alleged Breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur (refer clause 12(3) of the Code of Conduct).

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

## **11.4 Action**

In deciding whether to take no further action, or prepare and implement a Plan, the Council may consider:

- a. the nature and seriousness of the breach(es);
- b. the Respondent's submission in relation to the contravention;
- c. the Respondent and Complainants willingness to participate in the complaint;
- d. whether the Respondent has breached the Code knowingly or carelessly;
- e. whether the Respondent has remedied or rectified their conduct;
- f. the degree of reckless intention or negligence of the Respondent;
- g. the harm or potential harm to the reputation of the Council or the City in general arising from the conduct;
- h. likelihood or not of the Respondent committing further breaches of the Code;
- i. personal circumstances at the time of conduct; and
- j. any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

## **11.5 The Plan**

The proposed Plan may include requirements for the Respondent to do one or more of the following:

- a. engage in mediation;
- b. undertake counselling;
- c. undertake training;
- d. take other action that Council considers appropriate (e.g. an apology).

The proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code.

The proposed Plan may also outline:

- a. the actions to be taken to address the behaviour(s);
- b. who is responsible for the actions;
- c. any assistance the City will provide to assist the Respondent to achieve the intent of the Plan; and
- d. a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

If the Respondent has been consulted on the proposed Plan and Council makes no additions then a Notice of Council determination can be provided.

If the Council decides to prepare an alternate Plan, Council must consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. The Council will consider any submissions made by the Respondent before adopting and implementing an alternate Plan. Refer to Part 9.4 of this Policy.

## 12 Notice of Council Determination

When Council makes a finding in relation to a complaint, written notice will be provided which includes:

- a. its finding and the reasons for its finding; and
- b. if its finding is that the alleged breach has occurred.

The Authorised Person must notify the Complainant and Respondent of Council's decision.

## 13 Non-compliance with plan

The Authorised Person will monitor compliance of a Council adopted Plan.

If the person subject of the complaint, fails to comply with the Plan, as adopted by Council, it will be a breach of clause 23 of the *Local Government (Model Code of Conduct) Regulations 2021* and reported as a minor breach to the Standards Panel.

## 14 Declaration of Interest

An Elected Member who is a Complainant or a Respondent should consider their responsibilities in relation to declaration of interests under the *Local Government Act 1995*.

An Elected Member who is a Complainant or a Respondent may choose to remove themselves from the agenda item deliberations relating to the Complaint.

## 15 Confidentiality

There is no direct statutory provision for confidentiality of behaviour breach allegations under the Act or *Local Government (Model Code of Conduct) Regulations 2021*. However, the Policy provides direction on how confidentiality will be applied.

### 15.1 Complainant and Respondent confidentiality

The City will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

- a. The name of the Complainant will be provided to the Respondent.

- b. Complainant's contact information (phone, email, address) will not be provided to the Respondent.
- c. Complainant's name and contact information will not be included in any publicly available documents such as meeting agendas or minutes.
- d. The Complainant should be aware that the Complaint Report may be subject to a Freedom Of Information (FOI) request, noting that they must be consulted before any documents are released, and exemptions may apply.

Complainants and Respondents will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

## 15.2 Authorised Person and Contractors

Authorised Person and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

The Authorised Person must maintain confidentiality in accordance with the City of Mandurah Code of Conduct and any external contractors engage will be required to comply with confidentiality provisions within the applicable Contract.

## 16 Support

Elected Members have access to the Employee Assistance Program. The Program provides independent support for personal and work related problems by trained and qualified Counsellors.

## 17 Rules of Conduct Complaints – Division 4

Complaints regarding an allegation of a breach of Division 4 – Rules of Conduct are to be directed to the Standards Panel.

## 18 Serious or Criminal Complaints

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

## 19 Definitions

**Authorised Person** – In accordance with clause 11 (3) of the Code:

The CEO is authorised to receive complaints and withdrawal complaints under the Code; or

Where the complainant is the CEO the Director of Business Services is authorised to receive complaints and withdrawal complaints under the Code.

**Breach** of Division 3 – Behaviour of the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates.

**Candidate** means a candidate for election as an Elected Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include an Elected Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

**Code of Conduct** means the City of Mandurah Code of Conduct for Council Members, Committee Members and Candidates.

**Complaint** is one that alleges a breach of Division 3 – Behaviour of the City of Mandurah Code of Conduct for Elected Members, Committee Members and Candidates.

**Complaint Report** include the complaint documents, the respondent documents and any relevant attachments.

**Complainant** means a person who has submitted a Complaint in accordance with this Policy.

**Committee** means a committee of Council, established in accordance with s.5.8 of the Act.

**Committee Member** means a Council Member or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act.

**Independent Complaints Assessor** means a person appointed by the Authorised Person in accordance with this Policy.

**Finding** means a finding made in accordance with clause 8.2(2) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

**Plan** means a Plan that may be prepared and implemented under clause 8.2(5)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

## Legislative Context

*Local Government Act 1995*

*Local Government (Election) Regulations 1996*

*Local Government (Model Code of Conduct) Regulations 2021*

Code of Conduct – Elected Members, Committee Members and Candidates

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**Responsible Directorate:** Business Services

**Responsible Department:** Governance

**Reviewer:** Manager Governance, Procurement and Land

**Creation date and reference:** TBA

**Last Review:** N/A

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased

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<b>4</b>	<b>SUBJECT:</b>	Review of Trading Permit Guidelines
	<b>DIRECTOR:</b>	Business Services
	<b>MEETING:</b>	Committee of Council
	<b>MEETING DATE:</b>	10 August 2021

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## Summary

An administration review has been undertaken to ensure the Trading Permit Guidelines are relevant and reflect the current locations that an operator can trade as a result of the Western and Eastern Foreshore redevelopment. The review did not consider section three, Mobile Traders. The review included a change to section four relating to fees and charges, which now refers to the City of Mandurah Schedule of Fees and Charges. Section Five has been amended to change terminology to approval.

A review of section three of the guidelines, being Mobile Traders, will occur in 2022 and will include stakeholder engagement.

It is recommended that Council approve the amendments to the Trading Permit Guidelines to ensure the document is up-to-date ahead of the 2021/22 summer period.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- G.10/4/17 11 April 2017 Council endorsed the outcomes and inclusion of criteria for the Trading Permit Guidelines
- G.11/4/19 30 April 2019 Modifications to the Trading Permit Guidelines for semi-permanent/pop-up style activities to be included in the City Centre Waterfront Trading Locations and subject to an expression of interest process.
- G.21/10/20 27 October 2020 Council approved location WF2 and WF3 to be removed as locations for trading permits up until 30 June 2023.

## Background

The Trading Permit Guidelines were endorsed in 2017 to provide guidance to operators who were interested in using City managed land to offer commercial, aquatic or mobile trading activities. The trading permits achieves the objective of utilising City parks and reserves to activate and enhance the vibrancy of the area whilst managing the local business brick and mortar businesses concerns about cost of operating compared to the mobile nature of trading permits.

The following are the components of the Trading Permit Guidelines:

Section One – Introduction – objectives, background, application, exemptions

Section Two – Commercial and Aquatic Operators – location, amenity and appearance, site requirements, maintenance and cleaning, public risk management, application, operations, assessment and selection process

Section Three – Mobile Traders - definitions, locations, site requirements, amenity and appearance, management, maintenance and cleaning, public risk management, application process, approval

Section Four - Fee structure

Section Five – Approval

## Comment

An administration review has been undertaken to ensure the Trading Permit Guidelines are current (refer to Attachment 4.1). The following changes are recommended:

- 1.3 (a) to specify that Cruise Operators are excluded from the Trading Permit Guidelines
- 1.4(g) – inclusion that activities of Cruise Operators do not apply to the Trading Permit Guidelines, a definition of Cruise Operators and that a Cruise Operator must enter into a licence with the City of Mandurah and operate from the commercial jetty areas
- 2.1 – inclusion of reference that locations are designated for land and aquatic or just land based activities
- Figure 1 – removal of areas:
  - EF3 – Future Place Pod – This is likely to be agreed through a lease or licence agreement and not a trading permit arrangement
  - EF4 – Mandjar Bay Commercial Jetties - Operators will be required to enter into a licence agreement and not a trading permit arrangement
  - MB1 – MPAC Jetty – This is a public jetty and all commercial operators will be required to enter into a licence arrangement and not a trading permit
  - MB2 – TODs/Cicerello's Jetty – This is a public jetty and all commercial operators will be required to enter into a licence arrangement and not a trading permit
  - WF1 – This area is a safety risk if it is used for any commercial purposes
- Figure 1 - amendment
  - EF2 – Eastern Foreshore South – The location is for land based activities.
  - WF2 and WF3 to be available from 1 December 2021 – The City has received verbal confirmation that Kayaks 4 U will not be accepting the extension of the holding over period
  - Addition of areas that are designated for land based operators and land and aquatic operators
- Figure 2 – removal of area:
  - Mandjar Bay – Aquatic operators are required to enter into a licence agreement with the City
- Section 4 – remove fees specified in the table and refer to the City of Mandurah Schedule of Fees and Charges. This is a duplication and if the fees and charges change, City officers will also have to request for Council to amend the Trading Permit Guidelines
- Section 5 – replace the word Delegation with Approval

A copy of the existing City Centre Waterfront Trading Locations (Figure 1) is provided in Attachment 4.2 for comparison purposes.

A review of the Trading Permit Guidelines will occur in 2022 which will include a review of Section Three, Mobile Traders which will also include stakeholder consultation and engagement.

## Consultation

Nil

## Statutory Environment

*City of Mandurah Local Government Property and Public Places Local Law 2016*

## Policy Implications

Trading Permit Guidelines

## Financial Implications

There may be additional revenue that the City may receive removing commercial cruise operators from obtaining a trading permit as they will have to pay a licence to use the commercial jetties berths to operate.

Noting, that all existing commercial cruise operators in Mandurah will be on a licence arrangement before the 2021/22 summer period.

### **Risk Analysis**

There is a reputational risk that an operator is interested in hiring an area that is no longer available as the Trading Permit Guidelines do not reflect the current areas that are available.

### **Strategic Implications**

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

#### Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.
- Actively partner and engage with business and industry to build Mandurah's entrepreneurial capacity and capability.

#### Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

### **Conclusion**

It is recommended that Council approve the tracked changes in the Trading Permit Guidelines as detailed in Attachment 4.1.

NOTE:

- Refer ***Attachment 4.1 Revised Trading Permit Guidelines***  
***Attachment 4.2 Existing City Centre Waterfront Trading Locations (Figure 1 of Trading Permit Guidelines)***

#### Officer Recommendation

That the Committee of Council recommend that Council approve the revised Trading Permit Guidelines as detailed in Attachment 4.1.

#### Committee Recommendation

**That the Committee of Council recommend that Council approve the revised Trading Permit Guidelines as detailed in Attachment 4.1.**

# Trading Permit Guidelines

October 2020



## Record of Adoption

Stage	Version No	Document Date	Approval Date
Final	2	2 February 2017	27 February 2017

## Schedule of Modifications

No	Description	Version No	Document Date	Approval Date
1	Section 1.1 Objectives Updated City Centre Waterfront Trading Locations Modified (As per City Centre Waterfront Precinct Concept Plans)	3	3 April 2019	28 April 2019
2	City Centre Waterfront Locations Modified <ul style="list-style-type: none"><li>WF2 to be exclusive until 30 June 2023</li><li>WF3 to be removed until 30 June 2023</li><li>Remove reference to Stingray Wharf Jetty (* administrative modification only)</li></ul>	4	23 December 2020	27 October 2020
3	City Centre Waterfront locations modified; excluded Cruise Operators who are carrying paying customers and included definition; and referred fees to the Schedule of Fees and Charges adopted by Council annually	5	30 July 2021	

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# 1. Introduction

## 1.1 Objectives

The objectives of these Guidelines are to:

- (a) Encourage the use of parks and reserves by commercial and aquatic operators and mobile traders, as a means of enhancing the vibrancy and community activity that flows from this activation of our public spaces, whilst managing the competing needs and interests of pedestrians, consumers and local business proprietors;
- (b) To facilitate enjoyable, interesting, unique and convenient leisure and recreational options for residents, families and other members of the community to experience in their local area;
- (c) Encourage and provide entrepreneurial, place-making and tourism opportunities that contribute to the well-being of residents, to the overall experience of visitors to Mandurah and to the growth of small businesses;
- (d) Provide guidelines and assessment criteria for the consistent decision making of applications for trading permits applications on public land.

## 1.2 Background

In recent years, the general community has sought to engage with public spaces in a different manner than has traditionally been the case.

The City recognises and acknowledges the presence of activity can result in competing demands on public spaces for a variety of uses. In order to effectively manage this usage, the City has identified management arrangements to address this issue.

In particular, designated locations and exclusion zones for recreation, leisure and trading activities and a trading permit application process for mobile traders and commercial and aquatic operators.

The City aims to support activity diversity in a manner that facilitates safe and enjoyable experiences for all users, whilst ensuring that the trading activities are appropriately managed and provide a high degree of community benefit for Mandurah residents, visitors and tourists.

These guidelines are prepared and adopted pursuant to Part 10 and 12 of the *Local Government Property and Public Places Local Law 2016*.

### 1.3 Application of the Guidelines

The City will assess applications for Trading Permits at designated sites and throughout the City of Mandurah in accordance with this Policy.

These guidelines apply in two parts:

- (a) Part 2 applies specifically to Commercial and Aquatic Operators [who are not Cruise Operators carry paying customers](#);
- (b) Part 3 applies specifically to Mobile Traders.

### 1.4 Exemptions

These Guidelines do not apply to the following activities (separate approval may be required):

- (a) Buskers and raffle sales from a site approved by the City;
- (b) Swap meets/markets/fetes/fares and the like, run by an organisation which can demonstrate that its objectives are charitable, benevolent, religious, cultural, educational, recreational or sporting (no approval is required in accordance with this Policy);
- (c) Any trading associated with an event run or sponsored by the City of Mandurah;
- (d) Trading, which in the opinion of the City, is directly associated with a sporting event/competition recognised by the City;
- (e) Existing legal businesses placing stalls on the public land adjacent to their premises; ~~and~~
- (f) Personal Trainers utilising Public Open Space; [and](#)
- (g) [Cruise Operators that are required to enter into a licence agreement with the City to use the commercial jetties located on the Eastern Foreshore.](#)

[Cruise Operators are defined as carrying paying customers that requires a jetty to be used for embarking and disembarking that is operating as a commercial vessel.](#)

[Note: Contact the City of Mandurah if you are a Cruise Operator wanting to submit an expression of interest for using the commercial jetties.](#)

## 2. Commercial and Aquatic Operators

### 2.1 Location

For the purposes of this section, **Commercial and Aquatic Operators** have been divided into two areas:

- Commercial and Aquatic Approved Locations (City Centre Trading Locations);
- Commercial and Aquatic Operators Approved Locations (City of Mandurah Trading Locations);

Within the City Centre Waterfront Precinct, key locations have been identified (Refer Figure 1) where trading activity is encouraged. [The locations are either designated for Commercial and Aquatic Operators for both land and water based activities or Commercial Operators with land based activities.](#)

There are also a number of locations throughout Mandurah, outside of the City Centre Waterfront Precinct, which have been designated as suitable sites for commercial and aquatic operators (Refer Figure 2).

- Alternative locations not identified within Figures 1 and 2 may be considered subject to approval by Council.
- More than one operator may be located within any of these locations, which may include operators with similar activities.

### 2.2 Amenity and Appearance

Commercial and Aquatic Operators are to:

- Ensure that any advertisements, placards, flags, bunting or posters, are attached to and forming part of the vehicle or trailer. One portable sign may be permitted to be displayed subject to compliance with Part 8 of the *Local Government Property and Public Places Local Law 2016*.
- Not install permanent fixtures. Following trade, all related fixtures must be removed from the site. If storage is required, applicants are encouraged to find privately owned land and negotiate use arrangements accordingly;
- Ensure that they do not cause or make noise or a disturbance which is likely to be a nuisance or annoyance.

## 2.3 Siting Requirements

Commercial and Aquatic Operators are to ensure that:

- they avoid encroachment on bicycle and/or pedestrian paths and must not obstruct pedestrian flow and/or vehicular traffic;
- they do not obstruct, cover, remove, relocate or modify trees, public art, benches, bins, bus shelters or other City owned infrastructure;
- their position does not compromise public access, circulation, safety or other activities.
- they do not require external power, gas or water connections;
- operator vehicles must be parked in compliance with the parking requirements for the location.

## 2.4 Maintenance and Cleaning

Commercial and Aquatic Operators are to:

- Ensure that any notable damage to City infrastructure is reported prior to the commencement of use of the approved location(s). Commercial and Aquatic

Operators are responsible for any damage which occurs during the use of the site(s) in accordance with Part 14 of the *Local Government Property and Public Places Local Law 2016*. This includes, but is not limited to, damage to parking bollards, piping, trees, shrubs, fences, grass, signs, lighting etc.

- Ensure that their vehicles and trailers are kept in a safe and well-maintained condition at all times;

## 2.5 Public Risk Management

All Commercial and Aquatic Operators must hold valid public liability insurance to the value of \$10 million dollars which indemnifies the City against all claims, losses, actions, damages, costs (including legal costs) and expenses whatsoever arising out of or in connection with the trading on the site including personal injury (including death or disease) to the operator or any invitee or third party unless and then only to the extent that the operator proves said injury was due to the negligence of the City;

Loss of or damage to any property owned by the operator, the City or any third party, and; breach or non-compliance with any statute or regulation or local law of any public, municipal or other authority.

## 2.6 Application Process

In the event that there is significant interest from multiple operators for specific locations, an annual 'Expression of Interest' process will be open for Commercial and Aquatic Operator approved locations in July/August of each year.

Existing permit holders will be sent renewal packages during this period. Historical preference is given to regular operators following continued use for a period of 6 months or more and if the operator has not breached any permit conditions during this period.

Proposals will be considered collectively and annually, prior to the peak summer period. All existing sites will be inspected to assess viability and condition prior to the new allocation period.

Expressions of Interest shall:

- Be made by the closing date of the advertised period (every July/August);
- be made on the prescribed form;
- provide the proposed preferred location(s), including alternatives, that they seek approval to operate from and a detailed site plan to indicate location and extent of the area required;
- provide details of the activity they wish to conduct, the equipment required and the estimated number of participants;

- provide details of the proposed means of access to the site(s). A *completed Application for Vehicle Access form* will be required if you wish to take your vehicle onto any public open space;
- provide details of the proposed hours of operation;
- provide details of appropriate management procedures relating to the activity;
- provide details of any signage proposed;
- provide evidence of consultation with relevant government agencies such as: Department of Transport, Department of Fisheries, Department of Planning, Lands and Heritage and Department of Environment and Conservation;
- provide copies of all relevant qualifications.

Applications received outside of the July/August advertised period will be considered but will only receive approval to operate until the 30 June, at which point a renewal will be required to be submitted. A pro-rata fee will be incurred.

## 2.7 Operations

Once approval has been granted, the following will be required prior to the commencement of operations:

- the payment of a permit fee (Refer Section 4);
- evidence provided of insurance, including but not limited to current public liability insurance for no less than 10 million dollars in respect of any one claim.

Any new permits issued will be included within the City's Parks and Reserves Booking System.

Approved trading permits for Commercial and Aquatic Traders will be for a maximum term of period of 3 years, but will be subject to an annual review and renewal process by 30 June each year.

The City reserves the right to revoke the approval, to alter the location of the site and/or vary conditions of use in relation to any approval issued.

A permit does not represent exclusive use of the site. If the trading activity is likely to impact upon the operations of the City of Mandurah or its contractors or agents in terms of infrastructure maintenance, replacement or construction and/or conducting of City of Mandurah Events, then the permit may be cancelled or suspended during the period of that impact, as determined by the City.

If concerns are raised by local businesses or the community on the operation or location of the operator, the City may require the operator to relocate or cease trading temporarily or permanently from any chosen location.

A Trading Permit may be cancelled if the permit holder has not complied with the conditions of the permit or the provisions of any Local Law related to the activity.

Should an operator wish to withdraw their use of a site, this must be done in writing to the City of Mandurah.

Should an operator wish to change their regular location/hours of operation then written confirmation will be required 48 hours prior to the proposed change.

## 2.8 Assessment and Selection Process

In determining an application for a Commercial and Aquatic Operator trading permit, the City may have regard to:

- Any relevant policies of the City;
- The Competition Principles Agreement;
- The desirability of the proposed activity;
- The location of the proposed activity in accordance with Figures 1 and 2;
- The appropriateness of the type of activity in that location with respect to pedestrian and vehicular traffic and the safety of the public, their customers and the trader themselves;
- Any impact the business will have on the surrounding amenity;
- Any impact the business will have on the permanent retail and service base;
- The experience of the operator in conducting the proposed activity, including any previous breach of any condition of a previous permit or any previous breach of any provision of the relevant Local Law;
- The level of support from relevant government agencies;
- The suitability of the operators proposed health and safety measures;

- The suitability of the operators proposed environmental management strategies;
- The performance and reputation of an existing operator;
- Any other criteria as prescribed by the City of Mandurah.

All successful applicants will be granted a Trading Permit incorporating Council's standard conditions and any that are specific to the individual site and type of operation.

# Figure 1 - City Centre Waterfront Trading Locations PROPOSED

## Commercial and Aquatic Operators - Approved Locations

- 5 Keith Holmes Reserve
- EF1 Eastern Foreshore North (Adjacent to Car Park Station No 8)
- WF1 Western Foreshore - Adjacent to Pontoons (Available After 1 December 2021)
- WF2 Western Foreshore - South of Pontoons (Available After 1 December 2021)
- WF3 Western Foreshore - Bridge Car Park South

## Commercial (Land Based) Operators - Approved Locations

- 6 Entrance Channel Foreshore
- EF2 Eastern Foreshore South

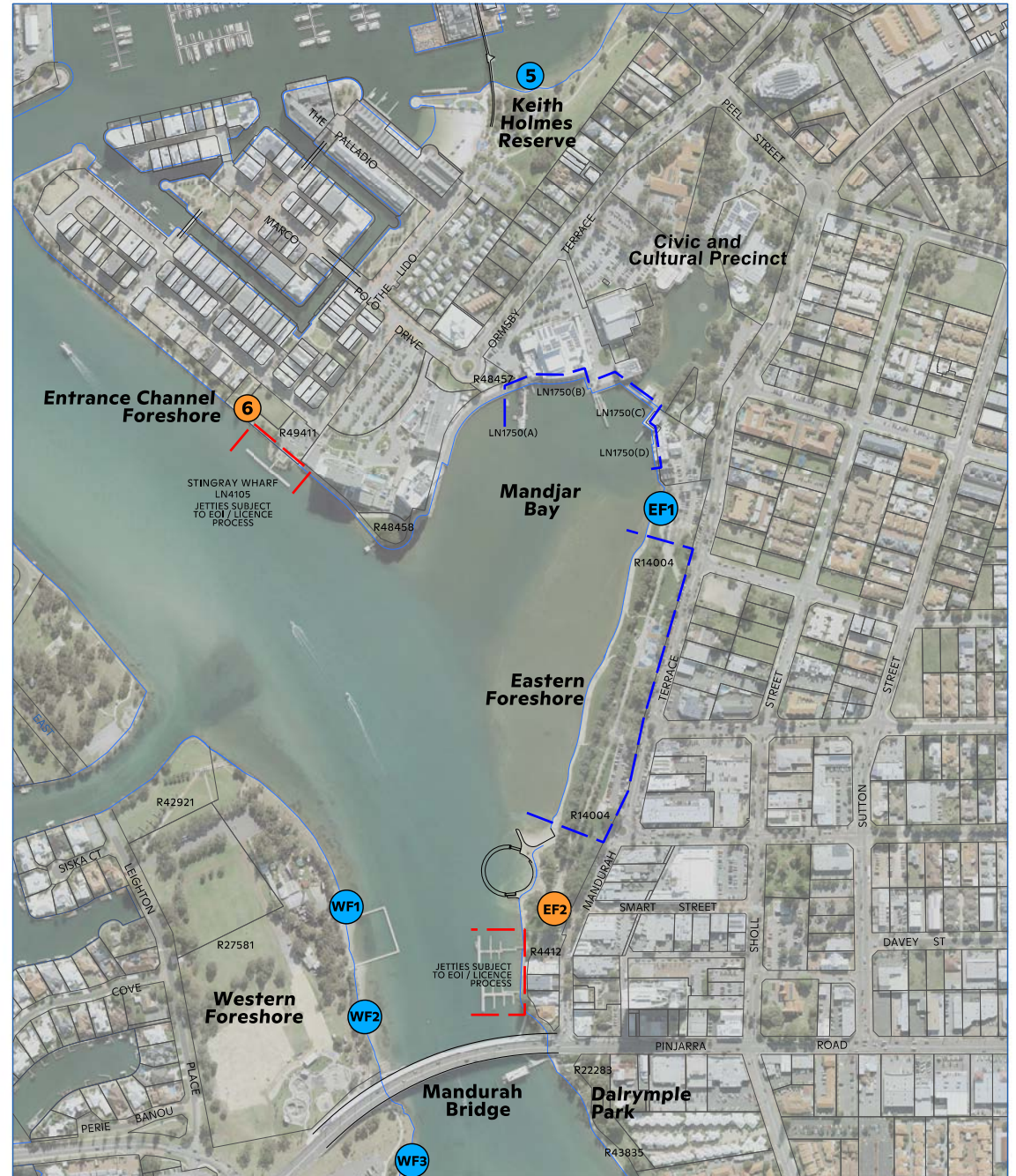
## Exclusion Areas

- └─┘ Eastern Foreshore Central
- └─┘ MPAC Jetty / 'TODs & Cicerello's' Jetty

*Exclusion Areas include existing exclusive lease and non-exclusive licenced areas; together with public jetties that are not appropriate for commercial use and activities*

## Jetties Subject to Separate EOI & Licencing

- └─┘ Stingray Wharf
- └─┘ Eastern Foreshore Jetties

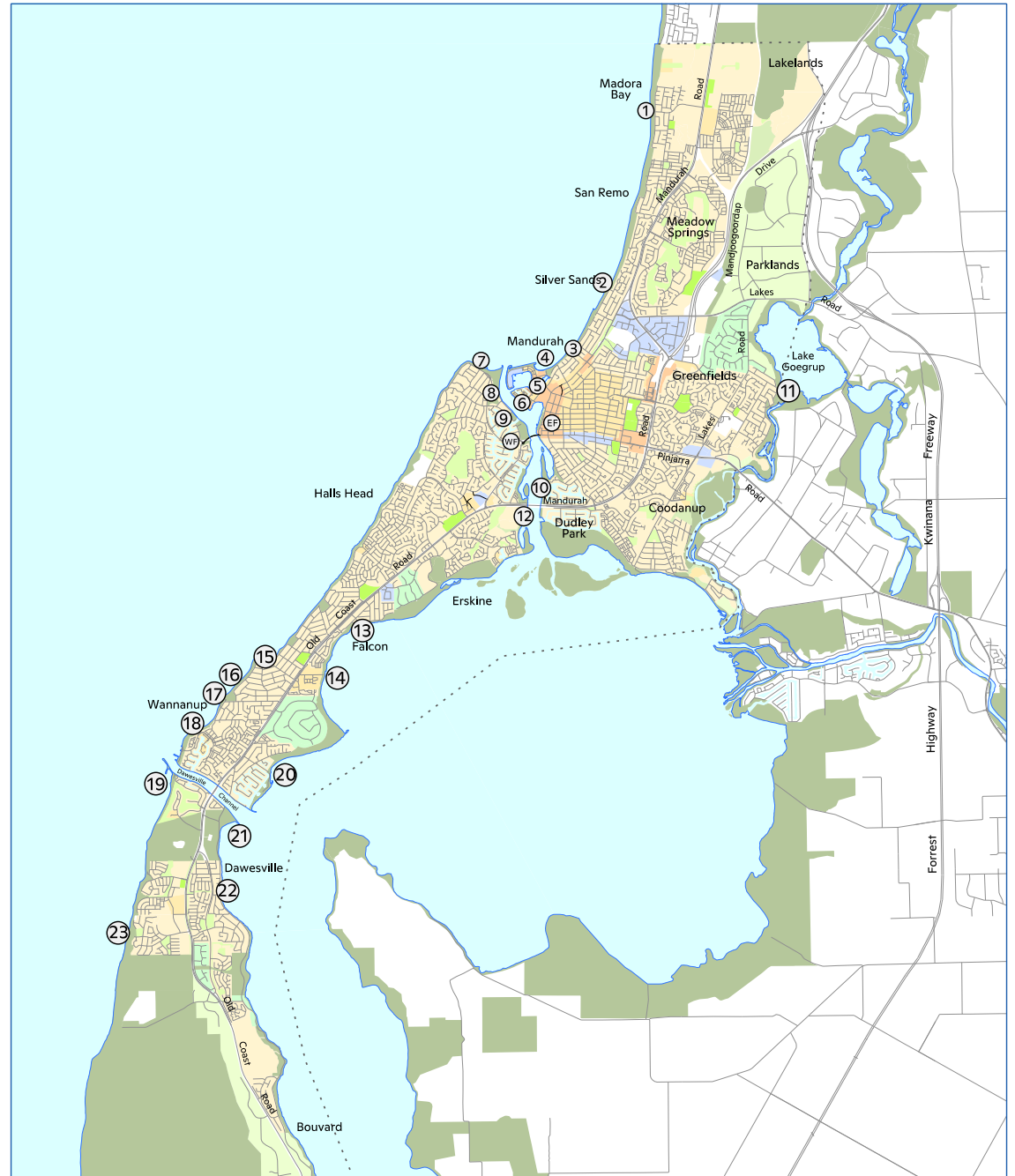


## Figure 2 - City of Mandurah Trading Locations

### Commercial and Aquatic Operators (Approved Locations)

- ① Madora Bay Foreshore
- ② Wade Street Foreshore
- ③ Henson Street Reserve
- ④ Town Beach
- ⑤ Keith Holmes Reserve
- ⑥ Entrance Channel Foreshore
- ~~MB Mandjar Bay (See Figure 1)~~
- EF Eastern Foreshore (See Figure 1)
- WF Western Foreshore (See Figure 1)
- ⑦ Doddi's Beach
- ⑧ Mary Street Lagoon
- ⑨ Henry Sutton Grove Foreshore
- ⑩ Waterside Foreshore
- ⑪ Riverside Foreshore
- ⑫ Osprey Waters Foreshore
- ⑬ Novara Foreshore
- ⑭ Olive Road Foreshore
- ⑮ Falcon Bay
- ⑯ Avalon Beach North
- ⑰ Avalon Beach South
- ⑱ Northport Foreshore
- ⑲ Pyramids Beach
- ⑳ Estuary Place Foreshore
- ㉑ Estuary Road / Thisbe Drive Foreshore
- ㉒ Dawesville Foreshore
- ㉓ Melros Beach

⋯⋯⋯ City of Mandurah Boundary



## 3. Mobile Traders

### 3.1 Definitions

**Mobile Traders** are defined as a person or persons who trade temporarily from a fixed or non-fixed location or a number of locations and vacate the location(s) once trading has ended for the day. Examples include; Flower stalls, Art sales, Ice-cream van, Food van, Coffee van. The City supports food related mobile traders when vendors practice safe food handling practices in accordance with the Food Act 2008 and consider the needs of all users of the area, including the safety of consumers and pedestrians.

