CITY OF MANDURAH

NOTICE OF MEETING

ORDINARY COUNCIL

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

Tuesday 24 September 2024 at 5.30pm

CASEY MIHOVILOVICH
Chief Executive Officer
13 September 2024

AGENDA

1. OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

Members of the public are advised that the Council Meeting will being recorded in accordance with the City's Recording of Council Meetings Policy. By being present at this meeting, members of the public consent to the City of Mandurah recording and subsequently publishing their voice on the City's website. Please note that members of the public images will not be captured by the recording. For further information on the Recordings of Council Meetings please click here.
Recording of Council Meetings

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

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

Questions from Mr Menzies taken on notice at the Council meeting on 27 August 2024.

Question 1

Residents of Aldgate Steet and Dower Street have been working with Councillor Wright with regards to a number of issues around the current conditions of the Dower Street car park and the lack of maintenance in the area. What can Council do to with regards to this?

City of Mandarah Response

The City will work to find resolutions to issues experienced by residents wherever possible

Question 2

A homeless person has been living in the car park for approaching 3 years currently in a trolley tent set up. What action is being taken by Council?

City of Mandurah Response

Rangers are actively monitoring the site and seeking support from agencies for the elderly person who is sleeping under the trolleys. Rangers are monitoring rubbish accated and also the extent of any antisocial behaviour. The City will continue to review its approach based on its observations and information provided by surrounding residents and continue to engage with support services.

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* or telephone 9550 3787.

7. 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* or telephone 9550 3787.

8. LEAVE OF ABSENCE REQUESTS

9. PETITIONS

10. PRESENTATIONS

11. 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* or telephone 9550 3787.

12. CONFIRMATION OF MINUTES

13.1 Ordinary Council Meeting: 27 August 2024

Minutes available on the City's website via mandurah.wa.gov.au/council/council-meetings/agendas-and-minutes

13. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

14. DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS

15. QUESTIONS FROM ELECTED MEMBERS (WITHOUT DISCUSSION)

15.1 Questions of which due notice has been given

15.2 Questions of which notice has not been given

16. BUSINESS LEFT OVER FROM PREVIOUS MEETING

17. REPORTS

No.	*Item*	*Page No*	*Note*
1	Local Law Adoption	4 - 105	*Absolute Majority Required*
2	Economic Development Strategy – Final Approval	106 - 167	
3	Community Sporting & Recreation Facilities Fund (CSRFF) Annual/Forward Planning Application (2025/26)	168 - 173	
4	Transition To Rivers Regional Subsidiary – Endorsement of Revised Charter	174 - 249	*Absolute Majority Required*
5	2024 Western Australian Local Government Association Convention and Annual General Meeting: Nomination of Delegates and Voting Guidance	250 - 314	
6	Finance Report July 2024	315 - 340	*Absolute Majority Required*
7	Finance Report August 2024	341 - 376	*Absolute Majority Required*
8	Delegated Authority – New and Amended	377 -	*Absolute Majority Required*

18. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

19. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

20. LATE AND URGENT BUSINESS ITEMS

21. CONFIDENTIAL ITEMS

21.1 Rivers Regional Council – Endorsement of Payment Directions Deed
21.2 Code of Conduct Complaint

22. CLOSE OF MEETING

1	**SUBJECT:**	Local Law Adoption
	DIRECTOR:	Business Services
	MEETING:	Ordinary Council
	MEETING DATE:	24 September 2024

Summary

Following the statutory advertising period, the City of Mandurah's (the City) proposed *Waste Local Law 2024* (Waste Local Law) and *Animals Environment and Nuisance Amendment Local Law 2024* (AEN Amendment Local Law) (together 'Local Laws') is presented for final adoption in accordance with section 3.12 of the Local Government Act (the Act).

Council is requested to consider the submissions received and to adopt the Waste Local Law as amended and shown at Attachment 1.2 and the AEN Amendment Local Law as amended and shown at Attachment 1.4, provide local notice, publish in the Government Gazette and submit to the Joint Standing Committee on Delegated Legislation.

Disclosure of Interest

Nil

Previous Relevant Documentation

▪ G.8/4/24	23 April 2024	Local Law Amendment
▪ G.9/12/23	12 December 2023	Local Law Review
▪ G.19/7/23	25 July 2023	Commencing Review of Local Laws

Waste Management Local Law

▪ G.30/6/12	26 June 2012	2012 Local Law, final adoption.
▪ G.60/1/12	31 January 2012	Amendment Local Law, proposed.
▪ G.22/1/11	25 January 2011	2010 Local Law, final.
▪ G.54/4/10	27 April 2010	2010 Local Law, proposed.

Animals, Environment and Nuisance Local Law

▪ G.13/3/20	24 March 2020	2020 Local Law, final adoption.
▪ G.20/8/19	27 August 2019	Amendment Local Law, proposed.
▪ G.19/5/19	28 May 2019	2019 Local Law, final.
• G.11/12/18	18 December 2018	Amendment Local Law, proposed.
▪ G.34/2/11	22 February 2011	2010 Local Law, final.
▪ G.33/9/10	28 September 2010	2010 Local Law, proposed.

Background

Following a statutory review of the Local Laws, Council resolved to:

1. repeal the Waste Local Law and replace with the Western Australian Local Government Association Model Local Law (WALGA Model); and
2. amend the Animals, Environment and Nuisance Local Law.

Drafting of the Local Laws was completed and at the Ordinary Council Meeting of 23 April 2024, notice was given to the meeting of the purpose and effect of the proposed Local Laws. Council resolved to advertise the Local Laws in accordance with section 3.12 of the Act to commence the local law-making process. Copies were also forwarded to the relevant Ministers and the Department for Water and Environmental Regulation (DWER) for comment.
Advertising is now complete and the submissions received have been summarised later in this report.

Comment

Purpose and Effect

The purpose and effect of the local laws are summarised below:

Waste Local Law

Purpose: The purpose of this local law is to provide for the administration of sustainable waste and recycling services, the establishment, provision, use and control of cost effective and functional waste management practices, and the operation of the City's waste management facility.

Effect: The effect is to establish and control the collection and disposal of waste, including the use of receptacles, for the benefit of the community and protection of the environment.

Animals, Environment and Nuisance Local Law

Purpose: The purpose of this local law is to amend provisions within the *City of Mandurah Animals, Environment and Nuisance Local Law 2010* for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District of Mandurah.

Effect: The effect is to ensure that the Animals, Environment and Nuisance Local Law is as clear and effective as possible in prescribing and managing the requirements with which any person keeping animals, harbouring pest plants or undertaking activities that have the potential to impact the environment or create nuisance must comply.

Advertising process

The proposed Local Laws were advertised for public comment for a period no less than six weeks between 1 May 2024 and 14 June 2024. In addition to the statutory advertisements placed in the Mandurah Times newspaper, the City's website and social media and on all City notice boards, officers wrote to Mandurah Environmental Advisory Group (MEAG) and the interested parties who contributed to the section 3.16 review to advise them of the content of the proposed Local Laws.

The local law-making process requires that after the last day of submissions the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

At the close of the submission period on 14 June 2024, one submission was received from a member of the community. Comments were also received from the Department of Local Government, Sport and Cultural Industries (DLGSC) which related to minor matters including format, style and numbering cross references within the Local Laws. The Department of Primary Industries and Regional Development (DPIRD) and DWER also provided comment in relation to the Waste Local Law and this is outlined in the table below.

The suggested amendments for the Waste Local Law are shown marked in ***Attachment 1.1*** with the final consolidated version shown at ***Attachment 1.2****.*

The suggested amendments to the Animals, Environment and Nuisance Amendment Local Law are shown in mark-up at ***Attachment 1.3*** and the final version of the Animals, Environment and Nuisance Amendment Local Law with those amendments incorporated is shown at ***Attachment 1.4***. A final consolidated version of the Animals Environment & Nuisance Local Law is at ***Attachment 1.5*** for ease of reference.

In accordance with section 61 of the *Waste Avoidance and Resource Recovery Act 2007* the approval of the Director General of the Department of Water and Environmental Regulation (DWER) must be obtained prior to adoption of the local law. Consent has been provided by DWER on the final version of the Waste Local Law (*Attachment 1.2*). Should Council make any significant changes, consent will need to be sought again from DWER and readvertisement of the Local Laws to the public.

Submissions received are summarised below:

Stage Two – Consultation		
Waste Local Law		
	Submission	**Comment**
Minister for Local Government	Minor amendments were suggested in relation to format, numbering and drafting style of the local law.	Wording updated. These amendments do not in any way alter the intent of the local law.
DWER	Removal of subclause 3.1(c)(iii) Deemed unreasonable as: ▪ it increases the owner/occupier liability which could easily be breached, and it is very difficult to determine if the bin lid was fully closed by the owner/occupier; and ▪ other people may put rubbish in the owner/occupier's bin causing the bin lid to stay open. Variation from the WALGA Model was not favoured as the JSC has provide its general approval for this template. Schedule 2 – removal of associated penalty at item 24.	Amended. Removal of subclause does not result in the local law being significantly different to what was proposed.
	Remove the word "Management" from the title and any reference thereafter so the local law to read as "Waste Local Law" consistent with the Model.	Wording updated.
	Minor amendments were suggested in relation to format, numbering and drafting style of the local law.	Wording amended and formatting updated, These amendments do not in any way alter the intent of the local law.

AEN Amendment Local Law		
	Submission	**Comment**
Minister for Local Government	Clause 1.13 Suggestion for proposed clause 3.4 to amend the wording "effective measures'" to "reasonable steps" to prevent escape of dust or sand. The Delegated Legislation Committee has previously raised concerns with clauses of this nature, since measures that are "effective" may not necessarily be reasonable or achievable.	Wording updated as likely this will be disallowed by the Delegated Legislation Committee. Amendment of subclause does not result in the local law being significantly different to what was proposed.
	Clause 1.10 In the proposed clause 2.7(2) delete "express" from "except from the express written approval of the local government".	Wording updated. This amendment does not in any way alter the intent of this clause.
	Minor amendments were suggested in relation to format, numbering and drafting style of the local law.	Wording and formatting updated. These amendments do not in any way alter the intent of the local law.
Dawesville Community Cleanup Group	The City received additional feedback after the closing date for advertising relating to the operation of the current Animals Environment and Nuisance Local Law. The feedback outlined a request for improved management of building site litter and requested that the City consider the inclusion for the requirement of fenced building sites and additional bins.	The amended local law has additional requirements for builders in the management of site waste including but not limited to safe and secure storage, requirement for a cover/enclosure and size (refer clauses 3.1 of Attachment 1.4. In addition, the amended local law introduces improved control measures and offences (refer clause 3.2 of Attachment 1.4). Whilst the City is not recommending any additional changes to the amended local law, City officers will explore other strategic or policy positions on the management of site litter including fencing for sites which have an environmental value (for example sites in close proximity to nature reserves or waterways).

*Note - Each time a local law is amended, it makes the local law more difficult to scrutinise since It means a reader needs to check each amendment in the Gazette to identify the final, official version of the local law. The Minister for Local Government stated that next time the local law is due for amendment, it might be preferable to repeal the local law and replace it with a single consolidated version.

DPIRD	Minor spelling errors corrected within the spelling of scientific pest plant names	Wording updated. These amendments do not in any way alter the intent of the local law.
Public Submission	Request to add a plant to the Pest Plant Schedule	No changes. The plant in question has not been considered to be a pest in accordance with *Biosecurity and Agriculture Management Act 2007* (BAM Act).
Internal Officers	Minor amendments in relation to format, numbering and drafting style of the local law.	Wording updated. These amendments do not in any way alter the intent of the local law and amendment for consistency based on comments relating to the Waste Local Law.

The suggested amendments to the Local Laws are not considered significant as they are minor corrections and make no change to the final legal outcome. The amendments largely relate to format and drafting matters only. The Joint Standing Committee on Delegated Legislation (JSCDL) follow the general rule that a change is more likely to be significant if it changes the legal effect of a clause or the rights, obligations or privileges which the law would otherwise have imposed.

Consultation

The City commenced advertisement of the Local Laws on 1 May 2024 until 14 June 2024. The proposed Local Laws underwent statutory advertising which included updating interested parties, MEAG and City officer final review. Advertisements were placed in the Mandurah Times newspaper, City of Mandurah website and social media and all City noticeboards.

The proposed Local Laws were also forwarded to the Minister for Local Government, Minister for Agriculture and Food, Minister for Environment, Minister for Health, DPIRD and DWER.

Statutory Environment

Local Government Act 1995 - Section 3.12 prescribes the procedures for making and finalising the process of adopting Local Laws.

Section 3.12

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

** Absolute majority required.*

(5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.

Health Act (Miscellaneous Provisions) Act 1911
Biosecurity and Agricultural Management Act 2007
Waste Avoidance and Resource Recovery Act 2007

Policy Implications

Nil.

Financial Implications

A budget of $20,000 has been allocated for the local law review and amendment local laws. Whilst the majority of drafting will be undertaken by Governance Services, the City will incur fees for public advertising costs, publishing in the Government Gazette and fees for legal advice. This project has been delivered within the approved budget.

Risk Analysis

Should the City not follow the local law creation process as detailed in the Act, or if a proposed Local Law does not meet the standard prescribed by the JSCDL, the JSCDL may recommend the local law for disallowance. The City will need to address any undertakings that the JSCDL may require.

Strategic Implications

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

Environment:
- Our natural environment is celebrated, protected and restored for generations to come
- Our built environment is clean, accessible and sustainable
- Our coast and waterways are healthy and celebrated
- Nature has a voice in all decision-making

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

Conclusion

Council is requested to consider the submissions received and to adopt the Waste Local Law as amended and shown at ***Attachment 1.2*** and the AEN Amendment Local Law as amended and shown at ***Attachment 1.4***.

If adopted, the Local Laws will be advertised in the *Government Gazette,* copies will be provided to the relevant ministers and local public notice given. Within 10 workings day, the JSCDL will be provided with the Local Laws and all necessary material.

In accordance with section 3.14 of the *Local Government Act 1995* a local law comes into operation on the 14th day after the day on which it is published in the *Government Gazette*.
a
NOTE:

- Refer
  - ***Attachment 1.1*** ***Marked up Waste Local Law***
  - ***Attachment 1.2*** ***Final Waste Local Law 2024***
  - ***Attachment 1.3*** ***Marked up Animals, Environment & Nuisance Amendment Local Law***
  - ***Attachment 1.4*** ***Final Animals, Environment & Nuisance Amendment Local Law 2024***
  - ***Attachment 1.5*** ***Final consolidated Animals, Environment & Nuisance Local Law***

RECOMMENDATION

That Council resolve to:

1. **Adopt, in accordance with section 3.12(4) of the *Local Government Act 1995,* the City of Mandurah Waste Local Law 2024 as shown at Attachment 1.2.**

2. **Adopt, in accordance with section 3.12(4) of the *Local Government Act 1995*, the City of Mandurah Animal, Environment and Nuisance Amendment Local Law 2024 as shown at Attachment 1.4.**

3. **Authorise signing by the Mayor and CEO and affixing of the Common Seal to the City of Mandurah Waste Local Law 2024 and the City of Mandurah AEN Amendment Local Law 2024.**

4. **Advertise, in accordance with section 3.12(5) of the *Local Government Act 1995*, the City of Mandurah Waste Local Law 2024 and the City of Mandurah Animal, Environment and Nuisance Amendment Local Law 2024 in the Government Gazette.**

5. **Provide a copy of the City of Mandurah Waste Local Law 2024 and City of Mandurah Animal, Environment and Nuisance Amendment Local Law 2024 to the relevant Ministers.**

6. **Provide local public notice in accordance with section 3.12(6) of the *Local Government Act 1995*, for a period of at least 6 weeks, stating:**

   6.1. the title of the City of Mandurah Animal, Environment and Nuisance Amendment Local Law 2024 and summarising the purpose and effect of this local law including the day on which it will come into operation;
   6.2. the title of the City of Mandurah Waste Local Law 2024 and summarising the purpose and effect of this local law including the day on which it will come into operation; and
   6.3. advising both Local Laws will be published on the website and copies are available for public inspection.

7. **Provide all necessary documentation including the Explanatory Memorandum and Statutory Procedures Checklist to the Joint Standing Committee on Delegated Legislation within ten days of the Gazettal Notice publication date.**

****ABSOLUTE MAJORITY REQUIRED***

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

WASTE ~~MANAGEMENT~~ LOCAL LAW 2024

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Mandurah resolved on [***insert date***] to make the following local law.

PART 1 - PRELIMINARY

1.1 Title

This is the *City of Mandurah Waste ~~Management~~ Local Law 2024*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

~~This local law repeals t~~The City of Mandurah's Waste Management Local Law 2010, ~~as~~ published in the *Government Gazette* on 18 February 2011 and as amended on 20 July 2012, is repealed.

1.5 Meaning of the~~T~~terms used in this local law

(1) In this local law—

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

collectable waste means local government waste that is not—

(a) liquid refuse;

(b) liquid waste; or

(c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is—

PROPOSED

(a) a recycling waste receptacle;

(b) a general waste receptacle; or

(c) an organic waste receptacle;

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

LG Act means the *Local Government Act 1995*;

LG *Regulations* *means the Local Government (Functions and General) Regulations 1996;*

local government means *City of Mandurah;*

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

(a) a person by whom or on whose behalf the premises are actually occupied; or

(b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste;

owner has the same meaning as in the LG Act;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle, means a receptacle**—**

(a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and

(b) the waste from which is collected and removed from the premises by the local government or its contractor;

PROPOSED

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

(a) paper and cardboard;

(b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;

(c) glass containers;

(d) steel containers;

(e) aluminium containers;

(f) liquid paper board; and

(g) any other waste determined by the local government to be recycling waste;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

WARR Regulations means the *Waste Avoidance and Resource Recovery Regulations 2008*;

waste *has the same meaning as in the WARR Act;*

waste facility means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

(2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter–

(a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;

(b) the determination becomes effective only after local public notice has been given;

(c) the determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);

(d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and

PROPOSED

(e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and sections 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

PART 2 - LOCAL GOVERNMENT WASTE

2.1 Supply of receptacles

(1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.

(2) The owner of premises to which subclause (1) applies must—

(a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and

(b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

(1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.

(2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

(1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—

(a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste;

(b) where the receptacle has any other capacity—more than the weight determined by the local government; or

~~(c) where the receptacle has any other capacity—more than the weight determined by the local government.~~

PROPOSED

(2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.

(3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

(a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;

(b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or

(c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

(a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;

(b) where the receptacle has a capacity of 240 litres - more than 70 kilograms of organic waste; or

(c) where the receptacle has any other capacity - more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

(1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —

(a) to place a receptacle in respect of those premises for collection; or

(b) to remove a receptacle in respect of those premises after collection.

(2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.

(3) An owner or occupier of premises must comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises must—

PROPOSED

(a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;

(b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—

(i) within 1 metre of the carriageway;

(ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way, or carriageway; and

(iii) facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person; and

(c) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).

(2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.

(3) An exemption granted under this clause must state—

(a) the premises to which the exemption applies;

(b) the period during which the exemption applies; and

(c) any conditions imposed by the local government or the authorised person.

(4) An exemption granted under this clause ceases to apply –

(a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and

(b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

(a) damage, destroy or interfere with a receptacle; or

(b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

PROPOSED

2.10 Verge collections

(1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—

(a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and

(b) must otherwise comply with those terms and conditions.

(2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.

(3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.

(4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

PART 3 - GENERAL DUTIES

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

(a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;

(b) ensure that each receptacle is kept in good condition and repair;

(c) take all reasonable steps to—

(i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;

(ii) prevent the emission of offensive or noxious odours from each receptacle; and

~~ensure each receptacle is not overfilled so as to prevent the lid from closing; and~~

(iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and

(d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

PROPOSED

3.2 Removal of waste from premises

(1) A person must not remove any waste from premises unless that person is—

(a) the owner or occupier of the premises;

(b) authorised to do so by the owner or occupier of the premises; or

(c) authorised in writing to do so by the local government or an authorised person.

(2) A person must not remove any waste from a receptacle without the approval of –

(a) the local government or an authorised person; or

(b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

(a) deposit household, commercial or other waste from any premises on or into; or

(b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

PART 4 - OPERATION OF WASTE FACILITIES

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

(1) The local government or an authorised person may regulate the use of a waste facility—

(a) by means of a sign; or

(b) by giving a direction to a person within a waste facility.

(2) A person within a waste facility must comply with a sign or direction under subclause (1).

(3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.

(4) A person must comply with a direction under subclause (3).

4.4 Fees and charges

(1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.

PROPOSED

(2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.

(3) Subclause (1) does not apply—

(a) to a person who disposes of waste in accordance with the terms of—

(i) a credit arrangement with the local government; or

(ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and

(b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

(1) A person must not deposit waste at a waste facility other than—

(a) at a location determined by a sign and in accordance with the sign; and

(b) in accordance with the direction of an authorised person.

(2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

(1) Unless authorised by the local government, a person must not—

(a) remove any waste or any other thing from a waste facility;

(b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;

(c) light a fire in a waste facility;

(d) remove, damage or otherwise interfere with any flora in a waste facility;

(e) remove, injure or otherwise interfere with any fauna in a waste facility; or

(f) damage, deface or destroy any building, equipment, plant or property within a waste facility.

(2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

PART 5 - ENFORCEMENT

5.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

(a) an approval under clause 2.7(b);

(b) an exemption under clause 2.8(2);

(c) an approval under clause 2.9(b);

PROPOSED

(d) an approval under clause 2.10(1);

(e) an authorisation under clause 3.2(1)(c);

(f) an approval under clause 3.2(2); and

(g) an approval under clause 3.3.

5.2 Offences and general penalty

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to a further penalty not exceeding $500 in respect of each day or part of a day during which the offence has continued.

5.3 Other costs and expenses

(1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—

(a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or

(b) making good any damage caused to a waste facility.

(2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.4 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.5 Form of notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.

(2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.

(3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

PROPOSED

SCHEDULE 1 - MEANING OF 'NON-COLLECTABLE WASTE'

[Clause 1.5(1)]

non-collectable waste means –

(a) hot or burning material;

(b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;

(c) any other hazardous material, such as radioactive waste;

(d) any explosive material, such as flares or ammunition;

(e) electrical and electronic equipment;

(f) hospital, medical, veterinary, laboratory or pathological substances;

(g) construction or demolition waste;

(h) sewage;

(i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;

(j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;

(k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and

(l) any other waste determined by the local government to be non-collectable waste.