Mobile Traders shall not trade in any public place until a permit has been issued by the City of Mandurah in writing for that location/s.

A Trading Permit does not represent exclusive use of a site. If the trading activity is likely to impact upon the operations of the City of Mandurah or its contractors or agents in terms of infrastructure maintenance, replacement or construction and/or conducting of City of Mandurah Events, then the permit may be cancelled or suspended during the period of that impact, as determined by the City.

If concerns are raised by local businesses or the community on the operation or location of a mobile trader, the City may require the vendor to relocate or cease trading temporarily or permanently from any chosen location.

A Trading Permit may be cancelled if the permit holder has not complied with the conditions of the permit or the provisions of any Local Law related to the activity.

### 3.2 Location

Mobile Traders are encouraged to locate within the pre-approved locations indicated in Figure 3.

Alternative locations may be considered subject to approval by the City of Mandurah, with the exception of:

- the Eastern Foreshore;
- the Western Foreshore;
- Mandurah City Centre (area bounded by Mandurah Terrace, Pinjarra Road, Gibson Street and Sutton Street);
- Mandurah Ocean Marina;
- All road reserves which are under the control of Main Roads WA (Mandurah Road, Old Coast Road, Mandjoogoordap Drive and Pinjarra Road east of Mandurah Road);
- Major roads under the control of the City of Mandurah (which include Peel/Allnutt Street, Mandurah Terrace (south of Anstruther Road), Anstruther Road, Pinjarra Road (west of Mandurah Road), Murdoch Drive, Gordon Road and Leslie Street (Refer Figure 3).

Mobile traders must be more than 400m away from any shops which offer for sale the same, or similar commodities, except where the trader has been invited onto a property by the property owner or is participating in a community event, such as a weekend market or sporting event.

Mobile Traders must also be more than 300m away from schools during the hours of 8.00am to 9.00am and 3.00pm to 3.45pm, except during the school holidays, weekends and public holidays.

### 3.3 Siting Requirements

Mobile Traders must ensure that:

- they avoid encroachment on bicycle and/or pedestrian paths and must not obstruct pedestrian flow and/or vehicular traffic;
- they do not obstruct, cover, remove, relocate or modify trees, public art, benches, bins, bus shelters or other City owned infrastructure;
- their position does not compromise public access, circulation, safety or other street activities.
- they do not require external power, gas or water connections;
- a maximum of 20% of the total number of car bays servicing the reserve and trading location are utilised by vehicles/trailers/vans/equipment associated with the traders.

### 3.4 Amenity and Appearance

Mobile Traders must:

- Not sell alcohol or tobacco products at any time;
- Have a vehicle whose presentation contributes to the character of the area;
- Ensure that any advertisements, placards, flags, bunting or posters, are attached to and forming part of the vehicle, stall or display stand. One portable sign may be permitted to be displayed subject to compliance with Part 8 of the Local Government Property and Public Places Local Law 2016.

- Not install permanent fixtures. However, mobile traders may be permitted to provide tables and chairs for their patrons, to be located adjacent to the vehicle or stall, subject to suitable space availability. Following trade, all related fixtures must be removed from the site;
- Ensure that they do not cause or make noise or a disturbance which is likely to be a nuisance or annoyance.

### 3.5 Management

- Trading locations may only be used between the hours of 7am and 9pm.
- A maximum of 3 mobile traders are allowed at any one location at the same time (and subject to meeting the other criteria). Traders are permitted on a 'first come first served' basis.

Any conflicts in Trading Locations (ie, which vendor is to be at which location at which time) must be resolved by the mobile traders;

- Mobile Traders are responsible for preparing and advertising a roster system (where necessary) that determines when and at which trading location a mobile trader can operate.

# Figure 3 - Mobile Traders Approved Locations

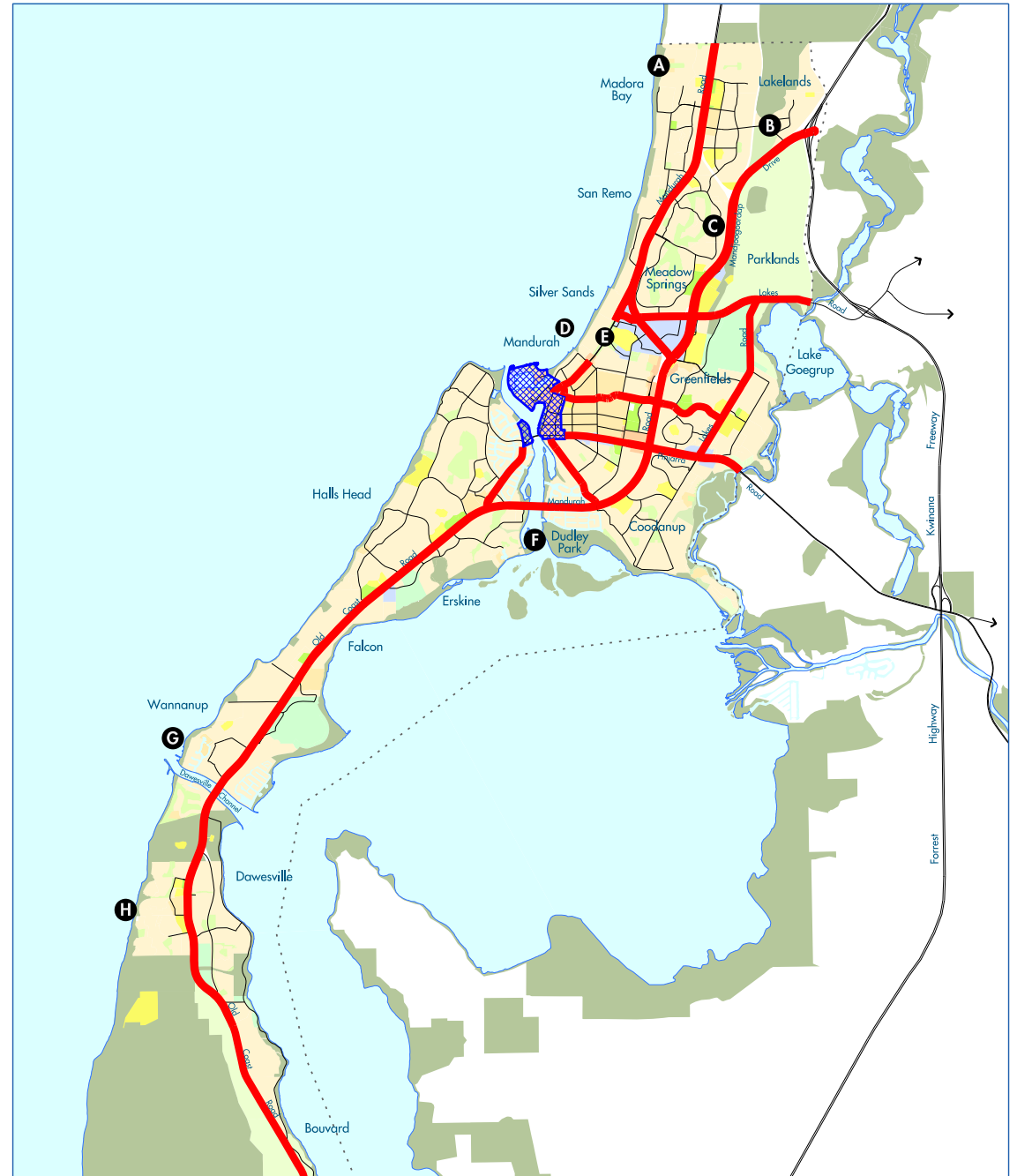
## Mobile Traders Exclusion Areas

- Major Roads
- City Centre / Mandurah Ocean Marina

## Mobile Traders Pre-Approved Locations

- (A) Madora Bay North
- (B) Black Swan Lake
- (C) Quarry Adventure Park
- (D) Henson Street Reserve
- (E) Silver Sands Reserve (Mandurah Tce)
- (F) Osprey Waters Foreshore
- (G) Northport Foreshore
- (H) Melros Beach

City of Mandurah Boundary



### 3.6 Maintenance and Cleaning

Mobile traders must:

- Ensure that any notable damage to City infrastructure is reported prior to the commencement of use of the approved trading location/s. Mobile Traders are responsible for any damage which occurs during the use of the trading location in accordance with Part 14 of the Local Government Property and Public Places Local Law 2016. This includes, but is not limited to, damage to parking bollards, piping, trees, shrubs, fences, grass, signs, lighting etc.
- Ensure that their vehicles, stalls, caravan, trailers are kept in a safe and well-maintained condition at all times; Trading locations must be regularly cleaned during all hours of operation presenting a well-cared for image;
- Mobile Traders must provide bins for use and ensure that the area around their position is kept clear of rubbish and refuse at all times.

### 3.7 Public Risk Management

All mobile traders must hold valid public liability insurance to the value of \$10 million dollars which indemnifies the City.

Safety measures may be required in certain trading locations and will be assessed on a case-by-case basis by the City. If public safety cannot be reasonably addressed, permits will not be issued.

### 3.8 Application Process

An application can be made on the relevant application form to the City of Mandurah, including the required application fee (Refer Section 4). The following details/information are required to be completed/provided:

- Applicant Details;
- Details of Assistants;
- Proposed Location(s) of Trade including site plan(s);
- Proposed means of vehicular access;
- Days and Hours of Trade;
- Details of Goods and Services to be Traded;
- Details of any Structures, Stall or Vehicles(s) to be used (photographs to be submitted where possible);
- Vehicle and Trailer Licence Plate details;
- Copy of public liability insurance to the value of \$10 million;
- Any other additional information to support the proposal.

On submission of the completed application form and required application fee, the application will be allocated for assessment and will seek comments from departments within the City regarding proposed conditions that may be applied to an approval.

### 3.9 Approval

- Once approval has been granted, a permit fee will be required to be paid (Refer Section 4) prior to the commencement of operations.
- Food related mobile traders must ensure that they hold a current Food Act 2008 Certificate of Registration to ensure safe food handling practices.
- Any new permits issued will be included within the City's Parks and Reserves Booking System.
- Approval is valid for up to 12 months, dependant on the length of approval sought and fee paid. The valid permit is required to be displayed and/or produced upon request.
- A Trading Permit may be transferred to a new owner upon application (submitted on the relevant form with payment of the applicable fee).
- Notwithstanding the locational provisions within Section 3.2, Mobile Traders are permitted to operate on commercially zoned, privately owned land with the consent of the landowner.
- Where a mobile trader intends to utilise a residential property for the storage of any commercial vehicles (when not in use), approval may be required in accordance with the Local Planning Scheme.

## 4. Fee Structure

Permit Type	Fee
All Operators – Application Fee/Expression of Interest Fee	<del>\$100</del> <a href="#">Refer to the current City of Mandurah Schedule of Fees and Charges</a>
Commercial and Aquatic Operators	<del>\$800 annually</del> <del>\$550 Summer Period (1 October—30 April)</del> <del>\$100 monthly</del> <a href="#">Refer to the current City of Mandurah Schedule of Fees and Charges</a> <a href="#">Note: Summer Period is 1 October to 30 April</a>
Mobile Traders	<del>\$2500 annually</del> <del>\$500 per month</del> <del>\$1500 Summer Period</del> <del>\$200 per week</del> <del>\$650 quarterly</del> <del>\$50 per day</del> <a href="#">Refer to the current City of Mandurah Schedule of Fees and Charges</a>
Ice-cream and Confectionary Traders (Capped)	<del>\$800 annually</del> <del>\$160 per month</del> <a href="#">Refer to the current City of Mandurah Schedule of Fees and Charges</a>
Transfer of Permit	<del>\$50</del> <a href="#">Refer to the current City of Mandurah Schedule of Fees and Charges</a>

## 5. Delegations Approval

Permit Type	Delegation Approval
All Commercial and Aquatic Operators that fully comply with the requirements of these Guidelines	Determined by Officers
All Commercial and Aquatic Operators seeking Approval Period for longer than 3-year term	Determined by Council
Proposals that may be appropriate but are inconsistent with these Guidelines for Commercial and Aquatic Operators (City Centre Waterfront Precinct)	Determined by Council
Proposals that may be appropriate but are inconsistent are inconsistent with these guidelines for Commercial and Aquatic Operators (Outside City Centre locations)	Determined by Officers
All Mobile Traders	Determined by Officers

# Figure 1 - City Centre Waterfront Trading Locations EXISTING

## Commercial and Aquatic Operators (Approved Locations)

- ⑤ Keith Holmes Reserve
- ⑥ Stingray Wharf / Entrance Channel Foreshore

### Mandjar Bay

- ⓂB1 MPAC Jetty
- ⓂB2 'TODs / Cicerello's' Jetty

### Eastern Foreshore

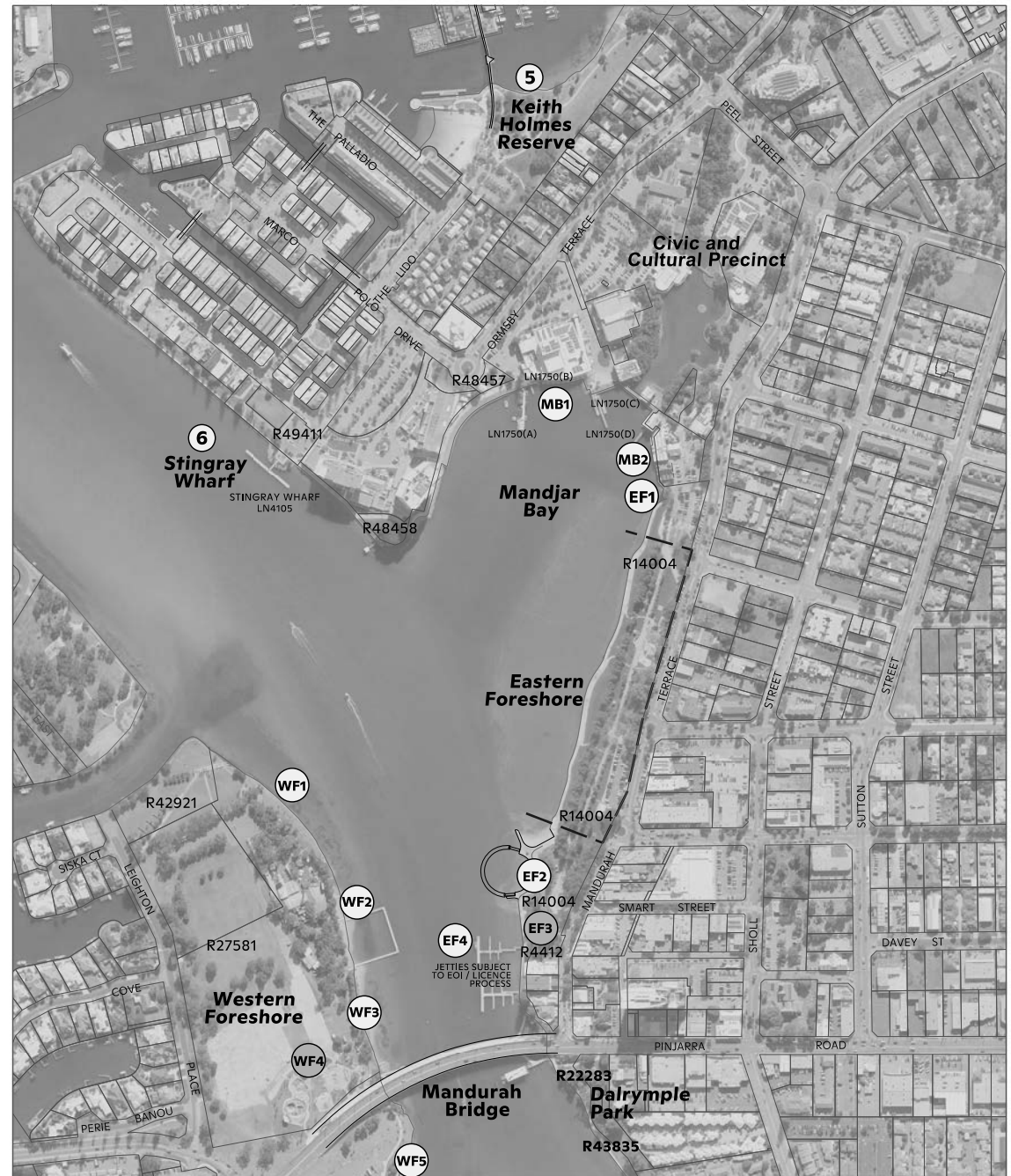
- ⓔF1 North (Adjacent to Car Park Station No 8)
- ⓔF2 South
- ⓔF3 'Future Place Pod' (Subject to EOI Process under Section 2.6)
- ⓔF4 Eastern Foreshore Jetties

### Western Foreshore

- ⓂF1 Adjacent War Memorial Car Park
- ⓂF2 Adjacent to Pontoons (Exclusive to Kayaks 4 U until 30 June 2023)
- ⓂF3 South of Pontoons (Not Available until 30 June 2023)
- ⓂF4 'Future Pop-Up Commercial Opportunity' (Subject to EOI Process Under Section 2.6)
- ⓂF5 Bridge Car Park South

⌚ Exclusion Area

*Exclusion Areas also extend to existing exclusive lease and non-exclusive licenced areas that are outside the scope of the approved locations*



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<b>5</b>	<b>SUBJECT:</b>	Beach Patrol Service: Overview Season Two 2021
	<b>DIRECTOR:</b>	Place and Community
	<b>MEETING:</b>	Committee of Council
	<b>MEETING DATE:</b>	10 August 2021

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## Summary

At its meeting on 17 December 2019, Council resolved to accept the tender submission from Surf Life Saving Western Australia Incorporated for the provision of Beach Patrol Services with additional options for jet-ski/inflatable rescue boat (IRB) and complementary beach patrols services as required. The provision of the required services was for a trial period of three years.

As part of the report, officers committed to report an overview of Surf Life Saving Western Australia's performance against the key performance criteria upon completion of each year of the contract. Season Two was completed at the conclusion of the Easter 2021 period and Surf Life Saving Western Australia have provided statistical information to the City for each of the patrol locations.

Council is requested to note the results of the second season of the City's Beach Patrol Service and acknowledge that the patrol schedule for the 2021/22 season will commence December 2021 with a communication plan to be delivered informing the community and visitors of the service.

## Disclosure of Interest

Nil

## Location

Pyramids Beach Dawesville, Falcon Bay Falcon, Town Beach Mandurah and San Remo Beach Madora Bay.

## Previous Relevant Documentation

- G.38/07/20 28 July 2020 Council noted the results of the first season of the City's Beach Patrol Service and acknowledge that the patrol schedule for the 2020/21 season will commence on 21 December 2020.
- G.38/12/19 December 2019 Council endorsed to accept Surf Lifesaving Western Australia Incorporated as the preferred tenderer for Tender 19-2019 for the Beach Patrol Services for a period of three years at the lump sum price of \$558,329.42 and the schedule of rates tendered for the additional services.
- SP.4/11/19 November 2019 Council declined all tenders for Tender T15-2019 Lifeguard Services and authorised the advertising of a tender for the provision of a beach patrol service for three years 2019/20, 2020/21 and 2021/22 at Pyramids, Falcon Bay, Town and San Remo/Madora beaches, acknowledging that year 1 (2019/20) will be a part-service building to a full service by 2020/21.
- G.10/8/19 August 2019 Council authorised the advertising of a tender for the provision of a beach patrol service for the years 2019/20 to 2021/22 at Pyramids, Falcon Bay, Town and San Remo/Madora beaches.

- G.34/3/19      March 2019      Council endorsed the City to write to the Minister for Fisheries requesting consideration for the grant funding to be reallocated for the purpose of supporting a beach patrol service.
- G.27/12/17      December 2017      Council endorsed the consultation plan for the proposed Falcon Bay Shark Barrier.
- G.13/8/17      August 2017      Council considered an interim report on the possible implementation of a Shark Barrier in Falcon Bay.

## **Background**

In May 2019, the City sent correspondence to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science seeking approval to re-allocate a \$287,000 grant for the proposed installation of a beach enclosure at Falcon Bay, to support a beach patrol service at four beaches within the City of Mandurah.

On 13 June 2019, the City of Mandurah was notified that its request to re-allocate the funds for the purposes of establishing a beach patrol service had been approved. The original grant of \$287,000 would instead be made available for use as a one-off contribution to the City of Mandurah to support beach patrols at Pyramids Beach, Falcon Bay, Town Beach and San Remo/Madora Beach for a trial period of three years.

In August 2019, Council authorised the advertising of a tender for the provision of a paid lifeguard service for the years 2019/20 to 2021/22 at Pyramids, Falcon Bay, Town and San Remo/Madora Bay beaches. In December 2019, Council resolved to accept Surf Life Saving Western Australia Incorporated as the preferred tenderer for Tender 19-2019 for the provision of a Beach Patrol Service for a trial period of three years. Upon appointment of Surf Life Saving Western Australia, the City signed a grant agreement with the Department Primary Industries and Regional Development for the State Government's contribution of \$287,000 towards the beach patrol service trial.

Season One of the Beach Patrol Service commenced on 20 January 2020 and was completed at the conclusion of the Easter 2020 period.

## **Comment**

Season Two of the Beach Patrol Service commenced on 21 December 2020 and was completed at the conclusion of the Easter 2021 period, at the below locations:

- Pyramids Beach Dawesville
- Falcon Bay Falcon
- Town Beach Mandurah
- San Remo Beach Madora Bay.

The service operated Monday to Saturday for the period 20 – 31 January 2021 and then Saturdays only from 1 February to 31 March 2021. In addition, the service operated over the Easter period from Good Friday to Easter Monday inclusive.

The specification in the operating agreement between the City and Surf Lifesaving Western Australia, included the following reporting requirements:

- Beach Statistics including attendance numbers and general beach activities
- Total number of paid patrol hours
- Total number of shark sightings in proximity to patrolled locations
- Total number of beach closures, shark related and other incidents
- Total number of rescues performed
- Total number of first aid assistances provided
- Total number of engagements with local volunteer patrol services
- Total number of local people (Mandurah/Peel; Region) employed

Additionally, the Department Primary Industries and Regional Development grant agreement had the following reporting Key Performance Indicators:

Operational days, availability, hours patrolled and outcomes

- Number of sharks sighted
- Number of beach closures
- Number of rescues
- Number of marine search and rescue requests
- Number of additional shark related requests

The following statistics are a combination of the operational reports provided by Surf Lifesaving Western Australia, for all four beach locations: (refer Attachment 5.1)

- 777.5 Service Delivery hours
- Zero Beach closures as a result of shark sightings
- Eleven Rescues
- 222 Beach Users per day
  - *Attendance numbers include beach users in the water, out of the water and using water-based craft.*
- 721 Preventative Actions including:
  - *Erecting warning signage*
  - *Advising swimmers already in the water of hazards/risk*
  - *Advising beach users of hazards / risks prior to them entering the water*
  - *Advising water-based craft users (i.e. surfers) of hazard / risks or requirements (such as not to surf between the flags) when already in or prior to entering the water*
- 79 Minor First Aid incident
- 1 Major First Aid incident
  - *Swimmer dove into the water and hit head in shallow water. Life guards responded and stabilised the patient until Ambulance arrived. Patient was airlifted.*
- 13 Public Relation Activities per day
  - *These include the social type of interaction with beach users as opposed to a preventative action which is more of a directive or instruction. Public relations may be positive (talking about the service, educating about beach safety, etc.) or negative (receiving a complaint about the service or another beach user, etc.).*
- 71 x incidents speaking to dog owners
- 244 x incidents speaking to users regarding littering
- 79 x Surf Craft interactions
  - *These occurred mostly at Pyramids Beach and Falcon Bay and typically relate to surfers surfing between the flags.*

Only one Jet Ski Patrol was utilised during the season and proved effective, however the patrol scheduled from Pyramids Beach was cancelled due to a clash in service with the Surf Lifesaving Club and due to the COVID-19 outbreak.

Beach users at all four locations consistently provided positive feedback to Lifeguards about their presence and conduct. Engagement with both the Mandurah and Port Bouvard Surf Life Saving Clubs was positive with alignment of patrol days and times established.

In year two, eight local residents were employed to fill Lifeguard positions delivering services across all locations, these residents and active members of Mandurah Surf Lifesaving Club and Port Bouvard Surf Lifesaving Club. The remaining four Lifeguards were engaged from the City of Rockingham.

Additional service options utilised during the season were initiated over the Christmas period where extra beach patrols were delivered at Town Beach, Pyramids Beach and Falcon Bay. Furthermore, the final four patrols were cancelled at San Remo Beach due to low beach numbers and resources diverted to Town Beach in order to enable longer patrols to understand the beach attendance post 12.30pm at one of the most popular beaches.

SLSWA have recommended reviewing the service profile at San Remo, for 2021/22 and diverting the patrol hours to align with beach attendance trends at Falcon Bay and Town Beach. Officers have discussed changing the service provision and impacts to the funding agreement with Department of Primary Industries & Regional Development who are supportive of reducing the patrols to three locations.

### Season Three 2021/22 Patrol Schedule

The below patrol schedule is proposed for Season Three 2021/22;

Service Location	Start Date	End Date	Operational times	Days	Number of Lifeguards
Falcon Bay	20 Dec	29 Jan	8.00am– 2.30pm	Monday to Saturdays (excluding public holidays)	2
	5 Feb	26 Mar	8.00am– 2.30pm	Saturdays only	2
	2 Apr	9 Apr	8.00am– 2.30pm	Saturday only	2
	15 Apr	18 April	8.00am– 2.30pm	Easter Friday to Easter Monday	2
Pyramids Beach	20 Dec	29 Jan	8.00am– 12.30pm	Monday to Saturdays (excluding public holidays)	2
	5 Feb	26 Mar	8.00am– 12.30pm	Saturdays only	2
	2 Apr	9 Apr	8.00am– 12.30pm	Saturday only	2
	15 Apr	18 April	8.00am– 12.30pm	Easter Friday to Easter Monday	2
Town Beach	20 Dec	29 Jan	8.00am– 2.30pm	Monday to Saturdays (excluding public holidays)	2
	5 Feb	26 Mar	8.00am– 2.30pm	Saturdays only	2
	2 Apr	9 Apr	8.00am– 2.30pm	Saturday only	2
	16 Apr	16 Apr	8.00am– 2.30pm	Easter Saturday only	2

### Season Three 2021/22 – Communications Schedule

The below communications schedule is proposed for Season Three 2021/22;

Date	Information	Medium
1 – 20 December 2021	Locations of patrols commencing 20 December 2021, Monday to Saturday until end of January 2022.	Social Media, Newspaper, Media Release, Volunteer Clubs networks.
15 – 31 January 2022	Locations of patrols reducing to Saturday s only from 5 February to 26 March 2022	Social Media, Newspaper, Media Release, Volunteer Clubs networks.
1April – 18 April 2022	Locations for Easter Patrol Schedule - Good Friday to Easter Monday 2021.	Social Media, Newspaper, Media Release, Volunteer Clubs networks.

It should also be noted that City officers will conduct an annual review of the service and provide a report back to Council for consideration at the end of year three.

### **Statutory Environment**

Nil.

### **Policy Implications**

Nil.

## Financial Implications

Season Two Financial Statements:

Sources of Income	BUDGET	ACTUALS
Department of Primary Industries & Regional Development	\$95,666.66	\$95,666.66
City of Mandurah	\$124,333.34	\$114,333.34
<b>TOTAL INCOME</b>		<b>\$209,824.81</b>

Expenditure Purpose	BUDGET	ACTUALS
Surf Lifesaving WA Invoice# 40382 Beach Patrol at various locations	\$220,000	\$156,645.33
Surf Lifesaving WA Invoice # 49633 Beach Patrol at various locations		\$53,179.48
<b>TOTAL EXPENDITURE</b>		<b>\$209,824.81</b>

In the 2021/22 operating budget, an allocation of \$220,000 has been listed for the delivery of the City's Beach Patrol Service.

## Risk Analysis

The Beach Patrol Service aims to assist beach users to make informed decisions about their water use and provide assistance, generally, to members of the public. The community who access Mandurah's beaches continue to have a responsibility to make informed decisions about safe beach access. The service cannot, nor does it aim to, address all risks associated with beach use.

## Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2020 – 2040* are relevant to this report:

### Social:

- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.
- Advocate for and facilitate the provision of diverse and environmentally sustainable places and spaces for people to enjoy an inclusive and active lifestyle.

### Health:

- Promote the importance of a healthy, active lifestyle and the role the natural environment plays in preventative health, within our community.

### Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk and financial management.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

## Conclusion

The Beach Patrol Service successfully implemented by the City and supplied by Surf Lifesaving Western Australia for Season 1 2020, was positively received by the community. Surf Lifesaving Western Australia indicated in their operational reporting that beach users at all four locations consistently provided positive feedback to Lifeguards about their presence and conduct. Surf Lifesaving Western Australia provided detailed operational reports for each location and a combined service report, that detailed performance

against the Key Performance Indicators for the City and the Department Primary Industries and Regional Development grant agreement.

Season Three 2021/22 is scheduled to commence on December 2021, providing a full summer season of Beach Patrols at three locations, through to the completion of the Easter 2022 period. A detailed communications plan will be implemented from 1 December 2021, to ensure the community and visitors are fully informed of the schedule for Season Two 2020/21.

It is noted that the report from Surf Lifesaving WA includes some recommendations and officers will communicate with representatives to address these.

A further report will be presented to Council at the conclusion of the three year pilot to determine how to progress.

NOTE:

- Refer ***Attachment 5.1 Annual Lifeguard Activity Report – All Locations***

#### Officer Recommendation

That the Committee of Council recommend that Council:

1. Notes the results from the second season of the City of Mandurah Beach Patrol Service;
2. Acknowledges the patrol schedule for the 2021/22 season commencing 20 December 2021 and the proposed communications plan to inform the community and visitors of the service.

#### Committee Recommendation

**That the Committee of Council recommend that Council:**

- 1. Notes the results from the second season of the City of Mandurah Beach Patrol Service;**
- 2. Acknowledges the patrol schedule for the 2021/22 season commencing 20 December 2021 and the proposed communications plan to inform the community and visitors of the service.**

## SERVICE DELIVERY STATISTICS



**169**  
PATROLS



**777.5**  
PATROL HOURS



**222**  
ATTENDANCE  
DAILY AVERAGE



**0 / 0**  
SHARK / CROCODILE  
SIGHTINGS



**721**  
PREVENTATIVE ACTIONS



**79**  
MINOR FIRST AIDS



**1**  
MAJOR FIRST AIDS



**11**  
RESCUES

## LOCAL GOVERNMENT ORDINANCE



**0**  
MOTOR VEHICLES / BIKES



**20**  
PWC / BOATS



**79**  
SURF CRAFT



**71**  
DOG / ANIMAL OWNERS



**244**  
LITTERING



**68**  
HAZARDS / GLASS



**0**  
INAPPROPRIATE  
BEHAVIOUR



**13**  
PUBLIC RELATIONS  
DAILY AVERAGE

## COMMENTS

SLSWA successfully delivered the second term (2020 / 2021 season) of the three-year Beach Patrol Services contract between the City of Mandurah and SLSWA. During the season, all four locations were patrolled to supplement the patrols delivered by the Mandurah Surf Life Saving Club or Port Bouvard Surf Life Saving Club. Additional beach patrols were delivered to offset certain patrols that could not be completed by either Club as well as one jet ski patrol between San Remo and Halls Head.

The final four patrols at San Remo were cancelled in consultation with the City of Mandurah due to low beach attendance. These resources were diverted to enable longer patrols at Town Beach on these same days to understand what beach attendance post-12.30pm might be like at one of the most popular beaches within the City of Mandurah. SLSWA recommends the City of Mandurah consider reviewing the service profile at Town Beach and San Remo for the 2021 / 2022 season. Similar consideration for Falcon Bay is also recommended.

A total of twelve Lifeguards were engaged to deliver patrol requirements during the 2020 / 2021 season under either seasonal (i.e. fixed term) or casual employment arrangements. Eight Lifeguards were City of Mandurah residents and active Mandurah Surf Life Saving Club or Port Bouvard Surf Life Saving Club members. The remaining four Lifeguards were engaged from the City of Rockingham area.

## SERVICE DELIVERY STATISTICS



**40**  
PATROL DAYS



**180**  
PATROL HOURS



**67**  
ATTENDANCE  
DAILY AVERAGE



**0 / 0**  
SHARK / CROCODILE  
SIGHTINGS



**107**  
PREVENTATIVE ACTIONS



**1**  
MINOR FIRST AIDS



**0**  
MAJOR FIRST AIDS



**0**  
RESCUES

## LOCAL GOVERNMENT ORDINANCE



**0**  
MOTOR VEHICLES / BIKES



**0**  
PWC / BOATS



**0**  
SURF CRAFT



**0**  
DOG / ANIMAL OWNERS



**0**  
LITTERING



**0**  
HAZARDS / GLASS



**0**  
INAPPROPRIATE  
BEHAVIOUR



**10**  
PUBLIC RELATIONS  
DAILY AVERAGE

## COMMENTS

Based on beach attendance statistics captured throughout the 2020 / 2021 season, San Remo Beach is considered as the least frequented location. 60% of beach users at San Remo Beach throughout the reporting period were on beach; overshadowing 34% who were swimming and 6% using craft. On average, 5 people swam at San Remo Beach per hour.

On 13 March, 20 March, 27 March and 3 April, SLSWA did not complete beach patrols at San Remo Beach. This was done in consultation with the City of Mandurah and enabled resources to be diverted to Town Beach in order to validate opportunities to alter the service profile at that location in the future. Moving forward, SLSWA recommends the City of Mandurah review the service profile at San Remo Beach to align with beach attendance trends including consideration for a surveillance or roving patrol.

Irrespective of any changes to the service profile at San Remo Beach, SLSWA recommends the continued consideration of additional jet ski patrols being deployed from San Remo Beach in future seasons. Based on the one jet ski patrol delivered during the 2020 / 2021 season, the impact and effectiveness achieved during this patrol between San Remo and Halls Head was high.

## SERVICE DELIVERY STATISTICS



**41**  
PATROL DAYS



**201.5**  
PATROL HOURS



**379**  
ATTENDANCE  
DAILY AVERAGE



**0 / 0**  
SHARK / CROCODILE  
SIGHTINGS



**8**  
PREVENTATIVE ACTIONS



**15**  
MINOR FIRST AIDS



**1**  
MAJOR FIRST AIDS



**4**  
RESCUES

## LOCAL GOVERNMENT ORDINANCE



**0**  
MOTOR VEHICLES / BIKES



**14**  
PWC / BOATS



**9**  
SURF CRAFT



**50**  
DOG / ANIMAL OWNERS



**0**  
LITTERING



**9**  
HAZARDS / GLASS



**0**  
INAPPROPRIATE  
BEHAVIOUR



**23**  
PUBLIC RELATIONS  
DAILY AVERAGE

## COMMENTS

Based on beach attendance statistics captured throughout the 2020 / 2021 season, Town Beach is considered as one of the most popular locations based on its accessibility and amenities. 54% of beach users at Town Beach in 2020 / 2021 were on beach; overshadowing 36% who were swimming and 10% using craft. On average, 26 people swam at Town Beach per hour.

On 13 March, 20 March, 27 March and 3 April, SLSWA completed extended beach patrols between 8.30am and 4.45pm. This was done following consultation with the City of Mandurah to validate opportunities and methodologies to alter service profiles for future seasons at the location that better match beach attendance trends. Throughout the peak of the season (i.e. summer school holiday period) Town Beach Lifeguards close the patrol at 12.30pm with at least 90 people recreating at the location. This is near peak attendance on any given day. Feedback from the Mandurah Surf Life Saving Club who also patrol the location indicates that Town Beach is generally busiest in early to mid-afternoon during this period. Moving forward, SLSWA recommends the City of Mandurah review the service profile at Town Beach to align with beach attendance trends.

SLSWA would also like to begin discussions with the City of Mandurah regarding more sustainable and fit for purpose storage option at Town Beach for key lifesaving gear and equipment.

## SERVICE DELIVERY STATISTICS



**44**  
PATROL DAYS



**198**  
PATROL HOURS



**274**  
ATTENDANCE  
DAILY AVERAGE



**0 / 0**  
SHARK / CROCODILE  
SIGHTINGS



**228**  
PREVENTATIVE ACTIONS



**47**  
MINOR FIRST AIDS



**0**  
MAJOR FIRST AIDS



**7**  
RESCUES

## LOCAL GOVERNMENT ORDINANCE



**0**  
MOTOR VEHICLES / BIKES



**4**  
PWC / BOATS



**32**  
SURF CRAFT



**6**  
DOG / ANIMAL OWNERS



**222**  
LITTERING



**55**  
HAZARDS / GLASS



**0**  
INAPPROPRIATE  
BEHAVIOUR



**10**  
PUBLIC RELATIONS  
DAILY AVERAGE

## COMMENTS

Based on beach attendance statistics captured throughout the 2020 / 2021 season, Falcon Bay is considered as a popular location based on its accessibility and amenities. 60% of beach users at Falcon Bay in 2020 / 2021 were on beach; overshadowing 32% who were swimming and 8% using craft. On average, 17 people were swimming at Falcon Bay per hour.

Peak beach attendance (of at least 80 people per hour) is generally seen from 10am onwards as typical beach users (larger groups, families, etc) begin to arrive and “setup” at the location for lunchtime and into the early afternoon. This demographic are generally less capable swimmers (attracted by the seemingly benign nature of Falcon Bay) but are also the reason for the high level of littering and hazards / glass issues at the location. Based on this, Falcon Bay Lifeguards close the patrol at 12.30pm with the location at peak attendance levels. Moving forward, SLSWA recommends the City of Mandurah review the service profile at Falcon Bay to align with beach attendance trends.

## SERVICE DELIVERY STATISTICS



**44**  
PATROL DAYS



**198**  
PATROL HOURS



**163**  
ATTENDANCE  
DAILY AVERAGE



**0 / 0**  
SHARK / CROCODILE  
SIGHTINGS



**378**  
PREVENTATIVE ACTIONS



**16**  
MINOR FIRST AIDS



**0**  
MAJOR FIRST AIDS



**0**  
RESCUES

## LOCAL GOVERNMENT ORDINANCE



**0**  
MOTOR VEHICLES / BIKES



**2**  
PWC / BOATS



**38**  
SURF CRAFT



**15**  
DOG / ANIMAL OWNERS



**22**  
LITTERING



**4**  
HAZARDS / GLASS



**0**  
INAPPROPRIATE  
BEHAVIOUR



**7**  
PUBLIC RELATIONS  
DAILY AVERAGE

## COMMENTS

Based on beach attendance statistics captured throughout the 2020 / 2021 season, Pyramids Beach is considered as popular location for swimming and surfing. 50% of beach users at Pyramids Beach throughout the reporting period were on beach; overshadowing 24% who were swimming and 26% using craft. On average, 8 people swam and 8 people used craft at Pyramids Beach per hour.

SLSWA was not able to complete an additional jet ski patrol from Pyramids Beach this season due to a conflict with a Port Bouvard Surf Life Saving Club event occurring on the same day. This jet ski patrol was cancelled in consultation with the City of Mandurah. However, based on the impact and effectiveness achieved with the jet ski patrol deployed from San Remo during the season, this type of patrol should be considered for inclusion in future seasons.

No changes to beach patrols are recommended for Pyramids Beach for the 2021 / 2022 season.

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<b>1</b>	<b>SUBJECT:</b>	Eastern Foreshore Markets and Events
	<b>DIRECTOR:</b>	Strategy and Economic Development
	<b>MEETING:</b>	Council Meeting
	<b>MEETING DATE:</b>	24 August 2021

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## Summary

In June 2021, Council considered the Markets in Mandurah project proposal endorsing the new Sunday Markets Trail concept, the advertising of Expressions of Interest to identify suitable applicants for four out of the five identified locations and for the Mandjar Markets to utilise the Eastern Foreshore North location for the 2021/22 markets season.

In addition, Council requested engagement to be conducted with businesses surrounding the Eastern Foreshore North site to determine whether and any food and/or drink restrictions that should be considered.

This report outlines the results of this engagement, including feedback from the Mandjar Markets on the benefits of food and drink vendors onsite and the extent of compromise that could be delivered in the 2021/2022 season.

## Disclosure of Interest

N/A

## Previous Relevant Documentation

- G.7/6/21 24 June 2021 Endorsed Sunday Market Trail concept, market locations and advertising of EoI for market providers. Approve Mandjar Markets utilising Eastern Foreshore – North location, weekly for 2021/22 market season. Note a review of the concept to be conducted following 2021/22 market season. Consultation with local businesses and market operators to identify potential food and drink items that could be sold in 2021/22, report to Council August 2021.

## Background

The City has a focus on improving the visitor experience within the City Centre in order to increase visitation and lengthen visitation times. Markets were identified early on as an attractive and affordable activation option for a local government, especially when it offers a range of sought-after products, a unique location and engaging entertainment.

The approval for markets and other events to operate within the City Centre should be considered in light of the potential advantages and challenges for different stakeholders. Low setup costs and high flexibility can enable market vendors to price their goods and services cheaper than more established brick and mortar businesses for whom initial investment, and operating costs such as rent, utilities and rates can make the cost of provision and sale more expensive. While increased competition generally leads to improved economic outcomes for the community overall, it is reasonable to consider this in a broad context to avoid unintended consequences. For example, the introduction of temporary, low cost competitors risks the closure of bricks and mortar businesses, potentially reducing general levels of amenity more permanently within the City Centre. This risk can be exacerbated if public locations in close proximity to bricks and mortar business are made available at relatively low cost. Some businesses within the City Centre have voiced their concerns around inequity in such a competitive environment, particularly in regards to takeaway food businesses.

The alternative view prioritises freedom of choice and customer experience and promotes the idea that higher foot traffic should enable all businesses in the area to benefit.

### Comment

Discussions by officers with different stakeholders has highlighted divergent views in relation to the presence and suitability of markets on the Eastern Foreshore. Businesses in the City Centre surrounding the Eastern Foreshore are impacted differently by markets and events. To understand the extent of these differences, a survey (Attachment 1.1) was conducted encouraging nearby businesses to respond.

The survey asked whether they believed these activities benefited, disadvantaged or had no impact on their business. The survey also asked what food and drink restrictions should take place and whether the level of restrictions should change depending on the size and regularity of the visitation expected.

The survey was sent to all businesses registered to the City's City Centre Database and Mandurah tourism operators via Visit Mandurah (total 269 businesses). While the survey went out broadly across the City Centre, officers targeted businesses closest to the Eastern Foreshore (see below). Visits and letter drop offs were conducted in the area of interest during the first week the survey was open.

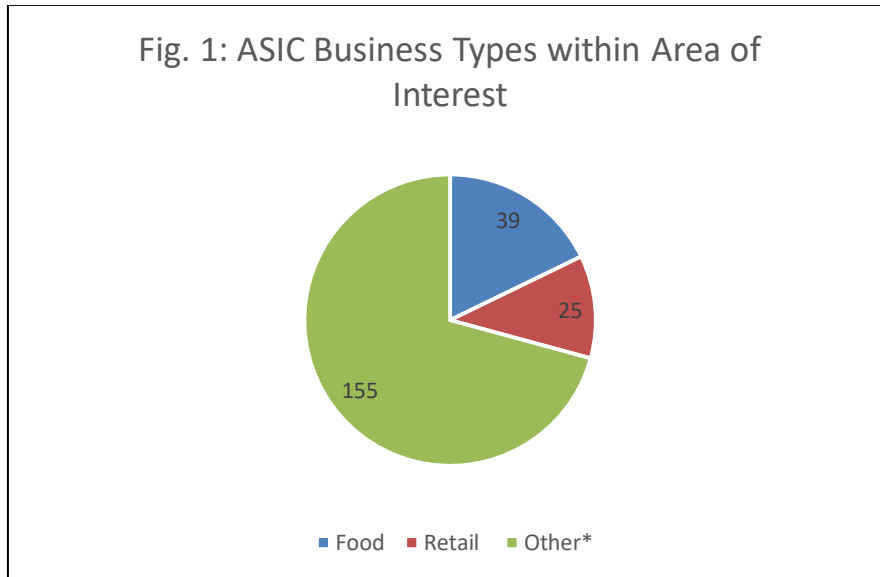
Survey Dates: 13 to 26 July  
Survey Type: Online (could also be submitted via phone or directly with City staff)

Area of Interest:



While the survey sought to ensure businesses within the area of interest were actively encouraged to submit their feedback, other businesses were not precluded from completing a survey. Seventy eight percent of respondents were from businesses within the targeted area.

According to ASIC's business registration data, there are 219 businesses located in the area of interest. Figure 1 shows the breakdown of the main types of business



\* Other includes Professional Services and Consultants, Hair & Beauty, Accommodation and Property Management.

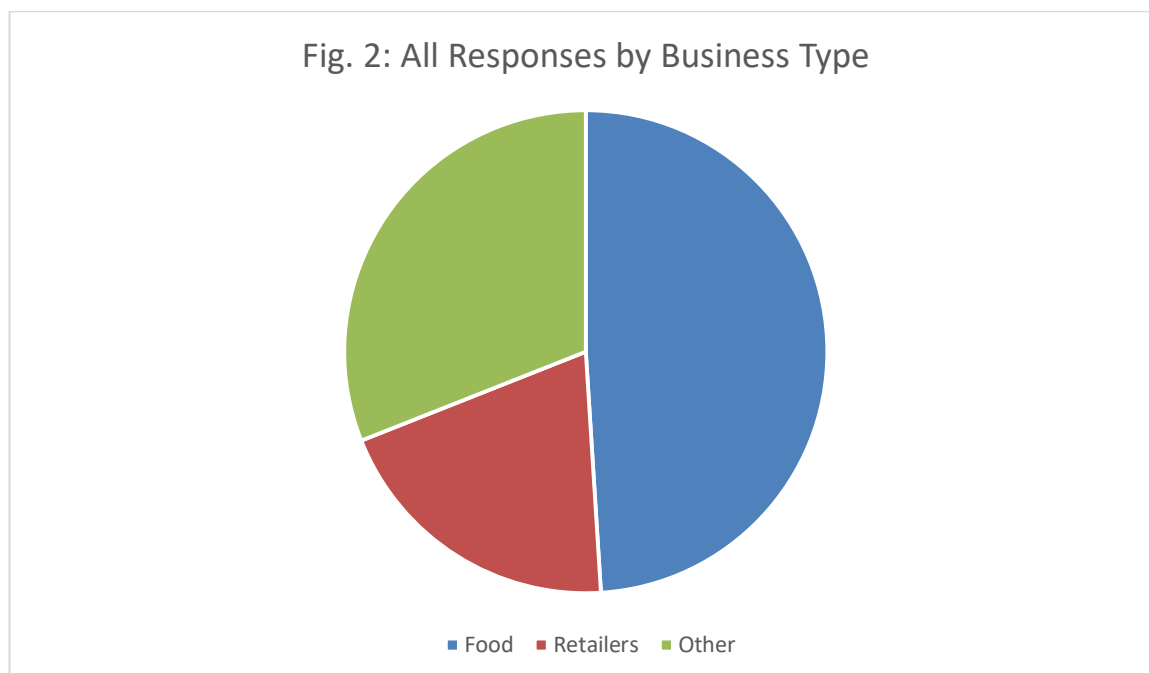
### Survey Responses

Total Number of Responses: 45

#### Response Breakdown:

- 49% Food businesses (32% takeaway food businesses)
- 20% Retail businesses
- 20% Tourism operators
- 11% 'Other' (real estate agencies and professional services)

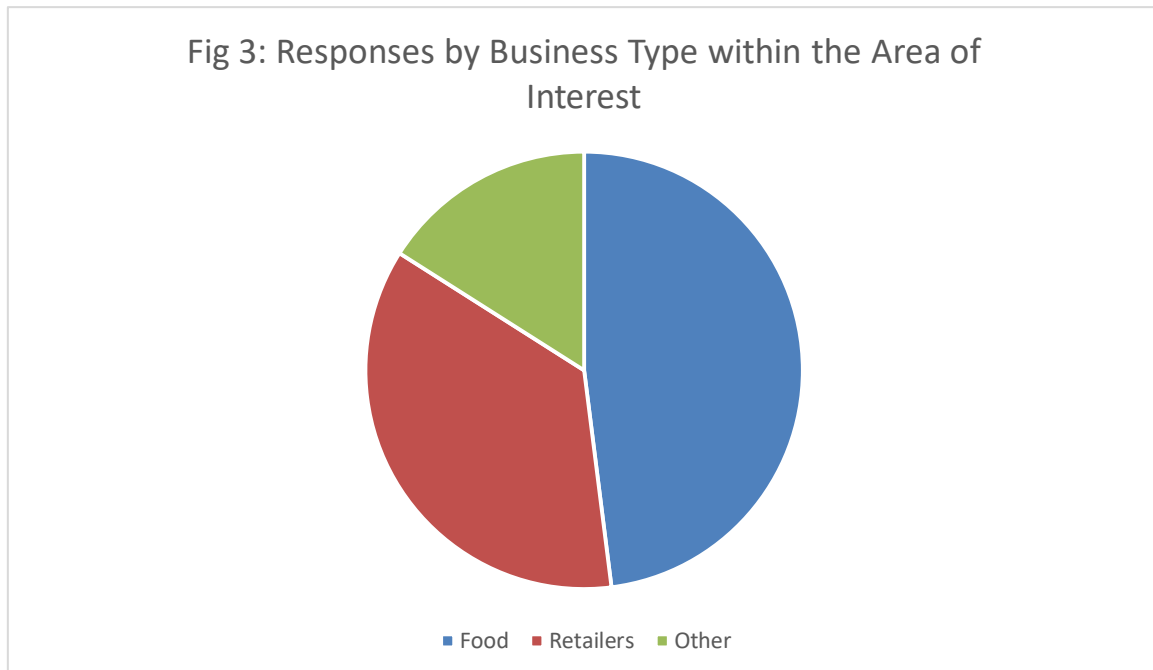
Note: Of the 45 responses received, 78% businesses from businesses within the area of interest.



Total Number of Responses from businesses type within the area of interest: 35

Response Breakdown:

- 48% Food businesses
- 36% Retail businesses
- 16% Other



The survey successfully attracted a high number of responses from the most effected businesses providing useful information for Council's consideration.

### Survey Results

#### Business Support:

##### Support for weekend markets and events on the Eastern Foreshore

- 58% Highly supportive
- 38% Somewhat supportive
- 4% Not supportive

##### Support for frequency of weekend markets and events

- 42% Weekly
- 20% Fortnightly
- 27% Monthly
- 12% Unsure

##### The main comments regarding business support included:

- Activity increases vibrancy, nicer place to visit and live
- Activity increases foot traffic and business exposure
- Favoured small to medium sized activations and events over larger ones (this is also supported from previous business surveys conducted this year).

##### The concerns highlighted through the comments centred around:

- Disruptions to parking or road access reduced
- Access for regular, local customers reduced creates a loss that is not always compensated by the activation / event activity
- Loss of business during the event (indicated by both retailers and food businesses).

Weekly frequency of activity on the foreshore by all business types was most supported (42%), followed by monthly (27%). Food businesses most strongly supported weekly (45%) and retail business were unsure with a nearly even split between monthly, weekly and unsure.

The commentary from both food and retail businesses indicated that there are many factors influencing weekend trade and it was unclear to the respondents how influential Eastern Foreshore activations and events impacted on business activity. This mixed response is also seen in the follow up questions on the greatest advantages and disadvantages of weekend markets and events, with nearly half of the respondents experiencing no significant advantage or disadvantage due to weekend markets and events.

The results indicated that the impacts of markets and events are minimal in most scenarios, yielding neither a noticeable positive or negative impact on businesses. Where benefits were most experienced it was predominantly by food businesses. This does not negate the fact that some businesses (18%) do feel they are experiencing negative effects from markets and events on the Eastern Foreshore.

Interestingly, regardless of the impact on their businesses, there is support to implement restrictions on vendors operating on the Eastern Foreshore. Food businesses in this instance displayed a much higher and consistent view on this matter.

- 56% believed restrictions on sales of food and drinks should be in place on the Eastern Foreshore. Of these;
  - o 46% believed there should be no food or drink sales
  - o 39% believed there should be only non-competitive food (ie. No coffee, drinks, takeaway foods)
  - o Remaining 15% said no alcohol (irrelevant for markets).
- Correspondingly, 73% of food businesses agreed that restrictions should be in place for food and drink sales. Of these;
  - o 56% believed there should be no food or drink sales
  - o 38% believed there should be only non-competitive food (ie. no coffee, drinks or takeaway foods)
  - o Remaining 6% said no coffee.

The surrounding businesses believe that while markets and events that attract people to the Eastern Foreshore in general is positive and worth continuing, the sale of food and drinks during weekend opening hours should not occur or at the very least be minimal covering only non-competitive foods. The likes of coffee, burgers, drinks, sandwiches, breakfasts and takeaways were specifically mentioned as types of food to be avoided.

Businesses were also encouraged to submit ideas or comments they felt the City should consider when offering weekend bookings on the Eastern Foreshore. The main feedback was to keep engaging both land owners and tenants on activating the Eastern Foreshore. Comments included:

- Increase marketing of what's happening in the City Centre
- Offer more opportunities for businesses to be part of markets and events (City or externally delivered). This included:
  - o Cheaper vendor fees for City Centre businesses;
  - o Noticeboard, booklet showcasing nearby businesses to be available at markets and events;
  - o Stretch the footprint of markets and events. Where the footprint stops, people stop;
  - o Attract more week night activities;
  - o Expand live music opportunities.

### Mandjar Markets Feedback

The Mandjar Markets was also requested to submit feedback (Attachment 1.2) on which food and drinks were the most important and why and what if any compromise would Mandjar Markets consider.

The specific food and drinks of interest were:

- |              |   |
|--------------|---|
| - Donuts     | - Soft serve ice creams                   |
| - Hot dogs   | - Coffee                                  |
| - Spuds      | - Cool drinks                             |
| - Hamburgers | - Water                                   |
| - Cupcakes   | - Pantry items (e.g. pickled foods, jams) |
| - Muffins    | - Fairy Floss                             |
| - Snow-cones |   |

The main reasons for this request are:

- Mandjar Markets have had a presence in the area with no prior issue
- Mandjar Markets are a non-profit
- Regular market attendees have complained and requested food and drinks to return
- No seating is offered, encouraging people to continue to walk around the area
- Items are only sold one day a week for part of the year
- Provide many local small businesses an opportunity to test their product
- Provide fund raising opportunities to local non-profits
- Regularly promote the markets encouraging people to visit the Foreshore at their own cost
- Focus on attracting Mandurah vendors as stall holders
- Food vendors and food truck owners, they would seek to engage are also Mandurah businesses that pay rates and fees to run a food business.

The Mandjar Markets suggested that a compromise may be possible, but did not provide any suggestions of what the group would be willing to consider.

As the views of the Market organiser and surrounding businesses were in opposition to one another, an additional meeting was sought to explore any possible compromise(s).

#### Market Operator and Food Business Workshop

Interested businesses and the Mandjar Market board met to review the survey results and discuss food restrictions with the following outcome:

- Focus on attracting volume through quality/uniqueness, marketable products (markets, activations and events);
  - Christmas Lights Trail, Endless Long Weekend series identified as highly valuable.
- Temporary and long-term solutions for parking requires urgent attention;
- Provide City Centre businesses with more opportunities to affordably participate within the foot print of activations and events;
- Consider including support local messaging during Markets in Mandurah project;
- Reduce restrictions as quality and foot traffic increases.

The Mandjar Markets and the businesses differed in what type of foods should be restricted. While consensus was not fully reached, the discussion highlighted:

- 1) The businesses that are most strongly opposed to food and drink sales seek a minimum of last year's restrictions to remain unchanged. The 2020/21 restrictions were:

Items Permitted in 2020/21	Items Not Permitted in 2020/21
Pantry items: Preserves, jams, chutney etc	No Coffee Vans
Packaged food	No food trucks
Community Sausage sizzles – Monthly only	Slushy or shaved ice sellers
Popcorn and Fairy Floss	Cupcake stalls

- 2) The Mandjar Markets while open to limiting hot takeaway foods, believe the above is too restricting and seek a minimum introduction of all drinks (except coffee) and packaged donuts, cupcakes and muffins.

#### Officer Recommendation

Based on the feedback received by all parties, the officer recommendation for food and drink vendor restrictions at the Mandjar Markets for the 2021/2022 season are:

Items Not Permitted in 2021/22
- Take away coffee - Ready to eat meals (including sandwiches and rolls) - Cold drinks (with the exception of water) - Ice cream / soft serve ice cream

For the avoidance of doubt, it is recommended that the Mandjar Markets be permitted to sell any food and non-alcoholic beverages that are not on the list above for the 2021/22 season. This includes the following:

- Pantry items
- Prepared (not ready to eat) meals
- Fresh produce
- Water
- Donuts
- Cupcakes & Muffins
- Popcorn and Fairy Floss
- Snow cones

Officers believe that this recommendation has the following benefits:

- Encourages innovation among the prospective vendors with the lowest cost base.
- Protects local businesses from the direct impacts of the any distortionary through providing public land at a low cost.
- Ensures consumers do not suffer from overly restricted food and beverage options.

It is also recommended that the restrictions should be reviewed again next year on completion of the 2021/22 season, using customer, business and stall holder surveys to collect the different groups' needs and requirements for Council consideration.

#### **Consultation**

As outlined in the Comment section.

#### **Statutory Environment**

N/A

#### **Policy Implications**

N/A

#### **Financial Implications**

N/A

## Risk Analysis

The Eastern Foreshore is in close proximity to numerous bricks and mortar businesses. Depending on the frequency of the operations of markets and events and the products that they sell (i.e. ready to eat take-away food), there is potential for some bricks and mortar business to see markets as direct competition.

Whichever option is endorsed, monitoring over the first 12 months, including consulting with the community and surrounding bricks and mortar businesses will be necessary to inform future directions appropriately.

## Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

### Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.

### Social:

- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.

## Conclusion

The Eastern Foreshore is a prime location with beautiful estuary views and quality public infrastructure for visitors and residents to enjoy. This public open space is regularly booked for markets, events and other activations to encourage visitors to stay and spend locally.

However, the Foreshore is also surrounded by a wide range of commercial operators which are potentially impacted differently by such activities. The City undertook business consultation to better understand the varying interests and views on this matter.

The survey results expressed a consistent message from City Centre businesses, to limit or prevent the sale of food and drink on the Eastern Foreshore. As this contradicts the needs outlined by the Mandjar Markets, a workshop between Mandjar Markets operators and food businesses was held to identify any common ground.

The workshop highlighted the importance of growing and improving markets on the Eastern Foreshore to be able to attract higher numbers of foot traffic. This focus on quality and foot traffic also extended to the Markets in Mandurah project and other activations and events. While a consensus on food restrictions was not fully reached, the officer recommendation supports another year of partial restrictions.

### NOTE:

- Refer ***Attachment 1.1 – Business Impact Survey***  
***Attachment 1.2 – Mandjar Markets Survey***

## RECOMMENDATION

### That Council:

1. **Approve the following food and drink restrictions for the operations of the Mandjar Markets for the 2021/22 market season;**
  - 1.1 **Items Not Permitted in 2021/22:**
    - 1.1.1 **Take away coffee**
    - 1.1.2 **Ready to eat meals (including sandwiches and rolls)**

- 1.1.3 Cold drinks (with the exception of water)
- 1.1.4 Ice cream / soft serve ice cream

- 2. **Note that officers will review the food and drink restrictions as part of the full review of the Markets in Mandurah program following the completion of the 2021/22 markets season.**

## Eastern Foreshore Markets & Events Business Impact Survey

### Introduction

**The Eastern Foreshore is a prime location with beautiful Estuary views and quality public infrastructure for visitors and residents to enjoy. The Foreshore is also surrounded by a large number of commercial operators including retailers, cafes and restaurants, tourism operators and numerous service providers such as hair dressers and real estate agents.**

**Weekend Markets and Events are programmed by the City and external providers on the Eastern Foreshore to extend the visitation experience and showcase Mandurah and its City Centre to all visitors.**

**This survey aims to collect feedback on impacts of Markets & Events from businesses surrounding the Eastern Foreshore. This information will be used to help the City review its approach to activation planning and bookings from October 2021 onwards.**

\* 1. Which of the following best describes your role in the business?

- Owner
- Manager
- Staff Member
- Other (please specify)

\* 2. How close are you to Mandurah's Eastern Foreshore?

- My business is on Mandurah Tce
- My business operates within the Eastern Foreshore Public Open Space
- My business is nearby (less than a kilometer away)
- Other (please specify)

\* 3. What is the name of your business?