PROPOSED

SCHEDULE 2

City of Mandurah

Waste ~~Management~~ Local Law 2024

Prescribed Offences

Item No.	Clause No.	Description	Modified Penalty
1	2.1(2)(a)	Failing to pay fee or charge	$350
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	$350
4	2.2(2)	Depositing waste in another receptacle without consent	$350
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	$350
6	2.3(2) & (3)	Depositing unauthorised waste in a general waste receptacle	$350
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	$350
8	2.4(b) & (c)	Exceeding weight capacity of a recycling waste receptacle	$250
9	2.5(a)	Depositing unauthorized waste in an organic waste receptacle	$350
10	2.5(b) & (c)	Exceeding weight capacity of an organic waste receptacle	$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	$250
12	2.7(a)	Failing to keep a receptacle in the required location	$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	$250
14	2.7(c)	Failing to notify of a lost, stolen, damaged or defective receptacle	$250
15	2.9(a)	Damaging, destroying or interfering with a receptacle	$400
16	2.9(b)	Removing a receptacle from premises	$400
17	2.10(1)	Failing to comply with a term or condition of verge waste collection	$400
18	2.10(2)	Removing waste for commercial purposes	$350
19	2.10(3)	Disassembling or leaving in disarray waste deposited for collection	$250
20	3.1(a)	Failing to provide a sufficient number of receptacles	$250
21	3.1(b)	Failing to keep a receptacle clean and in a good condition and repair	$250
22	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	$350
23	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	$350
~~24~~	~~3.1(c)(iii)~~	~~Failing to ensure the receptacle is not overfilled~~	~~$350~~
24~~5~~	3.1(c)(ii~~i~~v)	Allowing a receptacle to cause a nuisance	$350
25~~6~~	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	$300
26~~7~~	3.2(1)	Unauthorised removal of waste from premises	$250
27~~8~~	3.2(2)	Removing waste from a receptacle without approval	$250
28~~9~~	4.3(2)	Failing to comply with a sign or direction	$500
29~~3~~ 0	4.3(4)	Failing to comply with a direction to leave	$500
30~~3~~ 1	4.4(1)	Disposing waste without payment of fee or charge	$500
31 ~~32~~	4.5(1)	Depositing waste contrary to sign or direction	$500

PROPOSED

Item No.	Clause No.	Description	Modified Penalty
323 ~~3~~	4.6(1)(a)	Removing waste without authority in a waste facility	$250
333 ~~4~~	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	$500
343 ~~5~~	4.6(1)(c)	Lighting a fire in a waste facility	$300
353 ~~6~~	4.6(1)(d)	Removing or interfering with any flora in a waste facility	$300
363 ~~7~~	4.6(1)(e)	Removing or interfering with any fauna without approval in a waste facility	$300
373 ~~8~~	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	$500
383 ~~9~~	4.6(2)	Acting in an abusive or threatening manner	$300

Dated this _____ of _____ 2024.

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

_____

RHYS WILLIAMS

MAYOR

_____

CASEY MIHOVILOVICH

CHIEF EXECUTIVE OFFICER

Consented to:

_____

CHIEF EXECUTIVE OFFICER

DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

Dated this _____of _____2024.

PROPOSED

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

WASTE LOCAL LAW 2024

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WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

WASTE LOCAL LAW 2024

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Mandurah resolved on [***insert date***] to make the following local law.

PART 1 - PRELIMINARY

1.1 Short title

This is the *City of Mandurah Waste Local Law 2024.*

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The City of Mandurah's Waste Management Local Law 2010, published in the *Government Gazette* on 18 February 2011 and as amended on 20 July 2012, is repealed.

1.5 Meaning of the terms used in this local law

(1) In this local law—

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

collectable waste means local government waste that is not—

(a) liquid refuse;

(b) liquid waste; or

(c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is—

(a) a recycling waste receptacle;

(b) a general waste receptacle; or

(c) an organic waste receptacle;

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

LG Act means the *Local Government Act 1995*;

LG *Regulations* *means the Local Government (Functions and General) Regulations 1996;*

local government means *City of Mandurah;*

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

(a) a person by whom or on whose behalf the premises are actually occupied; or

(b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste;

owner has the same meaning as in the LG Act;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle, means a receptacle**—**

(a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and

(b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

(a) paper and cardboard;

(b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;

(c) glass containers;

(d) steel containers;

(e) aluminium containers;

(f) liquid paper board; and

(g) any other waste determined by the local government to be recycling waste;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

WARR Regulations means the *Waste Avoidance and Resource Recovery Regulations 2008*;

waste *has the same meaning as in the WARR Act;*

waste facility means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

(2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter–

(a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;

(b) the determination becomes effective only after local public notice has been given;

(c) the determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);

(d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and

(e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and sections 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

PART 2 - LOCAL GOVERNMENT WASTE

2.1 Supply of receptacles

(1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.

(2) The owner of premises to which subclause (1) applies must—

(a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and

(b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

(1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.

(2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

(1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—

(a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or

(b) where the receptacle has any other capacity—more than the weight determined by the local government.

(2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.

(3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

(a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;

(b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or

(c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

(a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;

(b) where the receptacle has a capacity of 240 litres - more than 70 kilograms of organic waste; or

(c) where the receptacle has any other capacity - more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

(1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —

(a) to place a receptacle in respect of those premises for collection; or

(b) to remove a receptacle in respect of those premises after collection.

(2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.

(3) An owner or occupier of premises must comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises must—

(a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;

(b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—

(i) within 1 metre of the carriageway;

(ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way, or carriageway; and

(iii) facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person; and

(c) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).

(2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.

(3) An exemption granted under this clause must state—

(a) the premises to which the exemption applies;

(b) the period during which the exemption applies; and

(c) any conditions imposed by the local government or the authorised person.

(4) An exemption granted under this clause ceases to apply –

(a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and

(b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

(a) damage, destroy or interfere with a receptacle; or

(b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.10 Verge collections

(1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—

(a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and

(b) must otherwise comply with those terms and conditions.

(2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.

(3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.

(4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

PART 3 - GENERAL DUTIES

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

(a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;

(b) ensure that each receptacle is kept in good condition and repair;

(c) take all reasonable steps to—

(i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;

(ii) prevent the emission of offensive or noxious odours from each receptacle; and

(iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and

(d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

3.2 Removal of waste from premises

(1) A person must not remove any waste from premises unless that person is—

(a) the owner or occupier of the premises;

(b) authorised to do so by the owner or occupier of the premises; or

(c) authorised in writing to do so by the local government or an authorised person.

(2) A person must not remove any waste from a receptacle without the approval of—

(a) the local government or an authorised person; or

(b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

(a) deposit household, commercial or other waste from any premises on or into; or

(b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

PART 4 - OPERATION OF WASTE FACILITIES

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

(1) The local government or an authorised person may regulate the use of a waste facility—

(a) by means of a sign; or

(b) by giving a direction to a person within a waste facility.

(2) A person within a waste facility must comply with a sign or direction under subclause (1).

(3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.

(4) A person must comply with a direction under subclause (3).

4.4 Fees and charges

(1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.

(2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.

(3) Subclause (1) does not apply—

(a) to a person who disposes of waste in accordance with the terms of—

(i) a credit arrangement with the local government; or

(ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and

(b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

(1) A person must not deposit waste at a waste facility other than—

(a) at a location determined by a sign and in accordance with the sign; and

(b) in accordance with the direction of an authorised person.

(2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

(1) Unless authorised by the local government, a person must not—

(a) remove any waste or any other thing from a waste facility;

(b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;

(c) light a fire in a waste facility;

(d) remove, damage or otherwise interfere with any flora in a waste facility;

(e) remove, injure or otherwise interfere with any fauna in a waste facility; or

(f) damage, deface or destroy any building, equipment, plant or property within a waste facility.

(2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

PART 5 - ENFORCEMENT

5.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

(a) an approval under clause 2.7(b);

(b) an exemption under clause 2.8(2);

(c) an approval under clause 2.9(b);

(d) an approval under clause 2.10(1);

(e) an authorisation under clause 3.2(1)(c);

(f) an approval under clause 3.2(2); and

(g) an approval under clause 3.3.

5.2 Offences and general penalty

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to a further penalty not exceeding $500 in respect of each day or part of a day during which the offence has continued.

5.3 Other costs and expenses

(1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—

(a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or

(b) making good any damage caused to a waste facility.

(2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.4 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.5 Form of notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.

(2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.

(3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

SCHEDULE 1 - MEANING OF 'NON-COLLECTABLE WASTE'

[Clause 1.5(1)]

non-collectable waste means –

(a) hot or burning material;

(b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;

(c) any other hazardous material, such as radioactive waste;

(d) any explosive material, such as flares or ammunition;

(e) electrical and electronic equipment;

(f) hospital, medical, veterinary, laboratory or pathological substances;

(g) construction or demolition waste;

(h) sewage;

(i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;

(j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;

(k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and

(l) any other waste determined by the local government to be non-collectable waste.

SCHEDULE 2

City of Mandurah

Waste Local Law 2024

Prescribed Offences

Item No.	Clause No.	Description	Modified Penalty
1	2.1(2)(a)	Failing to pay fee or charge	$350
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	$350
4	2.2(2)	Depositing waste in another receptacle without consent	$350
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	$350
6	2.3(2) & (3)	Depositing unauthorised waste in a general waste receptacle	$350
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	$350
8	2.4(b) & (c)	Exceeding weight capacity of a recycling waste receptacle	$250
9	2.5(a)	Depositing unauthorized waste in an organic waste receptacle	$350
10	2.5(b) & (c)	Exceeding weight capacity of an organic waste receptacle	$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	$250
12	2.7(a)	Failing to keep a receptacle in the required location	$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	$250
14	2.7(c)	Failing to notify of a lost, stolen, damaged or defective receptacle	$250
15	2.9(a)	Damaging, destroying or interfering with a receptacle	$400
16	2.9(b)	Removing a receptacle from premises	$400
17	2.10(1)	Failing to comply with a term or condition of verge waste collection	$400
18	2.10(2)	Removing waste for commercial purposes	$350
19	2.10(3)	Disassembling or leaving in disarray waste deposited for collection	$250
20	3.1(a)	Failing to provide a sufficient number of receptacles	$250
21	3.1(b)	Failing to keep a receptacle clean and in a good condition and repair	$250
22	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	$350
23	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	$350
24	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	$350
25	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	$300
26	3.2(1)	Unauthorised removal of waste from premises	$250
27	3.2(2)	Removing waste from a receptacle without approval	$250

Item No.	Clause No.	Description	Modified Penalty
28	4.3(2)	Failing to comply with a sign or direction	$500
29	4.3(4)	Failing to comply with a direction to leave	$500
30	4.4(1)	Disposing waste without payment of fee or charge	$500
31	4.5(1)	Depositing waste contrary to sign or direction	$500
32	4.6(1)(a)	Removing waste without authority in a waste facility	$250
33	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	$500
34	4.6(1)(c)	Lighting a fire in a waste facility	$300
35	4.6(1)(d)	Removing or interfering with any flora in a waste facility	$300
36	4.6(1)(e)	Removing or interfering with any fauna without approval in a waste facility	$300
37	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	$500
38	4.6(2)	Acting in an abusive or threatening manner	$300

Dated this _____ of _____ 2024.

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

_____

RHYS WILLIAMS

MAYOR

_____

CASEY MIHOVILOVICH

CHIEF EXECUTIVE OFFICER

Consented to:

_____

CHIEF EXECUTIVE OFFICER

DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

Dated this _____of _____2024.

ATTACHMENT 1.3

LOCAL GOVERNMENT ACT 1995

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

CITY OF MANDURAH

ANIMALS ENVIRONMENT AND NUISANCE AMENDMENT LOCAL LAW 2024

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

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Mandurah Animals, Environment and Nuisance Amendment Local Law 2024.*

1.2 Commencement

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

1.3 Principal local law

This local law amends the *City of Mandurah Animals, Environment and Nuisance Local Law 2010* as published in *Government Gazette* ~~No. 43~~ on 22 March 2011, and as amended ~~by the *City of Mandurah Animals, Environment and Nuisance Amendment Local Law 2019* published~~ in the *Government Gazette* ~~No. 78~~ on 11 June 2019~~,~~ and ~~the *City of Mandurah Animals, Environment and Nuisance Amendment Local Law 2020* published in the *Government Gazette* No.50 on~~ 3 April 2020.

PROPOSED

1.4 Clause 1.1 amended

In clause 1.1 delete the heading "**Citation**" and replace with "**Short Title**".

1.5 Clause 1.2 amended

In clause 1.2:

(a) renumber clause "**1.2**" to "**1.5**";

(b) in the clause title, amend the title "**Definitions**" to "**Meaning of ~~T~~terms used in this local law**"; and

(c) delete the following definitions:

(i) ***amusement;***

(ii) ***approved animal;***

(iii) ***bee hive;***

(iv) ***Class 6 building;***

(v) ***Class 9 building;***

(vi) ***Code of Practice–Pigeon keeping;***

(vii) ***development approval;***

(viii) ***development site;***

(ix) ***livestock;***

(x) ***livestock vehicle;***

(xi) ***manure receptacle;***

(xii) ***miniature horse;***

(xiii) ***occupier;*** and

(xiv) ***truck;***

(d) insert the following definitions in alphabetical order:

(i) ***beekeeper*** has the meaning given in Regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013;*

(ii) ***Code of Practice–Pigeon keeping*** means the Code of Practice for Pigeon Keeping and Racing in Western Australia as prescribed by the *Animal Welfare (General) Regulations 2003*, as amended from time to time;

(iii) ***development site*** means—

(a) any lot or lots for which there is a current development or subdivision approval; and

(b) any lot or lots upon which, construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken

PROPOSED

place, whether or not such works are subject to a development or subdivision approval;

(iv) ***hive*** means a movable or fixed structure, container or object in which a colony of bees is kept;

(v) ***occupier*** means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee, or any other person empowered to exercise control in relation to land to perform any work in relation to any land and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor;

(vi) ***premises*** includes—

(a) land (whether or not vacant);

(b) the whole or part of a building or structure (whether of a permanent or temporary nature); and

(c) a vehicle";

(vii) ***receptacle*** *means a container for holding or facilitating the removal of refuse;* and

(viii) ***sand drift*** means the movement of sand, sediment, or similar materials across, within or along a surface;

(e) amend the definition for an ***affiliated person*** by deleting "*Associations Incorporation Act 1987*" and replacing it with "*Associations Incorporation Act 2015*";

(f) in the definition of ***authorised person*** delete the word "Council" and replace it with "local government";

(g) amend the definition of ***birds*** by deleting the word "includes" and replacing with the word "include";

(h) amend the definition of ***building site*** by deleting the word "licence" and replacing it with "permit";

(i) in the definition of ***Chief Executive Officer*** replace the first reference to "Chief Executive Officer" with "***CEO***";

(j) amend the definition of ***pest plant*** by deleting "clause 4.17" and replacing with "clause 4.10";

(k) in the definition of ***pigeon*** after the words "homing pigeons" insert the words "racing pigeons" and delete the words "Department of Environment and Conservation" and replace with "Department of Biodiversity, Conservation and Attractions"; and

(l) in the definition of ***unreasonable noise*** insert the word "and" after "1986;".

1.6 Clause 1.3 amended

Renumber clause "**1.3 Repeal**" to "**1.4 Repeal**".

PROPOSED

1.7 Clause 1.4 amended

(a) renumber clause "**1.4 Application**" to "**1.3 Application**"; and

(b) delete the words "shall apply" and insert "applies".

1.8 Clause 1.5 amended

Renumber clause "**1.5 Commencement**" to "**1.2 Commencement**".

1.9 Part 2, Division 1 amended

In Part 2 delete Division 1 and insert:

Division 1 – Keeping of birds

2.1 Keeping of poultry and pigeons in a residential zone

~~(1)~~ Subject to the provisions of this Part 2, an owner or occupier of premises in a residential zone shall not keep or permit to be kept more than the following number of pigeons or poultry—

(a) In the case of poultry, the maximum number specified in the table below according to applicable lot size—

Lot size	**Maximum number of poultry**
Less than 1,000 m^2	6 poultry (including a maximum of 2 ducks)
1,001 m^2 and over	12 poultry (including ducks)

(b) In the case of pigeons, 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons is 100.

2.2 Requirements for keeping of poultry

~~(1)~~ A person who keeps poultry or permits poultry to be kept shall ensure that—

(a) no poultry shall be kept within 5 metres from any residential building;

(b) no poultry are able to approach within 5 metres of a public street, public building, commercial premises or food business;

(c) all poultry are kept in a properly constructed and securely fastened enclosure;

PROPOSED

(d) all enclosures within which poultry are kept are maintained at all times in a clean condition and good repair;

(e) all poultry are contained in an enclosure at all times, except where released for exercise;

(f) no poultry are to be kept less than 1 metre from any lot boundary; and

(g) all feed for the poultry other than that intended for immediate consumption is stored in vermin-proof containers.

2.3 Requirements for keeping of pigeons

(1) A person who keeps pigeons or permits pigeons to be kept shall ensure that—

(a) all pigeons are kept in a properly constructed pigeon loft or enclosure at all times, except when registered homing pigeons or racing pigeons are released for exercise subject to the following conditions—

(i) registered homing pigeons or racing pigeons may only be released for exercise between the hours set out in the Code of Practice; and

(ii) a person shall not release more than 60 registered homing pigeons or racing pigeons for exercise or training at any one time;

(b) all loft structures or enclosures within which pigeons are kept and their immediate surrounds are maintained in a clean condition and good repair;

(c) all loft litter—

(i) is disposed of by immediate burial or by being bagged and deposited in a household rubbish receptacle; and

(ii) does not cause a nuisance;

(d) the base floor of any loft or enclosure is constructed of impervious material;

(e) all feed for the pigeons other than that intended for immediate consumption is stored in vermin-proof containers;

(f) no opening to a pigeon loft or enclosure, including openings for ventilation, is within 5 metres of any residential building, public street, public building, commercial premises, or food business and is not visible from a public area; and

(g) no pigeon loft or enclosure, including openings for ventilation, is within 1 metre from any lot boundary.

(2) An affiliated person who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice – Pigeon Keeping, subject to the provisions of this local law.

2.4 Requirements for keeping of aviary birds

PROPOSED

~~(1)~~ A person who keeps, or permits to be kept, aviary birds shall ensure that—

(a) the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary;

(b) the aviary or cage in which the birds are kept is at least 5 metres from any residential building, public street, public building, commercial premises, or food business and is not visible from a public area;

(c) the base floor of the aviary or cage is to be constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the aviary or cage;

(d) the aviary or cage is to be kept in clean condition and good repair;

(d) all feed for the birds other than that intended for immediate consumption is stored in vermin-proof containers; and

(e) ~~effective measures~~reasonable steps ~~are~~ are taken to prevent the attraction or harbourage of vermin.

2.5 Roosters, geese, turkeys and peafowl

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

(a) rooster;

(b) goose or gander;

(c) turkey; or

(d) peacock or peahen.

2.6. Nuisance caused by birds

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

(a) cause a nuisance; or

(b) emit an unreasonable noise.

1.10 Part 2, Division 2 amended

In Part 2 delete Division 2 and insert:

Division 2 – Keeping of farm animals

2.7 Keeping of farm animals

(1) An owner or occupier of land shall not keep, or allow to be kept, any farm animal unless—

PROPOSED

(a) in accordance with a valid permit authorising the keeping of such a farm animal issued in relation to the land; or

(b) in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone.

(2) An owner or occupier shall not keep more than one pig other than on premises registered as a piggery pursuant to the provisions of the *Health (Miscellaneous Provisions) Act 1911*, except with the ~~express~~ written approval of the local government.

2.8 Application for a permit to keep farm animals

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

2.9 Determination of application to keep farm animals

(1) The local government may—

(a) refuse to determine an application for a permit which does not comply with clause 2.8;

(b) approve an application for a permit subject to such conditions as it considers appropriate; or

(c) refuse to approve an application for a permit.

(2) Where an application for a permit is approved subject to conditions, the permit holder shall comply with those conditions.

(3) A permit shall remain valid unless—

(a) otherwise stated in the terms and conditions of the permit; or

(b) it is cancelled under clause 2.10(2).

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

(1) The local government may vary the conditions of a permit issued under this Division by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.

(2) The local government may cancel a permit in the event the permit holder—

(a) fails to comply with any condition of the permit;

(b) after being notified of a variation under subclause 2.10(1), fails to comply with the varied condition;

(c) breaches clause 2.11 of this local law; or

(d) fails to comply with a notice of breach issued under clause 6.1.

PROPOSED

2.11 Requirements for keeping farm animals

~~(1)~~ An owner or occupier of land or premises upon which a farm animal or farm animals are permitted to be kept, shall—

(a) ensure that each farm animal is kept in a suitable enclosure that effectively prevents it from escaping;

(b) maintain the place or places where the farm animals are kept in clean condition;

(c) not permit any farm animal to approach within 5 metres of any residential building; and

(d) not permit any farm animal to approach within 15 metres of any food premises, shop, public building or a business or commercial premises.

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2.12 Nuisance caused by farm animals

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

(a) cause a nuisance; or

(b) emit an unreasonable noise.

1.11 Part 2, Division 3 amended

In Part 2 delete Division 3 and insert:

Division 3 – Keeping of bees

2.13 Keeping of Bees

~~(1)~~ A person shall not keep bees or allow bees to be kept on any land except in accordance with the requirements outlined in clause 2.14.

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2.14 Requirements for Beekeeping

The keeping of bees is subject to the following requirements—

(a) the provision of a sufficient and suitable water supply on the land which is readily accessible by the bees on the land;

(b) each hive shall be—

(i) kept at least 10 metres from any thoroughfare, public place, or neighbouring building;

PROPOSED

(ii) kept at least 5 metres from any other boundary of the land; and

(iii) screened or provided with other such barrier so as to prevent the bees flying low over a thoroughfare, public place, or adjoining land;

(c) no more than 2 hives are to be kept on land of less than 2,000 square metres in area;

(d) no more than 15 hives are to be kept on land between 2,000 and 20,000 square metres in area; and

(e) the person keeping bees shall be registered as a beekeeper if required under *the Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

2.15 Nuisance caused by bees or hives

A person shall not keep, or allow to be kept, bees or hives, or both, on land so as to endanger the safety of any person or cause a nuisance.

2.16 Notice to remove bees

Whenever the local government or an authorised person is satisfied that a person has contravened any provision of this local law which relates to the keeping of bees or hives, the local government or an authorised person may give the owner or occupier of the land a written notice requiring her or him to remove any bees or hives, or both, from the land within the time specified in the notice.

1.12 Part 3, Division 1 amended

In Part 3 delete Division 1 and insert:

Division 1—Litter and refuse on building sites

3.1 Provision of refuse receptacles

(1) A person must not commence or continue, or permit the commencement or continuation of, building works on a building or development site unless—

(a) an Approved Receptacle is provided and maintained on the building site;

(b) all building waste is placed, and kept securely, in the Approved Receptacle;

(c) the cover of the Approved Receptacle is kept securely in place at all times except when building waste is being placed in, or removed from, the Approved Receptacle; and

(d) the Approved Receptacle is maintained in an effective and operable condition.

PROPOSED

(2) In this clause—

Approved Receptacle means—

(a) a receptacle with a capacity of at least 4 cubic metres with a suitable cover so as to prevent the escape of building waste;

(b) a wire enclosure with a capacity of at least 4 cubic metres with a suitable cover so as to prevent the escape of building waste; or

(c) any other receptacle or container, with a suitable cover so as to prevent the escape of building waste,

that is approved by the local government or an authorised person.

3.2 Control measures

(1) From the time of commencement of works on a building site or development site until the time of completion of such works, the owner or occupier of the site shall—

(a) ensure all refuse on the site is placed securely and contained in the Approved Receptacle and prevented from escaping from the site;

(b) keep the site as free as is reasonably practicable from any refuse;

(c) keep the street verge, and any other reserve, immediately adjacent to the site free of refuse, dust and sand from the site;

(d) prevent dust and sand escaping from the site onto any thoroughfare or adjacent land; and

(e) ensure the refuse receptacle is emptied when full.