\* 4. What type of business are you?

- Food/Hospitality
- Tourism/recreation
- Retail
- Other (please specify)

\* 5. How supportive are you of Eastern Foreshore weekend Markets and Events near your business?

- Very supportive
- Somewhat supportive
- Not supportive at all

\* 6. How regularly do you believe the Eastern Foreshore area should be available for Markets and Events in the City Centre?

- Monthly
- Fortnightly
- Weekly
- Never
- Unsure

\* 7. What are the greatest benefits of Eastern Foreshore weekend markets and events to your business?

- More clients in my store
- Achieve higher sales on those days
- No benefits
- None of the above

Other (please specify)

\* 8. What are the greatest disadvantages of Eastern Foreshore weekend markets or events to your business?

- Less clients in my store
- Achieve lower sales on those days
- No disadvantages
- None of the above

Other (please specify)

\* 9. Do you believe markets and events held on the Eastern Foreshore should have restrictions on food and beverage sales?

- Yes
- No

\* 10. If yes to question 9, what should be the food or beverages restrictions?

\* 11. Consider size of visitation to Markets or Events. Do you think scaling restrictions dependant on visitation numbers would be of benefit to your business?

- Yes
- No

\* 12. Consider size of visitation to Markets or Events. Select level of restriction according to size of daily visitation.

	Less than 8,000 people	8,001 - 16,000 people	16,001 - 24,000 people	Over 24,000 people
No restrictions on food or drinks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Some restrictions - cap number of vendors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Full restrictions - no food and drink vendors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. Please share any ideas or comments you think the City should consider when offering bookings to weekend Markets and Events in the City Centre

14. Please provide your email below to keep up to date with City Centre activities and news

Mandjar Markets Eastern Foreshore Feedback

Introduction

The Eastern Foreshore is a prime location with beautiful Estuary views and quality public infrastructure for visitors and residents to enjoy. This public open space is regularly booked for markets, events and other activations to encourage visitors to stay and spend locally.

However, the Foreshore is also surrounded by a wide range of commercial operators which are potentially impacted differently by such activities.

As the key regular booking on the Eastern Foreshore for 2021/2022, the City seeks to understanding your interests and views on this matter.

Your feedback will be used to help the City review its approach to activation planning and booking from October 2021 onwards.

\* 1. Which food and beverage products do you believe are most important to the Mandjar Markets experience and why?

\* 2. If a compromise is sought by the City on food and beverage products on markets and events on the Eastern Foreshore, is Mandjar Markets willing to compromise?

- Yes
- No

\* 3. If Yes, what compromises is Mandjar Markets willing to explore? This could be anything from food type to location to frequency

\* 4. I confirm that the views in this feedback form are representative of the Mandjar Markets Board and I have the authority to respond on behalf of the group.

- Yes
- No

Please specify name and position

---

<b>2</b>	<b>SUBJECT:</b>	Retail Trading Hours: Christmas 2021
	<b>DIRECTOR:</b>	Strategy and Economic Development
	<b>MEETING:</b>	Council meeting
	<b>MEETING DATE:</b>	24 August 2021

---

## Summary

Retail trading hours for Mandurah are currently set in accordance with the Retail Trading Hours (City of Mandurah) Variation Order (No2) 2013.

In previous years, the City has routinely applied for a short-term adjustment of extended retail trading hours over the Christmas period, a combination of hours currently permitted under the variation order and additional late night and Sunday trading during the pre-Christmas period.

Council is requested to consider the two options presented, adopt extended Christmas trading hours for 2021 as recommended by officers and authorise officers to apply to the Department of Mines, Industry Regulations and Safety for a short-term adjustment.

## Disclosure of Interest

N/A

## Previous Relevant Documentation

- G.18/7/20 28 July 2020 Council authorised officers to apply to the Department of Mines, Industry Regulations and Safety for a short-term adjustment to extended Christmas retail trading hours for 2020.
- G.23/10/19 24 September 2019 Council authorised officers to apply to the Department of Commerce for a short-term adjustment to extended Christmas retail trading hours for 2019.
- G.23/10/18 23 October 2018 Council authorised officers to apply for a short-term adjustment to extended Christmas retail training hours for 2018.

## Background

Due to the economic impacts of the pandemic on the local economy over 2020, Council authorised officers to adopt extended Christmas retail trading hours for 2020 to those approved in 2019.

In August 2020, the City applied to the Department of Mines, Industry Regulations and Safety for a short-term adjustment of extended retail trading hours. The proposal consisted of a combination of hours currently permitted under the Variation Order, and additional late-night trading and Sunday trading during the pre-Christmas period. The approved additional Christmas trading hours for Mandurah in 2020 were as follows:

- Sunday 13 and 20 December 2020, 8.00am – 6.00pm
- Monday 14, Tuesday 15, Wednesday 16, Friday 18, Monday 21, Tuesday 22, Wednesday 23 December 2020, 8.00am – 9.00pm
- Saturday 26 December 2020, 8.00am – 6.00pm
- Friday 1 January 2021, 8.00am – 5.00pm

In considering the options for the City's Christmas 2021 period, officers initially prepared a single proposal similar to 2020 with the only difference being changes that consider Christmas Day, Boxing Day and New Years Day falling on either a Saturday or Sunday and the subsequent public holidays that are applied.

The draft option (see table below) was then shared with Peel Chamber of Commerce and Industry (Peel CCI), and various shopping centre management entities for their comments and feedback.

Option 1

2021 DECEMBER						
SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12 Proposed 8.00am -6.00pm	13 Proposed 8.00am -9.00pm	14 Proposed 8.00am -9.00pm	15 Proposed 8.00am -9.00pm	16 General Retail trading hours 8.00am - 9.00pm	17 Proposed 8.00am -9.00pm	18 General Retail Trading Hours 8.00am - 6.00pm
19 Proposed 8.00am -6.00pm	20 Proposed 8.00am -9.00pm	21 Proposed 8.00am -9.00pm	22 Proposed 8.00am -9.00pm	23 General Retail trading hours 8.00am - 9.00pm	24 General Retail trading hours 8.00am - 6.00pm Christmas Eve	25 Closed Christmas Day
26 Proposed Boxing Day 8.00am - 6pm	27 Proposed Public Holiday In Lieu of Xmas Day 8.00am - 6.00pm	28 Proposed Public Holiday In Lieu Boxing Day 8.00am - 6.00pm	29 General Retail trading hours 8.00am - 6.00pm	30 General Retail trading hours 8.00am - 9.00pm	31 General Retail trading hours 8.00am - 6.00pm	1 Proposed New Year's Day 8.00am - 6.00pm
2 Proposed 8.00am-6.00pm	3 Proposed Public Holiday in Lieu New Years Day 8.00am 6.00pm	4				

Note: As the Christmas retail trading hours for the Perth Metropolitan area have not been announced by the Minister as yet, the additional hours in this draft option were based on hours that were approved for the Perth Metropolitan area in 2020.

**Comment**

As part of its consultation process for the proposed 2021 Christmas retail trading period, City officers consulted with the Peel CCI and representatives from Mandurah's major shopping centres to ascertain their respective views on proposed extended Christmas retail trading hours for Mandurah.

Peel CCI in turn undertook a process of public comment with its membership in relation to the proposed 2021 Christmas trading period, and subsequently expressed its support for the draft option 1 (Attachment 3).

However, feedback subsequently received from Mandurah's major retailers indicated that additional trading hours should be considered in 2021 to those provided in 2020 (Attachments 1 and 2).

Vicinity (Attachment 1) responded on behalf of the owners of Mandurah Forum, Halls Head Shopping Centre, Lakelands Shopping Centre, Mandurah Greenfields Shopping Centre and Primewest Erskine Central shopping Centre (collectively comprises approximately 330 retail businesses).

Collective feedback from these shopping centres asserted the proposed 2021 extended Christmas period retail hours would result in Mandurah having 37 fewer retail trading hours over this period alone compared to the proposed arrangements for the metropolitan area.

Of these, eight hours are in the five days immediately before Christmas, which are the busiest retail trading days in any year. Another nine hours are in the six days between Christmas and New Year, days which are also considered critical for retail business in Mandurah.

The collective response from the Shopping Centres also reported that the 2020 extended Christmas period retail trading hours approved by Council resulted in Mandurah having 34 fewer retail trading hours over this period when compared with proposal for metropolitan Perth. The Centres noted that the City's draft option (option1) for extended Christmas period retail trading hours in 2021 would actually result in 37 fewer retail trading hours than those proposed for metropolitan Perth.

After receiving the feedback from the combined shopping centres, officers have reviewed the proposal and prepared an alternative option (option 2) that further considers the pre and post-Christmas trading period for 2021 (see table below).

### Option 2

2021 DECEMBER - Option2						
SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5 Proposed 8.00am -6.00pm	6 Proposed 8.00am -9.00pm	7 Proposed 8.00am -9.00pm	8 Proposed 8.00am -9.00pm	9 General Retail trading hours 8.00am -9.00pm	10 Proposed 8.00am -9.00pm	11 General Retail Trading Hours 8.00am - 6.00pm
12 Proposed 8.00am -6.00pm	13 Proposed 8.00am -9.00pm	14 Proposed 8.00am -9.00pm	15 Proposed 8.00am -9.00pm	16 General Retail trading hours 8.00am - 9.00pm	17 Proposed 8.00am -9.00pm	18 General Retail Trading Hours 8.00am - 6.00pm
19 Proposed 8.00am -6.00pm	20 Proposed 8.00am -9.00pm	21 Proposed 8.00am -9.00pm	22 Proposed 8.00am -9.00pm	23 General Retail trading hours 8.00am - 9.00pm	24 General Retail trading hours 8.00am - 6.00pm Christmas Eve	25 Closed Christmas Day
26 Proposed Boxing Day 8.00am - 6pm	27 Proposed Public Holiday In Lieu of Xmas Day 8.00am - 6.00pm	28 Proposed Public Holiday In Lieu Boxing Day 8.00am - 6.00pm	29 Proposed Retail trading hours 8.00am - 9.00pm	30 General Retail trading hours 8.00am - 9.00pm	31 General Retail trading hours 8.00am - 6.00pm	1 Proposed New Year's Day 8.00am - 6.00pm
2 Proposed 8.00am-6.00pm	3 Proposed Public Holiday in Lieu New Years Day 8.00am 6.00pm	4				

Given the outcomes of the consultation, Officers recommend option 2. This option would eliminate the shortfall in trading hours between Mandurah and the metropolitan area over this period, providing an additional 18 hours trading compared to option 1.

Officers also consider that prolonging extended trading hours over this period may help reduce the potential impact of the train station closures during this period. Transperth has recently advised that the Perth-Mandurah train line will be closed for approximately a month during the Christmas holidays likely coinciding with the busy post-Christmas sale period. During this closure, it is envisaged that greater use of private vehicles will occur, which in turn could increase traffic congestion on the Kwinana Freeway, increasing the time taken for commuters to return to Mandurah after work. Extending retail trading hours may help alleviate any congestion impacts over this period.

These hours are considered appropriate as they maximise the opportunity to both retailers and shoppers, and would not place Mandurah at a disadvantage compared to the Perth Metropolitan area during one of the busiest shopping periods of the year. This would also ensure Mandurah is competitive in terms of retail opportunities and would reduce the potential outflow of retail spend to areas outside Mandurah that have longer trading hours during this period. Feedback indicates leakage is particularly acute in the northern suburbs of Mandurah.

Officers consider that extending retail trading hours in the lead up to Christmas has the potential to deliver positive employment and economic outcomes for Mandurah, whilst benefiting consumers and helping stimulate trading for Mandurah's general retail shops.

It should be noted that in seeking and receiving approval for an extended trading period, it is not compulsory for general retailers to open for the extended period, but they are obliged to close during periods outside of the designated times. Approval only ensures that businesses are permitted to open during the approved hours on the specific days if they wish to do so.

The trading hours of the following business types are not covered by the *Retail Trading Hours Act 1987*, and therefore, do not have specified trading hours:

- Restaurants
- Cafes
- Takeaway food shops
- Short-term markets (set up and dismantle in one day)

## **Consultation**

City officers liaised with the Peel Chamber of Commerce and Industry, Vicinity (Mandurah Forum and Halls Head Central) and Lakelands Shopping Centre management.

Vicinity in turn have liaised with Mandurah Greenfields Shopping Centre, and Primewest Erskine Central Shopping centre which collectively comprises around 330 retail businesses.

## **Statutory Environment**

*Retail Trading Hours Act 1987*

## **Policy Implications**

N/A

## **Financial Implications**

The proposed extended Christmas retail trading hours would create a commercial environment that provides choice, flexibility and enables competition with Metropolitan retail outlets.

## Risk Analysis

Risks associated with not extending trading hours during the Christmas/New year period include:

- Risk to Mandurah's local economy (retail leakage of consumer spend to other LGAs);
- Risk to Mandurah's liveability (limited shopping hours);
- Risk to the City's reputation (failure to respond to the needs of the community and retail outlets by limiting opportunities to celebrate Christmas and New Year).

## Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

### Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.

### Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.
- Listen to and engage with our community in the decision-making process.

## Conclusion

Feedback received from the combined shopping centres led officers to consider an alternative option (option 2) for the pre and post 2021 Christmas retail trading period. Specifically, feedback indicated that Mandurah should bridge the gap between having fewer retail trading hours over this period when compared with metropolitan area with an additional 18 hours trading recommended from the first draft proposal.

Therefore, Council is requested to adopt the proposed alternative option (option 2) extended Christmas Retail Trading Hours for 2021, and to authorise officers to apply to the Department of Mines, Industry Regulations and Safety for a short-term adjustment.

NOTE:

- Refer ***Attachment 1 – Combined Shopping Centres***  
***Attachment 2 – ISPT Perth***  
***Attachment 3 – Letter of Support Peel Chamber of Commerce and Industry***

## RECOMMENDATION

That Council:

1. Approves the alternative option proposed (option 2) for the Extended Christmas Trading Hours for 2021 as follows;
  - Sunday 5, 12, 19, 26 December 2021 and Sunday 2 January 2022, 8.00am – 6.00pm.
  - Monday 6, 13, 20, Tuesday 7, 14, 21, Wednesday 8, 15, 22, 29, and Friday 10, 17 December 2021 8.00am – 9.00pm.
  - Monday 27, Tuesday 28 December 2021, Saturday 1 and Monday 3 January 2022, 8.00am – 6.00pm.
2. Authorises officers to apply to the Department of Mines, Industry Regulations and Safety for a short-term adjustment to extend Christmas trading hours.



30 July 2021

Mr Craig Johnson  
Executive Manager, Strategy  
City of Mandurah  
PO Box 210  
MANDURAH WA 6S10

VIA EMAIL: [Craig.Johnson@mandurah.wa.gov.au](mailto:Craig.Johnson@mandurah.wa.gov.au)

Dear Craig,

**RE: 2021 Extended Christmas Trading Hours – City of Mandurah**

Thank you for your email of 20 July 2021 inviting me to submit comments and feedback on Council's proposal for extended Christmas period retail trading hours in 2021.

I am responding on behalf of the Owners of Mandurah Forum, Halls Head Shopping Centre, Lakelands Shopping Centre, Mandurah Greenfields Shopping Centre and Primewest Erskine Central Shopping Centre which collectively contain about 330 retail businesses.

Our position has been, and remains, that there is no compelling reason why retail trading hours in Mandurah should not align with those in metropolitan Perth. We welcome and support the City of Mandurah's consideration to align local Christmas period retail trading hours with those of metropolitan Perth. We believe this is a positive step forward, however, the 2021 Christmas period retail trading hours proposed do not align with those expected for metropolitan Perth.

Our rationale for aligning with metropolitan Perth's Christmas period trading hours are:

1. Since 2010 an overwhelming majority of residents, businesses and visitors have indicated their support for extended trading hours in The City of Mandurah.
2. The relevance of retail trading hours to the *City of Mandurah Strategic Community Plan 2020 – 2040* and the importance of retail trade in general are identified as key to Mandurah's economy, however, the retail trading hours in Mandurah are currently less than those in the Perth metropolitan region and the Council regions which adjoin Mandurah.
3. Council's current proposed 2021 extended Christmas period retail trading hours will result in Mandurah having 37 fewer retail trading hours over this period alone when compared with metropolitan Perth.
  - a. Of these, 8 hours are in the five days immediately before Christmas, which are the busiest retail trading days in any year.
  - b. Another 9 hours are in the six days between Christmas and New Year, days which our data shows are also critical for retail business in Mandurah.

Managed by Vicinity Centres PM Pty Ltd  
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As Trustee of:  
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4. We further note that Council's 2020 extended Christmas period retail trading hours resulted in Mandurah having 34 fewer retail trading hours over this period when compared with metropolitan Perth. Council's proposal for extended Christmas period retail trading hours in 2021 will therefore see an increase in this difference to 37 fewer retail trading hours.
5. With Mandurah being a significant holiday destination and with retail trade being Mandurah's largest employer, we strongly believe the Christmas period retail trading hours in Mandurah should be at least equivalent to those enjoyed in metropolitan Perth and adjacent Council areas.

To give retailers at Mandurah Forum, Halls Head Shopping Centre, Lakelands Shopping Centre, Mandurah Greenfields Shopping Centre and Primewest Erskine Central Shopping Centre the opportunity to benefit from the increased retail spend of the Christmas trading period we firmly believe that the 2021 Christmas trading hours in the City of Mandurah should be extended to at least match those of the Perth Metropolitan Area.

We believe extending the 2021 Christmas trading hours in Mandurah provides an opportunity to improve retail trade to the benefit of retailers in the City of Mandurah, ensure a maximum of local and tourist dollars are captured within the City of Mandurah, and importantly assists in creating employment opportunities for community members of all ages.

It is clear from the data available to Vicinity Centres that the reduced trading hours for some retailers in the City of Mandurah, compared to the adjacent Council areas and the Perth Metropolitan Area, will disadvantage retailers in Mandurah over the most critical trading period of the year.

In closing, I would like to highlight that our partners ISPT (the Owners of Lakelands Shopping Centre and the Co-Owners of Mandurah Forum, Halls Head Shopping Centre) conducted a survey in 2020 which revealed that nearly one-in-five (18%) adult residents in the City of Mandurah have done grocery shopping out of the City in the past year and around one-in-ten (9%) have done so on a regular basis due to shopping hours that are not aligned with the rest of Perth. These results were heightened substantially in the Northern Suburbs of Mandurah. It is logical that shorter Christmas period trading hours would result in the same trends for Christmas shopping.

Thank you for your taking the time to review our letter of support for extending the 2021 Christmas period trading hours in the City of Mandurah to align with those in the Perth Metropolitan Area.

Yours sincerely,



Richard Terhorst  
Regional General Manager  
**Vicinity Centres**  
Email: [Richard.terhorst@vicinity.com.au](mailto:Richard.terhorst@vicinity.com.au)  
Phone: 0419 335 320

Copy Mr. Rob Staniford, ISPT Super Property  
Mr. Steve Cuzens, Lease Equity  
Mr. Joseph Rooney, Primewest

Thank you for your email of 20 July 2021 inviting us to submit comments and feedback on Council's proposal for extended Christmas period retail trading hours in 2021.

I write as the representative of ISPT that own the Lakelands Shopping Centre. Our position has been, and remains, that there is no compelling reason why retail trading hours in Mandurah should not align with those in metropolitan Perth.

Since 2010 an overwhelming majority of residents, businesses and visitors have indicated their support for extended trading hours in The City of Mandurah. Despite the importance of retail trade to Mandurah's economy, the relevance of retail trading hours to the *City of Mandurah Strategic Community Plan 2020 – 2040* and community support for increased trading hours within the City of Mandurah, retail trading hours in Mandurah are currently less than those in the Perth metropolitan region and the Council regions which adjoin Mandurah.

Our calculations indicate that Council's proposed extended Christmas period retail trading hours in 2021 will result in Mandurah having 37 less retail trading hours over this period alone when compared with metropolitan Perth. Of these, 8 hours are in the five days immediately before Christmas, which are the busiest retail trading days in any year. Another 9 hours are in the six days between Christmas and New Year, days which our data shows are also critical for retail business in Mandurah.

We further note that Council's extended Christmas period retail trading hours in 2020 resulted in Mandurah having 34 less retail trading hours over this period when compared with metropolitan Perth. Council's proposal for extended Christmas period retail trading hours in 2021 will therefore see an increase in this difference to 37 less retail trading hours.

With Mandurah being a significant holiday destination and with retail trade being Mandurah's largest employer, we would argue that Christmas period retail trading hours in Mandurah should be at least equivalent to those enjoyed in metropolitan Perth and adjacent Council areas.

To give retailers at Lakelands Shopping Centre the opportunity to benefit from the increased retail spend of the Christmas trading period we firmly believe that the 2021 Christmas trading hours in the City of Mandurah should be extended to at least match those of the Perth Metropolitan Area.

We believe extending the 2021 Christmas trading hours in Mandurah provides an opportunity to improve retail trade to the benefit of retailers in the City of Mandurah, ensure a maximum of local and tourist dollars are captured within the City of Mandurah, and importantly assists in creating employment opportunities for community members of all ages.

It is clear from the data available to ISPT that the reduced trading hours for some retailers in the City of Mandurah, compared to the adjacent Council areas and the Perth Metropolitan Area, will disadvantage retailers in Mandurah over the most critical trading period of the year.

In closing, I would like to highlight that ISPT conducted a survey in 2020 which revealed that nearly one-in-five (18%) adult residents in the City of Mandurah have done grocery shopping out of the City in the past year and around one-in-ten (9%) have done so on a regular basis due to regular restrictive shopping hours that are not aligned with the rest of Perth. These results were heightened substantially in the Northern Suburbs of Mandurah. It is logical that shorter Christmas trading hours would result in the same trends for Christmas shopping.

Thank you for your taking the time to review our letter of support for extending 2021 Christmas trading hours in the City of Mandurah to align with those in the Perth Metropolitan Area.

Steve Cuzens, General Manager



LEASE EQUITY



ATT: Hon Amber-Jade Sanderson MLA  
Minister for Environment; Climate Action; Commerce  
5th Floor, Dumas House  
2 Havelock Street  
West Perth  
WA 6005

Peel Chamber of Commerce & Industry Inc.  
Mandurah Transit Station Office  
Cnr Galgoyl Rd & Allnut St  
PO Box 574, Mandurah WA 6210  
E: [manager@peelcci.com.au](mailto:manager@peelcci.com.au)

10<sup>th</sup> August 2021

**RE: Letter of Support – City of Mandurah Retail Trading Hours 2021/22**

Dear Minister Sanderson,

On behalf of the Peel Chamber of Commerce and Industry Inc. and our wider membership I hereby express our support for the City of Mandurah's proposed extension to the regulated retail trading hours for the upcoming Christmas period as per the attached.

Peel Chamber on behalf of the City of Mandurah has undertaken a process for public comment in relation to the proposed changes for the 2021/22 Christmas trading season. Such a process required the Peel Chamber to actively participate in the release of proposed hours via survey, email and promotion through our combined media channels, reaching more than 6,000 individual businesses and regional stakeholder organisations. Peel Chamber has supported this process for a 2 week period and therefore can provide the following results.

- 69% of all respondents support this extension.
- Considering the results from only Peel Chamber members, 74% support this extension.
- Considering the results from only businesses who are to be directly affected by this extension, less than 30% support this extension.

The Peel Chamber supports the view of the majority of respondents to this survey however do so knowing the negative financial effect this will have on the many small independent businesses directly affected by this extension.

The extension of retail trading hours over the Christmas period is a necessary one for not only the consumers, but also as a fair compromise for the larger corporate stores who are regulated to operate within hours during the rest of the year.

We would like to acknowledge the City of Mandurah's continued leadership on this issue.

Please do not hesitate to contact me, personally, should you have any further queries.

Kind regards,

Andrew McKerrell  
General Manager  
Peel Chamber of Commerce & Industry Inc.

PLATINUM PARTNERS



PREMIER MEMBERS



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<b>3</b>	<b>SUBJECT:</b>	Retail Trading Hours: Cost Benefit Analysis
	<b>DIRECTOR:</b>	Strategy and Economic Development
	<b>MEETING:</b>	Council Meeting
	<b>MEETING DATE:</b>	24 August 2021

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### Summary

In November 2020, a petition was presented to Council requesting adoption of the same retail trading hours as those of the Perth Metropolitan area. Council received the petition and referred it to officers for consideration at a future Council workshop.

In February 2021, Elected Members considered the request of the petition determining that given the current economic conditions and the impacts of COVID-19, it was difficult to assess fairly the potential impact that a change to trading hours may or may not have.

At a subsequent Committee of Council meeting held in May, Council directed officers to monitor the two potential triggers that indicate the uncertainty caused by COVID-19 has become manageable. These triggers were;

1. The State of Emergency declaration is lifted officially by the Western Australian Government; or
2. The ABS Payroll jobs level for Mandurah returns and exceeds pre-COVID-19 levels as at March 2020 for 12 consecutive weeks.

Subsequently, the ABS Payroll jobs level for Mandurah has rebounded from the impact from COVID-19 with the number of jobs having risen above the pre-COVID-19 level for more than 12 consecutive weeks.

Following an Elected Member workshop in early August, Council is requested to authorise officers to undertake a Cost Benefit Analysis on the economic and social impacts of permanently extending retail trading hours within the City of Mandurah. Council is also requested to authorise the City to undertake an independent community engagement and business consultation on permanently extending trading hours for general retail shops.

### Disclosure of Interest

N/A

### Previous Relevant Documentation

- G.15/5/21 11 May 2021 Monitor two potential triggers that indicate uncertainty caused by COVID-19 has become manageable.
- G.3/11/20 24 Nov 2020 Petition requesting adoption of retail trading hours as per Peth metropolitan area.
- G.23/12/19 17 Dec 2019 Revoked G.31/6/19, undertake community and business consultation through the engagement of an independent consultant.
- G.31/6/19 25 June 2019 Undertake community and business consultation process re retail trading hours in Mandurah, further report to Council. Independent consultant to be engaged and provide a report re economic impact of extending deregulated retail trading hours and social impact on retail business owners, their families and staff in Mandurah.

## Background

In November 2020, a petition with over 600 signatures was presented to Council requesting alignment of the retail trading hours for general stores with the Metropolitan area. Council resolved to undertake a workshop to discuss a response to the petition received and consideration for permanent changes to existing trading hours.

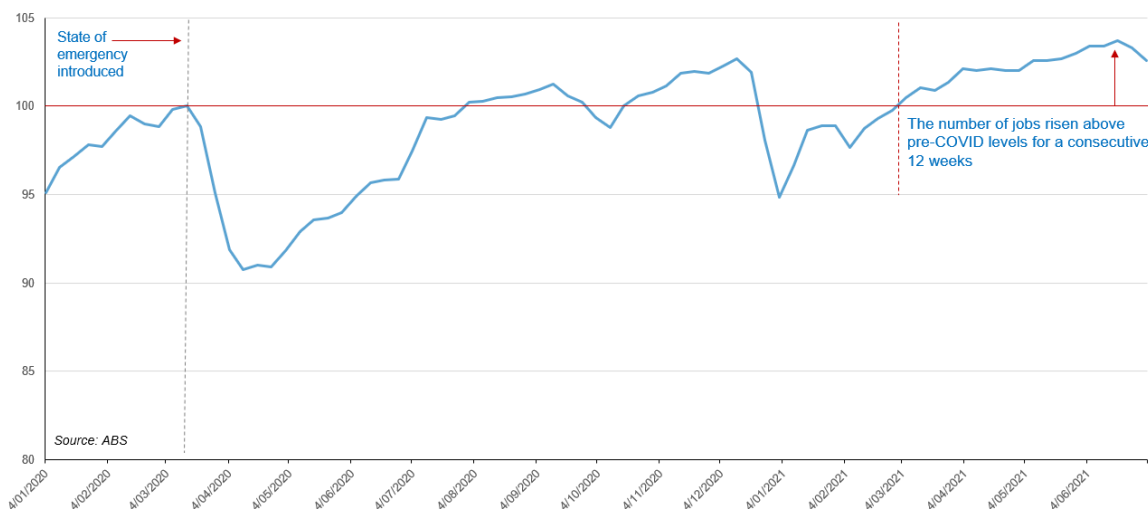
A workshop was conducted with Elected Members in February, and a subsequent Committee of Council meeting held in May with a range of issues and options regarding extending retail trading hours being outlined and considered at length.

Due to the economic impacts that the COVID-19 pandemic has had on our local economy, Council resolved for officers to monitor two potential triggers that would indicate that the uncertainty caused by COVID-19 has become manageable. These indicators were;

1. The State of Emergency declaration is lifted officially by the Western Australian Government; or
2. The ABS Payroll jobs level for Mandurah returns and exceeds pre-COVID19 levels as at March 2020 for 12 consecutive weeks.

Once either of these conditions have been satisfied, Council agreed that an Elected Member workshop would be held to develop a scope of works and identify the budget for an independent Cost Benefit Analysis to be undertaken.

Following this direction, officers have regularly monitored fortnightly growth in ABS payroll data. From the period of 6 March to 22 May 2021, the data has shown that payroll jobs have rebounded above pre-pandemic levels for 12 consecutive weeks and this trend has continued (Refer below - Chart 1: Payroll Jobs in Mandurah).



As a result, a workshop was held with Elected Members in early August to discuss the scope of work for the engagement of a consultant to undertake the Cost Benefit Analysis on retail trading hours and independent community engagement and business consultation.

The scope of works that has been developed will require the appointed consultants to examine and evaluate economic and social impacts of permanently extending retail trading hours for general shops on four main constituents: businesses, employees, consumer and community for inclusion in the scope.

Elected members also undertook a qualitative positive and negative analysis, identifying who and how each group will potentially be affected in the key focus areas. A summary of identified impacts for the CBA to assess are as follows:

<b>Business</b>	
Potential Benefits	Potential Costs
<ul style="list-style-type: none"> <li>- Less retail expenditure leakage to areas outside of Mandurah</li> <li>- Lessen effect of 24/7 online shopping</li> </ul>	<ul style="list-style-type: none"> <li>- Loss of revenue for small retailers</li> <li>- Small retailers market share loss to larger chain supermarkets</li> </ul>

<b>Employees</b>	
Potential Benefits	Potential Costs
<ul style="list-style-type: none"> <li>- Flexibility in working hours</li> <li>- More entry level employment, opportunity for young people</li> </ul>	<ul style="list-style-type: none"> <li>- More casual jobs, less FTE</li> <li>- Need for childcare outside normal opening hours of childcare centres</li> <li>- Impact on family time</li> </ul>

<b>Consumers</b>	
Potential Benefits	Potential Costs
<ul style="list-style-type: none"> <li>- More flexibility to shop local</li> <li>- More choices where and when to shop</li> </ul>	<ul style="list-style-type: none"> <li>- Increase in price of goods</li> </ul>

<b>Community</b>	
Potential Benefits	Potential Costs
<ul style="list-style-type: none"> <li>- Impact on tourism</li> <li>- Vibrancy in the city</li> </ul>	<ul style="list-style-type: none"> <li>- Less time to engage in community events, sport, volunteering</li> </ul>

### **Comment**

Over the years, a number of surveys have been undertaken to ascertain community attitudes towards extended trading hours in Mandurah including an independent report conducted back in September 2010 which indicated community support for an extension to retail trading hours.

Given the changes that have taken place in retail trading hours in both the Metropolitan area and across regional local governments since this time, it is appropriate for the City to obtain a Cost Benefit Analysis on the impacts of permanently extending retail trading hours for general shops within the City of Mandurah.

The consultant that is engaged will be required to undertake a Cost Benefit Analysis associated with the current retail trading hours along with a proposed permanent extension of retail trading hours for general retail shops within the City of Mandurah. This is summarised below;

1. Base Case: Existing retail trading hours and current forecast rates of growth.
2. Project Case: Proposed extended trading hours, and expected growth forecast.
  - 2a. Sensitivity Test: Impacts of changing trading hours (extending or reducing) by different hours across different days. This will be used to inform the development of any alternative proposals should the Base and Project cases not be the optimal trading hours arrangements for Mandurah.

For the purposes of the Cost Benefit Analysis, the following table has been developed to outline the 'Base Case' (current arrangements) and 'Project Case' that the consultant will be required to test;

Day of the Week	Base Case (current Retail Trading Hrs)	Project Case (extended Retail Trading Hrs)	Difference
Monday	08:00 – 18:00	08:00 – 21:00	+ 3hrs
Tuesday	08:00 – 18:00	08:00 – 21:00	+ 3hrs
Wednesday	08:00 – 18:00	08:00 – 21:00	+ 3hrs
Thursday	08:00 – 21:00	08:00 – 21:00	No Change
Friday	08:00 – 18:00	08:00 – 21:00	+ 3hrs
Saturday	08:00 – 18:00	08:00 – 18:00	No Change
Sunday + Public Holidays	10:00 – 17:00	08:00 – 18:00	+ 3hrs
Exclusions: <i>Christmas Day, Good Friday, ANZAC Day</i>	Closed	Closed	No Change

It is important to note that under any potential change of retail trading hours, traders do not have to open, however may choose when they open within the specified trading hours or unless they hold a certificate to trade as a small retail shop, special retail shop or small filling station.

The trading hours of the following store types are not covered by the Act and therefore do not have specified trading hours:

- restaurants,
- cafes,
- takeaway food shops,
- short-term markets (set up and dismantled in one day)

## Consultation

In November 2020, a petition with over 600 signatures was presented to Council requesting alignment of the City of Mandurah's retail trading hours with the Perth Metropolitan area.

The process is designed to provide Council with the necessary data to make a decision on any future extension of retail trading hours for the City of Mandurah and will include both a Cost Benefit Analysis and independent community and business engagement.

## Statutory Environment

*Retail Trading Hours Act 1987*

## Policy Implications

N/A

## Financial Implications

The funds to undertake the works has been included in the City's 2021/22 Operating budget.

## Risk Analysis

The debate about extending retail trading hours in the City of Mandurah has been contentious for many years. To ensure that the data collected through the review process is fully transparent, the City proposes to engage independent consultants to undertake both the Cost Benefit Analysis and community and business engagement.

The risks that may be associated with any potential change to retail trading hours in the City of Mandurah will be determined by the outcomes of the Cost Benefit Analysis and community and business engagement results.

### **Strategic Implications**

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

#### Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.

#### Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.
- Listen to and engage with our community in the decision-making process.
- Build and retain a skilled, agile, motivated and healthy workforce.

### **Conclusion**

Following the widespread adoption of extended retail trading hours in the Perth Metropolitan area and regional local governments across Western Australia in recent years, it is considered necessary for the City to engage a consultant to undertake a Cost Benefit Analysis on the economic and social impacts on permanently extending retail trading hours for general shops within the City of Mandurah.

Council is also requested to authorise the City of Mandurah to undertake community and business engagement to provide all of the necessary information to allow Council to make an informed decision on this matter.

### **RECOMMENDATION**

#### **That Council:**

- 1. Authorises officers to engage a Consultant to undertake a Cost Benefit Analysis on the economic and social impacts of permanently extending retail trading hours in the City of Mandurah.**
- 2. Authorises officers to engage a Consultant to undertake community and business engagement on permanently extending trading hours in the City of Mandurah.**
- 3. Request officers to provide a subsequent report back to Council on:**
  - 3.1 Results of the Cost Benefit Analysis**
  - 3.2 Results of the community and businesses engagement.**

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<b>4</b>	<b>SUBJECT:</b>	2021 Western Australian Local Government Association Annual General Meeting: Nomination of Delegates and Voting Guidance
	<b>DIRECTOR:</b>	Chief Executive Officer
	<b>MEETING:</b>	Council
	<b>MEETING DATE:</b>	24 August 2021

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## Summary

The Western Australian Local Government Association (WALGA) will hold its 2021 Annual General Meeting (AGM) at Crown Perth, on Monday 20 September 2021. WALGA has requested Council to nominate two voting delegates to the AGM and two Proxy Voting Delegates.

Voting delegates may be either Elected Members or officers. Delegates must be registered with WALGA to be eligible to attend and represent their respective councils. Proxy voting is available for councils that are unable to be represented by two delegates.

Notice of the AGM, Procedural Information and Submission of Motions has been received. The WALGA Annual General Meeting has been released (<https://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Meetings-and-AGM/Agenda-AGM-2021.pdf?lang=en-AU>) and there are five items for consideration that the delegates have to vote on. Council is requested to provide guidance to the delegates, in relation to whether Council supports or does not support the proposed motions.

Council is requested to approve the nominations of its Peel Zone delegates Mayor Rhys Williams and Deputy Mayor, Councillor Caroline Knight to attend the 2021 WALGA AGM on Monday 20 September 2021 and also is requested to appoint two Elected Members as Proxy Voting Delegates should either Voting Delegate be unable to attend.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

G.9/7/20 28 July 2020 Peel Zone delegates Mayor Rhys Williams and Councillor Caroline Knight be nominated as the City of Mandurah voting delegates and Councillors Green and P Rogers as proxy delegates to the 2020 Western Australian Local Government Association Annual General Meeting, to be held at Crown Perth on Friday 25 September.

## Background

In preparation for the WALGA 2021 AGM, it is necessary to register the voting entitlements for delegates representing each Member Council. While delegates can be either Elected Members or officers, Council has traditionally appointed the two delegates to the Peel Zone of WALGA as Council's voting delegates at the AGM. Mayor Rhys Williams and Deputy Mayor, Councillor Caroline Knight are the current delegates to the Peel Zone.

## Comment

To exercise Council's voting entitlements, Council must ensure that voting delegates are registered with WALGA. Member Councils are entitled to be represented by two voting delegates, with each delegate able to exercise one vote. Proxy voting is available to councils who are unable to send two delegates. To exercise Voting Delegates and Proxy Voting Delegates, councils must have registered valid proxies with the Chief Executive Officer of WALGA prior to Friday 27 August. Council is requested to appoint two Elected Members as Proxy Voting Delegates should either Voting Delegate be unable to attend.

The City officers have considered the proposed motions outlined in item 3, Consideration of Executive and Member Motions, of the WALGA Annual General Meeting agenda and have made the following comments:

### 3.1 Amendments to WALGA's Constitution

#### Motion

*That the WALGA Constitution be amended as follows:*

1. *INSERT Definition – “Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer.*
2. *Clause 5 (10) – DELETE “and Associate Members”.*
3. *Clause 5 (11) – DELETE “Ordinary Member or”, REPLACE “State Council” with “Chief Executive Officer” in the first sentence, INSERT “or its delegate” after State Council in the second sentence.*
4. *Clause 6 (3) – REPLACE “31 May” with “30 June”.*
5. *Clause 7 (2) – REPLACE “30 June” with “31 July”.*
6. *Clause 11 (1) – after Chief Executive Officer, INSERT “in accordance with the Corporate Governance Charter”.*
7. *Clause 11 (2) – after Chief Executive Officer INSERT “by providing notice to State Councillors of the date, time, place and purpose of the meeting”*
8. *DELETE Clause 11 (3)*
9. *Clause 12 (1) – DELETE “as, being entitled to do so, vote in person”*
10. *DELETE Clause 12 (2)*
11. *Clause 12 (3) – DELETE “as, being entitled to do so, vote in person”*
12. *Clause 12 (4) – DELETE “as, being entitled to do so, vote in person”*
13. *Clause 16 (1) & (2) – After Any election INSERT “other than to elect the President or Deputy President”, REPLACE “generally in accordance with the provisions of the Local Government Act 1995 as amended (2) For the purposes of the election referred to in subsection (1)” with “as follows”.*
14. *Clause 16 (2) (f) – REPLACE two instances of “2” with “1”.*
15. *INSERT Clause 16A – Election Procedure – President and Deputy President*
  - (1) *An election to elect the President or Deputy President shall be conducted as follows:*
    - (a) *the Chief Executive Officer or his/her delegate shall act as returning officer;*
    - (b) *representatives are to vote on the matter by secret ballot;*
    - (c) *votes are to be counted on the basis of “first-past-the-post”;*
    - (d) *the candidate who receives the greatest number of votes is elected;*
    - (e) *if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;*
    - (f) *any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;*
    - (g) *when the meeting resumes, an election will be held in accordance with sub-sections 1(a), 1(b), 1(c) and 1 (d);*
    - (h) *if two or more candidates receive the same number of votes so that subsection 1(d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.*
16. *Clause 21 (4) – REPLACE “Chairman” with “Chair”.*
17. *Clause 22 (1) – REPLACE “in August or September of” with “prior to 31 October”.*
18. *Clause 22 (3) – DELETE “in person”*
19. *DELETE Clause 22 (4) (b).*
20. *Clause 23 (3) – DELETE “in person”*
21. *Clause 24 (2) – DELETE “and of which vote is to be exercised in person”*
22. *Clause 24 (4) – DELETE “as, being entitled to do so, vote in person”*
23. *Clause 28 (1) – DELETE “The common seal shall be held in the custody of the Chief Executive Officer at all times.”*
24. *Clause 29 (1) – DELETE “as, being entitled to do so, vote in person”*
25. *Clause 29 (2) – DELETE “as, being entitled to do so, vote in person”*
26. *Clause 31 (4) (c) – DELETE “and Regional Development”.*

WALGA Secretariat Comment:

- *A number of amendments are proposed to the WALGA Constitution.*
- *The proposed amendments were endorsed by a special majority of State Council at the meeting on 7 July 2021.*

City of Mandurah

Comment: The motion will update the Constitution to be ensure WALGA can have the same end of financial year as local governments, change the election procedure for WALGA President and Deputy President and make minor amendments that are outdated.

Recommendation: Council support the motion.

3.2 Cost of Regional Development

Motion

*That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many towns in the Wheatbelt and Great Southern regions.*

WALGA Secretariat Comment:

*Market failure in the provision of residential and industrial land occurs across most of regional Western Australia. State Government intervention was previously provided through the Regional Headworks Program, funded by Royalties for Regions, and through commitments from the utility providers to spread the costs of upgrading and extending infrastructure to service additional land across their customer base, rather than pass these costs to the developer. These arrangements no longer exist.*

*Strong growth in the demand for housing in regional WA has again highlighted this market failure and the consequent impacts on employment and economic development. The Regional Development Assistance Program delivered by DevelopmentWA is the only State Government support for industrial and residential land development in regional towns. The experience of Local Governments in accessing the Regional Development Assistance Program and the demand on the modest budget allocation will be important information to underpin advocacy for an achievable path to housing growth in regional towns.*

City of Mandurah

Comment: The motion ensures that the concerns relating to the high costs of development in WA local governments and regions is brought to the attention of the State Government.

Recommendation: Council support the motion.

3.3 CSRFF Funding Pool and Contribution Ratios

Motion

*That WALGA lobby the State Government to increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*

WALGA Secretariat Comment:

*WALGA has advocated for funding for the Community Sporting and Recreation Facilities Fund (CSRFF) to be increased to \$25 million per annum for a number of years, most recently as part the Association's 2020 State Election campaign and WALGA's 2020-21 State Budget Submission.*

*Funding for the CSRFF will increase from \$12 million in 2021-22 to \$12.5 million in 2022-23. \$10 million over four years has also been allocated for sports floodlighting infrastructure under the Club Night Lights Program.*

*WALGA's Advocacy Position 3.7.1 Community Infrastructure states:*

*“The Association supports Local Government initiatives and infrastructure that contribute to the health and wellbeing of the community.”*

City of Mandurah

Comment: The motion recommends that the State Government funding pool is increased and their contribution percentage increases from 33% to 50%.

Recommendation: Council support the motion.

3.4 Regional Telecommunications Project

Motion

*That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.*

WALGA Secretariat Comment:

*As identified, the Commonwealth Government committed \$380 million over six rounds to the Mobile Black Spot Program (the Program). In April 2020 the Round 5 results were announced, with a further 182 base stations to be funded in regional and remote Australia.*

*The Commonwealth Government has committed \$80 million for Round 6 of the Program and is expected to commence after the Round 5A process is complete.*

*Since 2012, State Governments have committed to improving mobile connectivity in regional Western Australia, currently through its Regional Telecommunications Project (RTP) and previously via the Regional Mobile Communications Project (RMCP).*

*The RTP initial allocation was \$45 million from 2014-15 with a further \$20 million allocated from 2016-17.*

*The total RTP allocation under the last Coalition Government was \$65 million, which was mainly used for State co-contributions under the Commonwealth Mobile Black Spot Program Rounds 1 and 2. Information on the various MBSP Rounds is available at <https://www.communications.gov.au/what-wedo/phone/mobile-services-and-coverage/mobile-black-spot-program>.*

*The Mobile Black Spot Program Round 4 announced on 22 March 2019 stated “The Federal and State governments will contribute \$4.3 million each to the Mobile Black Spot Round 4 program in WA, with a further \$6 million from telecommunications companies”.*

*The Regional Telecommunications Project Continuation (RTPC) Funding (announced 21 May 2019) provided a further \$20 million allocation from 2019-20 by the Labor Government, bringing total RTP funding to \$85 million.*

*On 21 April 2020 a joint Commonwealth/State media statement announcing the Mobile Black Spot Program Round 5 outlined “under Round 5, \$29.7 million will be invested in mobile infrastructure in Western Australia. This includes \$12.8 million funding from the Commonwealth and \$5.5 million from the Western Australian Government”.*

*The outcomes of Round 1 of the Regional Connectivity Program were announced on 28 April 2021 advising that “the McGowan Government will contribute \$5.88 million to projects under the Commonwealth's Regional Connectivity Program to help bring mobile and broadband infrastructure to some of Western Australia's most under-served areas” and “the State's investment has attracted co-funding of \$17.1 million from the Commonwealth and additional funding from project applicants and third party contributors”.*

*Along with the Digital Farm Grants Program Round 3 announced in January 2021 of a “\$6.3 million investment by the State delivering high-speed broadband to 600 farmers and residents across WA's*

*grain growing regions under Round 3 of the Digital Farm program” there continues to be considerable investment in Telecommunications in WA.*

*Notwithstanding, the need is still significant, with the Shire of Esperance motion to increase State funding by way of co-contribution to leverage Federal programs to regional areas that have limited or no access is supported.*

#### City of Mandurah

Comment: The motion recommends that the State Government funding is increased to ensure that regional areas with limited or no access can be serviced with mobile and broadband infrastructure.

Recommendation: Council support the motion.

### 3.5 Review of the Environmental Regulations for Mining

#### Motion

*Regarding a review of the Mining Act 1978.*

- 1. To call on Minister Bill Johnston, Minister for Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*
- 2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with remote resource communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.*

WALGA Secretariat Comment:

*With respect to the Part 1 of the Motion:*

*Mining companies are required to comply with relevant environmental regulations and conditions of approval, which includes developing and implementing rehabilitation plans.*

*The Department of Mines, Industry Regulation and Safety (DMIRS) assesses environmental proposals for prospecting, mining exploration and development activities in accordance with the Mining Act 1978. Native vegetation clearing permits are assessed under delegation in accordance with the provisions of the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Unconditional Performance Bonds (UPB) may be imposed as mining securities for compliance with environmental conditions imposed under the Mining Act in some cases.*

*Mining, petroleum and geothermal activity proposals that may have a significant impact on the environment are assessed by the Environmental Protection Authority (EPA). In addition, proposals likely to have significant impact to matters of national environmental significance require approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.*

*In relation to tyre disposal, the Association acknowledges the significant challenge this poses for Local Governments, particularly those in the non-metropolitan area in regard to end of life tyre management. The Shire of Dundas is to be commended for its commitment to ensuring that tyres generated in the Shire are recycled; this is a significant achievement.*

*It is a significant barrier that there is not an effective Product Stewardship Scheme for tyres, which covers the full costs, including transport, of recycling tyres. The current situation means that frequently organisations choose the cheapest option for disposal or material, rather than the best environmental and social outcome.*

*As part of the funding to address the Export Bans for recyclable materials, including tyres, the State and Federal Government is investing over \$18 million in tyre recycling infrastructure for WA. WALGA is*

*investigating how this funding will assist Local Governments across WA to develop sustainable tyre recycling solutions, which focus on resource recovery and minimise landfilling of these products.*

*In relation to Part 2 of the Motion:*

*The Mining Rehabilitation Fund Act 2012 and the Mining Rehabilitation Fund Regulations 2013 provide the legislative framework for declaring abandoned mine sites and enables the Mining Rehabilitation Fund (MRF) to receive levy contributions made by WA mining operators for the purpose of rehabilitation of abandoned mines and other land affected by mining operations carried out, in, on or under those sites.*

*Income for the MRF comes from a levy on existing mines based on the size of the operating mine and the expenditure comes from the interest earned by the fund. The MRF is aimed at addressing legacy mines pits that were not subject to the current legislative process and requirements, and where no company or individual can be identified and made responsible for the rehabilitation of the mine.*

*The Mining Rehabilitation Advisory Panel is an independent body that provides advice to the Director General of the DMIRS on matters related to the MRF, including which abandoned mines should receive funds for remedial action. The*

*Abandoned Mines Policy provides guidance on how the priorities for the use of the funds and which abandoned mines will be managed. The key principle used in decision making is the level of risk an abandoned mine represents. The policy encourages the use of partnerships with Local Governments, community groups and business in the management and rehabilitation of the selected abandoned mine sites.*

#### City of Mandurah

Comment: The motion does not impact the City of Mandurah. It is recommended to support the motion and the need for a review of the Mining Act and the efforts of rehabilitation of mine sites in local government areas that have or have previously had mining activities.

Recommendation: Council support the motion.

#### **Consultation**

Nil

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Due to the cancellation of the WA Local Government Convention and Trade Exhibition, WALGA will be holding a number of events alongside this year's AGM including a breakfast event with special guest speaker, a political forum available to Mayors, Presidents and CEOs and a sundowner at the end of the day's proceedings. A special lunch for WALGA award recipients will also be held by invitation only.

#### **Risk Analysis**

Nil

## Strategic Implications

The following strategy from the City of Mandurah Strategic Community Plan 2020 – 2040 is relevant to this report:

### Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.

## Conclusion

Council is requested to appoint the WALGA Peel Zone representatives as the two voting delegates for the WALGA 2021 Annual General Meeting. Council is requested to appoint two Elected Members as Proxy Voting Delegates should either Voting Delegate be unable to attend. Other Councillors may also attend the conference at a similar cost.

## RECOMMENDATION

### That Council:

- 1 Appoint Peel Zone delegates, Mayor Rhys Williams and Councillor Caroline Knight, as the City of Mandurah voting delegates to the 2021 Western Australian Local Government Association Annual General Meeting, to be held at Crown Perth on Monday 20 September 2021.**
- 2 Appoint two Elected Members as Proxy Voting Delegates should either Voting Delegate be unable to attend.**

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

- 3 Approve the voting delegates to vote the following way for the motions outlined in part three, Consideration of Executive and Members Motions, of the WA Local Government Association Annual General Meeting:**
  - 3.1 Amendments to WALGA's Constitution – support**
  - 3.2 Cost of Regional Development – support**
  - 3.3 CSRFF Funding Pool and Contribution Ratios – support**
  - 3.4 Regional Telecommunications Project – support**
  - 3.5 Review of the Environmental Regulations for Mining – support**

<b>5</b>	<b>SUBJECT:</b> Financial Report July 2021 <b>DIRECTOR:</b> Business Services <b>MEETING:</b> Council Meeting <b>MEETING DATE:</b> 24 August 2021
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## Summary

The Financial Report for July 2021 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Elected Members' consideration.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- G.17/6/21 22/06/2021 Adoption of Annual Budget 2021/22

## Background

Nil

## Comment

## Financial Summary

The financial report for July 2021 shows an actual surplus for this period of \$100.5 million. The reason why the first six months of any financial year has a large surplus is because over 80% of the total revenue has been recognised (from raising of rates and other grants and fees), however most of the City's expenditure occurs evenly over the 12 months. This results in a timing variance and the actual surplus reduces as the financial year progresses.

The opening surplus is currently \$7.3 million. The opening surplus will be reduced once all invoices have been received and the end of year adjustments have been made for the 2020/2021 financial year. The actual opening surplus at 30 June 2021 will not be finalised until December 2021 and therefore over the next few months, the actual opening surplus will reduce until such time as the Audit Report and the 2020/21 Annual Financial Statements are adopted by Council. The reduction in the actual opening surplus is due to adjustments being made in accordance with the Accounting Standards. It is important to note that the budget variations approved in July 2021 were the previous financial year projects that were unspent before the end of the financial year and the actual opening surplus, when finalised, will be used to fund these projects.

	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>700</b>	<b>700</b>	<b>7,277</b>	<b>6,577</b>	<b>940%</b>
<b>Revenue</b>					
Revenue from operating activities	117,217	97,718	98,162	444	0%
Capital revenue, grants and Contribution	18,961	1,580	1,346	(234)	-15%
	<b>136,179</b>	<b>99,299</b>	<b>99,508</b>	<b>209</b>	
<b>Expenditure</b>					
Operating Expenditure	(138,271)	(10,202)	(6,015)	4,187	-41%

Capital Expenditure	(46,324)	(3,664)	(2,274)	1,390	-38%
	<b>(184,594)</b>	<b>(13,866)</b>	<b>(8,289)</b>	<b>5,577</b>	
Non-cash amounts excluded from operating activities	25,782	2,547	2,562	15	1%
Other Capital Movements	20,867	(617)	(542)	75	-12%
<b>Closing Funding Surplus / (Deficit)</b>	<b>(1,066)</b>	<b>88,063</b>	<b>100,516</b>	<b>12,453</b>	<b>14%</b>

### Key Capital Projects

The following table highlights the status of the City's key capital projects for the 2021/2022 financial year:

Project	2020/21 Actuals Incl. CMT \$'000s	2020/21 Annual Budget \$'000s	Comment
Western Foreshore Recreation Precinct	1,919	4,082	<p><i>Project status:</i> Works on the Western Foreshore and Hall Park involving trenching and excavation have been delayed due to surface flooding and high ground water caused by continual high rainfall events combined with high tides.</p> <p><u>Play Space</u> Fabrication of main play tower and cubby pods is progressing off-site. Fabrication and galvanising of the main tower poles is complete, and these are on-site, ready for installation.</p> <p>The boardwalk under the Sheoak trees in the fenced area is completed and the slide construction is underway.</p> <p>The manufactured play equipment including swings, climbing elements, carousel and 'human hamster wheel' have been delivered to Perth and are ready to be installed.</p> <p><u>Surrounds</u> Site electrical and pedestrian lighting works commenced on Monday 5 July but were delayed due to weather and high ground water levels. Works have now recommenced.</p> <p>Earthworks for shared path construction from toilets to under bridge underway.</p> <p><u>Meeting Place Artwork</u> The central seating that houses the sub-woofer for the audio component of the artwork has been installed.</p> <p>Remaining works to the artwork contract include installation of interpretive plaques &amp; programming / commissioning of lighting &amp; audio.</p>

Eastern Foreshore South Precinct	519	5,717	<p><i>Project status:</i> Estuary Pool floating pontoon lighting &amp; electrical works are underway. Commissioning of lighting is scheduled to be complete by mid-August</p> <p>A new Site Main Switchboard is being installed near the southern Mandurah Terrace carpark to replace the existing Switchboard.</p>
Smart Street Mall Upgrade	514	898	<p><i>Project status:</i> Civil Works to central area including demolition &amp; replacement of paving subgrade with road base, footings for future overhead canopy structures &amp; new drainage lid installation were completed in July.</p> <p>Paving to the central area commenced. The central paving area is being completed from the Sutton Street (east) end down the mall (west).</p> <p>Expected completion of paving works to current construction area (pedestrian mall area excluding Sutton Street road reserve) is late September.</p>
Peel Street – Power Relocation	45	1,500	<p><i>Project status:</i> The engaged power company's design section is currently undertaking detailed design and consultation with affected landowners along Peel Street.</p> <p>Anticipated site works to commence late 2021 / early 2022.</p>
Pinjarra Road Stage 1 to 3	307	2,679	<p><i>Project status:</i> Stage 2 construction is 55% complete with a targeted completion date of mid quarter 2.</p> <p>Site works for Stage 3 scheduled to commence late quarter 2.</p>
RR Mandurah Terrace	50	1,408	<p><i>Project status:</i> Project is in scoping stage with preliminary design work underway.</p> <p>Site works scheduled to commence late 2021 / early 2022.</p>

## 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 5.1.

## Risk Analysis

Nil

## Strategic Implications

The following strategy from the City of Mandurah Strategic Community Plan 2020 – 2040 is relevant to this report:

### Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk, and financial management.

## 2021/22 Unbudgeted Expenditure

### Contemporary Art Spaces Mandurah (CASM) – Ambient Art Exhibition

CASM have secured a \$3,000 contribution from the Peel Harvey Catchment Council (PHCC) to support the delivery of the Ambient Art Exhibition. This exhibition will provide an opportunity for individual artists or artist groups living, working, or studying within the Peel region, to explore the use of art to raise awareness of environmental issues, particularly inspired by our Peel-Yalgorup Ramsar-listed wetlands.

It is recommended that unbudgeted revenue and expenditure of \$3,000 be approved by Council to enable utilisation of this contribution.

## 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. By submitting the budget variation requests to Council as they arise it allows identification of financial implications and ensures there is nil effect on the budget adopted.

It is recommended that Council receive the Monthly Financial Report, Schedule of Accounts, and the proposed budget variations.