(2) The owner or occupier of a building site or development site shall ensure that, within 2 days of completion of works on the site or when directed by an authorised person, the site and the street verge or thoroughfare immediately adjacent or any adjacent land to it is cleared of all refuse and sand and all receptacles are removed from the site.

3.3 Unauthorised storage of materials

(1) All construction materials shall be stored on the building site or development site and not on a street verge, thoroughfare or other local government property unless written approval has been given by the local government or an authorised person to store construction material on the street verge, thoroughfare or other local government property.

(2) An application for approval under subclause 3.3(1) shall be—

(a) in writing; and

PROPOSED

(b) where the materials are proposed to be stored on a street verge abutting private land, shall be accompanied by the written approval of the owner of such land.

1.13 Part 3, Division 2 amended

In Part 3 delete Division 2 and insert:

Division 2—Prevention of dust, sand or sand drift and liquid waste

3.4 Prohibited activities

(1) An owner and or occupier of land shall take ~~effective measures~~ reasonable steps to—

(a) stabilise dust and sand on any land or verge adjoining such land;

(b) contain all liquid waste on the land; and

(c) ensure no dust, sand or sand drift, or liquid waste is released or escapes from the land, whether by means of wind, water, or any other cause.

(2) Where the local government or an authorised person is satisfied that—

(a) an owner or occupier has not complied with subclause 3.4(1); or

(b) the dust, sand or liquid waste has been released or escaped from the owner's or occupier's land,

the local government or an authorised person may serve on the owner and or occupier of the land a notice requiring the owner and or occupier to do one or more of the following—

(i) comply with subclause 3.4(1);

(ii) clean up and properly dispose of any released or escaped dust, sand, or liquid waste;

(iii) clean up and make good any damage resulting from the released or escaped dust, sand, or liquid waste including any damage to adjoining or other affected properties; or

(iv) take ~~effective measures~~ reasonable steps to stop or prevent any further release or escape of dust, sand or liquid waste from the land.

(3) The requirements set out in a notice issued under subclause 3.4(2) shall be complied with—

(a) within 48 hours of service of the notice where no other time is specified;

(b) within such other period as is specified in the notice; or

(c) immediately, if the notice so specifies.

PROPOSED

(4) Where the local government or an authorised person is satisfied that dust, sand, or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government or an authorised person may serve a notice on—

(a) the owner and or occupier of the land; or

(b) the operator of the equipment,

as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice.

(5) Where the local government or an authorised person is satisfied that dust, sand, or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government or an authorised person may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

3.5 Escape from loads being transported

(1) A person must not drive a vehicle carrying a load from a dust or sand generating development site, or a building site, unless ~~effective measures~~ reasonable steps have been taken to ensure that the load, or any part of it, cannot escape from the vehicle.

(2) In this clause—

load includes any material or other thing used in connection with the load; and

vehicle has the meaning given to it in the *Road Traffic Code 2000.*

3.6 Disposal of liquid waste

(1) The owner or occupier of premises shall—

(a) provide one or more of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and

(b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.

(2) Liquid waste shall be disposed of by one or more of the following methods—

(a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;

(b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Chief Health Officer or the local government; or

PROPOSED

(c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer.

(3) In this clause—

Chief Health Officer has the meaning given in the *Public Health Act 2016* section 4(1); and

licensed water service operator means a water service operator licensed under a written law to provide and/or operate water services.

1.14 Part 3, Division 3 amended

In clause 3.5 of Part 3, Division 3:

(a) renumber clause 3.5 to clause 3.7;

(b) delete the word "of" and insert "or" in its place;

(c) insert "of land" after "occupier"; and

(d) delete "site" and insert "land".

1.15 Part 3, Division 4 amended

In Part 3, Division 4:

(a) clauses 3.6 to 3.9 are renumbered to clauses 3.8 to 3.11 respectively;

(b) clause 3.8 (formerly clause 3.6) is amended by deleting subclause (1) and inserting:

Division 4—Unsightly land and disused materials

3.8 Removal of refuse and disused materials

(1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatsoever nature or kind which the local government or an authorised person is satisfied is likely to—

(a) give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district; or

(b) adversely affect the health and safety of the inhabitants of that property or any adjoining property.

(c) delete clause 3.9 (formerly clause 3.7) and insert:

3.9 Removal of unsightly overgrowth of vegetation

(1) The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation which, the local government or the authorised person is satisfied is likely to—

PROPOSED

(a) gives the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district; or

(b) adversely affect the health and safety of the inhabitants of that property or any adjoining property.

(2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

(d) delete clause 3.10 (formerly clause 3.8) and insert:

3.10 Storage of vehicles, vessels and machinery

(1) The owner or occupier of a lot shall not—

(a) store, or allow to remain, in public view on the lot more than 1 vehicle, vessel, or machinery (whether licensed or not) in a state of disrepair;

(b) store, or allow to remain, in public view on the lot any vehicle, vessel, or machinery in a state of disrepair for a period in excess of 1 month;

(c) store, or allow to remain, in public view on the lot vehicle, vessel, or machinery parts (including tyres);

(d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel, or machinery; or

(e) wreck, dismantle or break up a vehicle, vessel, or machinery so as to cause a nuisance.

(2) Subclause 3.10(1) shall not apply if the vehicle, part or body of a vehicle, vessel or machinery is inside a building or within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining properties.

(e) clause 3.11 (formerly 3.9) is amended by:

(i) inserting the words “without lawful authority and” after the words “on any land”;

(ii) in subclause (b) delete “and” and replace with a full stop; and

(iii) delete subclause (c).

1.16 Part 3, Division 5 amended

In Part 3, Division 5:

(a) clause 3.10 (former numbering) is deleted; and

(b) clause 3.11 is renumbered to clause 3.12 and the word “cannot” is deleted from subclause (3) and replaced with the word “can”.

1.17 Part 4, Division 1 amended

PROPOSED

In ~~clause 4.3 of~~ Part 4, Division 1:

(a) in ~~sub~~clause 4.2 delete the subclause designator "(1)" and "(2)" and replace with "(a)" and "(b)";

~~(a)~~(b) in subclause 4.3(1):

(i) insert the words "or an authorised person" after the words "local government"; and

(ii) insert the words "~~the~~ local government or an" before the words "authorised person considers"; and

~~(b)~~(c) in subclause 4.3(2):

(i) insert the numbers "4.3" before "(1)";

~~(i)~~(ii) insert the words "or an authorised person" after the words "local government"; and

~~(ii)~~(iii) delete the words "believes to be" and replace with "is satisfied is".

1.18 Part 4, Division 2 amended

In Part 4, Division 2:

(a) clause 4.4(1) is amended as follows:

(i) insert "vegetation" after the word "refuse"; and

(ii) insert the words "or authorised person" after the word "the local government"; ~~and~~

(b) clause 4.4(2) insert the numbers "4.4" before "(1)"; and

(c) clause 4.5 is amended as follows:

(i) insert the words "take all reasonable steps" after the word "shall"; and

(ii) insert the word "to" before the words "cause or permit".

1.19 Part 4, Division 3 amended

In Part 4, Division 3:

(a) clause 4.7 is deleted and the remaining clauses in Part 4, Division 3 are renumbered accordingly;

(b) in clause 4.7 (formerly clause 4.8) delete subclause (1) and insert:

4.7 Stormwater disposal systems

(1) The owner or occupier of a lot shall ensure that all stormwater from the roof of each building or house on the lot, or the overflow from rainwater storage tanks, is discharged into stormwater drainage system, or discharged by other methods approved by the local government, in accordance with AS/NZS 3500.

(c) delete clause 4.8 (formerly clause 4.9) and insert:

PROPOSED

4.8 Disposal of swimming pool backwash

(1) The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

(2) The disposal of wastewater and backwash water from a swimming pool filtration system or other water storage system associated with a swimming pool into an approved disposal system or a soakwell system having a minimum capacity of 140 litres and located a minimum of 1.8 metres away from any building or lot boundary, satisfies the requirement of subclause 4.8(1).

1.20 Part 4, Division 4 amended

In Part 4, delete Division 4 and insert:

Division 4—Bird nuisance

4.9 Restrictions on feeding of birds

(1) A person shall not feed or provide food to any wild or uncaged bird that is not permitted to be kept by them under this local law or another written law, so as to cause a nuisance.

(2) Where an authorised person is satisfied that a person has not complied with subclause 4.9(1) the authorised person may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

1.21 Part 4, Division 5 amended

In Part 4, Division 5:

(a) renumber clauses 4.11 and 4.12 to clauses 4.10 and 4.11 respectively;
(b) in clause 4.11(1) amend “Schedule 6” to “Schedule 2”; and
(c) in clause 4.11(2) insert the numbers “4.11” before “(1)”.

1.22 Part 5 amended

In clause 5.1 remove the subclause designator “(1)” and insert the words “or an authorised person” are inserted after the words “local government”.

1.23 Part 6, Division 1 amended

PROPOSED

In Part 6, Division 1~~,~~:

(a) clause 6.3(1) is amended by deleting "3.6(2), 3.7(2), 3.10(1), 3.11(1)" and replacing with "3.8(2), 3.9(2), 3.12(1)";

(b) in clause 6.3(2) insert the numbers "6.3" before "(1)"; and

(c) in clause 6.3(3) insert the numbers "6.3" before "(2)".

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1.24 Schedule 1 – Pest Plants amended

In Schedule 1:

(a) Amend the table by inserting the following names in alphabetical order—

(i)	African Daisy	*Gazania sp.*
(ii)	Capeweed	*Arctotheca calendula*
(iii)	Century Plant	*Agave americana*
(iv)	Dolichos pea	*Dipogon lignosus*
(v)	Fumitory	*Fumaria capreolata*
(vi)	Geraldton Wax	*Chamelaucium uncinatum*
(vii)	Golden Crown Beard	*Verbiicesina encelioides*
(viii)	Pretty Betsy	*Centranthus macrosiphon*
(ix)	Spiderwort	*Tradescantia sp.*
(x)	Veldt Daisy	*Osteospernmum ecklonis*
(xi)	Vetch	*Vicia sativa*
(xii)	Wild Gladiolus	*Gladiolus. Undulatus, Gladiolus. Caryophyllaceus*

(b) delete the reference to Madeira Creeper *Anredera Cordifolia*.

1.25 Schedule 2 – Pest Plant Notice

The Pest Plant Notice is amended by deleting "*Agriculture and Related Resources Protection Act 1976*" and inserting "*Biosecurity and Agriculture Management Act 2007*".

1.26 Schedule 3 – Prescribed Offences

Delete the table in Schedule 3 and insert as follows—

Item No.	Clause	Description	Modified Penalty—First Offence	Modified Penalty—Subsequent Offences
1	2.2	Failure to comply with requirements for keeping poultry	$250	$500
2	2.3	Failure to comply with requirements for keeping pigeons	$250	$500

PROPOSED

3	2.4	Failure to comply with requirements for keeping aviary birds	$250	$500
4	2.5	Keeping a rooster, goose or gander, turkey, peacock, or peahen on premises	$250	$500
5	2.6	Keeping birds so as to cause a nuisance	$250	$500
6	2.7(1)(a)	Keeping a farm animal without a permit	$250	$500
7	2.11	Failure to comply with requirements for keeping farm animals	$250	$500
8	2.12	Nuisance caused by farm animal	$250	$500
9	2.14	Failure to comply with requirements for beekeeping	$250	$500
10	2.15	Nuisance caused by bees or hives	$250	$500
11	2.16	Failure to comply with notice to remove bees or hives	$250	$500
12	3.1(1)(a)	Failure to provide or maintain an Approved Receptacle on a building site or development site	$250	$500
13	3.1(1)(b)	Failure to place, and secure, all building waste in an Approved Receptacle	$250	$500
14	3.1(1)(c)	Failure to keep secure cover of Approved Receptacle	$250	$500
15	3.1(1)(d)	Failure to maintain Approved Receptacle in an effective and operable condition	$250	$500
16	3.2	Failure to control refuse on a building site or development site	$250	$500
17	3.3	Unauthorised storage of materials	$250	$500
18	3.4(1)	Release or escape of dust, sand or sand drift or liquid waste from land	$250	$500
19	3.5	Failure to take reasonable steps to prevent a load or any part of it escaping from a vehicle during transportation	$250	$500
20	3.6	Failing to dispose of liquid waste in an approved manner	$250	$500
21	3.7	Failing to ensure no vegetation or other material burnt	$500	$500
22	3.8(1)(a)	Keeping or allowing to be kept on a lot refuse, rubbish or disused material giving the land an untidy appearance	$250	$500
23	3.8(1)(b)	Keeping on a lot refuse, rubbish or disused material likely to adversely affect the health and safety the inhabitants of that property or adjoining property	$250	$500
24	3.9(1)(a)	Keeping or allowing to be kept on a lot unsightly overgrowth of vegetation giving the land an untidy appearance	$250	$500
25	3.9(1)(b)	Keeping on a lot unsightly overgrowth of vegetation likely to adversely affect the health and safety of the inhabitants of that property or adjoining property	$250	$500

PROPOSED

26	3.10 (1)(a)	Store or allow to remain on land more than one vehicle, vessel or machinery in a state of disrepair	$250	$500
27	3.10 (1)(b)	Store or allow to remain on land any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	$250	$500
28	3.10 (1)(c)	Store or allow to remain on land any vehicle, vessel or machinery parts (including tyres)	$250	$500
29	3.10(1)(d)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery	$250	$500
30	3.10(1)(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	$250	$500
31	3.11	Disposing of disused refrigerator or similar container with door or lid that can be fastened	$250	$500
32	4.1	Erection or use of lighting installations other than in accordance with requirements	$250	$500
33	4.2	Emitting light more than 50 lux	$250	$500
34	4.4	Non-compliant burning of rubbish, vegetation or other materials	$250	$500
35	4.5	Cause or permit the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	$250	$500
36	4.6	Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained within the lot	$250	$500
37	4.7	Failure to maintain all subsurface stormwater disposal systems in a good state of repair and free from obstruction	$250	$500
38	4.8	Discharging swimming pool backwash onto adjacent land	$250	$500
39	4.9(1)(a)	Feeding an uncaged or wild bird causing a nuisance	$250	$500
40	4.11(2)	Failure to comply with Pest Plant Notice	$250	$500
41	6.4(1)(b)	Failure to comply with notice	$250	$500

PROPOSED

LOCAL GOVERNMENT ACT 1995

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

CITY OF MANDURAH

ANIMALS ENVIRONMENT AND NUISANCE AMENDMENT LOCAL LAW 2024

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

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Mandurah Animals, Environment and Nuisance Amendment Local Law 2024.*

1.2 Commencement

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

1.3 Principal local law

This local law amends the *City of Mandurah Animals, Environment and Nuisance Local Law 2010* as published in the *Government Gazette* on 22 March 2011 and as amended in the *Government Gazette* on 11 June 2019 and 3 April 2020.

1.4 Clause 1.1 amended

In clause 1.1 delete the heading "**Citation**" and replace with "**Short title**".

PROPOSED

1.5 Clause 1.2 amended

In clause 1.2:

(a) renumber clause "**1.2**" to "**1.5**";

(b) in the clause title, amend the title "**Definitions**" to "**Meaning of terms used in this local law**"; and

(c) delete the following definitions:

(i) ***amusement****;*

(ii) ***approved animal;***

(iii) ***bee hive****;*

(iv) ***Class 6 building****;*

(v) ***Class 9 building****;*

(vi) ***Code of Practice–Pigeon keeping****;*

(vii) ***development approval****;*

(viii) ***development site****;*

(ix) ***livestock****;*

(x) ***livestock vehicle****;*

(xi) ***manure receptacle****;*

(xii) ***miniature horse****;*

(xiii) ***occupier****;* and

(xiv) ***truck****;*

(d) insert the following definitions in alphabetical order:

(i) ***beekeeper*** has the meaning given in Regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013;*

(ii) ***Code of Practice–Pigeon keeping*** means the Code of Practice for Pigeon Keeping and Racing in Western Australia as prescribed by the *Animal Welfare (General) Regulations 2003*, as amended from time to time;

(iii) ***development site*** means—

(a) any lot or lots for which there is a current development or subdivision approval; and

(b) any lot or lots upon which, construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place, whether or not such works are subject to a development or subdivision approval;

(iv) ***hive*** means a movable or fixed structure, container or object in which a colony of bees is kept;

PROPOSED

(v) ***occupier*** means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee, or any other person empowered to exercise control in relation to land to perform any work in relation to any land and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor;

(vi) ***premises*** includes—

(a) land (whether or not vacant);

(b) the whole or part of a building or structure (whether of a permanent or temporary nature); and

(c) a vehicle;

(vii) ***receptacle*** *means a container for holding or facilitating the removal of refuse;* and

(viii) ***sand drift*** means the movement of sand, sediment, or similar materials across, within or along a surface;

(e) amend the definition for an ***affiliated person*** by deleting "*Associations Incorporation Act 1987*" and replacing it with "*Associations Incorporation Act 2015*";

(f) in the definition of ***authorised person*** delete the word "Council" and replace it with "local government";

(g) amend the definition of ***birds*** by deleting the word "includes" and replacing with the word "include";

(h) amend the definition of ***building site*** by deleting the word "licence" and replacing it with "permit";

(i) in the definition of ***Chief Executive Officer*** replace the first reference to "Chief Executive Officer" with ***"CEO"***;

(j) amend the definition of ***pest plant*** by deleting "clause 4.17" and replacing with "clause 4.10";

(k) in the definition of ***pigeon*** after the words "homing pigeons" insert the words "racing pigeons" and delete the words "Department of Environment and Conservation" and replace with "Department of Biodiversity, Conservation and Attractions"; and

(l) in the definition of ***unreasonable noise*** insert the word "and" after "1986;".

1.6 Clause 1.3 amended

Renumber clause "**1.3 Repeal**" to "**1.4 Repeal**".

1.7 Clause 1.4 amended

(a) renumber clause "**1.4 Application**" to "**1.3 Application**"; and

(b) delete the words "shall apply" and insert "applies".

PROPOSED

1.8 Clause 1.5 amended

Renumber clause "**1.5 Commencement**" to "**1.2 Commencement**".

1.9 Part 2, Division 1 amended

In Part 2 delete Division 1 and insert:

Division 1 – Keeping of birds

2.1 Keeping of poultry and pigeons in a residential zone

Subject to the provisions of this Part 2, an owner or occupier of premises in a residential zone shall not keep or permit to be kept more than the following number of pigeons or poultry—

(a) In the case of poultry, the maximum number specified in the table below according to applicable lot size—

Lot size	**Maximum number of poultry**
Less than 1,000 m^2	6 poultry (including a maximum of 2 ducks)
1,001 m^2 and over	12 poultry (including ducks)

(b) In the case of pigeons, 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons is 100.

2.2 Requirements for keeping of poultry

A person who keeps poultry or permits poultry to be kept shall ensure that—

(a) no poultry shall be kept within 5 metres from any residential building;
(b) no poultry are able to approach within 5 metres of a public street, public building, commercial premises or food business;
(c) all poultry are kept in a properly constructed and securely fastened enclosure;
(d) all enclosures within which poultry are kept are maintained at all times in a clean condition and good repair;
(e) all poultry are contained in an enclosure at all times, except where released for exercise;
(f) no poultry are to be kept less than 1 metre from any lot boundary; and

PROPOSED

(g) all feed for the poultry other than that intended for immediate consumption is stored in vermin-proof containers.

2.3 Requirements for keeping of pigeons

(1) A person who keeps pigeons or permits pigeons to be kept shall ensure that—

(a) all pigeons are kept in a properly constructed pigeon loft or enclosure at all times, except when registered homing pigeons or racing pigeons are released for exercise subject to the following conditions—

(i) registered homing pigeons or racing pigeons may only be released for exercise between the hours set out in the Code of Practice; and

(ii) a person shall not release more than 60 registered homing pigeons or racing pigeons for exercise or training at any one time;

(b) all loft structures or enclosures within which pigeons are kept and their immediate surrounds are maintained in a clean condition and good repair;

(c) all loft litter—

(i) is disposed of by immediate burial or by being bagged and deposited in a household rubbish receptacle; and

(ii) does not cause a nuisance;

(d) the base floor of any loft or enclosure is constructed of impervious material;

(e) all feed for the pigeons other than that intended for immediate consumption is stored in vermin-proof containers;

(f) no opening to a pigeon loft or enclosure, including openings for ventilation, is within 5 metres of any residential building, public street, public building, commercial premises, or food business and is not visible from a public area; and

(g) no pigeon loft or enclosure, including openings for ventilation, is within 1 metre from any lot boundary.

(2) An affiliated person who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice – Pigeon Keeping, subject to the provisions of this local law.

2.4 Requirements for keeping of aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that—

(a) the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary;

PROPOSED

(b) the aviary or cage in which the birds are kept is at least 5 metres from any residential building, public street, public building, commercial premises, or food business and is not visible from a public area;

(c) the base floor of the aviary or cage is to be constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the aviary or cage;

(d) the aviary or cage is to be kept in clean condition and good repair;

(d) all feed for the birds other than that intended for immediate consumption is stored in vermin-proof containers; and

(e) reasonable steps are taken to prevent the attraction or harbourage of vermin.

2.5 Roosters, geese, turkeys and peafowl

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

(a) rooster;

(b) goose or gander;

(c) turkey; or

(d) peacock or peahen.

2.6. Nuisance caused by birds

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

(a) cause a nuisance; or

(b) emit an unreasonable noise.

1.10 Part 2, Division 2 amended

In Part 2 delete Division 2 and insert:

Division 2 – Keeping of farm animals

2.7 Keeping of farm animals

(1) An owner or occupier of land shall not keep, or allow to be kept, any farm animal unless—

(a) in accordance with a valid permit authorising the keeping of such a farm animal issued in relation to the land; or

(b) in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone.

PROPOSED

(2) An owner or occupier shall not keep more than one pig other than on premises registered as a piggery pursuant to the provisions of the *Health (Miscellaneous Provisions) Act 1911*, except with the written approval of the local government.

2.8 Application for a permit to keep farm animals

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

2.9 Determination of application to keep farm animals

(1) The local government may—

(a) refuse to determine an application for a permit which does not comply with clause 2.8;

(b) approve an application for a permit subject to such conditions as it considers appropriate; or

(c) refuse to approve an application for a permit.

(2) Where an application for a permit is approved subject to conditions, the permit holder shall comply with those conditions.

(3) A permit shall remain valid unless—

(a) otherwise stated in the terms and conditions of the permit; or

(b) it is cancelled under clause 2.10(2).

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

(1) The local government may vary the conditions of a permit issued under this Division by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.

(2) The local government may cancel a permit in the event the permit holder—

(a) fails to comply with any condition of the permit;

(b) after being notified of a variation under subclause 2.10(1), fails to comply with the varied condition;

(c) breaches clause 2.11 of this local law; or

(d) fails to comply with a notice of breach issued under clause 6.1.

2.11 Requirements for keeping farm animals

An owner or occupier of land or premises upon which a farm animal or farm animals are permitted to be kept, shall—

PROPOSED

(a) ensure that each farm animal is kept in a suitable enclosure that effectively prevents it from escaping;
(b) maintain the place or places where the farm animals are kept in clean condition;
(c) not permit any farm animal to approach within 5 metres of any residential building; and
(d) not permit any farm animal to approach within 15 metres of any food premises, shop, public building or a business or commercial premises.

2.12 Nuisance caused by farm animals

An owner or occupier of land shall not keep any farm animal or farm animals which—
(a) cause a nuisance; or
(b) emit an unreasonable noise.

1.11 Part 2, Division 3 amended

In Part 2 delete Division 3 and insert:

Division 3 – Keeping of bees

2.13 Keeping of Bees

A person shall not keep bees or allow bees to be kept on any land except in accordance with the requirements outlined in clause 2.14.

2.14 Requirements for Beekeeping

The keeping of bees is subject to the following requirements—
(a) the provision of a sufficient and suitable water supply on the land which is readily accessible by the bees on the land;
(b) each hive shall be—
(i) kept at least 10 metres from any thoroughfare, public place, or neighbouring building;
(ii) kept at least 5 metres from any other boundary of the land; and
(iii) screened or provided with other such barrier so as to prevent the bees flying low over a thoroughfare, public place, or adjoining land;
(c) no more than 2 hives are to be kept on land of less than 2,000 square metres in area;

PROPOSED

(d) no more than 15 hives are to be kept on land between 2,000 and 20,000 square metres in area; and

(e) the person keeping bees shall be registered as a beekeeper if required under *the Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

2.15 Nuisance caused by bees or hives

A person shall not keep, or allow to be kept, bees or hives, or both, on land so as to endanger the safety of any person or cause a nuisance.

2.16 Notice to remove bees

Whenever the local government or an authorised person is satisfied that a person has contravened any provision of this local law which relates to the keeping of bees or hives, the local government or an authorised person may give the owner or occupier of the land a written notice requiring her or him to remove any bees or hives, or both, from the land within the time specified in the notice.

1.12 Part 3, Division 1 amended

In Part 3 delete Division 1 and insert:

Division 1—Litter and refuse on building sites

3.1 Provision of refuse receptacles

(1) A person must not commence or continue, or permit the commencement or continuation of, building works on a building or development site unless—

(a) an Approved Receptacle is provided and maintained on the building site;

(b) all building waste is placed, and kept securely, in the Approved Receptacle;

(c) the cover of the Approved Receptacle is kept securely in place at all times except when building waste is being placed in, or removed from, the Approved Receptacle; and

(d) the Approved Receptacle is maintained in an effective and operable condition.

(2) In this clause—

Approved Receptacle means—

(a) a receptacle with a capacity of at least 4 cubic metres with a suitable cover so as to prevent the escape of building waste;

PROPOSED

(b) a wire enclosure with a capacity of at least 4 cubic metres with a suitable cover so as to prevent the escape of building waste; or

(c) any other receptacle or container, with a suitable cover so as to prevent the escape of building waste,

that is approved by the local government or an authorised person.

3.2 Control measures

(1) From the time of commencement of works on a building site or development site until the time of completion of such works, the owner or occupier of the site shall—

(a) ensure all refuse on the site is placed securely and contained in the Approved Receptacle and prevented from escaping from the site;

(b) keep the site as free as is reasonably practicable from any refuse;

(c) keep the street verge, and any other reserve, immediately adjacent to the site free of refuse, dust and sand from the site;

(d) prevent dust and sand escaping from the site onto any thoroughfare or adjacent land; and

(e) ensure the refuse receptacle is emptied when full.

(2) The owner or occupier of a building site or development site shall ensure that, within 2 days of completion of works on the site or when directed by an authorised person, the site and the street verge or thoroughfare immediately adjacent or any adjacent land to it is cleared of all refuse and sand and all receptacles are removed from the site.

3.3 Unauthorised storage of materials

(1) All construction materials shall be stored on the building site or development site and not on a street verge, thoroughfare or other local government property unless written approval has been given by the local government or an authorised person to store construction material on the street verge, thoroughfare or other local government property.

(2) An application for approval under subclause 3.3(1) shall be—

(a) in writing; and

(b) where the materials are proposed to be stored on a street verge abutting private land, shall be accompanied by the written approval of the owner of such land.

1.13 Part 3, Division 2 amended

PROPOSED

In Part 3 delete Division 2 and insert:

Division 2—Prevention of dust, sand or sand drift and liquid waste

3.4 Prohibited activities

(1) An owner and or occupier of land shall take reasonable steps to—

(a) stabilise dust and sand on any land or verge adjoining such land;

(b) contain all liquid waste on the land; and

(c) ensure no dust, sand or sand drift, or liquid waste is released or escapes from the land, whether by means of wind, water, or any other cause.

(2) Where the local government or an authorised person is satisfied that—

(a) an owner or occupier has not complied with subclause 3.4(1); or

(b) the dust, sand or liquid waste has been released or escaped from the owner's or occupier's land,

the local government or an authorised person may serve on the owner and or occupier of the land a notice requiring the owner and or occupier to do one or more of the following—

(i) comply with subclause 3.4(1);

(ii) clean up and properly dispose of any released or escaped dust, sand, or liquid waste;

(iii) clean up and make good any damage resulting from the released or escaped dust, sand, or liquid waste including any damage to adjoining or other affected properties; or

(iv) take reasonable steps to stop or prevent any further release or escape of dust, sand or liquid waste from the land.

(3) The requirements set out in a notice issued under subclause 3.4(2) shall be complied with—

(a) within 48 hours of service of the notice where no other time is specified;

(b) within such other period as is specified in the notice; or

(c) immediately, if the notice so specifies.

(4) Where the local government or an authorised person is satisfied that dust, sand, or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government or an authorised person may serve a notice on—

(a) the owner and or occupier of the land; or

(b) the operator of the equipment,

PROPOSED

as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice.

(5) Where the local government or an authorised person is satisfied that dust, sand, or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government or an authorised person may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

3.5 Escape from loads being transported

(1) A person must not drive a vehicle carrying a load from a dust or sand generating development site, or a building site, unless reasonable steps have been taken to ensure that the load, or any part of it, cannot escape from the vehicle.

(2) In this clause—

load includes any material or other thing used in connection with the load; and

vehicle has the meaning given to it in the *Road Traffic Code 2000.*

3.6 Disposal of liquid waste

(1) The owner or occupier of premises shall—

(a) provide one or more of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and

(b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.

(2) Liquid waste shall be disposed of by one or more of the following methods—

(a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;

(b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Chief Health Officer or the local government; or

(c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer.

(3) In this clause—

Chief Health Officer has the meaning given in the *Public Health Act 2016* section 4(1); and

licensed water service operator means a water service operator licensed under a written law to provide and/or operate water services.

PROPOSED

1.14 Part 3, Division 3 amended

In clause 3.5 of Part 3, Division 3:

(a) renumber clause 3.5 to clause 3.7;

(b) delete the word “of” and insert “or” in its place;

(c) insert “of land” after “occupier”; and

(d) delete “site” and insert “land”.

1.15 Part 3, Division 4 amended

In Part 3, Division 4:

(a) clauses 3.6 to 3.9 are renumbered to clauses 3.8 to 3.11 respectively;

(b) clause 3.8 (formerly clause 3.6) is amended by deleting subclause (1) and inserting:

Division 4—Unsightly land and disused materials

3.8 Removal of refuse and disused materials

(1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatsoever nature or kind which the local government or an authorised person is satisfied is likely to—

(a) give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district; or

(b) adversely affect the health and safety of the inhabitants of that property or any adjoining property.

(c) delete clause 3.9 (formerly clause 3.7) and insert:

3.9 Removal of unsightly overgrowth of vegetation

(1) The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation which, the local government or the authorised person is satisfied is likely to—

(a) gives the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district; or

(b) adversely affect the health and safety of the inhabitants of that property or any adjoining property.

(2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

PROPOSED

(d) delete clause 3.10 (formerly clause 3.8) and insert:

3.10 Storage of vehicles, vessels and machinery

(1) The owner or occupier of a lot shall not—

(a) store, or allow to remain, in public view on the lot more than 1 vehicle, vessel, or machinery (whether licensed or not) in a state of disrepair;

(b) store, or allow to remain, in public view on the lot any vehicle, vessel, or machinery in a state of disrepair for a period in excess of 1 month;

(c) store, or allow to remain, in public view on the lot vehicle, vessel, or machinery parts (including tyres);

(d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel, or machinery; or

(e) wreck, dismantle or break up a vehicle, vessel, or machinery so as to cause a nuisance.

(2) Subclause 3.10(1) shall not apply if the vehicle, part or body of a vehicle, vessel or machinery is inside a building or within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining properties.

(e) clause 3.11 (formerly 3.9) is amended by:

(i) inserting the words “without lawful authority and” after the words “on any land”;

(ii) in subclause (b) delete “and” and replace with a full stop; and

(iii) delete subclause (c).

1.16 Part 3, Division 5 amended

In Part 3, Division 5:

(a) clause 3.10 (former numbering) is deleted; and

(b) clause 3.11 is renumbered to clause 3.12 and the word “cannot” is deleted from subclause (3) and replaced with the word “can”.

1.17 Part 4, Division 1 amended

In Part 4, Division 1:

(a) in clause 4.2 delete the subclause designator “(1)” and “(2)” and replace with “(a)” and “(b)”;

(b) in subclause 4.3(1):

(i) insert the words “or an authorised person” after the words “local government”; and

(ii) insert the words “local government or an” before the words "authorised person considers”; and

PROPOSED

(c) in subclause 4.3(2):

(i) insert the numbers “4.3” before “(1)”;

(ii) insert the words “or an authorised person” after the words “local government”; and

(iii) delete the words “believes to be” and replace with “is satisfied is”.

1.18 Part 4, Division 2 amended

In Part 4, Division 2:

(a) clause 4.4(1) is amended as follows:

(i) insert “vegetation” after the word “refuse”; and

(ii) insert the words “or authorised person” after the word "the local government”;

(b) clause 4.4(2) insert the numbers “4.4” before “(1)”; and

(c) clause 4.5 is amended as follows:

(i) insert the words “take all reasonable steps” after the word “shall”; and

(ii) insert the word “to” before the words “cause or permit”.

1.19 Part 4, Division 3 amended

In Part 4, Division 3:

(a) clause 4.7 is deleted and the remaining clauses in Part 4, Division 3 are renumbered accordingly;

(b) in clause 4.7 (formerly clause 4.8) delete subclause (1) and insert:

4.7 Stormwater disposal systems

(1) The owner or occupier of a lot shall ensure that all stormwater from the roof of each building or house on the lot, or the overflow from rainwater storage tanks, is discharged into stormwater drainage system, or discharged by other methods approved by the local government, in accordance with AS/NZS 3500.

(c) delete clause 4.8 (formerly clause 4.9) and insert:

4.8 Disposal of swimming pool backwash

(1) The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

(2) The disposal of wastewater and backwash water from a swimming pool filtration system or other water storage system associated with a swimming pool into an approved disposal system or a soakwell system having a minimum capacity of 140 litres and located a minimum of 1.8 metres away from any building or lot boundary, satisfies the requirement of subclause 4.8(1).

PROPOSED

1.20 Part 4, Division 4 amended

In Part 4, delete Division 4 and insert:

Division 4—Bird nuisance

4.9 Restrictions on feeding of birds

(1) A person shall not feed or provide food to any wild or uncaged bird that is not permitted to be kept by them under this local law or another written law, so as to cause a nuisance.

(2) Where an authorised person is satisfied that a person has not complied with subclause 4.9(1) the authorised person may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

1.21 Part 4, Division 5 amended

In Part 4, Division 5:

(a) renumber clauses 4.11 and 4.12 to clauses 4.10 and 4.11 respectively;
(b) in clause 4.11(1) amend “Schedule 6” to “Schedule 2”; and
(c) in clause 4.11(2) insert the numbers “4.11” before “(1)”.

1.22 Part 5 amended

In clause 5.1 remove the subclause designator “(1)” and insert the words “or an authorised person” after the words “local government”.

1.23 Part 6, Division 1 amended

In Part 6, Division 1:

(a) clause 6.3(1) is amended by deleting “3.6(2), 3.7(2), 3.10(1), 3.11(1)” and replacing with “3.8(2), 3.9(2), 3.12(1)”;
(b) in clause 6.3(2) insert the numbers “6.3” before “(1)”; and
(c) in clause 6.3(3) insert the numbers “6.3” before “(2)”.

1.24 Schedule 1 – Pest Plants amended

In Schedule 1:

(a) Amend the table by inserting the following names in alphabetical order—

PROPOSED

(i)	African Daisy	*Gazania sp.*
(ii)	Capeweed	*Arctotheca calendula*
(iii)	Century Plant	*Agave americana*
(iv)	Dolichos pea	*Dipogon lignosus*
(v)	Fumitory	*Fumaria capreolata*
(vi)	Geraldton Wax	*Chamelaucium uncinatum*
(vii)	Golden Crown Beard	*Verbesina encelioides*
(viii)	Pretty Betsy	*Centranthus macrosiphon*
(ix)	Spiderwort	*Tradescantia sp.*
(x)	Veldt Daisy	*Osteospermum ecklonis*
(xi)	Vetch	*Vicia sativa*
(xii)	Wild Gladiolus	*Gladiolus undulatus, Gladiolus caryophyllaceus*

(b) delete the reference to Madeira Creeper *Anredera Cordifolia*.

1.25 Schedule 2 – Pest Plant Notice

The Pest Plant Notice is amended by deleting "*Agriculture and Related Resources Protection Act 1976*" and inserting "*Biosecurity and Agriculture Management Act 2007*".

1.26 Schedule 3 – Prescribed Offences

Delete the table in Schedule 3 and insert as follows—

Item No.	Clause	Description	Modified Penalty— First Offence	Modified Penalty— Subsequent Offences
1	2.2	Failure to comply with requirements for keeping poultry	$250	$500
2	2.3	Failure to comply with requirements for keeping pigeons	$250	$500
3	2.4	Failure to comply with requirements for keeping aviary birds	$250	$500
4	2.5	Keeping a rooster, goose or gander, turkey, peacock, or peahen on premises	$250	$500
5	2.6	Keeping birds so as to cause a nuisance	$250	$500
6	2.7(1)(a)	Keeping a farm animal without a permit	$250	$500
7	2.11	Failure to comply with requirements for keeping farm animals	$250	$500
8	2.12	Nuisance caused by farm animal	$250	$500

PROPOSED

9	2.14	Failure to comply with requirements for beekeeping	$250	$500
10	2.15	Nuisance caused by bees or hives	$250	$500
11	2.16	Failure to comply with notice to remove bees or hives	$250	$500
12	3.1(1)(a)	Failure to provide or maintain an Approved Receptacle on a building site or development site	$250	$500
13	3.1(1)(b)	Failure to place, and secure, all building waste in an Approved Receptacle	$250	$500
14	3.1(1)(c)	Failure to keep secure cover of Approved Receptacle	$250	$500
15	3.1(1)(d)	Failure to maintain Approved Receptacle in an effective and operable condition	$250	$500
16	3.2	Failure to control refuse on a building site or development site	$250	$500
17	3.3	Unauthorised storage of materials	$250	$500
18	3.4(1)	Release or escape of dust, sand or sand drift or liquid waste from land	$250	$500
19	3.5	Failure to take reasonable steps to prevent a load or any part of it escaping from a vehicle during transportation	$250	$500
20	3.6	Failing to dispose of liquid waste in an approved manner	$250	$500
21	3.7	Failing to ensure no vegetation or other material burnt	$500	$500
22	3.8(1)(a)	Keeping or allowing to be kept on a lot refuse, rubbish or disused material giving the land an untidy appearance	$250	$500
23	3.8(1)(b)	Keeping on a lot refuse, rubbish or disused material likely to adversely affect the health and safety the inhabitants of that property or adjoining property	$250	$500
24	3.9(1)(a)	Keeping or allowing to be kept on a lot unsightly overgrowth of vegetation giving the land an untidy appearance	$250	$500
25	3.9(1)(b)	Keeping on a lot unsightly overgrowth of vegetation likely to adversely affect the health and safety of the inhabitants of that property or adjoining property	$250	$500
26	3.10 (1)(a)	Store or allow to remain on land more than one vehicle, vessel or machinery in a state of disrepair	$250	$500
27	3.10 (1)(b)	Store or allow to remain on land any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	$250	$500
28	3.10 (1)(c)	Store or allow to remain on land any vehicle, vessel or machinery parts (including tyres)	$250	$500
29	3.10(1)(d)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery	$250	$500
30	3.10(1)(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	$250	$500

PROPOSED

31	3.11	Disposing of disused refrigerator or similar container with door or lid that can be fastened	$250	$500
32	4.1	Erection or use of lighting installations other than in accordance with requirements	$250	$500
33	4.2	Emitting light more than 50 lux	$250	$500
34	4.4	Non-compliant burning of rubbish, vegetation or other materials	$250	$500
35	4.5	Cause or permit the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	$250	$500
36	4.6	Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained within the lot	$250	$500
37	4.7	Failure to maintain all subsurface stormwater disposal systems in a good state of repair and free from obstruction	$250	$500
38	4.8	Discharging swimming pool backwash onto adjacent land	$250	$500
39	4.9(1)(a)	Feeding an uncaged or wild bird causing a nuisance	$250	$500
40	4.11(2)	Failure to comply with Pest Plant Notice	$250	$500
41	6.4(1)(b)	Failure to comply with notice	$250	$500

Dated this _____ of _____ 2024.

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

_____
RHYS WILLIAMS
MAYOR

_____

CHIEF EXECUTIVE OFFICER

PROPOSED

CITY OF MANDURAH

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2010

LOCAL GOVERNMENT ACT 1995

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

LOCAL GOVERNMENT ACT 1995
HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

CITY OF MANDURAH

ANIMALS, ENVIRONMENT AND NUISANCE AMENDMENT LOCAL LAW 2010

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CITY OF MANDURAH

ANIMALS ENVIRONMENT AND NUISANCE AMENDMENT LOCAL LAW 2010

Under the powers conferred by the *Health (Miscellaneous Provisions) Act 1911, Biosecurity and Agricultural Management Act 2007, Local Government Act 1995* and under all other powers enabling it, the Council of the City of Mandurah resolved on 22 February 2011 and subsequently amended on 28 May 2019, 24 March 2020 and XX 2024 to make the following local law.

PART 1 - PRELIMINARY

1.1 Short title

This local law may be cited as the *City of Mandurah Animals, Environment and Nuisance Local Law 2010.*

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

Clauses 20, 21, 47A, 50, 56, 62A, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77 of the *City of Mandurah Health Local Laws* as published in the *Government Gazette* of 23 August 1996 and Part XI and Division 2 of Part V of the *City of Mandurah Consolidated Local Laws* as published in the *Government Gazette* of 13 February 1998, are repealed.

1.5 Meaning of the terms used in this local law

(1) In this local law, unless the context specifies otherwise—

Act means the *Local Government Act 1995;*

affiliated person means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 2015;*

AS/NZS 3500 means the standard called "Plumbing and Drainage" published by the Standard Association of Australia;

authorised person means a person authorised by the local government, under section 9.10 of the Act to perform all or any of the functions conferred on an authorised person under this local law;

aviary bird means any bird, other than poultry or pigeons, kept or usually kept in an aviary or cage;

beekeeper has the meaning given in Regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

birds include poultry;

builder means the holder of a building licence issued in respect of building works on a building site or a person in control of a building site;

Building Code means the latest edition of the Building Code of Australia published by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with the Building Code;

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

building site means any lot for which a building permit is current;

CEO means the Chief Executive Officer of the local government;

City means the City of Mandurah;

Code of Practice–Pigeon keeping means the Code of Practice for Pigeon Keeping and Racing in Western Australia as prescribed by the *Animal Welfare (General) Regulations 2003*, as amended from time to time;

cow includes an ox, calf or bull;

development has the meaning given to it in the Planning and Development Act 2005;

development site means—

(a) any lot or lots for which there is a current development or subdivision approval; and

(b) any lot or lots upon which, construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place, whether or not such works are subject to a development or subdivision approval;

district means the district of the local government;

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

equipment means equipment, machinery or vehicles used for or in connection with the development of land;

farm animal includes a horse, cow, sheep, goat, pig or other ungulate;

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

hive means a movable or fixed structure, container, or object in which a colony of bees is kept;

horse includes an ass, mule, donkey or pony;

land includes any building or structure on the land;

liquid waste means waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

local government means the City of Mandurah;

local planning scheme has the meaning given to it by the *Planning and Development Act 2005*;

lot has the meaning given to it by the *Planning and Development Act 2005*;

nuisance means—

(a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;

(b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or

(c) interference which causes material damage to land or other property on the land affected by the interference;

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor.

permit means a permit issued under these local laws;

permit holder means a person who holds a valid permit;

pest plant means a plant described as a pest plant by clause 4.10 of this local law;

pigeon includes homing pigeons, racing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Biodiversity, Conservation and Attractions;

poultry includes fowls, roosters, ducks, peafowls, turkeys, geese, guinea fowls, pheasants and other birds commonly kept for the production of eggs or meat for domestic consumption;

premises includes—

(a) land (whether or not vacant);

(b) the whole or part of a building or structure (whether of a permanent or temporary nature); and

(c) a vehicle;

receptacle means a container for holding or facilitating the removal of refuse;

refuse means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter whatsoever;

Regulations means the *Local Government (Functions and General) Regulations 1996;*

residential building has the meaning given to it in the Residential Design Codes of Western Australia as amended;

residential zone includes any area zoned “Residential” and “Urban Development” under a local planning scheme;

rural zone means any area zoned “Rural” or “Rural Residential” under a local planning scheme;

sand means granules or particles of rock, earth, clay, loam, silt and any other granular, particulate or like material, and includes dust and gravel;

sand drift means the movement of sand, sediment, or similar materials across, within or along a surface;

stormwater means any naturally occurring water that results from rainfall on or around a site, or water flowing onto the site;

street means any highway or thoroughfare which the public are entitled to use, and includes every part of the highway or thoroughfare, including the verge and other things including bridges and culverts appurtenant to it;

subdivision approval means a subdivision approval under the *Planning and Development Act 2005*;

unreasonable noise has the meaning given to it by the *Environmental Protection Act 1986*; and

vermin includes rats, mice, flies, fleas, mites, lice, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions.

(2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.

(3) Where in this local law a duty, obligation or liability is imposed on an "owner or occupier" the duty shall be deemed to be imposed jointly and severally on each owner and occupier.

(4) Where under this local law the local government is authorised to carry out actions or cause to be undertaken works as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3, Subdivision 3 of the Act.

[Clause 1.2 was amended by Government Gazette No.78 of 2019]

PART 2 - KEEPING OF ANIMALS

Division 1—Keeping of birds

2.1 Keeping of poultry and pigeons in a residential zone

Subject to the provisions of this Part 2, an owner or occupier of premises in a residential zone shall not keep or permit to be kept more than the following number of pigeons or poultry—

(a) In the case of poultry, the maximum number specified in the table below according to applicable lot size—

Lot size	**Maximum number of poultry**
Less than 1,000 m^2	6 poultry (including a maximum of 2 ducks)
1,001 m^2 and over	12 poultry (including ducks)

(b) In the case of pigeons, 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons is 100.