### NOTE:

- Refer **Attachment 5.1 Monthly Financial Report**  
**Attachment 5.2 Schedule of Accounts (electronic only)**

## RECOMMENDATION

### That Council:

- 1 **Receives the Financial Report for July 2021 as detailed in Attachment 5.1 of the report.**
- 2 **Receives the Schedule of Accounts for the following amounts as detailed in Attachment 5.2 of the report:**

<b>Total Municipal Fund</b>	<b>\$ 9,193,271.11</b>
<b>Total Trust Fund</b>	<b>\$ 0.00</b>
	<b><u>\$ 9,193,271.11</u></b>

- 3 Approves the following budget variations for 2021/22 annual budget:**
  - 3.1 Unbudgeted operating expenditure of \$3,000\* for CASM – Ambient Exhibition**
    - To be funded from PHCC - Contribution \$3,000\*

**\* ABSOLUTE MAJORITY REQUIRED**

# Monthly Financial Report

## July 2021



# City of Mandurah July 2021

## \$1.07 M

Estimated Deficit at 30 June 2022 with proposed budget amendments

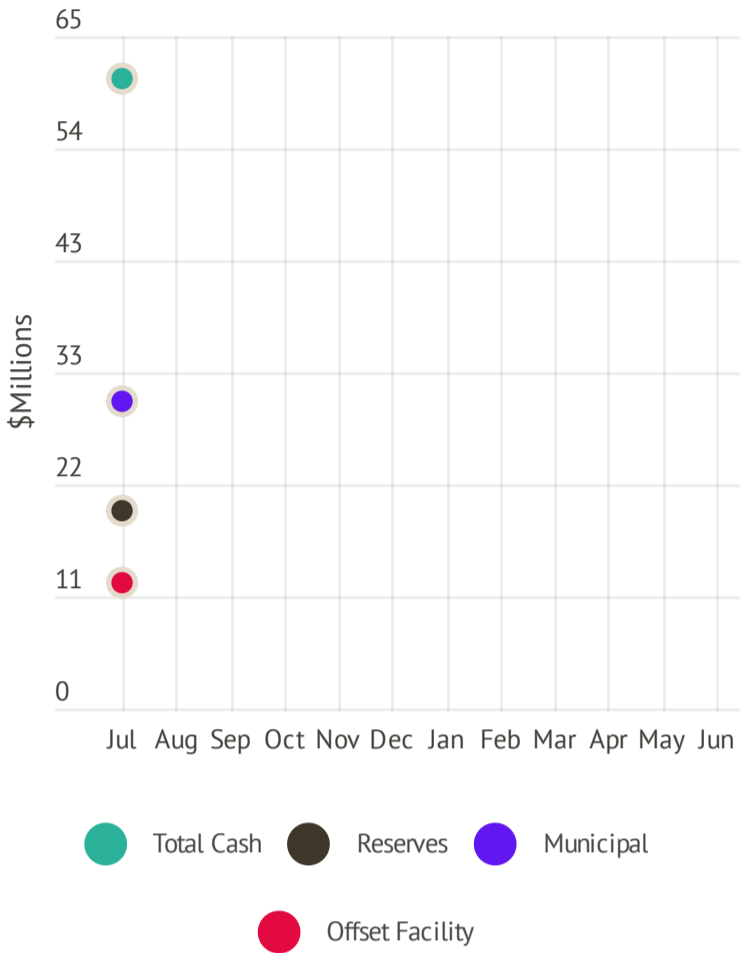
## \$100.5 million

Year to Date Actual Surplus

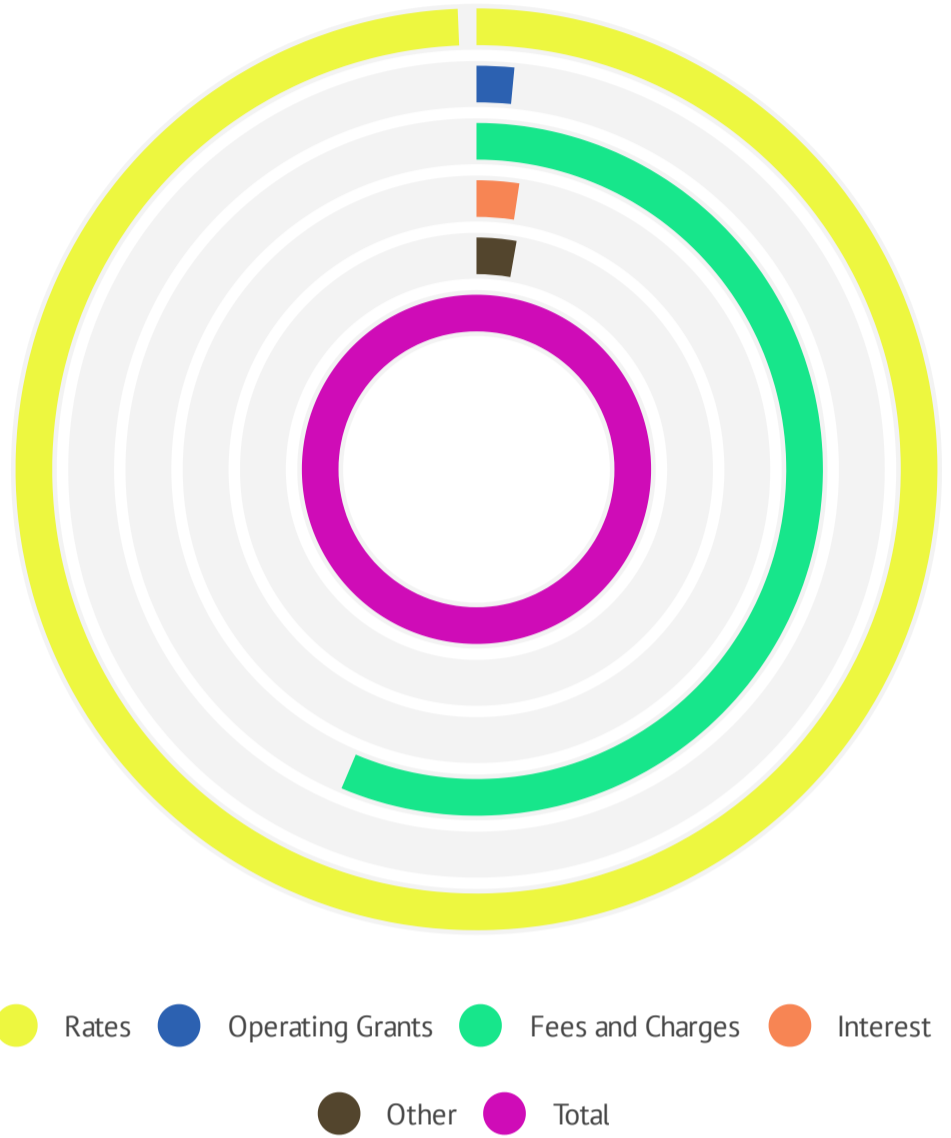
## Summary

- Actual Rates Raised \$82.14M
- Actual Rates Received \$15.55M (18.2% collected)
- Actual Operating Revenue \$98.2M
- Actual Capital Revenue \$1.3M
- Actual Operating Expenditure \$6M
- Actual Capital Expenditure \$2.3M
- Actual Proceeds from Sale of Assets \$0

## Investments



## Year to Date Revenue Actuals Compared to Current Budget



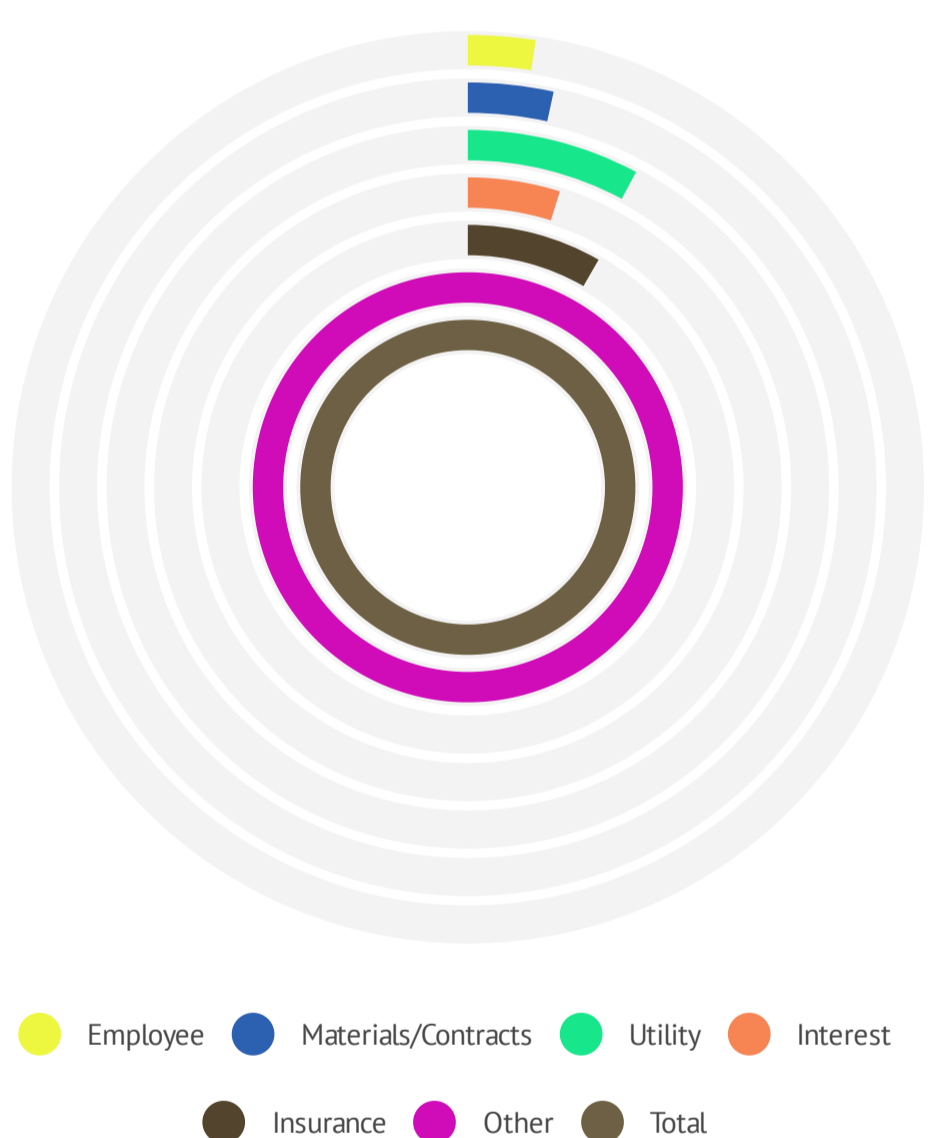
## Loans

- Actual Principal Outstanding \$24.14M
- Actual Principal Repayments Made \$419K
- Actual Interest Paid \$34K
- Actual New Loans Drawdown \$0
- Amount of Interest Saved from Loan Offset Facility \$15,687

## Rates Outstanding

- 31 Properties with >\$10K outstanding ▲
- 218 Properties \$3K to \$10K outstanding ▲
- 1 Properties commenced legal action in 21/22 -
- \$2.03M Rates Exemptions ▲

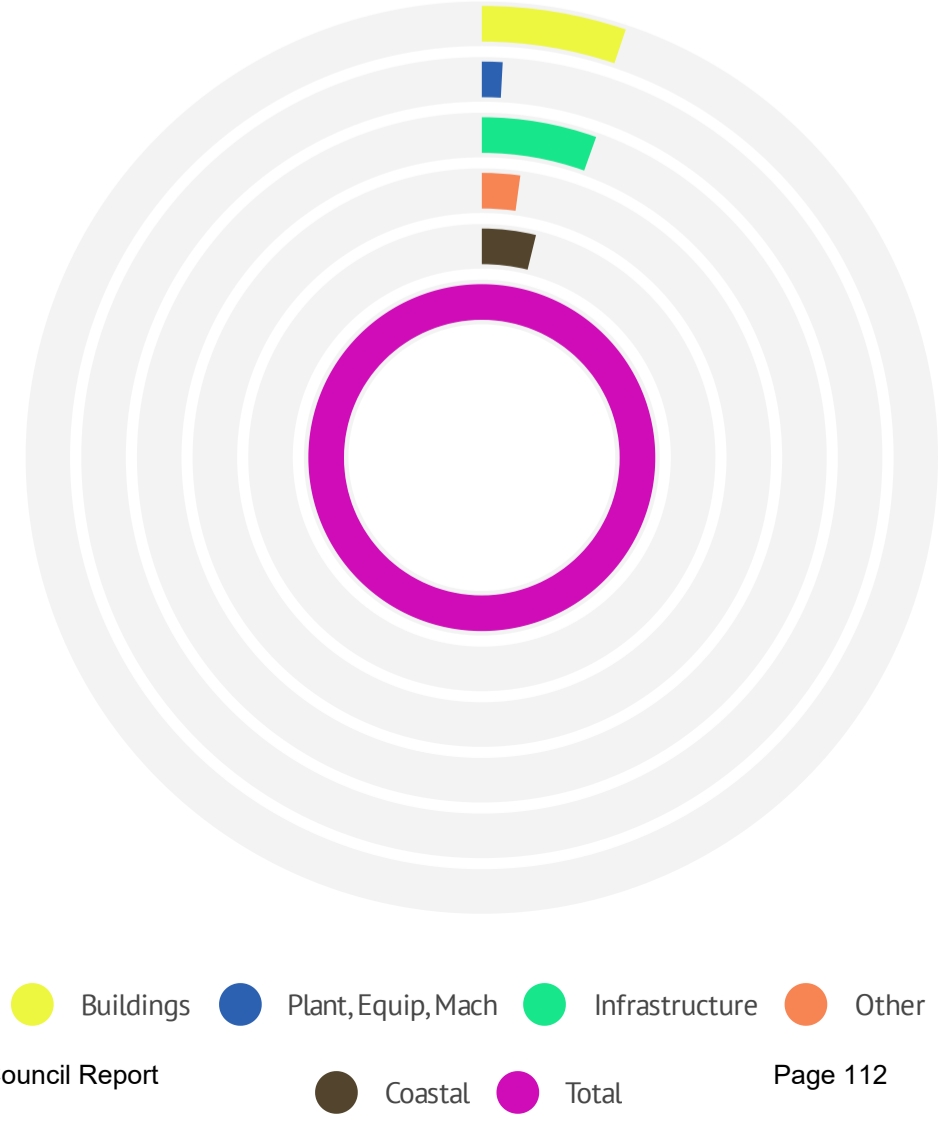
## Year to Date Expenditure Actuals Compared to Current Budget



## Sundry Debtors Outstanding

- 110 current accounts due (\$774K) ▲
- 215 accounts overdue i.e >30 days (\$569K) ▼

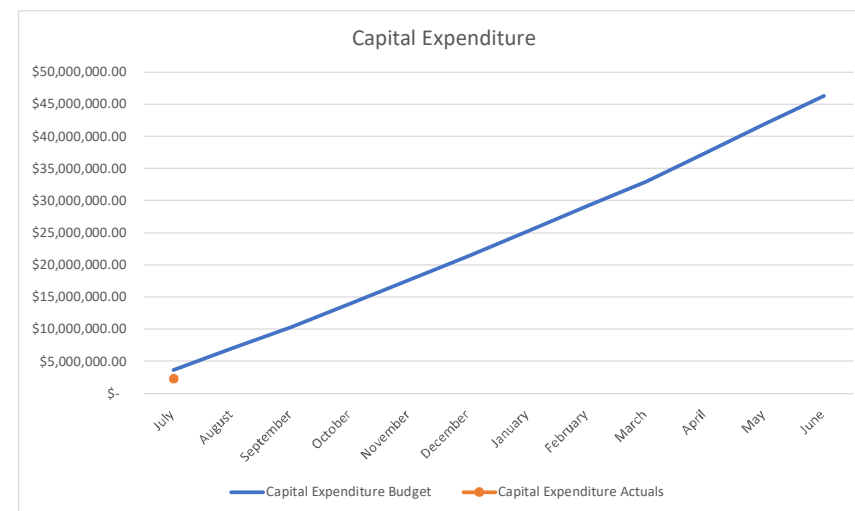
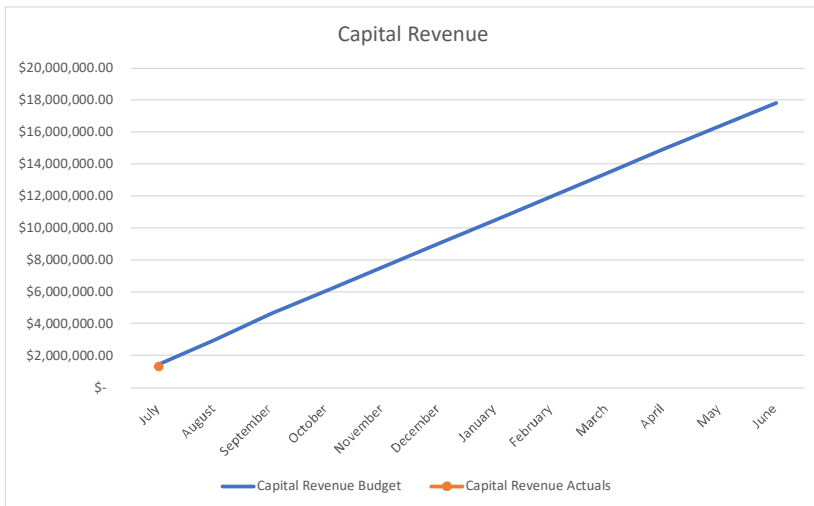
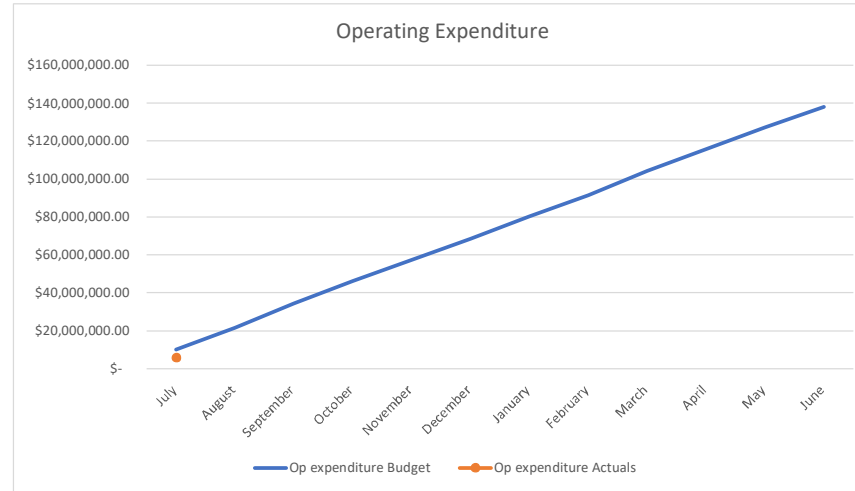
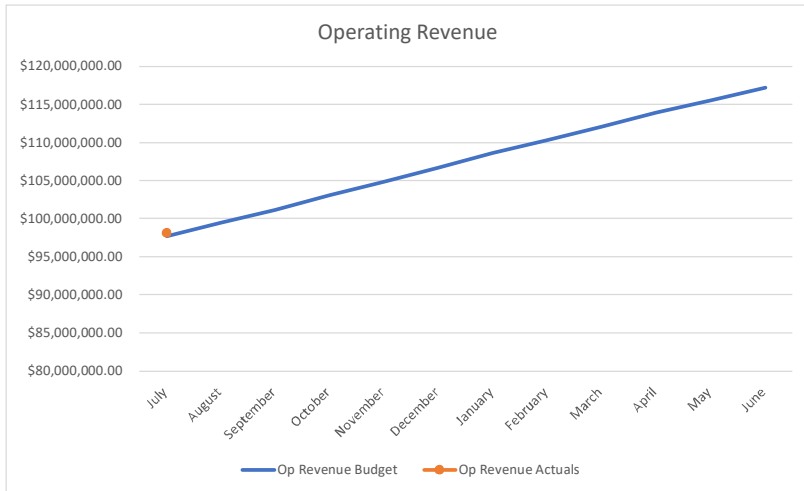
## Year to Date Capital Actuals Compared to Current Budget



## Budget Proposed Amendments

- CASM Ambient Exhibition \$3K to be funded by PHCC Contribution \$3K

- 0 Tenders awarded during the month through CEO delegation -
- 7% Council Grants received for the 21/22 year -



**CITY OF MANDURAH**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ended 31 July 2021**

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**STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2021**

**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>		700,000	700,000	<b>7,276,899</b>	6,576,899	939.56%	
<b>Revenue from operating activities</b>							
Rates		82,683,569	82,087,735	<b>82,144,135</b>	56,400	0.07%	
Operating grants, subsidies and contributions		3,016,346	241,053	<b>44,095</b>	(196,958)	(81.71%)	▼
Fees and charges		28,181,414	14,954,951	<b>15,886,974</b>	932,023	6.23%	
Interest earnings		1,350,000	112,500	<b>31,958</b>	(80,542)	(71.59%)	▼
Other revenue		1,986,117	322,217	<b>55,097</b>	(267,120)	(82.90%)	▼
		<b>117,217,446</b>	<b>97,718,456</b>	<b>98,162,259</b>	443,803	0.45%	
<b>Expenditure from operating activities</b>							
Employee costs		(47,689,578)	(2,406,433)	<b>(1,149,278)</b>	1,257,155	52.24%	▲
Materials and contracts		(54,374,519)	(4,720,542)	<b>(1,836,848)</b>	2,883,694	61.09%	▲
Utility charges		(4,494,203)	(374,518)	<b>(352,649)</b>	21,869	5.84%	
Depreciation on non-current assets		(29,868,215)	(2,547,280)	<b>(2,544,384)</b>	2,896	0.11%	
Interest expenses		(748,252)	(62,354)	<b>(35,909)</b>	26,445	42.41%	▲
Insurance expenses		(1,095,774)	(91,318)	<b>(91,217)</b>	101	0.11%	
Other expenditure		-	-	<b>(5,074)</b>	(5,074)	100.00%	▼
		<b>(138,270,541)</b>	<b>(10,202,445)</b>	<b>(6,015,359)</b>	4,187,086	41.04%	
Non-cash amounts excluded from operating activities	1(a)	25,781,972	2,547,280	<b>2,562,175</b>	14,895	0.58%	
<b>Amount attributable to operating activities</b>		<b>4,728,877</b>	<b>90,063,291</b>	<b>94,709,075</b>	4,645,784	(5.16%)	
<b>Investing activities</b>							
Non-operating grants, subsidies and contributions	10	17,852,344	1,487,695	<b>1,345,788</b>	(141,907)	(9.54%)	
Proceeds from disposal of assets	4	1,108,878	92,407	-	(92,407)	(100.00%)	▼
Payments for property, plant and equipment	6	(46,323,629)	(3,663,717)	<b>(2,274,086)</b>	1,389,631	37.93%	▲
<b>Amount attributable to investing activities</b>		<b>(27,362,407)</b>	<b>(2,083,615)</b>	<b>(928,298)</b>	1,155,317	55.45%	
<b>Financing Activities</b>							
Proceeds from new debentures	7	9,826,754	-	-	0	0.00%	
Payment of lease liability		(685,027)	(171,257)	<b>(123,493)</b>	47,764	27.89%	▼
Proceeds from community loans		82,553	6,879	<b>333</b>	(6,546)	(95.16%)	▼
Transfer from reserves		20,196,554	-	-	0	0.00%	
Advances of community loans		(50,000)	-	-	0	0.00%	
Repayment of debentures	7	(5,432,960)	(452,747)	<b>(418,818)</b>	33,929	7.49%	
Transfer to reserves		(3,070,805)	-	-	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>20,867,069</b>	<b>(617,124)</b>	<b>(541,978)</b>	75,146	12.18%	
<b>Closing Funding Surplus / (Deficit)</b>	1(c)	<b>(1,066,462)</b>	<b>88,062,552</b>	<b>100,515,699</b>	12,453,147	14.14%	

**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.

(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: Movement in liabilities associated with restricted cash		(5,124,697)	-	-
Movement in pensioner deferred rates (non-current)		-	-	20,768
Movement in employee benefit provisions (non-current)		1,038,454	-	(2,977)
Add: Depreciation on assets		29,868,215	2,547,280	2,544,384
<b>Total non-cash items excluded from operating activities</b>		<b>25,781,972</b>	<b>2,547,280</b>	<b>2,562,175</b>

(b) 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.

		Budget Closing 30 Jun 2021	Budget Closing 30 Jun 2022	Year to Date 31 Jul 2021
<b>Adjustments to net current assets</b>				
Less: Reserves - restricted cash		(20,116,870)	(24,888,945)	(39,199,788)
Less: Unspent loans		(431,591)	(207,137)	(331,153)
Less: Other receivables		-	(80,000)	2,996
Less: Prepaid Rates		(2,455,879)	-	-
Less: Clearing accounts				(1,873)
Add: Borrowings	7	7,499,999	9,826,754	5,044,815
Add: Other liabilities		3,081,188	3,417,743	2,066,147
Add: Lease liability		608,382	759,243	386,772
Add: Provisions - employee		5,041,426	5,216,724	4,525,303
Add: Loan Facility offset		-	-	12,000,000
<b>Total adjustments to net current assets</b>		<b>(6,773,345)</b>	<b>(5,955,618)</b>	<b>(15,506,781)</b>

(c) Net current assets used in the Statement of Financial Activity

<b>Current assets</b>				
Cash and cash equivalents	2	23,835,328	27,414,724	48,777,695
Rates receivables	3	3,519,116	2,480,445	72,782,457
Receivables	3	3,644,928	4,341,798	27,704,245
Other current assets		524,062	549,233	3,368,542
<b>Less: Current liabilities</b>				
Payables		(4,555,419)	(9,848,897)	(17,334,067)
Borrowings	7	(7,499,999)	(9,826,754)	(5,044,815)
Unspent non-operating grant, subsidies and contributions liability		(3,464,329)	(1,065,909)	(4,980,710)
Lease liabilities		(608,382)	(759,243)	(386,772)
Provisions		(8,621,960)	(8,396,241)	(8,864,095)
<b>Less: Total adjustments to net current assets</b>	1(b)	<b>(6,773,345)</b>	<b>(5,955,618)</b>	<b>(15,506,781)</b>
<b>Closing Funding Surplus / (Deficit)</b>		<b>-</b>	<b>(1,066,462)</b>	<b>100,515,699</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.

	Total Amount	Interest rate	Total calculated interest Earnings	Institution	S&P rating	Deposit Date	Maturity Date	Term days
<b>Cash on hand</b>								
Westpac Municipal Bank Account	\$ 14,166,419	Variable	\$	Westpac	AA-	NA	NA	
	14,166,419							
<b>Municipal Investments</b>								
Muni 10 - 9652-46197	29,770	0.25%	74	ANZ	AA-	1/10/2020	1/10/2021	365
Muni 38 - 36-724-1038	3,007,797	0.30%	4,468	CBA	AA-	18/02/2021	18/08/2021	181
MNS 31 - 582058	6,126,344	0.35%	1,762	Westpac	AA-	31/05/2021	30/06/2021	30
MNS 60 - 582007	6,348,520	0.40%	2,086	Westpac	AA-	31/05/2021	30/06/2021	30
	15,512,430							
<b>Reserve Investments</b>								
Reserve 35 - B33713404.75	3,010,748	0.33%	4,946	CBA	AA-	20/05/2021	18/11/2021	182
Reserve 36 - 97-996-3904	3,010,590	0.32%	4,743	NAB	AA-	12/05/2021	8/11/2021	180
Reserve 39 - B33713404.55	3,009,848	0.38%	5,630	CBA	AA-	19/05/2021	15/11/2021	180
RNS 31 - 581565	6,849,122	0.35%	1,969	Westpac	AA-	31/05/2021	30/06/2021	30
RNS 60 - 581573	3,218,538	0.40%	1,058	Westpac	AA-	31/05/2021	30/06/2021	30
	19,098,845							
<b>Total</b>	<b>48,777,695</b>		<b>26,737</b>					

**Interest revenue**

Investment Interest Accrued	26,737
Investment Interest Matured	(16,469)
Rates Interest	21,690
	<b>31,958</b>

**Interest Earned**

**\$31,958**

**Total Municipal and Reserve Funds**

**48,777,695**

	Amount	Interest rate on loans	Interest Saved	YTD Interest Saved
<b>Loan Offset Facility</b>				
Westpac	12,000,000	1.91%	15,687	15,687

**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.

Total Municipal Cash	Unrestricted
<b>\$60.78 M</b>	<b>\$41.68 M</b>

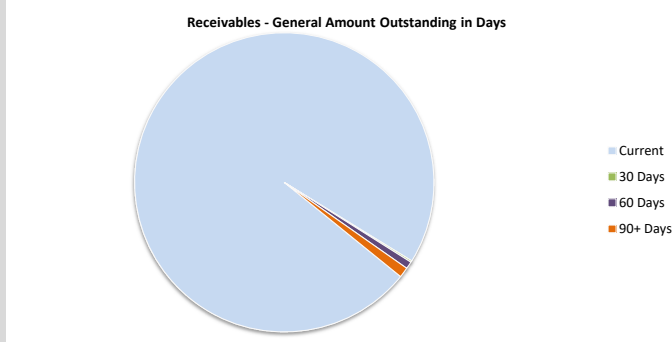
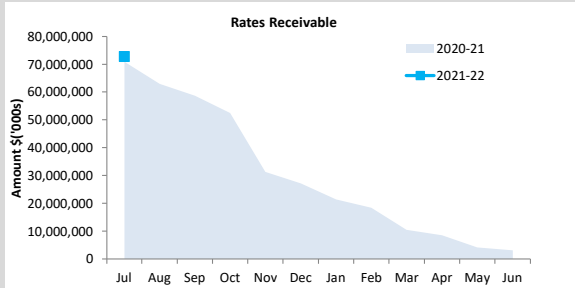
Rates Receivable	30-Jun-21	31-Jul-20	31 Jul 21
	\$		\$
Opening Arrears Previous Years	3,317,555	3,317,555	3,093,324
Rates levied	80,353,712	80,045,904	82,144,135
Less - Collections to date	(80,577,943)	(12,455,856)	(12,455,002)
Equals Current Outstanding	<b>3,093,324</b>	<b>70,907,603</b>	<b>72,782,457</b>
<b>Net Rates Collectable</b>	<b>3,093,324</b>	<b>70,907,603</b>	<b>72,782,457</b>
% Collected	96.3%	14.9%	14.6%

Receivables - General	31-Jul-20	Current	30 Days	60 Days	90+ Days	31 Jul 21
	\$	\$	\$	\$	\$	\$
<b>Balance per Trial Balance</b>						
Sundry receivable	2,016,121	738,497	43,999	224,353	300,371	1,307,220
Recreation Centres	100,182	35,936				35,936
Mandurah Ocean Marina	104,210	0				0
GST receivable	482,468	343,761				343,761
Allowance for impairment of receivables	0	(139,014)				(139,014)
Infringements	1,002,950	1,052,751				1,052,751
Pensioners rates and ESL deferred	6,984,115	7,458,606				7,458,606
Other Receivables	16,055,421	17,644,985				17,644,985
<b>Total Receivables General Outstanding</b>	<b>26,745,467</b>	<b>27,135,521</b>	<b>43,999</b>	<b>224,353</b>	<b>300,371</b>	<b>27,704,245</b>
Percentage		97.9%	0.2%	0.8%	1.1%	

	31 Jul 20	31 Jul 21
- No. of Legal Proceedings Commenced for the financial year	3	1
- No. of properties > \$10,000 outstanding	30	31
- No. of properties between \$3,000 and \$10,000 outstanding	241	218
- Value of Rates Concession	73,427	69,766
- Value of Rates Exemptions	1,960,488	2,027,889

**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>\$27,704,245</b>
<b>Over 30 Days</b>
<b>2%</b>
<b>Over 90 Days</b>
<b>1%</b>

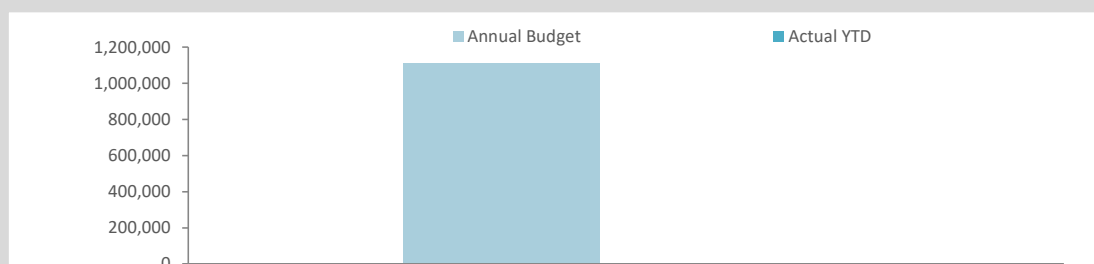
Collected	Rates Due
<b>14.6%</b>	<b>\$72,782,457</b>