2.2 Requirements for keeping of poultry

A person who keeps poultry or permits poultry to be kept shall ensure that—

(a) no poultry shall be kept within 5 metres from any residential building;

(b) no poultry are able to approach within 5 metres of a public street, public building, commercial premises or food business;

(c) all poultry are to be kept in a properly constructed and securely fastened enclosure;

(d) all enclosures within which poultry are kept are maintained in a clean condition and good repair;

(e) all poultry are contained in an enclosure at all times, except where released for exercise;

(f) no poultry are to be kept less than 1 metre from any lot boundary; and

(g) all feed for the poultry other than that intended for immediate consumption is stored in vermin-proof containers.

2.3 Requirements for keeping of pigeons

(1) A person who keeps pigeons or permits pigeons to be kept shall ensure that—

(a) all pigeons are kept in a properly constructed pigeon loft or enclosure at all times except where registered homing pigeons or racing pigeons are released for exercise subject to the following conditions—

(i) registered homing pigeons or racing pigeons may only be released for exercise between the hours set out in the Code of Practice; and

(ii) a person shall not release more than 60 registered homing pigeons or racing pigeons for exercise or training at any one time;

(b) all loft structures or enclosures within which pigeons are kept and their immediate surrounds are maintained in a clean condition and good repair;

(c) all loft litter—

(i) is disposed of by immediate burial or by being bagged and deposited in a household rubbish receptacle; and

(ii) does not cause a nuisance;

(d) the base floor of any loft or enclosure is constructed of impervious material;

(e) all feed for the pigeons other than that intended for immediate consumption is stored in vermin-proof containers;

(f) no opening to a pigeon loft or enclosure, including openings for ventilation, is within 5 metres of any residential building, a public street, public building, commercial premises, or food business and is not visible from a public area; and

(g) no pigeon loft or enclosure, including openings for ventilation, within 1 metre from any lot boundary.

(2) An affiliated person who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice—Pigeon Keeping, subject to the provisions of this local law.

2.4 Requirements for keeping of aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that—

(a) the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary;

(b) the aviary or cage in which the birds are kept is at least 5 metres from any residential building, public street, public building, commercial premises, or food business and is not visible from a public area;

(c) the base floor of the aviary or cage which is to be constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the aviary or cage;

(d) the aviary or cage is to be kept in clean condition and good repair;

(e) all feed for the birds other than that intended for immediate consumption is stored in vermin proof containers; and

(f) reasonable steps are taken to prevent the attraction or harbourage of vermin.

2.5 Roosters, geese, turkeys and peafowl

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

(a) rooster;

(b) goose or gander;

(c) turkey; or

(d) peacock or peahen.

2.6. Nuisance caused by birds

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

(a) cause a nuisance; or

(b) emit an unreasonable noise.

[Division 1 was deleted and replace fully by Government Gazette No.78 of 2019]

Division 2—Keeping of farm animals

2.7 Keeping of farm animals

(1) An owner or occupier of land shall not keep, or allow to be kept, any farm animal unless—

(a) in accordance with a valid permit authorising the keeping of such a farm animal issued in relation to the land; or

(b) in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone.

(2) An owner or occupier shall not keep more than one pig other than on premises registered as a piggery pursuant to the provisions of the *Health (Miscellaneous Provisions) Act 1911*, except with the written approval of the local government.

2.8 Application for a permit to keep farm animals

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

2.9 Determination of application to keep farm animals

(1) The local government may—

(a) refuse to determine an application for a permit which does not comply with clause 2.8;

(b) approve an application for a permit subject to such conditions as it considers appropriate; or

(c) refuse to approve an application for a permit.

(2) Where an application for a permit is approved subject to conditions, the permit holder shall comply with those conditions.

(3) A permit shall remain valid unless—

(a) otherwise stated in the terms and conditions of the permit; or

(b) it is cancelled under clause 2.10(2).

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

(1) The local government may vary the conditions of a permit issued under this Division by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.

(2) The local government may cancel a permit in the event the permit holder—

(a) fails to comply with any condition of the permit;

(b) after being notified of a variation under subclause 2.10(1), fails to comply with the varied condition;

(c) breaches clause 2.11 of this local law; or

(d) fails to comply with a notice of breach issued under clause 6.1.

[Clause 2.10 amended by Government Gazette No. 50 of 2020]

2.11 Requirements for keeping farm animals

An owner or occupier of land or premises upon which a farm animal or farm animals are permitted to be kept, shall—

(a) ensure that each farm animal is kept in a suitable enclosure that effectively prevents it from escaping;

(b) maintain the place or places where the farm animals are kept in clean condition;

(c) not permit any farm animal to approach within 5 metres of any residential building; and

(d) not permit any farm animal to approach within 15 metres of any food premises, shop, public building or a business or commercial premises.

2.12 Nuisance caused by farm animals

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

(a) cause a nuisance; or

(b) emit an unreasonable noise.

[Division 2 was deleted and replace fully by Government Gazette No.78 of 2019]

Division 3—Keeping of bees

2.13 Keeping of Bees

A person shall not keep bees or allow bees to be kept on any land except in accordance with the requirements outlined in clause 2.14.

2.14 Requirements for Beekeeping

The keeping of bees is subject to the following requirements—

(a) the provision of a sufficient and suitable water supply on the land which is readily accessible by the bees on the land;

(b) each hive shall be—

(i) kept at least 10 metres from any thoroughfare, public place or neighbouring building;

(ii) kept at least 5 metres from any other boundary of land; and

(iii) screened or provided with other such barrier so as to prevent the bees flying low over a thoroughfare, public place or adjoining land;

(c) no more than 2 hives are to be kept on land of less than 2,000 square metres in area;

(d) no more than 15 hives are to be kept on land between 2,000 and 20,000 square metres in area; and

(e) the person keeping the bees shall be registered as a beekeeper if required under the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

2.15 Nuisance caused by bees or hives

A person shall not keep, or allow to be kept, bees or hives, or both, on land so as to endanger the safety of any person or cause a nuisance.

2.16 Notice to remove bees

Whenever the local government or an authorised person is satisfied that a person has contravened any provision of this local law which relates to the keeping of bees or hives, the local government or authorised person may give the owner or occupier of the land a written notice requiring her or him to remove any bees or hives, or both, from the land within the time specified in the notice.

[Division 3 was deleted and replace fully by Government Gazette No.78 of 2019]

PART 3—BUILDING, DEVELOPMENT AND LAND CARE

Division 1—Litter and refuse on building sites

3.1 Provision of refuse receptacles

(1) A person must not commence or continue, or permit the commencement or continuation of, building works on a building or development site unless—

(a) an Approved Receptacle is provided and maintained on the building site;

(b) all building waste is placed, and kept securely, in the Approved Receptacle;

(c) the cover of the Approved Receptacle is kept securely in place at all times except when building waste is being placed in, or removed from, the Approved Receptacle; and

(d) the Approved Receptacle is maintained in an effective and operable condition.

(2) In this clause—

Approved Receptacle means—

(a) a receptacle with a capacity of at least 4 cubic metres with a suitable cover so as to prevent the escape of building waste;

(b) a wire enclosure with a capacity of at least 4 cubic metres with a suitable cover so as to prevent the escape of building waste; or

(c) any other receptacle or container, with a suitable cover so as to prevent the escape of building waste,

that is approved by the local government or an authorised person.

3.2 Control measures

(1) From the time of commencement of works on a building site or development site until the time of completion of such works, the owner or occupier of the site shall—

(a) ensure all refuse on the site is placed securely and contained in the Approved Receptacle and prevented from escaping from the site;

(b) keep the site as free as is reasonably practicable from any refuse;

(c) keep the street verge, and any other reserve, immediately adjacent to the site free of refuse, dust and sand from the site;

(d) prevent dust and sand escaping from the site onto any thoroughfare or adjacent land; and

(e) ensure the receptacle is emptied when full.

(2) The owner or occupier of a building site or development site shall ensure that, within 2 days of completion of works on the site or when directed by an authorised person, the site and the street verge or thoroughfare immediately adjacent or any adjacent land to it is cleared of all refuse and sand and all receptacles are removed from the site.

3.3 Unauthorised storage of materials

(1) All construction materials shall be stored on the building site or development site and not on a street verge, thoroughfare or other local government property unless written approval has been given by the local government or authorised person to store construction material on the street verge, thoroughfare or other local government property.

(2) An application for approval under subclause 3.3(1) shall be—

(a) in writing; and

(b) where the materials are proposed to be stored on a street verge abutting private land, shall be accompanied by the written approval of the owner of such land.

[Clause 3.3 was amended by Government Gazette No.78 of 2019]

Division 2—Prevention of dust, sand or sand drift and liquid waste

3.4 Prohibited Activities

(1) An owner and or occupier of land shall take reasonable steps to—

(a) stabilise dust and sand on any land or verge adjoining such land;

(b) contain all liquid waste on the land; and

(c) ensure no dust, sand or sand drift, or liquid waste is released or escapes from the land, whether by means of wind, water or any other cause.

(2) Where the local government or an authorised person is satisfied that—

(a) an owner or occupier has not complied with subclause 3.4(1); or

(b) the dust, sand or liquid waste has been released or escaped from the owner's or occupier's land, the local government or authorised person may serve on the owner and or occupier of the land a notice requiring the owner and or occupier to do one or more of the following—

(i) comply with subclause 3.4(1);

(ii) clean up and properly dispose of any released or escaped dust, sand or liquid waste;

(iii) clean up and make good any damage resulting from the released or escaped dust, sand or liquid waste including any damage to adjoining or other affected properties; or

(iv) take reasonable steps to stop or prevent any further release or escape of dust, sand or liquid waste from the land.

(3) The requirements set out in a notice issued under subclause 3.4(2) shall be complied with—

(a) within 48 hours of service of the notice where no other time is specified;

(b) within such other period as is specified in the notice; or

(c) immediately, if the notice so specifies.

(4) Where the local government or an authorised person is satisfied that dust, sand, or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government or an authorised person may serve a notice on—

(a) the owner and or occupier of the land; or

(b) the operator of the equipment,

as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice.

(5) Where the local government or an authorised person is satisfied that dust, sand, or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government or an authorised person may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

3.5 Escape from loads being transported

(1) A person must not drive a vehicle carrying a load from a dust or sand generating development site, or a building site, unless reasonable steps have been taken to ensure that the load, or any part of it, cannot escape from the vehicle.

(2) In this clause—

load includes any material or other thing used in connection with the load; and

vehicle has the meaning given to it in the Road Traffic Code 2000.

3.6 Disposal of liquid waste

(1) The owner or occupier of premises shall—

(a) provide one or more of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and

(b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.

(2) Liquid waste shall be disposed of by one or more of the following methods—

(a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;

(b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Chief Health Officer or the local government; or

(c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer.

(3) In this clause—

Chief Health Officer has the meaning given in the *Public Health Act 2016* section 4(1); and

licensed water service operator means a water service operator licensed under a written law to provide and/or operate water services.

Division 3 – Burning of materials

3.7 Burning of cleared vegetation prohibited

(1) An owner or occupier of land shall ensure that no vegetation or other material is burnt on the land.

(2) Subclause (1) does not apply where a fire permit has been issued by the local government under the *Bush Fires Act 1954.*

[Division 3 was deleted and replaced fully by Government Gazette No.78 of 2019]

Division 4—Unsightly land and disused materials

3.8 Removal of refuse and disused materials

(1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatsoever nature or kind which the local government or an authorised person is satisfied is likely to—

(a) give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district; or

(b) adversely affect the health and safety of the inhabitants of that property or adjoining property.

(2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time specified in the notice.

3.9 Removal of unsightly overgrowth of vegetation

(1) The owner or occupier of a lot shall not permit to remain on a lot any unsightly overgrowth of vegetation which the local government or an authorised person is satisfied is likely to—

(a) give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district; or

(b) adversely affect the health and safety of the inhabitants of that property or adjoining property

(2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

3.10 Storage of vehicles, vessels and machinery

(1) The owner or occupier of a lot shall not—

(a) store, or allow to remain, in public view on any lot more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;

(b) store, or allow to remain, in public view on any lot any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;

(c) store, or allow to remain, in public view on any lot vehicle, vessel or machinery parts (including tyres);

(d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery; or

(e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

(2) Subclause 3.10(1) shall not apply if the vehicle, part or body of a vehicle, vessel or machinery is inside a building or within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining properties.

3.11 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without lawful authority and without first—

(a) removing every door and lid and every lock, catch and hinge attached to a door or lid; or

(b) rendering every door and lid incapable of being fastened.

3.12 Cyclonic activities

(1) Where in any circumstance there is likely to be a danger to the public or damage to property which may result from cyclonic activity, the local government may give a notice to the owner or the occupier of a lot specifying measures to prevent or minimise the danger or damage.

(2) Where a circumstance represents serious and immediate danger to the public or property, the local government or an authorised person may take any remedial action it considers appropriate to prevent or minimize the danger or hazard without having given the owner or occupier notice pursuant to subclause (1).

(3) Any costs incurred by the local government for remedial action taken in terms of subclause (2) can be recovered by the local government.

PART 4—NUISANCES AND DANGEROUS THINGS

Division 1—Light

4.1 Use of exterior lights

An owner or occupier of land on which floodlights or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto any other premises.

4.2 Emission or reflection of light

An owner or occupier of land shall ensure that—

(a) artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside that land to more than 50 lux; and

(b) natural light is not reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare.

4.3 Notice may require specified action to prevent emission or reflection of light

(1) Where—

(a) floodlights or other exterior lights shine directly onto any other premises;

(b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land to more than 50 lux; or

(c) natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare,

the local government or an authorised person may by notice in writing direct the owner or occupier to take such actions as the local government or an authorised person considers necessary within the time specified in the notice.

(2) The notice referred to in subclause 4.3(1) may direct that—

(a) floodlights or other exterior lights are used only during the hours specified in the notice;

(b) the direction in which the lights shine be altered as specified in the notice; or

(c) any reflective surfaces be painted or otherwise treated so as to abate the nuisance;

or any combination of these measures that the local government or an authorised person is satisfied is appropriate to the circumstances.

Division 2 – Smoke, fumes, odours and other emissions

4.4 Burning rubbish, refuse or other material

(1) A person shall not set fire to rubbish, refuse, vegetation or other materials unless approval has first been obtained by the local government, the burning complies with the

Bush Fires Act 1954, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government or an authorised person.

(2) Subclause 4.4(1) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.

4.5 Escape of smoke, fumes, odours and other emissions

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

[Division 2 was deleted and replaced fully by Government Gazette No.78 of 2019]

[Division 3 was deleted by Government Gazette No.78 of 2019]

Division 3—Stormwater management

4.6 Containment of stormwater

(1) Subject to subclause (2), the owner or occupier of a lot shall ensure that all stormwater received by any building, house, other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot and is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

(2) Subclause (1) shall not prevent the discharge of stormwater from a lot into a local government approved stormwater drain.

4.7 Stormwater disposal systems

(1) The owner or occupier of a lot shall ensure that all stormwater from the roof of each building or house on the lot, or the overflow from rainwater storage tanks, is discharged into stormwater drainage system, or discharged by other methods approved by the local government, in accordance with AS/NZS 3500.

(2) The owner or occupier of a lot shall ensure that all stormwater from paved areas or other surfaced areas including any vehicle access ways of the lot is discharged into a stormwater drainage system of adequate capacity in accordance with AS/NZS 3500.

(3) The owner or occupier of a lot shall ensure that all stormwater drainage systems on the lot are maintained in a good state of repair and free from obstruction.

4.8 Disposal of swimming pool backwash

(1) The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

(2) The disposal of wastewater and backwash water from a swimming pool filtration system or other water storage system associated with a swimming pool into an approved disposal system or a soakwell system having a minimum capacity of 140 litres and located a minimum of 1.8 metres away from any building or lot boundary, satisfies the requirement of subclause 4.8(1).

[Division 3, 5 and 6 were deleted and remain divisions renumbered by Government Gazette No.78 of 2019]

Division 4—Bird nuisance

4.9 Restrictions on feeding of birds

(1) A person shall not feed or provide food to any wild or uncaged bird that is not permitted to be kept by them under this local law or another written law, so as to cause a nuisance.

(2) Where an authorised person is satisfied that a person has not complied with subclause 4.9(1) the authorised person may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

Division 5—Pest Plants

4.10 Description of Pest Plants

Every plant described in Schedule 1 to this local law is a pest plant.

4.11 Serving of Notices

(1) An authorised person may serve on the owner or occupier of private land within the district a duly completed notice in the form of Schedule 2 to this local law requiring the destruction, eradication or otherwise to control any pest plant on that land.

(2) Where a person served with a notice under subclause 4.11(1) of this local law fails to comply with that notice within the time and in the manner specified therein they commit an offence.

PART 5—OBJECTIONS AND APPEALS

5.1 Objections and Appeals

When the local government or an authorised officer makes a decision under this local law as to whether it will—

(a) grant a person a permit or authorisation;

(b) vary or cancel a permit or authorisation; or

(c) give a person a notice;

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations shall apply to that decision.

PART 6—ENFORCEMENT

Division 1—Notice of breach

6.1 Notice of breach

(1) Where a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such breach.

(2) A notice issued pursuant to subclause (1) shall—

(a) specify the provision of this local law which has been breached;

(b) specify the particulars of the breach; and

(c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within a time period stipulated in the notice which shall be not less than 14 days from the giving of the notice.

(3) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

6.2 Form of notices

Where this local law refers to the giving of a notice, other than the giving of an infringement notice, no particular form is prescribed and it will be sufficient that the notice be in writing giving sufficient details to enable the owner, occupier or other person to whom the notice is issued to know the offence committed and the measures required to be taken or conditions with which compliance is required, as the case may be.

6.3 When local government may undertake work required by notice

(1) This clause applies only in respect of a notice issued under clauses 3.8(2), 3.9(2), 3.12(1) and 4.3(1) of this local law.

(2) Where a person fails to comply with a notice referred to in subclause 6.3(1) the local government may, subject to compliance with the requirements of subdivision 3, Division 3 Part 3 of the Act, do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subclause 6.3(2) as a debt due from the person who failed to comply with the notice

Division 2—Offences and penalties

Subdivision 1—General

6.4 Offences and penalties

(1) A person who—

(a) fails to do anything required or directed to be done under this local law;

(b) fails to comply with the requirements of a notice issued under this local law by an authorised person; or

(c) does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.

(3) A person who commits an offence under this local law is liable to a maximum penalty of $5,000 and a maximum daily penalty of $500 in respect of each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

6.5 Prescribed offences

(1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 3—

(a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Schedule 3;

(b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Schedule 3.

(3) An authorised person should be satisfied that—

(a) commission of the prescribed offence is a relatively minor matter; and

(b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable, before giving an infringement notice to a person in respect of the commission of a prescribed offence.

6.6 Form of infringement notices

For the purposes of this local law—

(1) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

(2) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

(3) the form of the notice given under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1

City of Mandurah

Animals, Environment and Nuisance Local Law 2010

PEST PLANTS

[cl.4.10]

Common Name	Scientific Name
African Daisy	*Gazania sp.*
Black Flag	*Ferraria crispa*
Brazilian/Japanese Pepper Tree	*Schinus terebinthifolia*
Caltrop	*Tribulus terrestris*
Capeweed	*Arctotheca calendula*
Castor Oil Plant	*Ricinus communis*
Century Plant	*Agave americana*
Dolichos Pea	*Dipogon lignosus*
Flaxleaf Broom	*Genista Linifolia*
Flinders Range Wattle	*Acacia iteaphylla*
Fountain Grass	*Pennisetum setaceum*
Fumitory	*Fumaria capreolata*
Geraldton Wax	*Chamelaucium uncinatum*
Geraldton Carnation	*Euphorbia terracina*
Golden Crown Beard	*Verbesina encelioides*
Morning Glory	*Ipomoea cairica, I. indica*
Pampas Grass	*Cortaderia selloana*
Pretty Betsy	*Centranthus macrosiphon*
Sydney Golden Wattle	*Acacia longifolia*
Spiderwort	*Tradescantia sp.*
Tree of Heaven	*Ailanthus altissima*
Veldt Daisy	*Osteospermum ecklonis*
Vetch	*Vicia sativa*
Victorian Tea Tree	*Leptospermum laevigatum*
Watsonia	*Watsonia meriana*
White Weeping Broom	*Retama raetam*
Wild Gladiolus	*Gladiolus undulatus, Gladiolus caryophyllaceus*

[Schedule 1, 2, 3 4 were deleted and schedule 1 renumbered by Government Gazette No.78 of 2019]

SCHEDULE 2

Biosecurity and Agriculture Management Act 2007

City of Mandurah

Animals, Environment and Nuisance Local Law 2010

PEST PLANT NOTICE

[cl.4.11]

No.: .....

To.....

(Full name)

of.....

(Address)

You are hereby given notice under the City of Mandurah Animals, Environment and Nuisance Local Law 2010 that you are required to:

.....

.....

....

(specify whether required to destroy, eradicate or otherwise control)

the pest plant:..... …….....

(Common Name) *(Scientific Name)*

on.....

(specify the land)

of which you are the Owner/Occupier (delete whichever is not applicable).

This notice may be complied with by:

.....

.....

(specify manner of achieving destruction, eradication or control)

Such measures shall be commenced not later than *(date)* .....

and shall be completed by *(date)* .....

Upon failure to comply with this notice within the times specified, the local government may destroy, eradicate or control, as the case may be, any specified pest plant at your expense, and if necessary recover the same in a court of competent jurisdiction.

Date of service of notice .....

Signature of Authorised Person ..... Date .....