Asset	Asset Description	Budget	YTD Actual
		Proceeds	Proceeds
		\$	\$
<b>Land</b>			
<b>Infrastructure Assets</b>			
<b>Light Passenger Vehicles - Replacement</b>			
MITSUBISHI-MIRAGE - C00518 - C00518	People & Communities-YOUTH SERVICES COORDINATOR	7,847	
HYUNDAI-SANTE FEC01718 - C01718	People & Communities-DIRECTOR PEOPLE AND COMMUNITIES	15,836	
SUBARU-OUTBACKC02518 - C02518	People & Communities-GENERAL MANAGER MPAC	15,765	
TOYOTA-RAV4 C03818 - C03818	Built & Natural -DEVELOPMENT SERVICES	12,326	
MAZDA-CX-5C04318 - C04318	Built & Natural -CIVIL MAINTENANCE	15,478	
MITSUBISHI-LS OUTLANDERC04717 - C04717	Built & Natural -PROJECTS COORDINATOR	12,500	
HOLDEN-TRAILBLAZER C06518 - C06518	Built & Natural -	10,565	
TOYOTA-COROLLAC05917 - C05917	Built & Natural -OPERATIONS STORE	10,542	
TOYOTA-RAV4C06918 - C06918	Built & Natural -DEVELOPMENT SERVICES	12,326	
TOYOTA-RAV4C07418 - C07418	Built & Natural -CITYPARKS	12,241	
MAZDA-CX-5C07618 - C07618	People & Communities-RECREATION SERVICES COORDINATOR	15,400	
<b>Light Commercial Vehicles - Replacement</b>			
FORD-RANGER - U00217	Built & Natural -CITYBUILD	17,911	
FORD-RANGER - U00417	Built & Natural -CITYWORKS	20,353	
FORD-RANGER - U00617	Built & Natural -CITYWORKS	15,784	
MITSUBISHI-TRITON - U00817	Built & Natural -CITYPARKS	18,673	
FORD-RANGER - U01018	Built & Natural -CITYWORKS	12,451	
HOLDEN-COLORADO - U02017	Built & Natural -CITYWORKS	18,053	
HOLDEN-COLORADO - U02317	Built & Natural -CITYBUILD	16,569	
FORD-RANGER - U02418	Built & Natural -SURVEYING SERVICES	19,329	
HOLDEN-COLORADO - U02517	Built & Natural -RANGERS - BUSHFIRE BRIGADE	18,405	
HOLDEN-COLORADO - U02717	Built & Natural -CITYBUILD	16,569	
HOLDEN-COLORADO - U03117	Built & Natural -CITYBUILD	18,228	
FORD-RANGER - U03417	Built & Natural -TRAFFIC MANAGMENT	20,507	
HYUNDAI-ILOAD - U03617	Built & Natural -PARKS MAINTENANCE - RETIC	18,607	
TOYOTA-HILUX - U03817	Built & Natural -CITYBUILD	17,486	
FORD-RANGER - U05017	Built & Natural -CITYBUILD	21,528	
ISUZU-D'MAX - U05717	People & Communities-ENVIRONMENTAL HEALTH COORDINATOR	18,815	
HOLDEN-COLORADO - U06118	Built & Natural -SURVEYING SERVICES	17,356	
HOLDEN-COLORADO - U06717	Built & Natural -CITYBUILD	18,228	
HYUNDAI-ILOAD - U07117	Built & Natural -CITYBUILD	20,157	
FORD-RANGER - U07217	Built & Natural -PARKS CENTRAL	16,337	
FORD-RANGER - U07417	Built & Natural -OPERATIONAL SERVICES	16,048	
HOLDEN-COLORADO - U07818	Built & Natural -RANGERS - BUSHFIRE BRIGADE	22,036	
<b>Trucks &amp; Buses Replacements</b>			
<b>Trailers</b>			
<b>Parks &amp; Mowers</b>			
TORO - ZERO TURN 60" SD DECK - M00117	Built & Natural PARKS CENTRAL	12,000	
RAZORBACK - MOWER SLASHER PTO - M00517	Built & Natural PARKS-NATURAL AREAS	7,000	
TORO - ZERO TURN 72" RD DECK - M01817	Built & Natural PARKS-SOUTHERN	7,643	
<b>Minor Equipment &gt;\$5000</b>			
PUMPS AUSTRALIA-HPM WATER CLEANER HOT AND COLD - P61517	Built & Natural -CITYBUILD	2,500	
PUMPS AUSTRALIA-HPM WATER CLEANER HOT AND COLD - P61617	Built & Natural -CITYBUILD	2,500	
HAKO-CITYMASTER - P61817	Built & Natural -CIVIL MAINTENANCE	25,000	
<b>Construction Vehicles - Replacement</b>			
KOMATSU - WHEEL LOADER - G005	WORKS CONSTRUCTION	65,410	

**Plant Disposed from 2020/21 budget:**

Asset	Asset Description	Budget	YTD Actual
		Proceeds	Proceeds
Toyota Rav 4	Place & Communities	11,815	
Kia Sportage	Sustainable Development	14,002	
Kia Sportage	Strategy & Economic Development	16,460	
Toyota Prado	Mayor's Office	24,367	
Mazda CX-5	Recreation Services	16,150	
<b>Light Commercial Vehicles - Replacement</b>			
Ford transit van	Built & Natural	16,157	
Ford transit van	Built & Natural	16,588	
Ford Ranger /Hi-drive	Rangers	16,822	
Ford Ranger	Built & Natural	16,100	
Ford Ranger	Health Services	18,809	
Ford Ranger	Built & Natural	18,915	
Ford Ranger	Emergency Management	19,720	
Ford Ranger	Built & Natural	18,450	
Ford Ranger	Built & Natural	15,760	
Isuzu Ute	Sustainable Development	16,460	
Isuzu Ute	Built & Natural	17,356	
Isuzu Ute	Built & Natural	19,630	
<b>Trucks &amp; Buses Replacements</b>			
<b>Trailers</b>			
3T Tandem Tipper Trailer	Built & Natural	1,660	
Mowing 4500kg Trailer	Built & Natural	3,040	
Wastech Semi Trailer	Built & Natural	35,327	
Wastech Semi Trailer	Built & Natural	35,327	
<b>Parks &amp; Mowers</b>			
5 Gang mower	Built & Natural	18,252	
Mower with Cab	Built & Natural	7,500	
Mower 72"	Built & Natural	6,000	
<b>Minor Equipment &gt;\$5000</b>			
<b>Construction Vehicles - Replacement</b>			
MULTI ROLLER	Built & Natural	45,900	
		<b>1,108,878</b>	<b>0</b>

KEY INFORMATION



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2021**

**NOTE 5  
TENDERS/QUOTES AWARDED FOR THE MONTH**

CEO delegation – accepted/rejected tenders during the month  
Awarded under Financial Authorisaiton \$250,000 and above

<b>Tender code</b>	<b>Tender Description</b>	<b>Company Awarded to</b>	<b>Contract Term</b>	<b>Contract Amount</b>
	Nil for the month of July			\$

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2021**

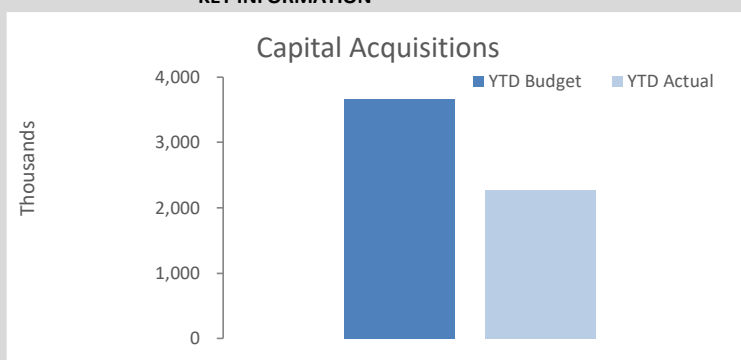
**INVESTING ACTIVITIES  
NOTE 6  
CAPITAL ACQUISITIONS**

Capital Acquisitions	Adopted Budget	Annual Budget	YTD Budget	YTD Actual	YTD Actual Variance
	\$		\$	\$	\$
Buildings	5,327,975	5,724,993	770,248	295,336	(474,913)
Equipment	61,127	172,874	23,885	5,127	(18,758)
Machinery	4,185,542	4,185,542	347,088	31,463	(315,625)
Infrastructure - Roads	14,775,329	15,072,786	938,793	977,936	39,143
Bridges	3,871,067	4,021,067	83,333	21,067	(62,266)
Parks	14,256,393	14,515,239	1,303,034	725,778	(577,256)
Drainage	1,222,989	1,323,722	91,787	177,472	85,685
Coastal & Estuary	706,907	706,907	37,757	26,907	(10,850)
Other Infrastructure	600,500	600,500	67,791	13,000	(54,791)
<b>Capital Expenditure Totals</b>	<b>45,007,828</b>	<b>46,323,629</b>	<b>3,663,717</b>	<b>2,274,086</b>	<b>(1,389,631)</b>
<b>Capital Acquisitions Funded By:</b>					
	\$		\$	\$	\$
City of Mandurah Contribution	7,543,360	7,928,678	3,656,016	928,298	(2,727,719)
Capital grants and contributions	17,656,844	17,852,344	0	1,345,788	1,345,788
Borrowings	9,826,754	9,826,754	0	0	0
Other (Disposals & C/Fwd)	1,108,878	1,108,878	7,701	0	(7,701)
Cash Backed Reserves					
Building Reserve	1,771,058	1,854,517	0	0	0
Asset Management Reserve	3,666,399	3,954,428	0	0	0
Cultural Centre Reserve	0	213,495	0	0	0
Sustainability Reserve	259,000	259,000	0	0	0
Sanitation Reserve	1,238,520	1,238,520	0	0	0
Traffic Bridge Reserve	0	150,000	0	0	0
Waterways Reserve	13,425	13,425	0	0	0
Unspent Grants & Contributions Reserve	1,028,409	1,028,409	0	0	0
Plant Reserve	895,181	895,181	0	0	0
<b>Capital Funding Total</b>	<b>45,007,828</b>	<b>46,323,629</b>	<b>3,663,717</b>	<b>2,274,086</b>	<b>(1,389,631)</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.

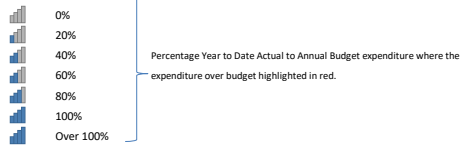
**KEY INFORMATION**



Acquisitions	Annual Budget	YTD Actual	% Spent
	<b>\$46.32 M</b>	<b>\$2.27 M</b>	<b>5%</b>
Capital Grant	Annual Budget	YTD Actual	% Received
	<b>\$17.85 M</b>	<b>\$1.35 M</b>	<b>8%</b>

Capital Expenditure Total

Level of Completion Indicators



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>Buildings</b>						
750647 Dawesville Community Centre	719,847	719,847	59,987	19,847	700,000	Construction to commence Q1.
750648 Enhancements to Reserve Changerooms to Make Amenities Unisex	25,286	25,286	0	5,286	20,000	Construction to commence Q2.
750649 Falcon Family Centre - External Works	57,683	57,683	0	7,683	50,000	Construction to commence Q3.
750650 Air Conditioner at Madora Bay Hall	10,411	10,411	0	411	10,000	Construction to commence Q1.
750651 Air Conditioner at Halls Head Community and Sports Facility	30,566	30,566	0	566	30,000	Construction to commence Q1.
750652 LED Buildings Plan	80,514	80,514	8,946	514	80,000	Ongoing Program 2021/22.
750653 MARC - Administration Office CCTV Camera Installation	15,514	15,514	0	514	15,000	Construction to commence Q2.
750654 MARC CCTV Stadium	30,514	30,514	0	514	30,000	Construction to commence Q2.
750655 MARC Leisure Pool Acoustics	206,736	206,736	0	6,736	200,000	Construction to commence Q3/Q4.
750656 MARC Plantroom Chlorine Gas Detectors & Shutdown System	15,566	15,566	5,189	566	15,000	Construction to commence Q1.
750657 MPAC Internal Refurb	328,084	328,084	328,084	8,084	320,000	Construction to commence Q1.
750658 Reserve Meter Replacement Program	50,566	50,566	0	566	50,000	Construction to commence Q3.
750659 WMC - CCTV Upgrade	15,754	15,754	0	754	15,000	Construction to commence Q3.
750660 WMC Tipping Shed	261,491	261,491	0	11,491	250,000	Construction to commence Q2.
750661 Works & Services Building Refurb	211,848	211,848	17,654	11,848	200,000	Construction to commence Q1.
750662 WMC Fire Water Service	50,463	50,463	0	463	50,000	Construction to commence Q3.
750662 Site Main Switchboard Program	50,514	50,514	0	514	50,000	Construction to commence Q2.
750663 Admin Building Carpet	107,621	107,621	0	7,621	100,000	Construction to commence Q3.
750664 Billy Dower Offices Flooring	20,952	20,952	6,984	2,952	18,000	Construction to commence Q1.
750665 Civic Building - Rates Team Work Area	15,286	15,286	0	5,286	10,000	Construction to commence Q2.
750666 Civic Staff Amenity Room Refurbishment	44,622	44,622	0	4,622	40,000	Construction to commence Q2.
750667 External Painting Program	25,463	25,463	0	463	25,000	Construction to commence Q3.
750668 Falcon E - Library ACH1 Replacement	55,411	55,411	0	411	55,000	Construction to commence Q2.
750669 Fire System Replacement Program	20,566	20,566	0	566	20,000	Construction to commence Q2.
750670 Mandurah Library HVAC	95,514	95,514	0	514	95,000	Construction to commence Q2.
750671 Mandurah Library Re Roofing Project	161,428	161,428	0	6,428	155,000	Construction to commence Q1.
750672 Mandurah Ocean Marina Chalets	158,269	158,269	0	8,269	150,000	Construction to commence Q3.
750673 Mewburn Ablution Refurbishment	55,883	55,883	0	5,883	50,000	Construction to commence Q3.
750674 Museum CCTV Upgrade	40,514	40,514	0	514	40,000	Construction to commence Q2.
750675 Rushton Park Pavilion - Ext Coatings	45,463	45,463	0	463	45,000	Construction to commence Q2.
750676 Oven Replacement Peelwood Pde Facility	9,238	9,238	3,079	1,238	8,000	Construction to commence Q1.
750677 District Cooling System	614,316	614,316	0	14,316	600,000	Construction to commence Q3.
400015 South Mandurah FC Changerooms (CSRFF)	6,666	6,666	0	0	6,666	Construction to commence Q2.
400021 Mandurah Mustangs FC - Facility Development	204,289	204,289	0	8,252	196,037	Construction to commence Q2.
400026 Peel Community Kitchen	26,615	26,615	8,872	64,329	(37,714)	Construction complete. Finances to be finalised. Budget Variation for overspend to be processed in due course.
400030 Owen Avenue Ablution	279,242	279,242	93,081	0	279,242	Construction to commence Q1.
400046 Site Main Switchboards	95,133	95,133	0	0	95,133	Construction to commence Q1.
750620 Solar Plan	60,000	60,000	20,000	3,148	56,852	Construction to commence Q1.
750623 Administration Building - Foyer Security	68,280	68,280	22,760	0	68,280	Construction to commence Q1.
750625 Mandurah Community Museum Roof Replacem	143,400	143,400	47,800	0	143,400	Construction to commence Q1.
750631 Mdh Bowling & Rec Club - Bar Repairs	21,364	21,364	0	1,364	20,000	Construction to commence Q4.
750633 Stage 2 of Upgrades to Peelwood Reserve	99,720	99,720	16,620	0	99,720	Construction to commence Q1.
750638 Ablution Bortolo Reserve	247,540	247,540	41,257	0	247,540	Construction to commence Q2.
750639 Peel Hockey Association - Floodlighting	56,923	56,923	18,974	0	56,923	Construction 95% complete.
750643 Falcon Family Centre Upgrade	96,000	96,000	0	0	96,000	Construction to commence Q2.
750644 Mandurah Visitors Centre Refurbishment	92,145	92,145	30,715	44,065	48,080	Construction 80% complete.
750646 MARC Leisure Pool Acoustics	68,000	68,000	11,333	0	68,000	Construction to commence Q1.
750679 Solar Plan 2021/22	130,754	130,754	11,754	11,754	119,000	Construction to commence Q3.
750675 Solar Plan 2021/22	0	238,495	0	238,495	0	Construction to comment Q2.

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
750628 Civic Building-Mayors Office Reconfiguration	0	44,500	14,833	26,520	17,980	Construction 95% complete.
400022 Peelwood Res - Changeroom Upgrade	0	13,959	2,327	0	13,959	Construction to commence 3.
750636 WMC - Upgrade Alarm System	0	30,000	0	0	30,000	Construction to commence Q2.
750627 Administration Centre External Painting Project	0	70,064	0	0	70,064	Construction 95% complete.
<b>Bridges</b>						
880013 BR Pedestrian Bridge Mandurah Road	3,521,067	3,521,067	0	21,067	3,500,000	Construction to commence Q4.
880012 Lakelands-Madora Bay Pedestrian Bridge	350,000	350,000	58,333	0	350,000	Construction to commence Q1.
880000 Old Mandurah Bridge	0	150,000	25,000	0	150,000	Construction 90% complete.
<b>Parks</b>						
700476 Installation of Permanent Soccer Goals	10,353	10,353	3,451	3,353	7,000	Construction to commence Q3.
700478 Meadow Springs Golf Course Fence	46,004	46,004	0	6,004	40,000	Construction to commence Q3.
700479 Rushton Precinct Master Plan - Netball Courts	74,805	74,805	0	4,805	70,000	Construction to commence Q4.
700480 Central Irrigation Management System Renewal	93,407	93,407	0	3,407	90,000	Construction to commence Q1.
700481 Bin Enclosures for Eastern/Western foreshore	55,839	55,839	0	5,839	50,000	Construction to commence Q2.
700440 Major Public Artworks	90,411	90,411	0	411	90,000	Ongoing Program 2021/22.
700482 Abbotswood Park Erskine Path Connection	26,857	26,857	8,952	4,857	22,000	Construction to commence Q1.
700483 Falcon Reserve Cricket Net renewal	43,328	43,328	14,443	3,328	40,000	Construction to commence Q1.
700484 Avalon Foreshore Westview Parade Stage 2	60,894	60,894	0	11,144	49,750	Construction to commence Q2.
700485 Bortolo Park Drainage Basin	61,613	61,613	0	11,613	50,000	Construction to commence Q4.
700487 Eros Reserve - Basketball Crt Concrete	28,280	28,280	9,427	3,280	25,000	Construction to commence Q3.
700488 Gallop Reserve	109,096	109,096	0	9,096	100,000	Construction to commence Q2.
700489 Mandurah Road Median	167,781	167,781	0	17,781	150,000	Construction to commence Q3.
700490 Meadow Springs Turf Wicket	12,404	12,404	4,135	2,404	10,000	Construction to commence Q1.
700491 Milgar BMX Track	24,805	24,805	4,134	4,805	20,000	Construction to commence Q3.
700492 Lavender Gardens Reserve	65,839	65,839	10,973	5,839	60,000	Construction to commence Q1.
700493 Pinjarra Road East Median Stage 4	129,185	129,185	10,765	30,720	98,465	Construction 25% complete.
700494 Pleasant Grove Foreshore	85,832	85,832	0	17,832	68,000	Construction to commence Q3/Q4.
700495 Kangaroo Paw Park	55,175	55,175	0	5,175	50,000	Design only.
700496 Riverside Gdns Foreshore Park Furniture	51,045	51,045	0	6,045	45,000	Construction to commence Q2.
700497 Shade Tree Planting at Sports Grounds	22,038	22,038	7,346	7,038	15,000	Construction to commence Q4.
700498 Tickner Reserve Final Stage	226,414	226,414	0	26,414	200,000	Construction to commence Q3.
700499 Western Foreshore Bore Hole Replacement	25,497	25,497	8,499	1,497	24,000	Construction to commence Q1.
700500 Mary Street (near Lagoon)	18,497	18,497	6,166	1,497	17,000	Construction to commence Q3.
700501 Florida Reserve Fencing	21,497	21,497	3,583	1,497	20,000	Construction to commence Q2.
700502 Northport Oval Fencing	35,466	35,466	0	5,466	30,000	Construction to commence Q2.
700503 Henry Sutton	37,089	37,089	12,363	7,089	30,000	Construction to commence Q1.
700504 Hennessy Reserve	91,754	91,754	0	4,754	87,000	Construction to commence Q4.
700505 Madora Bay Hall	56,798	56,798	0	6,798	50,000	Construction to commence Q3.
700506 Caterpillar Park	25,738	25,738	0	5,738	20,000	Construction to commence Q2.
700507 Replacement of Rubber Softfall	83,456	83,456	0	3,456	80,000	Ongoing Program 2021/22.
700508 Signage Renewal	49,045	49,045	0	9,045	40,000	Ongoing Program 2021/22.
700509 BBQ New Program	51,548	51,548	0	1,548	50,000	Ongoing Program 2021/22.
700510 Boardwalk Renewal Program	250,000	250,000	0	0	250,000	Ongoing Program 2021/22.
700439 Enclosed Dog Park	229,849	229,849	76,616	42,973	186,876	Construction 50% complete.
700441 Bortolo Reserve - Shade Sail	34,011	34,011	3,779	4,011	30,000	Construction to commence Q2/Q3.
700471 Hermitage Park - Shade Sail	45,419	45,419	5,047	5,419	40,000	Construction to commence Q2/Q3.
700472 Country Club Drive - Shade Sail	34,011	34,011	3,779	4,011	30,000	Construction to commence Q2/Q3.
700443 Falcon Bay Upgrade - Stage 4 of 5	129,261	129,261	14,362	25,689	103,572	Construction 95% complete.
700444 Novara Foreshore Stage 4	282,348	282,348	47,058	0	282,348	Construction 50% complete.
700453 Falcon Reserve Activation Plan - Stage 2	127,331	127,331	14,148	392	126,939	Construction 50% complete.
700462 Madora Bay Beach	113,441	113,441	0	13,441	100,000	Design only.
700464 Shade Sails Over Playgrounds	196,198	196,198	32,700	2,536	193,662	Ongoing Program 2021/22.
700511 Mandurah Parks - Shade Sails	0	150,000	0	0	150,000	Construction to commence Q3.
700512 Meadow Springs SF - Cricket Nets	0	45,500	15,167	0	45,500	Construction to commence Q2.
700020 Pebble Beach Boulevard Res 46649	0	6,099	1,017	0	6,099	Construction complete. Finances to be finalised.
700463 Madora Beach Shade Shelters	0	57,247	9,541	41,324	15,923	Construction 75% complete.
<b>Roads</b>						
501087 Access Pathway at Rushton North Pavilion	60,665	60,665	0	3,665	57,000	Construction to commence Q3.
501088 RC Leslie Street Stage 2	786,420	786,420	0	37,518	748,903	Construction to commence Q4.
501089 RC Peel Street Stage 3	1,540,664	1,540,664	128,389	40,664	1,500,000	Construction to commence Q4.
501090 RC Pinjarra Road Stage 3	1,553,728	1,553,728	172,636	53,728	1,500,000	Refer to Financial Report, Key Capital Projects table.
501091 SL Street Lighting New Program	130,276	130,276	10,856	30,276	100,000	Ongoing Program 2021/22.
501092 TM Discretionary Traffic Management Program	202,864	202,864	0	53,917	148,947	Ongoing Program 2021/22.
501093 WTC Roadway and Concrete Hardstand	320,852	320,852	0	20,852	300,000	Construction to commence Q3.
501094 MRF Building Hardstand	57,281	57,281	0	7,281	50,000	Construction to commence Q3.
501095 MRF Building New Program	57,179	57,179	4,679	0	52,500	Ongoing Program 2021/22.

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
501097 Tims Thicket Road	567,929	567,929	0	27,929	540,000	Construction to commence Q4.
501098 RR France/Aldgate St Intersection	350,958	350,958	0	20,958	330,000	Construction to commence Q3.
501099 RR Bortolo Drive/Lowden St Intersection	259,435	259,435	0	19,435	240,000	Construction to commence Q2.
501100 RR Sticks Boulevard	33,004	33,004	0	8,004	25,000	Construction to commence Q3.
501111 RS Tennyson Avenue (HALLS HEAD)	220,576	220,576	36,763	5,576	215,000	Construction to commence Q1/Q2.
501112 SP Falcon Coastal Shared Path	75,086	75,086	0	15,086	60,000	Construction to commence Q3/Q4.
501113 SP Halls Head PSP	416,663	416,663	0	16,663	400,000	Construction to commence Q3.
501114 SP Missing Links	111,543	111,543	9,295	11,543	100,000	Ongoing Program 2021/22.
501115 SP Biara Court PAW Renewal	43,446	43,446	0	5,946	37,500	Construction to commence Q3.
501116 SP Pleasant Grove POS	46,102	46,102	0	4,602	41,500	Construction to commence Q3/Q4.
501117 SP Waterside Gardens Paving Rehabilitation	32,022	32,022	0	5,022	27,000	Construction to commence Q4.
501123 Ayrton St POS Carpark	76,098	76,098	0	17,098	59,000	Construction to commence Q4.
501124 Emulsion tank with bunding	45,566	45,566	0	566	45,000	Construction to commence Q2.
501125 Corsican Road	101,439	101,439	0	1,439	100,000	Construction to commence Q2/Q3.
501126 Southern Operations Centre	164,245	164,245	0	14,245	150,000	Construction to commence Q3/Q4.
501118 SL Carpark Lighting Replacement Program	100,874	100,874	11,208	874	100,000	Ongoing Program 2021/22.
501119 SL Light Pole Replacement	100,926	100,926	11,214	926	100,000	Ongoing Program 2021/22.
501120 SL Mandurah Marina Canal Light Poles	68,874	68,874	0	874	68,000	Construction to commence Q3.
501121 SL Parks and Reserves LED Program	70,874	70,874	7,875	874	70,000	Ongoing Program 2021/22.
501101 Halls Head Beach Car Park Stage 2	105,303	105,303	0	24,303	81,000	Construction to commence Q3.
501102 RS Aldgate Street (MANDURAH)	56,048	56,048	0	6,048	50,000	Construction to commence Q2.
501103 RS Ayrton Street (DAWESVILLE)	166,255	166,255	0	6,255	160,000	Construction to commence Q2.
501104 RS Chapman Road (DAWESVILLE)	105,928	105,928	0	5,928	100,000	Construction to commence Q2.
501105 RS Durham Crescent (DAWESVILLE)	80,964	80,964	0	5,964	75,000	Construction to commence Q2.
501106 RS Inneston Place (DAWESVILLE)	50,793	50,793	0	5,793	45,000	Construction to commence Q2.
501107 RS Napier Close (HALLS HEAD)	40,778	40,778	6,796	5,778	35,000	Construction to commence Q1/Q2.
501108 RS Sabina Drive (MADORA BAY)	83,248	83,248	0	7,248	76,000	Construction to commence Q2.
501109 RS Sandford Crescent (HALLS HEAD)	106,048	106,048	17,675	6,048	100,000	Construction to commence Q1/Q2.
501110 RS Seaton Close (HALLS HEAD)	35,778	35,778	5,963	5,778	30,000	Construction to commence Q1/Q2.
501127 Falcon Reserve Activation Plan - Stage 3	424,794	424,794	0	24,794	400,000	Construction to commence Q4.
501083 RR Mandurah Terrace	1,408,095	1,408,095	0	49,951	1,358,144	Refer to Financial Report, Key Capital Projects table.
501041 SL Rushton Sports Flood Lighting	52,826	52,826	17,609	2,826	50,000	Construction to commence Q2.
501027 RR Pinjarra Road Stage 1	1,125,578	1,125,578	187,597	136,835	988,743	Refer to Financial Report, Key Capital Projects table.
501031 RR Catalina Dr/Badgerup Ave Roundabout	14,069	14,069	0	0	14,069	Construction to commence Q2.
501033 RR Old Coast Road/Albany Drive	106,247	106,247	0	1,487	104,761	Construction to commence Q2.
501064 SP Mulberry Close PAW	52,009	52,009	17,336	0	52,009	Construction 25% complete.
500016 Smart Street Mall Upgrade	897,835	897,835	74,820	52,200	845,635	Refer to Financial Report, Key Capital Projects table.
501076 RR Guava Way	301,000	301,000	100,333	106,102	194,898	Construction complete. Finances to be finalised.
501084 Peel Street - Power Relocation	1,500,000	1,500,000	0	0	1,500,000	Refer to Financial Report, Key Capital Projects table.
501128 Dawesville Channel SE Foreshore Upgrade	466,144	466,144	77,691	39,119	427,025	Construction 5% complete.
501038 SP Stingray Point Footpath Replacement	0	65,246	5,437	168	65,079	Construction complete. Finances to be finalised.
501050 Mandurah Road Median	0	80,218	13,370	508	79,710	Construction complete. Finances to be finalised.
501086 SP Denham Street	0	21,844	3,641	35,968	(14,124)	Construction 95% complete. Actuals reconciliation for 2020/21 carryover project to be completed in August 2021.
501039 SL Street Lighting New Program	0	80,149	13,358	16,604	63,545	Balance of ongoing program from 2020/21.
501042 SL Light Pole Replacement	0	50,000	4,167	0	50,000	Construction 60% complete.
<b>Drainage</b>						
600181 Septic Tank and Grease Arrestor at Milgar Reserve	30,720	30,720	0	720	30,000	Construction to commence Q2.
600182 Discretionary Drainage Projects	165,705	165,705	13,809	68,789	96,916	Ongoing Program 2021/22.
600183 Halls Head Pde Beach Central CP Stage 2	235,361	235,361	0	15,361	220,000	Construction to commence Q3.
600184 DR Mathew Street, Falcon	104,969	104,969	0	19,969	85,000	Construction to commence Q2.
600185 DR Koolinda Street, Falcon Stage 2	99,298	99,298	33,099	16,298	83,000	Construction to commence Q1/Q2.
600186 DR Yeedong Road, Falcon - Stage 2	168,544	168,544	28,091	17,544	151,000	Construction to commence Q2.
600187 DR Pump Station Replacement of Pumps	55,669	55,669	0	669	55,000	Ongoing Program 2021/22.
600180 Bortolo Sump-Water Sensitive UrbanDesign	362,723	362,723	0	0	362,723	Construction to commence Q3.
600173 DR Koolinda Street	0	100,733	16,789	38,123	62,610	Construction 60% complete.
<b>Coastal &amp; Estuary</b>						
900012 Parkridge Boat Ramp	33,426	33,426	0	3,426	30,000	Construction to commence Q2.
910068 All Access Launching Ramp - Riverside Gardens	154,714	154,714	25,786	4,714	150,000	Construction to commence Q1.
910108 South Harbour Paving Upgrade Stage 3 to 6	107,744	107,744	11,972	7,744	100,000	Construction to commence Q1.
910109 Cambria Island Abutment Walls Repair	411,023	411,023	0	11,023	400,000	Construction to commence Q3.
<b>Equipment</b>						
820181 Monitor (TV/Display) in Marina Administration Office	5,386	5,386	1,795	386	5,000	Construction to commence Q1.
820182 Furniture & Equipment Renewal Program	55,741	55,741	4,645	4,741	51,000	Ongoing Program 2021/22.
820174 MPAC Orchestra Lift	0	79,219	6,602	0	79,219	Construction 90% complete.
820180 Furniture & Equipment Renewal Program	0	32,528	10,843	0	32,528	Balance of ongoing program from 2020/21.

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
770001	Replacement Light Passenger Vehicles	528,531	528,531	44,044	29,740	498,791	Ongoing Program 2021/22.
770002	Replacement Light Commercial Vehicles	1,342,546	1,342,546	111,878	0	1,342,546	Ongoing Program 2021/22.
770007	Trailers	644,969	644,969	53,747	0	644,969	Ongoing Program 2021/22.
770008	Construction Vehicles	664,209	664,209	55,351	0	664,209	Ongoing Program 2021/22.
770009	Parks and Mowers	278,009	278,009	23,167	0	278,009	Ongoing Program 2021/22.
770010	New - Heavy Vehicles Plant and Equipment	55,000	55,000	4,583	0	55,000	Ongoing Program 2021/22.
770011	Miscellaneous Equipment	469,815	469,815	39,151	1,260	468,555	Ongoing Program 2021/22.
770018	New - Light Commercial Vehicles	182,000	182,000	15,167	0	182,000	Ongoing Program 2021/22.
770019	WMC Weighbridge Enhancements	20,463	20,463	0	463	20,000	Ongoing Program 2021/22.
<b>Other Infrastructure</b>							
930036	Christmas Decorations 2021	213,000	213,000	35,500	13,000	200,000	Construction to commence Q1.
930037	CSRF Program - Small Grants	150,000	150,000	12,500	0	150,000	Annual funding, allocations to be determined.
930035	Restart Mandurah - Other	237,500	237,500	19,791	0	237,500	Remaining balance of Restart Mandurah funds.
400050	Lakelands DOS Clubroom Facility	152,512	152,512	25,419	13,596	138,916	Refer to Financial Report, Key Capital Projects table.
700052	Lakelands DOS Flood Lights	471,189	471,189	78,532	0	471,189	Refer to Financial Report, Key Capital Projects table.
500085	Lakelands DOS Parking	1,794	1,794	0	0	1,794	Refer to Financial Report, Key Capital Projects table.
700050	Lakelands DOS Irrigation	21,981	21,981	0	0	21,981	Refer to Financial Report, Key Capital Projects table.
700053	Lakelands DOS Sports Specific Infrastructure	20,199	20,199	3,367	0	20,199	Refer to Financial Report, Key Capital Projects table.
700054	Lakelands DOS Water Provision Infrastructure	310,156	310,156	51,693	0	310,156	Refer to Financial Report, Key Capital Projects table.
700055	Eastern Foreshore South Precinct	5,716,803	5,716,803	476,401	101,839	5,614,964	Refer to Financial Report, Key Capital Projects table.
700056	Western Foreshore Recreation Precinct	4,082,096	4,082,096	340,175	230,460	3,851,636	Refer to Financial Report, Key Capital Projects table.
<b>Grand Total</b>		<b>45,007,828</b>	<b>46,323,629</b>	<b>3,663,717</b>	<b>2,274,086</b>	<b>44,049,543</b>	

Repayments - Borrowings

Information on Borrowings Particulars	1 July 2021	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Community amenities</b>									
Compactor Waste Trailers and Dolly [336]	182,928	0	0	4,846	58,331	178,082	124,745	380	4,381
Waste Water Reuse [349]	123,584	0	0	1,886	22,445	121,698	101,209	249	3,176
Halls Head Ablution Block [350]	82,406	0	0	1,257	14,959	81,149	67,482	166	2,117
Halls Head Recycled Water 2019/20	181,932	0	0	1,488	18,418	180,445	163,642	388	4,863
Ablutions 2020/21	0	0	200,000	0	17,580	0	182,420	0	5,375
Ablutions 2021/22	0	0	70,000	0	0	0	70,000	0	0
<b>Recreation and culture</b>									
Rushton Park Redevelopment [318(ii)]	242,243	0	0	7,738	88,447	234,506	154,735	208	5,565
Meadow Springs Recreation Facility [318(iii)]	181,967	0	0	5,812	67,388	176,155	113,661	157	4,240
Mandurah Rugby Club [320]	649	0	0	649	667	0	0	0	0
Mandurah Cricket Club [321]	215	0	0	215	203	0	0	0	0
Mandurah Football & Sporting Club [324]	84,392	0	0	6,797	82,264	77,596	2,242	168	1,316
Mandurah Rugby Club [325]	6,512	0	0	523	6,331	5,989	162	13	101
Bowling Club Relocation [326]	531,183	0	0	46,813	531,913	484,369	41	651	7,721
Ablutions - Netball Centre [329(i)]	43,859	0	0	3,611	43,702	40,248	2,054	87	672
Parks Construction [329(v)]	43,859	0	0	3,611	43,702	40,248	561	87	672
Halls Head Bowling Club upgrade [331]	273,985	0	0	3,046	36,250	270,939	237,916	576	7,214
Parks - Falcon Bay Reserve [333(i)]	47,067	0	0	1,993	24,066	45,074	24,634	97	1,012
MARC Redevelopment [338]	599,116	0	0	13,563	156,515	585,552	442,909	712	14,785
MARC Redevelopment Stage 1 [340]	420,178	0	0	6,686	80,042	413,491	340,372	880	10,750
MARC Redevelopment Stage 2 [341]	1,051,932	0	0	18,397	207,471	1,033,536	844,896	1,127	26,817
Eastern Foreshore Wall [344]	689,125	0	0	11,871	134,120	677,254	555,055	771	17,584
MARC Stage 2 [345]	1,018,914	0	0	17,156	192,185	1,001,758	826,120	1,031	26,058
Falcon Bay Seawall [351]	206,930	0	0	3,152	37,509	203,778	169,554	417	5,319
MARC Solar Plan [353]	153,181	0	0	1,681	20,000	151,500	133,272	322	4,036
Novara Foreshore Development [355]	306,341	0	0	3,362	40,000	302,979	266,543	644	8,072
Falcon Bay Foreshore Upgrades [356]	306,341	0	0	3,362	40,000	302,979	266,543	644	8,072
Mandjar Square Development [358]	382,826	0	0	4,203	49,996	378,623	333,093	804	10,088
Lakelands DOS [360]	2,040,331	0	0	26,439	282,919	2,013,892	1,758,134	1,599	53,536
Mandjar Square Stage 3 and 4	413,013	0	0	3,777	88,290	409,236	715,884	793	21,390
Falcon Seawall	803,936	0	0	8,304	43,828	795,632	369,445	836	11,012
Novara Foreshore Stage 3	165,255	0	0	1,511	17,530	163,744	147,818	317	4,406
Smart Street Mall Upgrade 2019/20	450,310	0	0	4,101	46,159	446,210	404,481	961	12,029
Falcon Bay Foreshore Stage 3 of 4	272,894	0	0	2,231	27,626	270,663	245,463	583	7,294
Mandjar Square Final Stage	272,894	0	0	2,231	27,626	270,663	245,463	583	7,294
Falcon Skate Park Upgrade	108,084	0	0	984	11,081	107,100	97,071	231	2,887
Westbury Way North side POS Stage 3	181,937	0	0	1,488	18,417	180,450	163,648	388	4,863
Eastern/ Western Foreshore 2020/21	1,140,973	0	0	0	100,278	1,140,973	1,040,652	926	30,666
Smart Street Mall 2020/21	1,102,206	0	0	0	96,868	1,102,206	1,005,297	863	29,624
Novara Foreshore Stage 4	100,004	0	0	0	8,784	100,004	91,216	164	2,688
Bortolo Reserve - Shared Use Parking and Fire Track Facility	300,011	0	0	0	26,377	300,011	273,623	491	8,063
Falcon Bay Upgrade - Stage 4 of 5	280,011	0	0	0	24,610	280,011	255,390	459	7,526
Enclosed Dog Park	20,152	0	0	0	1,774	20,152	18,377	33	542
South Harbour Paving Upgrade Stage 2	50,002	0	0	0	4,392	50,002	45,608	82	1,344
Falcon Skate Park Upgrade 2020/21	75,456	0	0	0	6,636	75,456	68,817	124	2,028
Eastern/ Western Foreshore 2021/22	0	0	1,629,070	0	143,186	0	1,485,884	0	43,785
Smart Street Mall 2021/22	0	0	897,835	0	78,912	0	818,923	0	24,131
Enclosed Dog Park 2021/22	0	0	179,849	0	15,818	0	164,031	0	4,834
Novara Foreshore Stage 4 2021/22	0	0	230,000	0	20,218	0	209,782	0	6,182
Falcon Bay Upgrade - Stage 4 of 5 2021/22	0	0	90,000	0	7,913	0	82,087	0	2,419
Parks and Reserves Upgrades 2021/22	0	0	609,000	0	0	0	609,000	0	0
Mandurah Library Re Roofing Project	0	0	155,000	0	0	0	155,000	0	0
Falcon Reserve Activation Plan	0	0	400,000	0	0	0	400,000	0	0
Rushton Park Precinct	0	0	70,000	0	0	0	70,000	0	0
Western Foreshore Yr 3	0	0	800,000	0	0	0	800,000	0	0
District Cooling System	0	0	600,000	0	0	0	600,000	0	0
<b>Transport</b>									
Drainage [318(iv)]	60,277	0	0	1,925	21,059	58,351	41,075	52	1,325
Road Construction [318(v)]	605,040	0	0	19,326	227,434	585,714	374,516	521	14,309
Road Construction [329(ii)]	95,457	0	0	7,858	95,116	87,599	84	190	1,463
Drainage Construction [329(iii)]	30,959	0	0	2,549	30,849	28,410	2,545	62	474
Peelwood Oval - Parking [329(iv)]	12,900	0	0	1,062	12,854	11,838	0	26	198
Path Construction [329(vi)]	7,740	0	0	637	7,712	7,103	0	15	119
Street Lighting [329(viii)]	10,320	0	0	850	10,283	9,470	0	21	158
Road Construction [333(ii)]	214,418	0	0	9,080	109,632	205,338	103,431	440	4,610
New Pedestrian Bridge Construction [335]	364,096	0	0	9,802	117,999	354,294	246,419	756	8,697
New Road Construction [339]	430,312	0	0	9,271	111,602	421,042	318,948	897	10,630
New Road Construction [342]	539,017	0	0	9,171	103,365	529,846	435,861	591	13,779
WMC Tims Thicket [343]	83,051	0	0	1,291	15,451	81,760	67,640	174	2,129
Road Construction [346]	325,323	0	0	4,966	59,091	320,357	266,459	655	8,361

Repayments - Borrowings

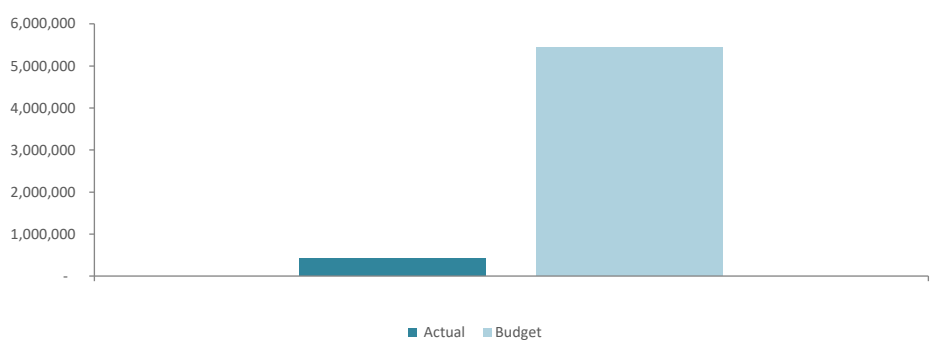
Information on Borrowings Particulars	1 July 2021	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
MARC Carpark [347]	247,155	0	0	3,772	44,888	243,382	202,432	498	6,352
MPAC Forecourt [348]	103,000	0	0	1,572	18,701	101,428	84,353	207	2,647
Mandurah Marina [352]	153,181	0	0	1,681	20,000	151,500	133,272	322	4,036
MARC Carpark [354]	229,772	0	0	2,521	29,993	227,250	199,929	483	6,055
Mandurah Foreshore Boardwalk Renewal [357]	344,544	0	0	3,782	44,993	340,762	299,785	724	9,079
New Road Construction [359]	1,028,241	0	0	13,084	143,054	1,015,157	885,540	1,085	26,973
Smoke Bush Retreat Footpath [361]	76,588	0	0	841	10,006	75,746	66,616	161	2,018
New Boardwalks 18/19	413,013	0	0	3,777	43,828	409,236	369,445	793	11,012
Coodanup Drive - Road Rehabilitation	82,641	0	0	755	8,765	81,886	73,909	159	2,203
Pinjarra Road Carpark	165,255	0	0	1,511	17,530	163,744	147,818	317	4,406
New Road Construction 2018/19	1,329,504	0	0	13,706	145,594	1,315,797	1,183,854	1,374	35,366
New Road Construction 2019/20	798,115	0	0	8,222	83,446	789,893	714,969	890	21,290
South Harbour Upgrade 2019/20	209,228	0	0	1,710	21,180	207,518	188,193	447	5,592
New Roads 2020/21	600,023	0	0	0	57,134	600,023	592,866	605	17,470
Carryover Roads 2020/21	0	0	500,000	0	43,945	0	456,055	0	13,439
Roads 2021/22	0	0	1,250,000	0	0	0	1,250,000	0	0
Boardwalks 2021/22	0	0	250,000	0	0	0	250,000	0	0
Carparks 2021/22	0	0	438,000	0	0	0	438,000	0	0
Pedestrian Bridge Mandurah Road	0	0	908,000	0	0	0	908,000	0	0
Cambria Island Abutment Wall	0	0	400,000	0	0	0	400,000	0	0
<b>Economic services</b>									
Mandurah Ocean Marina Chalets Refurbishment	0	0	150,000	0	0	0	150,000	0	0
<b>Other property and services</b>									
IT Communications Equipment [318(i)]	47,766	0	0	1,526	16,847	46,241	33,262	41	1,060
IT Equipment [329(vii)]	12,900	0	0	1,062	12,854	11,838	251	26	198
Land Purchase [330]	589,352	0	0	52,947	590,181	536,405	21	630	8,424
Civic Building - Tuckey Room Extension	413,013	0	0	3,777	43,828	409,236	369,445	793	11,012
	24,561,332	0	9,826,754	418,818	5,432,960	24,142,515	29,019,948	33,965	723,433
<b>Total</b>	24,561,332	0	9,826,754	418,818	5,432,960	24,142,515	29,019,948	33,965	723,433
Current borrowings	5,432,960		9,826,754	418,818	5,432,960	5,044,815	5,432,960	33,965	723,433
Non-current borrowings	19,128,372					19,097,700	23,586,988		
	24,561,332					24,142,515	29,019,948		

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.

2021/22 Principal Repayments



Principal Repayments

**\$418,818**

Interest Expense

**\$33,965**

Loans Due

**\$24.14 M**

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2021

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	1,851,798	8,658	0	0	0	(1,415,844)	0	444,612	1,851,798
Parking	481,868	9,051	0	0	0	0	0	490,919	481,868
Asset Management	10,797,025	105,409	0	1,700,000	0	(5,242,928)	0	7,359,506	10,797,025
Cultural Centre	147,301	0	0	66,194	0	(213,495)	0	0	147,301
Sustainability	627,556	6,923	0	0	0	(259,000)	0	375,479	627,556
Sanitation	2,618,886	17,922	0	0	0	(1,238,520)	0	1,398,288	2,618,886
Traffic Bridge	150,000	0	0	0	0	(150,000)	0	0	150,000
Interest Free Loans	50,000	0	0	0	0	(50,000)	0	0	50,000
CLAG	62,967	1,183	0	0	0	0	0	64,150	62,967
Mandurah Ocean Marina	178,781	3,358	0	0	0	0	0	182,139	178,781
Waterways	252,829	4,497	0	0	0	(13,425)	0	243,901	252,829
Port Mandurah Canals Stage 2 Maintenance	92,244	1,733	0	0	0	0	0	93,977	92,244
Mariners Cove Canals	85,113	1,599	0	0	0	0	0	86,712	85,113
Port Bouvard Canal Maintenance Contributions	266,811	5,012	0	0	0	0	0	271,823	266,811
Unspent Grants & Contributions	4,980,369	0	0	0	0	(4,355,968)	0	624,401	4,980,369
Long Service Leave	4,178,270	0	0	971,036	0	(883,534)	0	4,265,772	4,178,270
Bushland Acquisition	3,032,619	0	0	0	0	0	0	3,032,619	3,032,619
Coastal Storm Contingency	258,513	4,856	0	0	0	0	0	263,369	258,513
Digital Futures	83,943	1,577	0	0	0	0	0	85,520	83,943
Decked Carparking	1,008,698	18,947	0	0	0	0	0	1,027,645	1,008,698
Specified Area Rates - Waterside Canals	96,574	1,689	0	0	0	(6,737)	0	91,526	96,574
Specified Area Rates - Port Mandurah Canals	416,495	2,748	0	62,906	0	(336,260)	0	145,889	416,495
Specified Area Rates - Mandurah Quay Canals	211,228	4,129	0	8,669	0	0	0	224,026	211,228
Specified Area Rates - Mandurah Ocean Marina	362,949	6,818	0	0	0	0	0	369,767	362,949
Specified Area Rate - Port Bouvard Canals	120,090	2,253	0	0	0	(134)	0	122,209	120,090
Specified Area Rate - Mariners Cove	13,002	46	0	0	0	(10,656)	0	2,392	13,002
Specified Area Rate - Eastport	29,141	544	0	0	0	(175)	0	29,510	29,141
Sportclubs Maintenance Levy	196,367	3,911	0	12,000	0	0	0	212,278	196,367
City Centre Land Acquisition Reserve	1,011,007	0	0	0	0	0	0	1,011,007	1,011,007
City Facility Relocation Reserve	58,531	0	0	0	0	0	0	58,531	58,531

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2021**

**OPERATING ACTIVITIES  
NOTE 8  
CASH RESERVES**

Lakelands Community Infrastructure Reserve	1,102,206	20,703	0	0	0	0	0	1,122,909	1,102,206
Plant Reserve	1,656,314	14,308	0	0	0	(895,181)	0	775,441	1,656,314
Workers Compensation Reserve	113,201	2,126	0	0	0	0	0	115,327	113,201
Restricted Cash Reserve	5,249,697	0	0	0	0	(5,124,697)	0	125,000	5,249,697
	<b>41,842,393</b>	<b>250,000</b>	<b>0</b>	<b>2,820,805</b>	<b>0</b>	<b>(20,196,554)</b>	<b>0</b>	<b>24,716,644</b>	<b>41,842,393</b>

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2021

NOTE 9

OPERATING GRANTS AND CONTRIBUTIONS

Unspent Operating Grant, Subsidies and Contributions Liability

Operating Grants, Subsidies and Contributions Revenue

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>								
Financial Assistance Grant - General Purpose	0	0	0	0	897,773	0	897,773	0
Financial Assistance Grant - Local Roads	0	0	0	0	627,034	0	627,034	0
<b>Law, order, public safety</b>								
Lifeguard Service Funding: DPIRD	0	95,667	0	95,667	101,500	0	101,500	0
Southern Districts Bush Fire Brigade LGGS: DFES	0	0	0	0	35,000	0	35,000	0
SES LGGS: DFES	0	0	0	0	50,000	0	50,000	0
Bushfire Mitigation Activity Fund (MAF) Grants: DFES	0	0	0	0	64,600	0	64,600	0
<b>Education and welfare</b>								
Waterwise Verge Grant: WaterCorp	0	0	0	0	10,000	0	10,000	0
Local Youth Alcohol Campaign: ADF	26,350	0	0	26,350	26,050	0	26,050	0
Ask for Angela: WAPOL	20,060	0	0	20,060	20,060	0	20,060	0
NAIDOC: PMC	0	0	0	0	3,084	0	3,084	0
International Disability Day Grant: Alcoa	0	0	0	0	1,028	0	1,028	0
Digital Health Literacy Workshop: PLWA	0	826	0	826	0	0	0	0
<b>Recreation and culture</b>								
Christmas Pageant: Lotterywest	0	0	0	0	10,468	0	10,468	0
Crabfest: Lotterywest	0	0	0	0	143,868	0	143,868	0
Every Club Funding 2021: DLGSC	40,000	0	0	40,000	40,000	0	40,000	0
Mandurah & Peel Aquatic Clubs Amalgamation: DLGSC	3,500	0	0	3,500	3,500	0	3,500	0
Every Club Funding 2022: DLGSC	0	0	0	0	20,554	0	20,554	0
Wearable Art	0	0	0	0	20,000	0	20,000	0
Gnoonie Youth Football Cup: WA Health Promotion Fo	0	0	0	0	1,000	0	1,000	0
CHRMAP: DPLH	0	0	0	0	37,500	0	37,500	0
	<b>89,910</b>	<b>96,493</b>	<b>0</b>	<b>186,403</b>	<b>2,113,019</b>	<b>0</b>	<b>2,113,019</b>	<b>0</b>
<b>TOTALS</b>	<b>89,910</b>	<b>96,493</b>	<b>0</b>	<b>186,403</b>	<b>2,113,019</b>	<b>0</b>	<b>2,113,019</b>	<b>0</b>

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	YTD Budget	Budget Variations	Annual Budget	YTD Revenue Actual (b)
	1-Jul			30-Jun	\$	\$	\$	\$	\$
<b>Non-Operating Grants and Subsidies</b>									
<b>Recreation and culture</b>									
Eastern Foreshore South Precinct: DoH	0	0	0	0	2,500,000	0	0	2,500,000	0
Eastern Foreshore South Precinct: RfR	745,111	0	0	745,111	3,034,127	0	0	3,034,127	0
Western Foreshore Recreation Precinct: RfR	1,193,734	0	0	1,193,734	1,673,933	0	0	1,673,933	0
Lakelands DOS Clubroom Facility: AFL	0	0	0	0	50,000	0	0	50,000	0
Lakelands DOS: DLGSC	0	0	0	0	325,000	0	0	325,000	0
Mandurah Parks - Shade Sails: DPIRD	0	150,000	0	150,000	0	0	150,000	150,000	0
Meadow Springs SF - Cricket Nets: Cricket Australia	0	0	0	0	0	0	10,500	10,500	0
Meadow Springs SF - Cricket Nets: PDC	0	0	0	0	0	0	35,000	35,000	0
All Access Launching Ramp - Riverside Gardens	0	0	0	0	75,000	0	0	75,000	0
MPAC Internal Refurb: DPIRD	0	0	0	0	160,000	0	0	160,000	0
<b>Transport</b>									
BR Pedestrian Bridge Mandurah Road	0	0	0	0	2,000,000	0	0	2,000,000	0
RC Leslie Street Stage 2	0	0	0	0	500,000	0	0	500,000	200,000
RC Peel Street Stage 3	0	0	0	0	1,000,000	0	0	1,000,000	400,000
RC Pinjarra Road Stage 3	0	0	0	0	1,000,000	0	0	1,000,000	400,000
Tims Thicket Road	0	0	0	0	540,000	0	0	540,000	0
RR France/Aldgate St Intersection	0	0	0	0	330,000	0	0	330,000	0
RR Bortolo Drive/Lowden St Intersection	0	0	0	0	156,977	0	0	156,977	0
RS Tennyson Avenue (HALLS HEAD)	0	0	0	0	215,000	0	0	215,000	0
SP Falcon Coastal Shared Path	0	0	0	0	30,000	0	0	30,000	0
SP Halls Head PSP	0	0	0	0	200,000	0	0	200,000	0
RS Aldgate Street (MANDURAH)	0	0	0	0	50,000	0	0	50,000	70,788
RS Ayrton Street (DAWESVILLE)	0	0	0	0	160,000	0	0	160,000	160,000
RS Durham Crescent (DAWESVILLE)	0	0	0	0	75,000	0	0	75,000	75,000
RS Inneston Place (DAWESVILLE)	0	0	0	0	40,000	0	0	40,000	40,000
RS Sandford Crescent (HALLS HEAD)	17,285	0	0	17,285	85,708	0	0	85,708	0
RR Mandurah Terrace	0	0	0	0	1,358,144	0	0	1,358,144	0
RR Pinjarra Road Stage 1	0	0	0	0	200,000	0	0	200,000	0
RR Old Coast Road/Albany Drive	0	0	0	0	96,955	0	0	96,955	0
RR Guava Way	196,272	0	0	196,272	301,000	0	0	301,000	0
Peel Street - Power Relocation	1,417,722	0	0	1,417,722	1,500,000	0	0	1,500,000	0
2020-21 - RS Mississippi Drive Stage 2	2,974	0	0	2,974	0	0	0	0	0
2020-21 - Pallas Way - Troy Place PAW	5,300	0	0	5,300	0	0	0	0	0
	<b>3,578,398</b>	<b>150,000</b>	<b>0</b>	<b>3,728,398</b>	<b>17,656,844</b>	<b>0</b>	<b>195,500</b>	<b>17,852,344</b>	<b>1,345,788</b>
<b>Non-Operating Contributions</b>									
<b>Recreation and culture</b>									
PEET - Cash in Lieu Contribution	1,065,909	0	0	1,065,909	0	0	0	0	0
	<b>1,065,909</b>	<b>0</b>	<b>0</b>	<b>1,065,909</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Non-operating grants, subsidies and contributions</b>	<b>4,644,307</b>	<b>150,000</b>	<b>0</b>	<b>4,794,307</b>	<b>17,656,844</b>	<b>0</b>	<b>195,500</b>	<b>17,852,344</b>	<b>1,345,788</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2021**

**NOTE 11  
BUDGET AMENDMENTS APPROVED**

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

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Budget Adoption		Opening Surplus/(Deficit)				(571,372)
	Mh Mustangs FC - Facility Development	G.13/7/21	Community Loan Advance			(50,000)	(621,372)
	Transfer from Interest Free Loans Reserve	G.13/7/21	Other: Transfer Out of Reserve		50,000		(571,372)
101011-4570-1045-61001	Community Garden Project)	G.13/7/21	Operating Expenses			(10,000)	(581,372)
	Asset Management Reserve	G.13/7/21	Other: Transfer Out of Reserve		10,000		(571,372)
100055-4700-1263-61001	Colours of Mandurah Artwork Project	G.13/7/21	Operating Expenses			(3,134)	(574,506)
	Unspent Grant Reserve	G.13/7/21	Other: Transfer Out of Reserve		3,134		(571,372)
	Additional Capital Works 2020/21 Carryovers	G.13/7/21	Capital Expenses			(881,806)	(1,453,178)
	Additional Capital Works 2020/21 Carryovers	G.13/7/21	Other: Transfer Out of Reserve		496,488		(956,690)
700511-6600-1045-61129	Mandurah Parks - Shade Sails	G.13/7/21	Capital Expenses			(150,000)	(1,106,690)
700511-6600-1045-41403	DPIRD Small Grants Program	G.13/7/21	Capital Revenue		150,000		(956,690)
700512-6600-1045-61129	Meadow Springs SF - Cricket Nets	G.13/7/21	Capital Expenses			(45,500)	(1,002,190)
700512-6600-1045-41403	Cricket Australia Grant	G.13/7/21	Capital Revenue		10,500		(991,690)
700512-6600-1045-41403	PDC Grant	G.13/7/21	Capital Revenue		35,000		(956,690)
750678-6100-1045-xxxxx	ManPAC RVIF Lighting	G.13/7/21	Capital Expenses			(238,495)	(1,195,185)
	Cultural Reserve	G.13/7/21	Other: Transfer Out of Reserve		213,495		(981,690)
	Building Reserve	G.13/7/21	Other: Transfer Out of Reserve		25,000		(956,690)
750678-6100-1421-41458	ManPAC RVIF Lighting - Reimbursement	G.13/7/21	Operating Revenue		66,194		(890,496)
	Cultural Reserve	G.13/7/21	Other: Transfer Into Reserve			(66,194)	(956,690)
100010-1110-1169-61001	Economic Development - Corporate Projects	G.13/7/21	Operating Expenses			(42,000)	(998,690)
100010-1000-1169-61001	CEO - Corporate Projects	G.13/7/21	Operating Expenses			(25,000)	(1,023,690)
101904-4700-1263-61001	Grow City Centre Business Investment	G.13/7/21	Operating Expenses			(4,842)	(1,028,532)
102821-4200-1588-61001	Wearable Art Program	G.13/7/21	Operating Expenses			(37,930)	(1,066,462)
				<b>0</b>	<b>1,059,811</b>	<b>(1,554,901)</b>	

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2021**

**NOTE 12  
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
				\$	\$	\$	\$
			Opening Surplus/(Deficit)				(1,066,462)
102711-4200-1263-61001	CASM - General Operations		Operating Expenses			(3,000)	(1,069,462)
102711-4200-1263-41450	CASM - Contributions - Operating		Operating Revenue		3,000		(1,066,462)
				<b>0</b>	<b>3,000</b>	<b>(3,000)</b>	

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2021**

**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 2021-22 year is 10.00%

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
<b>Revenue from operating activities</b>				
Operating grants, subsidies and contributions	(196,958)	(81.71%)	▼ Timing	Variance primarily due to Financial Assistance Grants for Qtr. 1 not yet received.
Interest earnings	(80,542)	(71.59%)	▼ Timing	Variance primarily due to interest earnings on trust investments and rates not yet received, to be monitored as year progresses.
Other revenue	(267,120)	(82.90%)	▼ Timing	Variance primarily due to Working Smarter quarterly reimbursement not yet received.
<b>Expenditure from operating activities</b>				
Employee costs	1,257,155	52.24%	▲ Timing	Variance due to operating projects which haven't commenced, mainly in Cityparks, Cityworks and MARC. Will be monitored as the year progresses.
Materials and contracts	2,883,694	61.09%	▲ Timing	Variance due to operating projects which haven't commenced, to be monitored as year progresses.
Interest expenses	26,445	42.41%	▲ Permanent	Favourable variance an indication of interest savings due to loan offset facility.
Other expenditure	(5,074)	100.00%	▼ Permanent	Variance due to small debt write off for interest and legal charges in accordance with the Write-Off Debts Delegation (DA-FCM06). An adjustment will be made at the mid-year Budget Review.
<b>Investing Activities</b>				
Proceeds from Disposal of Assets	(92,407)	(100.00%)	▼ Timing	Will be monitored throughout the year.
Capital Acquisitions	1,389,631	37.93%	▲ Timing	Refer to note 4.
<b>Financing Activities</b>				
Proceeds from community loans	(6,546)	(95.16%)	▼ Timing	Varying repayment terms on loan agreements. Will be monitored throughout the remainder of the year.
Payment of lease liability	47,764	27.89%	▼ Timing	Varying repayment terms on lease agreements. Will be monitored throughout the remainder of the year.

**CITY OF MANDURAH**

**NOTICE OF MOTION**

**COUNCIL MEETING OF 24 AUGUST 2021**

**COUNCILLOR DAVE SCHUMACHER**

**HARD WASTE AND GREEN WASTE VOUCHERS**

I hereby give notice that I intend to move the following Motion at the Council meeting of 24 August 2021.

**That Council request the Chief Executive Officer to brief Elected Members by 30 November 2021 on the current resources and action taken to address illegal dumping within the City of Mandurah and options available to reduce illegal dumping in the future including a communications plan incorporating engagement with landlords to pass on the annual hard waste and green waste vouchers to tenants.**

Reason for the Motion:

The reason for this Motion is given the explosion in illegal dumping of waste. It is important that everyone is given equal opportunity to utilise the waste transfer station to dispose of their hard waste and green waste. Hopefully this will prevent some of the illegal acts. Tenants are often at a disadvantage to homeowners as the transfer station passes provided to ratepayers are frequently not passed on if there are tenants at the property.

Councillor Dave Schumacher  
Town Ward

19 August 2021