[Schedule 2 amended by Government Gazette No.78 of 2019]

———

SCHEDULE 3

City of Mandurah

Animals, Environment and Nuisance Local Law 2010

Prescribed Offences

Item No.	Clause	Description	Modified Penalty— First Offence	Modified Penalty— Subsequent Offences
1	2.2	Failure to comply with requirements for keeping poultry	$250	$500
2	2.3	Failure to comply with requirements for keeping pigeons	$250	$500
3	2.4	Failure to comply with requirements for keeping aviary birds	$250	$500
4	2.5	Keeping rooster, goose or gander, turkey, peacock, or peahen on premises	$250	$500
5	2.6	Keeping birds so as to cause a nuisance	$250	$500
6	2.7(1)(a)	Keeping a farm animal without a permit	$250	$500
7	2.11	Failure to comply with requirements for keeping farm animals	$250	$500
8	2.12	Nuisance caused by farm animal	$250	$500
9	2.14	Failure to comply with requirements for beekeeping	$250	$500
10	2.15	Nuisance caused by bees or hives	$250	$500
11	2.16	Failure to comply with notice to remove bees or hives	$250	$500
12	3.1(1)(a)	Failure to provide or maintain an Approved Receptacle on a building site or development site	$250	$500
13	3.1(1)(b)	Failure to place, and secure, all building waste in an Approved Receptacle	$250	$500
14	3.1(1)(c)	Failure to keep secure cover of Approved Receptacle	$250	$500
15	3.1(1)(d)	Failure to maintain Approved Receptacle in an effective and operable condition	$250	$500
16	3.2	Failure to control refuse on a building site or development site	$250	$500
17	3.3	Unauthorised storage of materials	$250	$500
18	3.4	Release or escape of dust, sand or sand draft or liquid waste from land	$250	$500
19	3.5	Failure to take reasonable steps to prevent a load or any part of it escaping from a vehicle during transportation	$250	$500

20	3.6	Failing to dispose of liquid waste in an approved manner	$250	$500
21	3.7	Failing to ensure no vegetation or other material burnt	$500	$500
22	3.8(1)(a)	Keeping or allowing to be kept on a lot refuse, rubbish or disused material giving the land an untidy appearance	$250	$500
23	3.8(1)(b)	Keeping on a lot refuse, rubbish or disused material likely to adversely affect the health and safety of the inhabitants of that property or adjoining property	$250	$500
24	3.9(1)(a)	Keeping or allowing to be kept on a lot unsightly overgrowth of vegetation giving the land an untidy appearance	$250	$500
25	3.9(1)(b)	Keeping on a lot unsightly overgrowth of vegetation likely to adversely affect the health and safety of the inhabitants of that property or adjoining property	$250	$500
26	3.10 (1)(a)	Store or allow to remain on land more than one vehicle, vessel or machinery in a state of disrepair	$250	$500
27	3.10 (1)(b)	Store or allow to remain on land any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	$250	$500
28	3.10 (1)(c)	Store or allow to remain on land any vehicle, vessel or machinery parts (including tyres)	$250	$500
29	3.10 (1)(d)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery	$250	$500
30	3.10(1)(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	$250	$500
31	3.11	Disposing of disused refrigerator or similar container with door or lid that can be fastened	$250	$500
32	4.1	Erection or use of lighting installations other than in accordance with requirements	$250	$500
33	4.2	Emitting light more than 50 lux	$250	$500
34	4.4	Non-compliant burning of rubbish or other materials	$250	$500
35	4.5	Cause or permit the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	$250	$500
36	4.6	Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained within the lot	$250	$500
37	4.7	Failure to maintain all subsurface stormwater disposal systems in a good state of repair and free from obstruction	$250	$500
38	4.8	Discharging swimming pool backwash onto adjacent land	$250	$500
39	4.9	Feeding an uncaged or wild bird causing a nuisance	$250	$500
40	4.11(2)	Failure to comply with Pest Plant Notice	$250	$500

41	6.4(1)(b)	Failure to comply with notice	$250	$500

[Schedule 3 was amended by Government Gazette No.78 of 2019]

Dated this _____ of _____ 2024.

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

_____
RHYS WILLIAMS
MAYOR

_____

CHIEF EXECUTIVE OFFICER

2	**SUBJECT:**	Economic Development Strategy – Final Approval
	DIRECTOR:	Strategy and Economic Development
	MEETING:	Council Meeting
	MEETING DATE:	24 September 2024

Summary

At its meeting on the 23 April 2024, Council adopted the Draft Economic Development Strategy (the 'Strategy') for the purposes of public advertising. The Strategy provides the vision and high-level direction for the management and implementation of the City of Mandurah's (the 'City') economic activities for the next 5 – 10 years. The Strategy was developed with consideration of the objectives from the City's 20 Year Strategic Community Plan and is based on:

- Research from the Transform Mandurah Economic Opportunities Report (2022)
- Recommendations from the City of Mandurah Business Survey (2023)
- Extensive community feedback undertaken as part of the Mandurah Matters community engagement process in line with the development of the City's Strategic Community Plan 2024-2044
- Consultation with key industry partners and stakeholder groups

The community engagement period for feedback on the Draft Economic Development Strategy was conducted over 6 weeks from 10 July to 23 August 2024. The purpose of the engagement process was to create awareness, inform and involve the community in the development of the Strategy, and facilitate opportunities for authentic feedback and insights resulting in participation, submissions and support from the community.

A total of 51 submissions were received during the community engagement period. In addition, City officers also facilitated 5 workshops / meetings with key stakeholders to capture their comments and feedback. A detailed analysis of all feedback has subsequently been summarised into 12 key themes with a corresponding City officer response provided.

It is recommended that Council endorse the Economic Development Strategy (refer Attachment 2.1) for final approval and note that regular updates against the outcomes of the Strategy will be provided through the City's quarterly Corporate Business Plan performance reports.

Disclosure of Interest

Nil

Previous Relevant Documentation

• G.9/4/24	23 April 2024	Council adopted the Draft Economic Development Strategy for the purposes of public advertising and noted that a follow up report will be presented back to Council to consider the feedback received.
• G11/7/22	22 July 2022	Council endorsed the Transform Mandurah Economic Opportunities research report and for officers to develop a short list of priority projects to be presented back to Council for consideration. Council also supported ongoing advocacy efforts to both State and Federal Government for Mandurah residents to have equitable access to employment and educational opportunities and other important social services.

Background

Mandurah's Economy

Mandurah's economy generated $3.6 billion in 2022, sustaining in excess of 24,000 jobs. Just under half of all Mandurah residents that are employed, currently work within the Mandurah district. The Mandurah economy is largely orientated around the Construction, Mining, Retail and Tourism industries with the number of businesses currently standing at over 5,300.

Mandurah's population has grown strongly in recent years, but employment growth has lagged behind. On average, Mandurah's unemployment rate has been 2-3% higher than that of the greater Perth area for the past 30 years. This structural issue is the result of a number of factors, including a lack of jobs, lower levels of education attainment and qualifications and a comparatively older population.

Draft Economic Development Strategy

Over the last 2 years, the City has worked to better understand its economic challenges and potential areas for future opportunity. This research has been necessary in order to develop an Economic Development Strategy that is unique to Mandurah's context and therefore presents the best chance to be successful. The key tools used to help shape the draft Strategy include;

- Transform Mandurah Economic Opportunities Report (2022)
- City of Mandurah Business Survey (2023)
- Mandurah Matters Strategic Community Plan Major Review – Community Engagement Outcomes Report (2024)
- Key stakeholder engagement

The draft Economic Development Strategy looks to bring all of this research together and provide a clear vision and high-level direction for the management and development of the City's economic activities over the next 5 - 10 years.

The Strategy sets out a goal to *"create a sustainable, competitive economy and eliminate structural disadvantage"* with a set of projects and initiatives that are directly aligned to the community outcomes as described under the Economic focus area of the City's Strategic Community Plan (2024-2044).

Community Outcomes for Mandurah's economy:

1. Local jobs to retain our people and attract skilled workers
2. A diversified economy that supports growth sectors
3. Well-planned, sustainable urban development
4. A thriving city that residents are proud to call home and people want to visit
5. A supportive business environment where investment is encouraged, and entrepreneurship prospers
6. A highly skilled workforce supported by strong education and training opportunities

The draft Economic Development Strategy was presented and adopted by Council in April 2024 for the purposes of public advertising. The community engagement period for feedback was launched on 10 July 2024 and ran through to the 23 August 2024.

The purpose of the community engagement process was to;

- Create awareness, inform and involve the community in the development of the strategy.
- Facilitate authentic feedback and insights resulting in participation, submissions and endorsement from the community.

The community were invited to provide their feedback via the following methods;

- Mandurah Matters project page - by completing a short feedback survey;
- Email or written submission; or
- Individual feedback sessions held with key stakeholder groups.

Comment

Over the course of the 6-week community engagement period, a total of 51 public submissions were received. City officers have conducted a detailed analysis of all feedback received and this has been summarised into 12 key themes. A corresponding City officer response has been provided with a number of proposed changes made to the Strategy resulting from the feedback.

Themes	Responses
1. Investment Attraction *Suggestions for attracting investors, infrastructure and new businesses to Mandurah*	Strong feedback was received around the theme of investment attraction, with respondents either generally referencing the importance and need for this activity or recommending specific projects or infrastructure for development. Examples include the following comments: • "Put a dull boys here" • "Make it is easy as possible for owners to invest in business in Mandurah" • "A plan is also urgently needed for increased Aged Care facilities" • "Having large State Government branches based in Mandurah to increase employment opportunities." • "Attract investors that will provide family-oriented venues like bowling" • "Entice an IKEA to locate itself in Mandurah" • "Investment into the Mandurah town centre and foreshores" • "Economic development i.e. business investment (especially white collar, high paying jobs) needs to be returned to Mandurah city centre" This feedback relates to the Strategic Community Plan engagement and Economic Community Outcome 1.5 - "A supportive business environment where investment is encouraged, and entrepreneurship prospers." Actions supporting this feedback theme are contained in the Strategy under project 2.4 (Investment Attraction) and 3.5 (Property Strategy), and also in the Corporate Business Plan under a variety of Strategic Planning projects to develop Master Plans for strategic City land holdings, and Business Conferences and Events Support Program.
2. Public Amenity and the Environment *Comments and suggestions around the public environment, parks and*	A common theme in the feedback included a variety of comments relating to public amenity across the City, with respondents generally highlighting a desire for high quality public spaces, or specifically referencing areas and projects which are highly valued or a perceived need.

Themes	Responses
reserves, Estuary Bridge and hospital.	Examples include the following comments: • "Need a focus on the waterfront" • "New bridge" • "Broader focus on quality of life, accessibility of amenities, ease of parking, reduced traffic congestion." • "It should have been logical to provide seating for parents or carers to supervise their children at the new bike ramp area in the park by Shoveler Cresent in Erskine" • "Utilise the beautiful waterways better. Cafes and restaurants and no thru traffic along the shopping precinct." • "The goal should be a foreshore precinct that maintains the parklands, has a pool and water playground facility like that of Streets Beach in Brisbane and the water park at Elizabeth Quay in Perth, surrounded by development that draws inspiration from the Dubai Marina and Marina Bay / Gardens By The Bay in Singapore." • "The Eastern foreshore, Forum, and Train Station need to be better connected" • "Need a world class health facility to deal with cardiovascular international services for the community and region." • "The bridge and foreshore" • "The suburbs need more focus so that residents can enjoy where we live." This feedback relates to the Strategic Community Plan engagement and Community Outcomes 2.3 "Inclusive and welcoming places, spaces and neighbourhoods.", 3.1 "Nature has a voice in all decision-making", 3.3 "Our natural environment is celebrated, protected and restored for generations to come.", 3.4 "Our built environment is clean, accessible and sustainable.", and 4.4 "Well-maintained assets and facilities that meet the needs of our community". Actions supporting this feedback theme from an economic perspective are contained in the Strategy under project 3.1 - City Centre Master Plan. Action on this theme is also contained within the Corporate Business Plan under various Renewals and Upgrades projects and under City Services in the Environment section; managing and maintaining open space, bushland, foreshores and natural areas and Transport Planning. Additionally, it is noted that a variety of comments related to public infrastructure outside the control and delivery of the City (i.e. Peel Health Campus/ Hospital, Estuary Bridge Duplication etc), and in this case actions supporting these comments are captured within the Strategic Community Plan Outcome 4.3 "Effective advocacy focused on the needs of the community and strong relationships with key stakeholders."
3. Western Foreshore *Comments relating to the Western Foreshore Major Land Transaction Business Plan*	A number of feedback submissions referenced the Western Foreshore project within the Economic Development Strategy - project 3.2. At its ordinary meeting in August 2024, Council resolved to proceed with the Western Foreshore Major Land Transaction, and City Officers will now continue work on that project, including seeking excision of the commercial site from the reserve, securing a suitable head-lease from the Department of Planning, Lands and Heritage, and finalising a sub-lease with the proponent for the proposed development.

Themes	Responses
	City officers will also explore the traffic management and other considerations as endorsed by Council, and provide advice and comment on the development planning particulars as and when required.
4. Education and Training *Comments around the importance and need for strong education and training opportunities*	Another strong theme within the feedback was around Education and training, with respondents identifying a need for greater education opportunities for residents and linking education attainment with employment. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcomes 1.6 "A highly skilled workforce supported by strong education and training opportunities." and 4.3 "Effective advocacy focused on the needs of the community and strong relationships with key stakeholders." Actions supporting this feedback theme are contained in the Strategy under projects 6.1 (Literacy and Learning), 6.2 (Expanding Education Offerings) and 6.3 (Human Capital Development).
5. Accommodation *Comments around the importance and scarcity of accommodation in Mandurah, and observations on accommodation as a constraint to economic growth*	Several feedback submissions also referenced affordable accommodation and housing as a constraint requiring intervention in order to support the City's economic growth aspirations. This feedback relates to the Strategic Community Plan engagement and Community Outcomes 2.2 "Safe and connected communities." and 2.3 "Inclusive and welcoming places, spaces and neighbourhoods." Actions supporting this feedback theme are contained in the Strategy under projects 1.1 (Key worker/ student accommodation), 1.3 (Housing Density Reform) and 3.1 (City Centre Master Plan), as well as 2.4 (Investment Attraction). Action on this theme is also contained within the City's Corporate Business Plan under the Mandurah Strategic Centre Structure Plan review, and in the Development of Advocacy Plans and Funding requests for investment by State and Commonwealth governments.
6. Tourism *Comments celebrating the strength and importance of Tourism to our local economy and observing challenges with growth in this sector*	Many feedback submissions referenced topics relating to the theme of Tourism, with respondents generally highlighting and supporting Mandurah's strength and advantage in this space, and some others identifying concern with the focus on tourism as a cyclical industry and potentially creating lower paying jobs. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcomes 1.2 "A diversified economy that supports growth sectors" and 1.4 "A thriving city that residents are proud to call home and people want to visit."

Themes	Responses
	Actions supporting this feedback theme are contained in the Strategy under project 2.1 (Eco Tourism Development - noting that this is existing capital and largely grant funded from the State and Commonwealth governments), and also projects 3.2 (Western Foreshore Leisure Precinct) and 4.1 (Waterfront Redevelopment - both previously endorsed by Council) and 4.3 (New Tourism Resort Offering - based on research from Tourism WA and Visit Mandurah on a need for more high quality Tourism Resort Accommodation to meet market demand).
7. Workforce Development, Participation and Local Jobs *Comments and suggestions around improving the job readiness of job seekers, and linking local jobs to local people*	A significant number of feedback submissions also referenced topics relating to the theme of workforce development, workforce participation and local jobs. Respondents highlighted the importance of supporting local employment opportunities, connecting job seekers with employers, and improving the connections and success of residents completing education and seeking employment. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcome 1.1 "Local jobs to retain our people and attract skilled workers". Actions supporting this feedback theme are contained in the Strategy under project 6.3 (Human Capital Development), however in response to this specific feedback, an additional project has been added to the Strategy at 1.4 (Local Jobs for Local People) to explore a business case for additional activities or resources that can improve local employment outcomes. Action on this theme is also contained within the City's Corporate Business Plan under the City's Youth Development Strategy, and under the City's Apprenticeship and Aboriginal Traineeship Programmes.
8. City Centre Activation *Comments around a desire for activation across the City and more events and things to do, particularly in Winter*	Another common theme of feedback submissions relates to the theme of City Centre activation, with respondents highlighting a desire to see regular activations, events, arts and culture and more things to do for residents of all ages. This feedback relates to the Strategic Community Plan engagement and Community Outcomes 1.4 "A thriving city that residents are proud to call home and people want to visit." and 2.4 "An enriched, creative and empowered community that values culture, heritage and lifelong learning." Actions supporting this feedback theme are contained in the Strategy under project 5.2 (City Centre Liaison and Activation), and also within a variety of projects, programs and services in the City's Corporate Business Plan.

Themes	Responses
	These additional actions within the Corporate Business Plan include the City of Mandurah Events Program, External Event Support Program, Business Conferences and Events Support Program, Activation of City Land, Events Strategy, Place Enrichment Strategy, and Arts and Culture Strategy.
9. Social Issues *Comments referring to a range of perceived social challenges in our community.*	A number of feedback submissions referenced a variety of community challenges along a theme of social issues. These were across a broad range of topics, including mental health, drug and alcohol abuse, crime, safety and homelessness. This feedback relates to the Strategic Community Plan engagement and Community Outcomes 2.1 "Access to support services that enhance opportunities for everyone.", 2.5 "A healthy lifestyle and healthy community, with an emphasis on prevention.", and 4.3 "Effective advocacy focused on the needs of the community and strong relationships with key stakeholders." Actions supporting this feedback theme are not dealt with under the Economic Development Strategy, but are instead captured within a variety of projects, programs and services within the City's Corporate Business Plan. These actions within the Corporate Business Plan include the Community Safety Strategy, Homelessness and Street Present Action Plan, Public Health Plan, Advocacy, Customer Service and Ranger Services.
10.Aged Care *Comments and suggestions around the proposed Aged Care project, and around the challenges and opportunity in this sector.*	Multiple feedback submissions also referenced aged care, either in terms of the City's proposed project or in delving further into the needs and challenges of this sector. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcomes 1.1 "Local jobs to retain our people and attract skilled workers, 1.2 "A diversified economy that supports growth sectors" and 2.1 "Access to support services that enhance opportunities for everyone." Actions supporting this feedback theme are contained in the Strategy under project 2.2 (Excellence in Aged Care), 2.4 (Investment Attraction), 6.2 (Expand Education Offerings) and 6.3 (Human Capital Development). Action on this theme is also contained within the City's Corporate Business Plan under the Mandurah Health Precinct Structure Plan, Age Friendly Strategy and Advocacy.

Themes	Responses
11.Business Support *Comments and suggestions around the importance of supporting and incentivising local businesses*	Many feedback submissions referenced the theme of Business Support, calling on the City to provide support to existing businesses, with some specifying that this should include bricks and mortar businesses as well as mobile businesses, and others referencing a desire to see support and incentives provided to businesses and residents to stay open longer and to shop local. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcome 1.5 "A supportive business environment where investment is encouraged, and entrepreneurship prospers". Actions supporting this feedback theme are contained in the Strategy under projects 5.1 (Entrepreneurial Capacity Building Program) and 5.3 (Business Support Program). Action on this theme is also contained within the City's Corporate Business Plan under the support provided to Peel Chamber of Commerce and Industry, Statutory Planning Services and Activation of City Land through trading permits.
12.Telecommunications/ Technology *Comments and suggestions about technology and innovation and digital infrastructure as an enabler for economic growth*	Several feedback submissions referenced topics relating to the theme of digital technology and telecommunications; citing technology, connectivity and innovation as being core components of future success in economic growth across the other identified project areas in the strategy. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcomes 1.2 "A diversified economy that supports growth sectors.", 1.5 "A supportive business environment where investment is encouraged and entrepreneurship prospers." and 2.2 "Safe and connected communities." Actions supporting this feedback theme were contained in the Strategy under project 5.4 (Regional Telecommunications), however in light of the feedback received, the project details have been amended to better represent the feedback and opportunity, with the new project name of 5.4 Digital Technology Improvements. Action on this theme is also contained within the City's Corporate Business Plan under the Advocacy and Investment Attraction programs.

Following analysis of all the feedback received through both the public comments and those of key stakeholders, a number of updates have been made to the Strategy which include;

- Addition of a new Project – '1.4 Local Jobs for Local People', with the City's role to partner with other key stakeholders for delivery.

Develop a business case to improve employment outcomes for Mandurah residents through the promotion of local job opportunities that link employers to job seekers.

- Realignment of the 'Investment Attraction Campaign' Project / Initiative from Outcome 1 (1.4) to Outcome 2 (2.4).

- Refinement of the title and description for Project 2.3 from Waterways Research Centre to 'Waterways Research and Investment' with the City's primary role being Advocacy.
  Advocate for increased research and State/Federal Government investment to improve the health and sustainability of Mandurah's Waterways and Estuary system.

- Update to the description for Project 3.2 'Western Foreshore Leisure Precinct' to make specific reference to road network improvements.

- Refinement of the title and description for Project 5.4 from Regional Telecom Improvements to 'Digital Technology Improvements'.
  Advocate for continued connectivity enhancements and infrastructure to attract new businesses, support the growth in high skilled roles and improve education and remote working opportunities.

- Refinement of the title and description for Project 6.1 from Literacy & Learning Interventions to 'Literacy Strategy' with the City's role being to Deliver, Partner and Advocate for improved outcomes.
  Develop a Literacy Strategy to guide advocacy and investment in improved learning outcomes for Mandurah.

- Addition of a new Project - 6.4 'Mandurah Library and Learning Hub' with the City's role being to Deliver, Partner and Advocate.
  Undertake a needs analysis and business case for the development of a new central Library and Learning Hub.

The final version of the Economic Development Strategy for Council consideration is listed in Attachment 2.1.

SEAG Comment

The Strategic Economic Advisory Group were actively involved in the development of the draft Economic Development Strategy providing expert advice on the objectives and potential benefits of the shortlist of projects and initiatives.

YAG Comment

The Youth Advisory Group were formally consulted in 2023 in the development of the draft Economic Development Strategy. The group provide a youth perspective on the projects and initiatives being proposed assisting the City in the final shortlisting process.

Consultation

City officers developed a dedicated Project Page on the Mandurah Matters community engagement platform to seek feedback on the draft Economic Development Strategy. The page included links to the following tools;

- Draft Economic Development Strategy
- Transform Mandurah Economic Opportunities Report (2022)
- Mandurah Matters Feedback Survey

The City promoted the opportunity to provide feedback on the Strategy through its various channels, resulting in a total of 612 visits to the project page and 217 downloads of the Strategy document. The City received 51 formal submissions, 48 completed Mandurah Matters Surveys and 3 written submissions. In addition, the City also facilitated 5 workshops / meetings with key stakeholders to capture their comments and feedback. These sessions were held with;

- Strategic Economic Advisory Group
- Regional Development Australia
- Peel Development Commission
- Peel Chamber of Commerce & Industry
- Visit Mandurah

A copy of the Economic Development Strategy Community Engagement Report (September 2024) is included as Attachment 2.2.

Statutory Environment

N/A

Policy Implications

N/A

Financial Implications

The City of Mandurah's Economic Development Strategy has been developed inhouse using existing staff resources and provides the vision and high-level direction for the management and implementation of the City's economic activities for the next 5 – 10 years.

The City's role, resourcing requirements and high level costs are outlined against each of the individual projects and initiatives listed in the Strategy.

Economic Implications

The focus of the City's Economic Development Strategy centres around the need to increase workforce participation to lift local incomes and support a more resilient economy where wealth is earnt, retained, and spent within the City.

Delivering this goal will require the creation of approximately 3,500 new full time equivalent jobs over and above current projections. The City's research indicates that successful realisation of projects under each of the opportunities that have been identified would lift levels of growth in Mandurah's economy, and contribute to eliminating social and economic disadvantage. The creation of an additional 3,500 new full time equivalent jobs within the Mandurah economy is ambitious, but possible. Under a conservative assumption that 50% of the new jobs created are filled by Mandurah residents, the additional 1,750, roles would significantly support the reduction in structural unemployment.

The key sectors where significant job growth is projected are;

- Aged Care and Health: +1,100 new full time equivalent jobs (+31%)
- Recreation and Hospitalities: +520 new full time equivalent jobs (+33%)
- Business Services: +500 new full time equivalent jobs (+26%)

Environmental Implications

The details of any potential impact (positive or negative) on the natural environment will be thoroughly assessed for each of the individual projects and initiatives as part of the City's detailed project planning and broader project lifecycle management processes.

Risk Analysis

Through the extensive community engagement undertaken in the development of the City's Strategic Community Plan, the community has clearly identified and prioritised a need to advocate, partner and deliver activities that look to grow and develop Mandurah's local economy.

In line with this direction, the City has resources (staff and financial) allocated through its annual operating budget to continue to understand and ultimately address the economic challenges facing Mandurah. The City's Economic Development Strategy is the tool that has been designed to guide these targeted activities and with which success can be measured.

The key strategic risks associated with not continuing with the next step in this process are:

Financial / Economic Risks
The desired outcomes that have been identified and modelled through the City's research would not be realised (projected increase in Gross Regional Product by $500 million and the creation of 3,500 new full time equivalent jobs).

Reputational Risks
Through the 20 Year Strategic Community Plan (2024 - 2044) the community has requested the City to promote, facilitate and advocate for improved economic outcomes for Mandurah. Not progressing with the development of the Economic Development Strategy would likely lead to council not achieving strategic goals and aspirations set by the community.

Strategic Implications

The following community outcomes from the City of Mandurah Strategic Community Plan 2024 – 2044 are relevant to this report:

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

Leadership:
- A clear and shared vision for Mandurah's future
- Sound decisions based on evidence and meaningful engagement
- Effective advocacy focused on the needs of the community and strong relationships with key stakeholders
- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs and services

Conclusion

The City has undertaken considerable research and analysis in the development of its new Economic Development Strategy. The Strategy provides the vision and high-level direction for the management and implementation of the City's economic activities for the next 5 – 10 years. As part of the process in the development of the Strategy, the City engaged the community to provide comments and feedback.

A total of 51 submissions were received over the 6 week engagement period. The valuable feedback received from the community and that obtained through targeted stakeholder engagement has been used to test, review and make updates to the draft Economic Development Strategy resulting now in a final document for Council's consideration.

NOTE:

- Refer ***Attachment 2.1*** ***Economic Development Strategy (Final)***
  Attachment 2.2 ***Community Engagement Report (September 2024)***

RECOMMENDATION

That Council:

1. **Endorse the Economic Development Strategy (as detailed in Attachment 2.1) for final approval.**

2. **Note that regular updates against the outcomes of the Strategy will be provided through the City's quarterly Corporate Business Plan performance reports.**

CITY OF MANDURAH

ATTACHMENT 2.1

Economic Development Strategy



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Our Progress 26
Key measures to track progress

Acknowledgement of Country

The City of Mandurah would like to acknowledge the Bindjareb people, the traditional custodians of this land and pay respect to all Elders, past and present.

We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this City and the region.





Message from the Mayor

It is my pleasure to present the City's Economic Development Strategy, a blueprint for our future growth and prosperity. Mandurah is Western Australia's largest city outside of the Perth metropolitan area, a position we've achieved thanks to remarkable population growth over the past three decades. What was once a small fishing village has transformed into a thriving regional hub, attracting new residents and businesses from across the country. This inward migration is a testament to Mandurah's desirability as a place to live, work, and grow.

While our growth is a source of pride, it also brings with it a set of challenges. Like many growing cities, we must address pockets of entrenched disadvantage, ensure that job creation keeps pace with our expanding population, and provide public services that meet the evolving needs of our community. Our strategy is to make the most of our resources and to work in partnership with other stakeholders to deliver the vision of creating a sustainable, competitive economy and eliminate structural disadvantage.

At its core, this strategy adopts a new approach to managing Mandurah's economy, one that places people at the centre. By focusing on building on our existing strengths, we aim to tackle longstanding challenges and create opportunities for all.

The action plan reflects over 12 months of in-depth research and consultation. Our priorities are rooted within the focus areas identified by the community:

- create local jobs to retain our people and attract skilled workers
- diversify the economy to support growth sectors
- well-planned, sustainable urban development
- a thriving city that residents are proud to call home and people want to visit
- encourage investment and entrepreneurship
- create strong education and training opportunities.

The projects and programs outlined here are designed to ensure that every resident, no matter where they live, has the chance to share in the benefits of our city's growth.

Mandurah's future is bright, and together we will make sure it remains a vibrant, inclusive, and prosperous place for generations to come.

Rhys Williams
Mayor, City of Mandurah



Executive summary

Our economy

Strengths:

- Size: Mandurah's economy generated $3.6bn in 2022, sustaining in excess of 24,000 jobs.
- Independent: Mandurah's economy is relatively self-contained. Just under half of all employed residents work in Mandurah.
- Location: Proximity to Perth, natural amenity and the relatively cheap cost base make it an attractive location for workers/business/residents looking for lifestyle aspects.

Challenges:

- Structural disadvantage: Mandurah's residents face structural economic disadvantage with an average unemployment rate two to three percentage points higher than the WA average over the past 30 years.
- Ineffective State/Federal service model: Perth based provision does not align with the economic geography of the Peel regions often leaving Mandurah underserviced.

Our aspiration

Community focus areas:

1. Local jobs to retain our people and attract skilled workers.
2. A diversified economy that supports growth sectors.
3. Well-planned, sustainable urban development.
4. A thriving city that residents are proud to call home and people want to visit.
5. A supportive business environment where investment is encouraged, and entrepreneurship prospers.
6. A highly skilled workforce supported by strong education and training opportunities.

Strategic Goal: Create a sustainable, competitive economy and eliminate structural disadvantage.

Mandurah's economic opportunities:

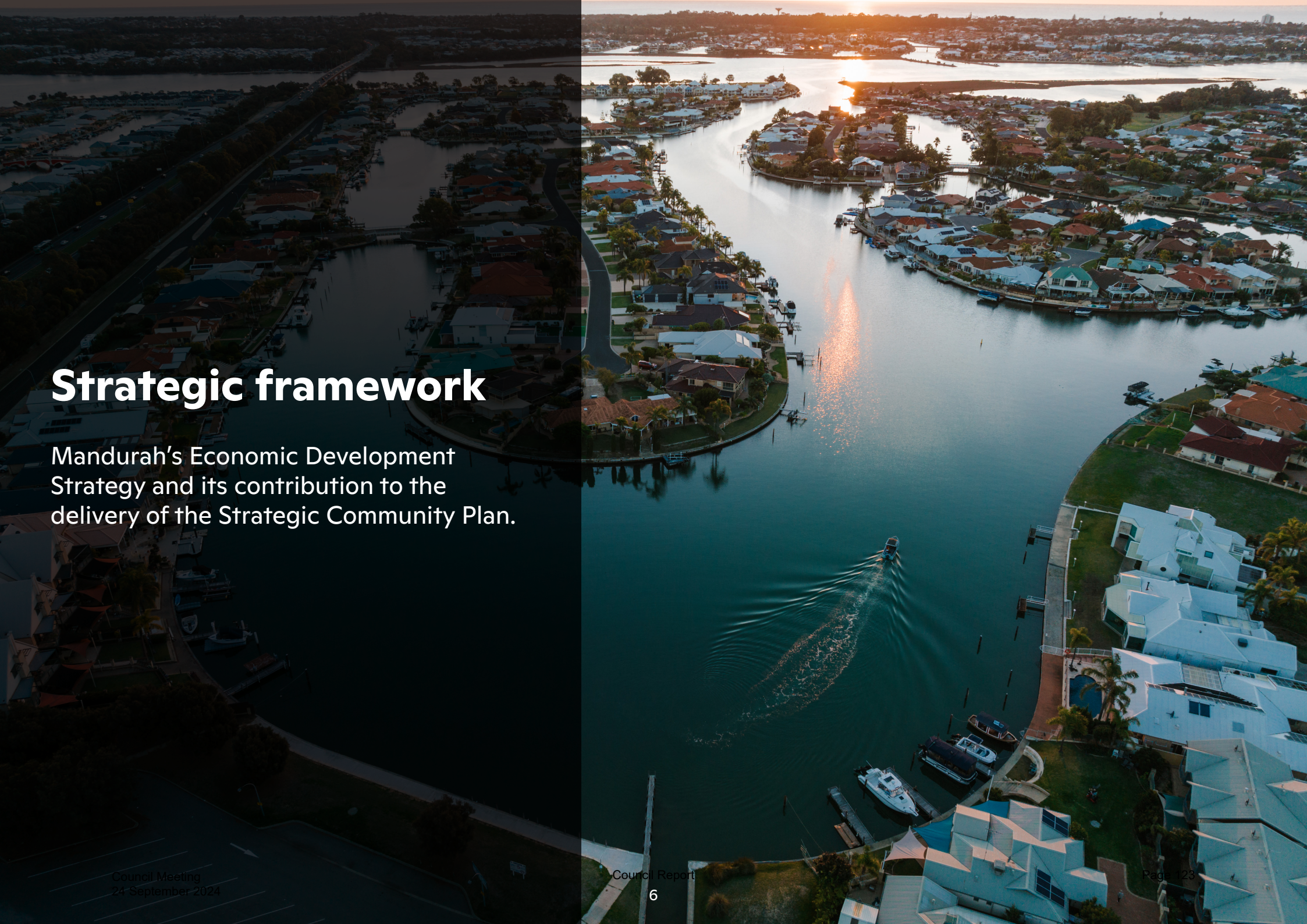
1. Capitalise on Mandurah's lifestyle offering.
2. Develop Mandurah into a world class hospitality training precinct.
3. Build the nation's aged care workforce of the future.
4. Mandurah as a hub of 'Blue Collar Tech' training and industries.
5. Innovation in healthcare delivery with a focus on telehealth.
6. Innovative social interventions to support Mandurah's structurally unemployed.
7. A hub for decarbonisation, climate resilience and adaptation strategies.
8. Increase the base of professional workers in Mandurah.

Our commitments

1. **Local Jobs to retain our people and attract skilled workers**
   - Key Worker/Student Accommodation
   - Government Office Accommodation
   - Housing Density Reform
   - Local Jobs for Local People
2. **A diversified economy that supports growth sectors**
   - Eco Tourism Development
   - Excellence in Aged Care
   - Waterways Research and Investment
   - Investment Attraction Campaign
3. **Well-planned, sustainable urban development**
   - City Centre Master Plan
   - Western Foreshore Leisure Precinct
   - Integrated Transport Strategy
   - Community Infrastructure Plan
   - Property Strategy
4. **A thriving city that residents are proud to call home and people want to visit**
   - Waterfront Redevelopment
   - Giants of Mandurah
   - New Tourism Offering
5. **A supportive business environment where investment is encouraged, and entrepreneurship prospers**
   - Entrepreneurial Capacity Building Program
   - City Centre Liaison and Activation
   - Business Support Program
   - Digital Technology Improvements
6. **A highly skilled workforce supported by strong education and training opportunities**
   - Literacy Strategy
   - Expand Education Offerings
   - Human Capital Development
   - Mandurah Library and Learning Hub

Our progress

1. **Reduction in Mandurah's structural rate of unemployment**
   Measure: Reduction in the difference between the WA and Mandurah 12 monthly rolling average unemployment rate.
2. **Increase in the percentage of workers employed in high paying jobs**
   Measure: Percentage of workers employed in top quartile occupations.
3. **Diversification of the economy**
   Measure: Worker concentration ratio for Mandurah's largest five sectors.



Strategic framework

Mandurah's Economic Development Strategy and its contribution to the delivery of the Strategic Community Plan.

Overview

Mandurah is Western Australia's largest city outside of the Perth metropolitan area. It covers an area of 173.5km, located between the Indian Ocean and the expansive waterways of the Peel-Harvey Estuary. It is home to more than 100,000 people and is expected to grow to almost 120,000 by 2036 (an increase of approximately 20 per cent).

Mandurah is the capital of the Peel Region, located just one hour's drive from Perth and lying between the metropolitan area and the South West Region.

The City of Mandurah's Economic Development Strategy sets out the key actions the City will undertake to realise the Community's vision for a strong economy that creates opportunity for all.

Our vision:

> ***Woven by waterways; a city that is thriving and connected to its people and nature.***

City of Mandurah's approach to economic development

The City's Economic Development Strategy has been developed to ensure a comprehensive approach to delivering the community's economic aspirations. This is set out in the following sections:

1. **Our economy:** Review of Mandurah's economy to identify key challenges and opportunities facing the City over the next 10 years.
2. **Our aspiration:** Combined economic analysis and community feedback to identify the key goals of the Economic Development Strategy.
3. **Our commitments:** Evidence based actions for each opportunity to be achieved through advocacy, development of partnerships or City of Mandurah led activities.
4. **Our progress:** The resources required for delivery and Key Performance Measures to monitor progress.

Our economy

Analysis of trends, strengths and challenges.



Our economy

Mandurah is the largest City outside of Perth. Its population continues to grow at a faster rate than employment.

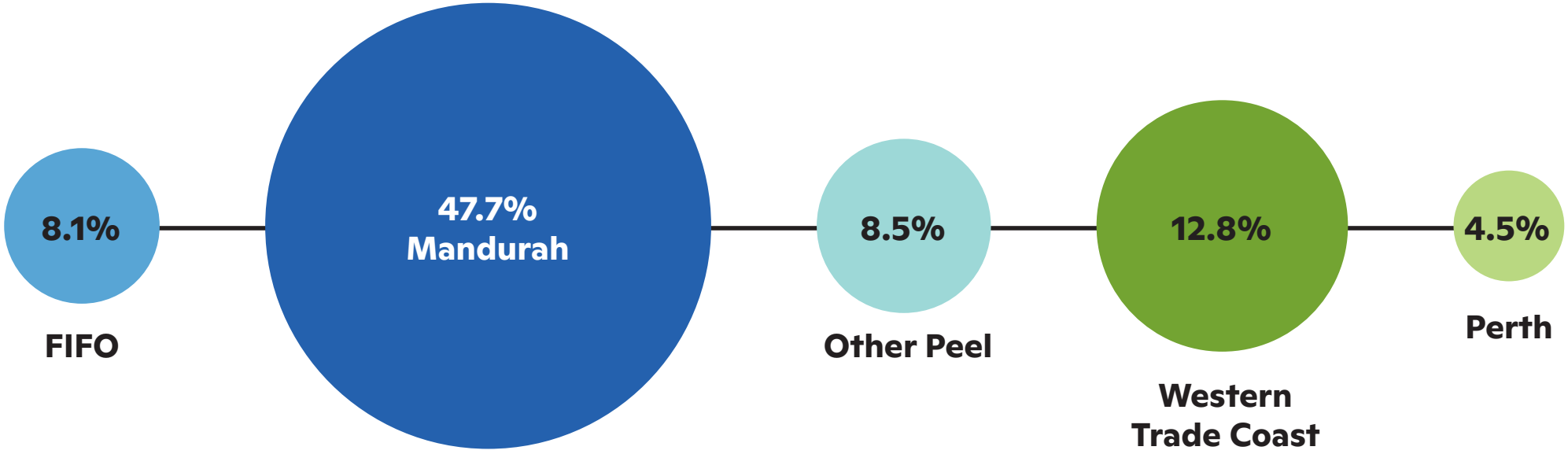
Mandurah is WA's largest regional city. Its economy generated $3.6bn in 2022, sustaining in excess of 24,000 local jobs.

The City's economy is orientated around Construction, Mining, Retail and Tourism. All of these represent examples of the strong, productive businesses that have enabled the economy to continue to grow. The number of businesses in Mandurah has grown by just under 10 per cent since early 2015, with the total number of businesses now standing at over 5,300.

Mandurah's economy is relatively self-contained. Just under half of all employed residents work in Mandurah.

Mandurah's population has grown strongly in recent years, but employment growth has lagged behind, which is partly due to the region's age profile. The age profile is also partly a driver of Mandurah's enduring high unemployment rate relative to Greater Perth.

Figure 1: Where Mandurah residents work (2021)



Source: 2021 Census, ABS (Other Peel: includes Shires of Murray, Serpentine Jarrahdale, Waroona and Boddington. Western Trade Coast : includes Cities of Rockingham, Kwinana, and Cockburn.

Historic disadvantage

Mandurah's unemployment rate is, on average, two to three percentage points higher than the WA average for the past 30 years. This structurally higher rate is the result of a number of factors, including lack of jobs, low qualifications and a comparatively older population.

As at the 2021 census, the Mandurah SA4 region was home to just over 3,200 unemployed people, with the unemployment rate in the Mandurah SA2 area (Central Mandurah) being 10.6 per cent. Mandurah's unemployed are largely concentrated in and around the city centre.

20 per cent of residents in central Mandurah are dependent on rent assistance payments compared to less than five per cent of residents elsewhere in Greater Perth.

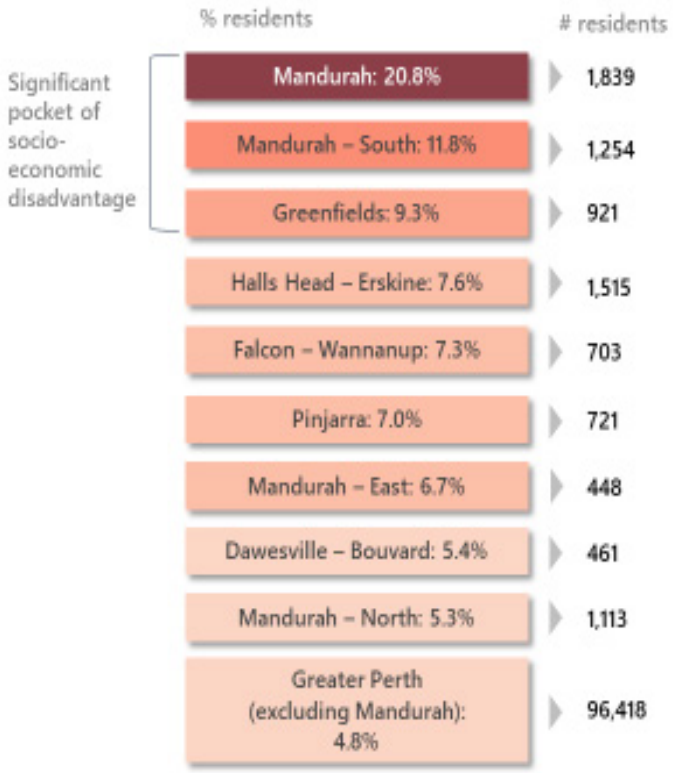
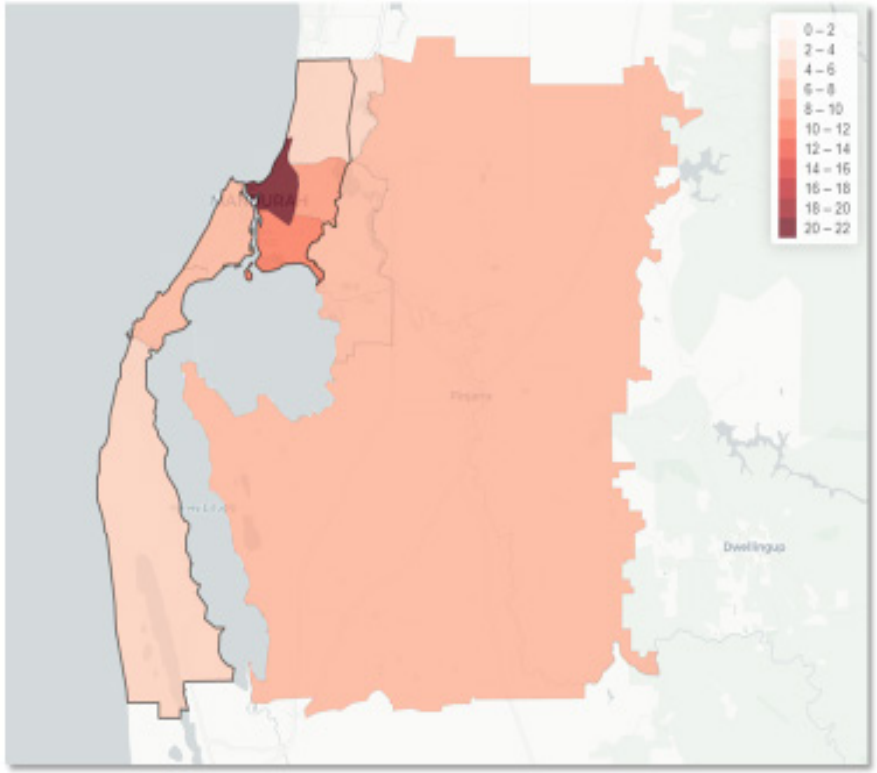


Figure 4: Share of residents receiving Commonwealth Rent Assistance payment, June 2021



Source: Department of Social Services.

Our economy

Mandurah's distance to Perth limits accessibility to key services

Mandurah's labour force participation has remained lower than Greater Perth over time. This is accentuated by the older demographic of residents, although female and youth participation are key challenges.

Mandurah's existing education and training system is geared towards non-university pathways. Almost 60 per cent of Year 12 students at Mandurah schools opted for a VET pathway in 2020.

Attainment of qualifications by Mandurah's population lags behind the rest of Perth. Only one in 10 Mandurah adults has a bachelor degree or higher qualification, compared to 27 per cent across the rest of the Greater Perth area.

The region's occupational mix also reflects the nature of its education pathways. Mandurah has a substantially lower share of professionals and a higher share of machinery operators and drivers, and sales workers relative to Greater Perth.

The low take-up of tertiary education is reflected in the nature of employment by industry. Mandurah's employment is more concentrated in the mining and construction industries relative to Perth, with a substantially lower proportion of professional, scientific and technical service workers.

Unique challenges

Mandurah residents are assumed to have access to State services through a Perth Metro delivery model, but this often fails to provide adequate service levels.

As a consequence of this Perth-based approach, Mandurah residents are affected by a lack of local decision-making on service delivery such as that which occurs in the South West or Pilbara.

The perception is that Mandurah's socioeconomic challenges have not been recognised due to their long-term, slow burn nature, distinct from (e.g.) short-term, sharp 'jobs cliff' situations in other regions.

Unlike some parts of regional WA, entrenched poverty and inter-generational disadvantage in Mandurah are not linked to a population with a large Indigenous cohort.

Mandurah's economy is heavily dependent on population-driven services and it lacks proximity to strategic white collar job hubs. This restricts Mandurah's population from accessing jobs with higher skill requirements.

In addition, a lack of education and training aligned to those hubs means the current population is unlikely to be able to acquire the skills necessary to access those jobs in the future.

Unique solutions

Human capital investment is essential to realising the full value of other, transformational economic development investments taking place in the Peel region.

Peel's urban centre, Mandurah, is WA's largest regional city with a population of ~100,000. This enables new initiatives to not only be tested for effectiveness but also how they perform when applied at scale.

Mandurah has a solid foundation of strong regional working relationships built by collaborative Federal, State and Local Government and not for profit representatives.



Our Strategic Goal

Mandurah's economic goals.

Our Strategic Goal

Mandurah Matters and a focus on the economy

The City undertook the largest community consultation in Mandurah's history as part of the development of the 2020-2040 Strategic Community Plan: Mandurah Matters. Community feedback placed the economy at the heart of the Mandurah Matters Vision. The most recent review of the Strategic Community Plan in 2023/24 has now refined the community outcomes.

The six key economic outcomes identified by the community are the foundations of the City's Economic Development Strategy.

Strategic Economic Goal

Realising the community's aspirations for the economy would also result in a positive change in the level of social disadvantage within Mandurah. This is combined with community feedback broadly summarised in the following Strategic Goal:

Create a sustainable, competitive economy and eliminate structural disadvantage.

Mandurah's economic strengths and opportunities

Successful economic development strategies are directly aligned to regional competitive advantages. Local Government can play a role in providing opportunities for our community to thrive through delivery, partnering and facilitation. The City of Mandurah, in conjunction with the Peel Development Commission (PDC) engaged Deloitte Access Economics to undertake a review of Mandurah's economic strengths, weaknesses and global trends to identify economic opportunities that offer the best chance of success. These are set out on the following page.

Community Outcomes for Mandurah's economy

1.1. **Local Jobs to retain our people and attract skilled workers.** Eliminating the gap between the Mandurah and WA unemployment rate will require doubling the rate of job growth over the next 10 years. The distance to Perth means many talented residents are required to leave to pursue their career prospects. This leads to approximately 3,400 more jobs that need to be created in different industries, with a focus on increasing the proportion of higher income jobs.

1.2. **A diversified economy that supports growth sectors.** Competitive, and productive businesses create jobs. Residents fill approximately 70 per cent of employment within Mandurah. Local business play an important role in creating a vibrant community.

1.3. **Well-planned, sustainable urban development.** Mandurah's natural amenity is one of its greatest strengths, and a well-planned, sustainable urban development is key to maintaining this. At the same time, the City is expected to grow over the next 10 years to accommodate this growth.

1.4. **A thriving city that residents are proud to call home and people want to visit.** Tourism is a key driver of the City's economy. This success is driven, in part, by the pride residents have for the City. The City should undertake focussed efforts to ensure the City remains vibrant and attractive place to live and visit.

1.5. **A supportive business environment where investment is encouraged, and entrepreneurship prospers.** Private investment is a key component of growth and many assets in Mandurah require renewal. The City should provide an investment friendly environment and champion new opportunities to achieve this objective while supporting entrepreneurial activity.

1.6. **A highly skilled workforce supported by strong education and training opportunities.** Human capital is a key driver of long-term rates of growth. Mandurah's residents are limited by the training options available in the City and surrounding region. The City should focus on enhancing local opportunities and support social infrastructure to improve the training, skill development and qualifications of its residents.

Source: Mandurah Matters

Opportunities Identified

Realising Community aspirations means focussing on opportunities that play to Mandurah's strengths.

The role of local goverment will vary by Project. New and existing partners will be central to achieving the strategic goal.

OPPORTUNITY 1

Capitalise on Mandurah's lifestyle offering

Mandurah offers highly appealing lifestyle opportunities, combining proximity to the coast and waterways, open and green spaces, and relatively affordable living. Mandurah can leverage its lifestyle offering to accelerate other economic opportunities – such as attracting a larger white-collar workforce – but this will require investment in enabling infrastructure.

OPPORTUNITY 2

Develop Mandurah into a world class hospitality precinct

The hospitality sector is often viewed as a stepping-stone to a career rather than a career in itself. This creates a transient national hospitality workforce, resulting in skills and labour shortages. Mandurah has an opportunity to build a hub of world class training and education providers, leveraging its existing workforce and tourism assets to train locally as well as coordinating learning and skills development across the Peel and South West regions.

OPPORTUNITY 3

Build the nations aged care workforce of the future

Mandurah's lifestyle attraction means it has one of the oldest populations in WA. Mandurah can capitalise on its older population, its existing presence of aged care services providers and aged care training specialism at the Mandurah TAFE campus to train the aged-care workforce of the future. There is strong alignment with the hospitality centre of excellence, with the potential for an education and training precinct dedicated to future roles requiring 'work of the heart'.

OPPORTUNITY 4

Mandurah as a hub of 'Blue Collar Tech' training and industries

WA's METS and PETS* sectors are key drivers and enablers of innovation in the resources sector, giving the state an advanced technology base in mining. WA hosts almost a quarter of national METS businesses. As the resources sector accelerates its adoption of technology, there is a growing need for 'blue tech' or Digital Trades workers (technology-intensive jobs requiring sub-degree level qualifications) and related service providers.

OPPORTUNITY 5

Innovation in healthcare delivery with a focus on telehealth

The use of telemedicine enabled e-visits, Health, and tele-mentoring may take pressure off the healthcare system, while creating opportunities to improve the quality of care. COVID-19 in particular has led to a rise in telehealth, allowing medical professionals to interact with patients remotely. This creates new opportunities for the delivery of healthcare to vulnerable and remote groups.

OPPORTUNITY 6

Innovative social interventions to support Mandurah's structurally unemployed.

There is an opportunity to attract State, Commonwealth and / or private funding to trial innovative social intervention programs aimed at supporting these individuals. This could be led by the private sector; or by the State Government, by bringing together relevant agencies to develop a cross-agency solution that is fit-for-purpose for Mandurah's social challenges; and thereby developing a model to deploy in other low socio-economic regions of the State.

OPPORTUNITY 7

A hub for decarbonisation, climate resilience and adaptation strategies

The Mandurah and the Peel region has climate credentials. The region has significant wind resources and access to treated wastewater. The Nambeelup Business Park hosts a renewable energy industrial microgrid. The Bushfire Centre of Excellence is helping the State build capacity to deal with the rising bushfire risk posed by climate extremes. Multiple other strands exist to help the economy to adapt and build resilience.

OPPORTUNITY 8

Increase the base of professional workers in Mandurah

The Peel region currently hosts several government agencies and institutions at both Local, State and Commonwealth level. An opportunity exists to initially co-locate public sector staff in the region in a central precinct. This would help revitalise the Mandurah City Centre and complement existing investment. Importantly, the availability of high quality commercial premises could also serve to attract the private sector to locate offices in the region.

**METS: Mining Equipment, Technology and Services. PETS: Petroleum Equipment, Technology and Services.*

Our aspirations

Feedback from consultation with key stakeholders helped inform the concepts.

Peel Chamber of Commerce and Industry:

- Blue collar tech, and professional jobs could and should be a focus for the new City of Mandurah / Peel Chamber of Commerce and Industry Partnership.

Visit Mandurah:

- A new Tourism park would add to the City's product offering.
- Key worker accommodation would ease the labour shortages felt by operators and add vibrancy.

Murdoch University:

- International students are a key growth area, but accommodation is currently very limited.
- A city centre presence would help make the campus and courses more attractive.

Federal Government:

- The approach is strong and in line with other existing regional deals.
- Important to align with State and Federal government objectives.

Property Sector:

- Housing density reform should be undertaken on a precinct-by-precinct basis.
- Demand needs to be there first, but an incentive package would also be needed to get the scale.

Strategic Economic Advisory Group:

- Project catalogue makes sense and focus areas are correct.
- Urgency is to define them more to make sure everyone is on the same page.

Youth Advisory Group:

- Strong support for training and skills interventions.
- Lack of student accommodation and housing is a current barrier.

South Metro TAFE:

- Need to build on existing development to maximise success.
- Very keen to be part of any partnership opportunities.

Peel Development Commission:

- Projects represent the aligned targets for the State and Local government.
- Business cases need to be developed for State funding.

Our aspirations

Delivering this ambition will require the creation of approx. 3,500 new jobs over and above current projections

Analysis commissioned by the City indicates that successful realisation of projects under each of the opportunities would lift levels of growth of Mandurah's economy, and, on balance, contribute to eliminating levels of disadvantage.

Estimates indicate that Mandurah's Gross Regional Product would need to increase by around $500m over the course of the next decade, over and above the standard rate of growth. This will involve the careful prioritisation of City resources. The City's economic development budget stands at around $5m per year.

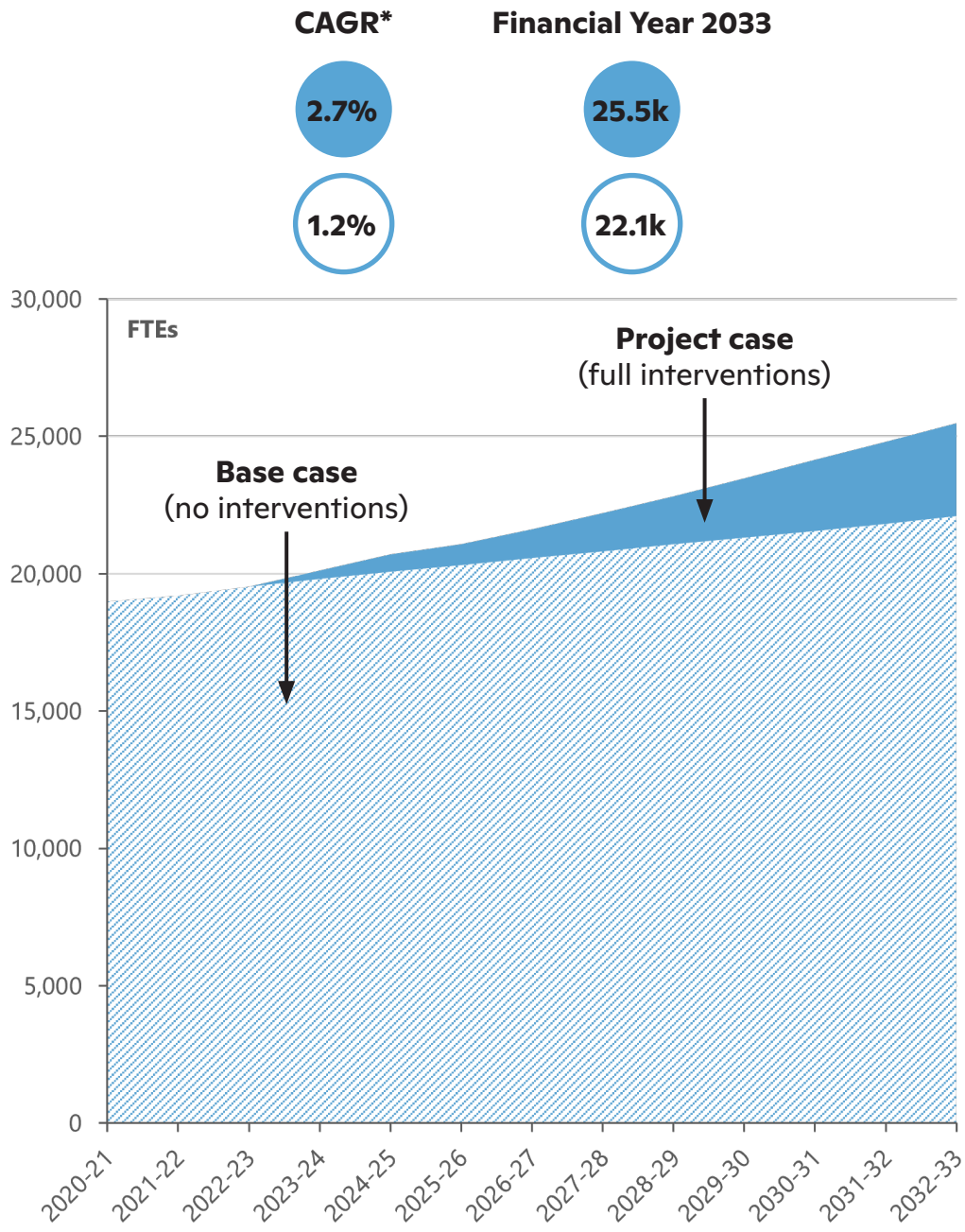
In the period to 2033, the creation of an additional 3,500 full time equivalent (FTE) jobs within the Mandurah economy is ambitious, but possible. Under a conservative assumption that 50 per cent of the new FTE's created are filled by Mandurah residents, the additional 1,750, roles would significantly support the reduction in structural unemployment.

The City's ambition would also result in:

- Mandurah's population increasing to 143,000 by 2032. This is above the 132,000 projected by the State government for the SA4 area.
- Significant FTE growth within key sectors:
  - Aged Care and Health: +1,100 FTE (+31 per cent)
  - Recreation and Hospitalities: +520 FTE (+33 per cent)
  - Business Services: +500 FTE(+26 per cent)

Analysis has identified a number of potential projects that would contribute to the delivery of the strategic goal.

Figure: Mandurah FTE Employment added (working in Mandurah)



Source: Transform Mandurah Phase 2, Deloitte Access Economics
**Compound Annual Growth Rate*

Our commitments

Realising our Strategic Goal.



Our Commitments

Proposed actions in this strategy have been prioritised to maximise the potential impact on the economy

Prioritising resources to realise objectives

A Multi Criteria Assessment (MCA) tool has been developed to allow potential projects to be scored by how well they meet the needs and aspirations of the community and the likely economic impact.

The MCA is split into two sections. Themes one to three cover the expected economic impact of the project, while Theme four assesses the ease of delivery - how likely the project is to come to fruition given constraints and dependencies. The results were then refined further via internal and external consultation.

The 'long list' of proposals that offer the greatest impact are prioritised and if agreed to proceed in principle by Council will move to the project initiation stage of the City's Project Management Framework. The City's primary role in the development of individual projects is outlined below;

- **Deliver:** The City is the main delivery agency. The project sits within the Local Government remit under the Local Government Act or Council has decided to resource and deliver the project.
- **Partner:** The City seeks to incentivise the project through the use of its resources with other agents actively engaged in the delivery of the project including the private sector, not for profit's and State and Federal government.
- **Advocate:** The project sits beyond the remit and resource capability of the City and is therefore considered a priority under the City's Advocacy Framework.

Adapting to changes in the economy

The ability to adapt plans is essential for the City and its partners to realise the City's economic ambitions over the next 10+ years. New opportunities will arise and existing projects can become unviable.

The MCA serves as a useful benchmark should new opportunities arise. New and existing proposals will be put forward and assessed on an annual basis. They will be progressed for consideration by the City's executive team, Council and Peel Development Commission (PDC) staff should they score the following:

Multi Criteria Assessment Tool

The Multi Criteria Assessment (MCA) tool was developed by City and PDC staff based on examples used elsewhere in State and Federal government.

Theme 1: Level of Investment

1a. Is of a significant size / scale that it could change the investment case for Mandurah?
1b. Has potential to attract significant public funding?
1c. Has the potential to attract private investment?

Theme 2: Fostering Capable People

2a. Improve the education pathways for residents and / or attract skilled knowledge workers?
2b. Create opportunity for local people

Theme 3: Industry Diversification

3a. Builds on a comparative advantage?
3b. Attracts new industry?
3c. Has sustainable impact on environment and people?

Theme 4: Ease of delivery

4a. Does the project currently have funding
4b. Can the project be delivered in 12-18 months
4c. Are partners adequately incentivised to deliver the project
4d. State Government priority

Community Outcome 1: Local Jobs to retain our people and attract skilled workers.

The City's role: (D) Deliver (P) Partner (A) Advocate

Projects / Initiatives	Role	Project Stages	Resourcing	2024/25	2025/26	2026/27	2027/28	Measures of Success	Estimated Economic Impact *
1.1 Key Worker/Student Accommodation Facilitate the development of cost-effective accommodation options dedicated to attracting and retaining students and key industry workers to Mandurah.	P	• Feasibility Study • Project Planning	• Internal staff resources • Consultancy support	$25k (Existing Operating Budget)	Subject to consideration at next LTFP review			• Increased private investment • Increase in tourist visitation • Improved business sustainability	Construction Phase: $10m construction +$20.62m +62 Jobs (31 p.a.)
1.2 Government Office Accommodation Advocate for the co-location and relocation of State and Commonwealth Government department offices to Mandurah.	A	• Project Planning • Stakeholder Engagement	• Internal staff resources • Consultancy support	Staff hours	Subject to consideration at next LTFP review			• Increased public and private investment • Increase in employment opportunities	Construction Phase: $15m over 2 years +$20.31m +40 jobs (20 p.a.)
1.3 Housing Density Reform Undertake a review of potential measures to improve housing density to support economic growth in Central Mandurah.	P / A	• Project Planning • Advocacy	• Internal staff resources • Consultancy Support (housing needs analysis)	$65k (Existing Operating Budget)	Subject to consideration at next LTFP review			• Completion of Housing Density advocacy position paper	Estimated 3,750 new dwellings over 30 years +$2.32b direct and indirect economic impact +6,900 Jobs (230 p.a.)
1.4 Local Jobs for Local People Develop a business case to improve employment outcomes for Mandurah residents through the promotion of local job opportunities that link employers to job seekers.	P	• Stakeholder Engagement • Business Case • Project Planning	• Internal staff resources • Consultancy support	Existing Operating Budget – Human Capital Development	Subject to outcomes of Business Case			• Increased awareness of local employment opportunities • Reduction in Mandurah's unemployment rate • Improvement in jobs to workers ratio and employment self-containment	Impact – direct and indirect: $1.82m increase in GRP Reduction in hard to fill vacancies Improved employment prospects for residents

Community Outcome 2: A diversified economy that supports growth sectors.

The City's role: (D) Deliver (P) Partner (A) Advocate

Projects / Initiatives	Role	Project Stages	Resourcing	2024/25	2025/26	2026/27	2027/28	Measures of Success	Estimated Economic Impact *
2.1 Eco Tourism Development Detailed planning for the activation of Yalgorup National Park as an eco-tourism destination and development of the City's urban and nature trails network.	P	• Project Planning – in progress • Business Cases	• Internal staff resources • Consultancy support	Yalgorup: $1.65 million Trails: $323K	Yalgorup: $1 million Trails: $1.705m	Future costs subject to LTFP review process		• Creation of public access to Yalgorup National Park • New tourist accommodation offerings available • Improved local health and wellbeing outcomes • Increased use of active transport connections	Construction Phase: +$32.08m +8 jobs (27p.a.) Operation Phase +23.5m p.a. + 204 jobs
2.2 Excellence in Aged Care Facilitate the development of a State-Wide Aged Care Training and Workforce Centre of Innovation in Mandurah.	A/P	• Needs Analysis • Feasibility Study - competed • Business Case	• Internal staff resources • Consultancy support	$120k (Transform Mandurah Initiative)	Subject to consideration at next LTFP review			• Increase in local training and skill development opportunities • Increase in local job opportunities	Per 100 bed facility: +66.61m direct and indirect economic impact +198 jobs (99 jobs p.a.) +Operating impact
2.3 Waterways Research and Investment Advocate for increased research and State/Federal Government investment to improve the health and sustainability of Mandurah's Waterways and Estuary system.	A	• Stakeholder Engagement • Feasibility Study • Project Planning	• Internal staff resources • Consultancy Support	$100k (Transform Mandurah Initiative)	Subject to consideration at next LTFP review			• Increase in public and private investment • Increase in local job opportunities • Improved health of the estuary	Construction Phase: +$82.49m direct and indirect economic impact +122 jobs
2.4 Investment Attraction Campaign Develop a strategic campaign to promote Mandurah and encourage investment opportunities that support new business/industry development and growth including Aged and Health Care Services, Blue Collar Technologies and Decarbonisation initiatives.	D	• Project Planning • Campaign Delivery	• Internal staff resources	$74k (Existing Operating Budget)	Subject to consideration at next LTFP review			• Increased private investment • Population growth • > projections • Enhancement of City brand	This project will support the private investment to be realised under other projects presented within the strategy.

Community Outcome 3: Well-planned, sustainable urban development.

The City's role: (D) Deliver (P) Partner (A) Advocate

Projects / Initiatives	Role	Project Stages	Resourcing	2024/25	2025/26	2026/27	2027/28	Measures of Success	Estimated Economic Impact *
3.1 City Centre Master Plan High level strategic planning tool to guide the growth and development of the City Centre (inc. Parking Plan, Wayfinding Strategy and Place Design Guide).	D/A	• Project Planning – in progress • Business Cases	• Internal staff resources • Consultancy support	Existing Operating Budget	Subject to consideration at next LTFP review			• Increased private investment • Successful advocacy for development of Civic and Cultural precinct • Improved active transport connections	Estimated $200m construction over 15 years +$412.45m direct and indirect economic impact +1,230 Jobs (82 p.a.)
3.2 Western Foreshore Leisure Precinct Major upgrades to the Western Foreshore including skate park, play space, car parking, local road network improvements, recreation / event spaces and commercial activation.	D/P	• Master Planning completed • Detailed planning - in progress • Expression of Interest and Business Cases pending	• Internal staff resources • Consultancy support	$200k (Existing Operating Budget)	$1 Million New Capital	$2.25 Million New Capital Internal staff costs Future costs subject to LTFP review process		• New commercial activations launched • Increase in employment opportunities	Construction phase: +$58.77m direct and indirect economic impact + 174 jobs Operation phase: +$22.48m output p.a. + 221 jobs
3.3 Integrated Transport Strategy Develop a strategy that integrates Mandurah's future road network, active transport and public transport needs.	D/A	• Project Planning - in progress	• Internal staff resources	Staff hours	Subject to consideration at next LTFP review			• Increased public investment	+$24.52m +129 jobs (43 jobs p.a.)
3.4 Community Infrastructure Plan Develop a plan to guide the future planning and provision of community infrastructure for Mandurah.	D/A	• Project Planning – in progress	• Internal staff resources • Consultancy support	$95k (Existing Operating Budget)	Subject to consideration at next LTFP review			• Increased public investment • Improved local health and wellbeing outcomes	$80m construction over 10 years +$164.98m +490 Jobs (49 p.a.)
3.5 Property Strategy Develop a strategy to guide the City's future property investment decisions.	D	• Project Planning – in progress	• Internal staff resources • Consultancy support	Staff hours and valuation budget	Subject to consideration at next LTFP review			• Increased public and private investment • Increase in employment opportunities	$50m construction over 20 years +$103.11m +300 Jobs (15 jobs p.a.)

Community Outcome 4: A thriving city that residents are proud to call home and people want to visit.

The City's role: (D) Deliver (P) Partner (A) Advocate

Projects / Initiatives	Role	Project Stages	Resourcing	2024/25	2025/26	2026/27	2027/28	Measures of Success	Estimated Economic Impact *
4.1 Waterfront Redevelopment Major upgrades to public spaces within the City Centre including Western Foreshore, Eastern Foreshore and Smart Street Mall.	D	• Project Planning - in progress • Business Cases	• Internal staff resources • Consultancy support	$6.38 million (existing capital budget)	Future costs subject to LTFP review process			• Increased investment attraction • Improved access to public spaces	Remaining $5.32m construction over 1 year +$10.97m direct and indirect economic impact + 33 jobs
4.2 Giants of Mandurah Major public art installation within Mandurah's natural environment to drive visitation (tourism) and community education.	P	• Project Planning - Completed • Project Delivery – exhibition in progress	• Internal staff resources • Consultancy support	$90k (existing operating costs)	$90k (existing operating costs)	$90k (existing operating costs)	$90k (existing operating costs)	• Growth of local Arts sector • Improved local health & wellbeing outcomes	150,000 visitors p.a. +$35.13m p.a. direct and indirect economic impact +276 Jobs
4.3 New Tourism Resort Offering Work with Department of Lands on potential sites for new tourism resort offerings in Mandurah.	A/P	• Needs Analysis • Feasibility Study • Expression of Interest	• Internal staff resources • Consultancy support	$30k (Existing Operating Budget)	Subject to consideration at next LTFP review			• Increased private investment • Increase in local job opportunities	Construction phase: +10.31m direct and indirect economic impact +31 Jobs Operation phase: +$21.43m p.a. direct and indirect economic impact +167 Jobs

Community Outcome 5: A supportive business environment where investment is encouraged, and entrepreneurship prospers.

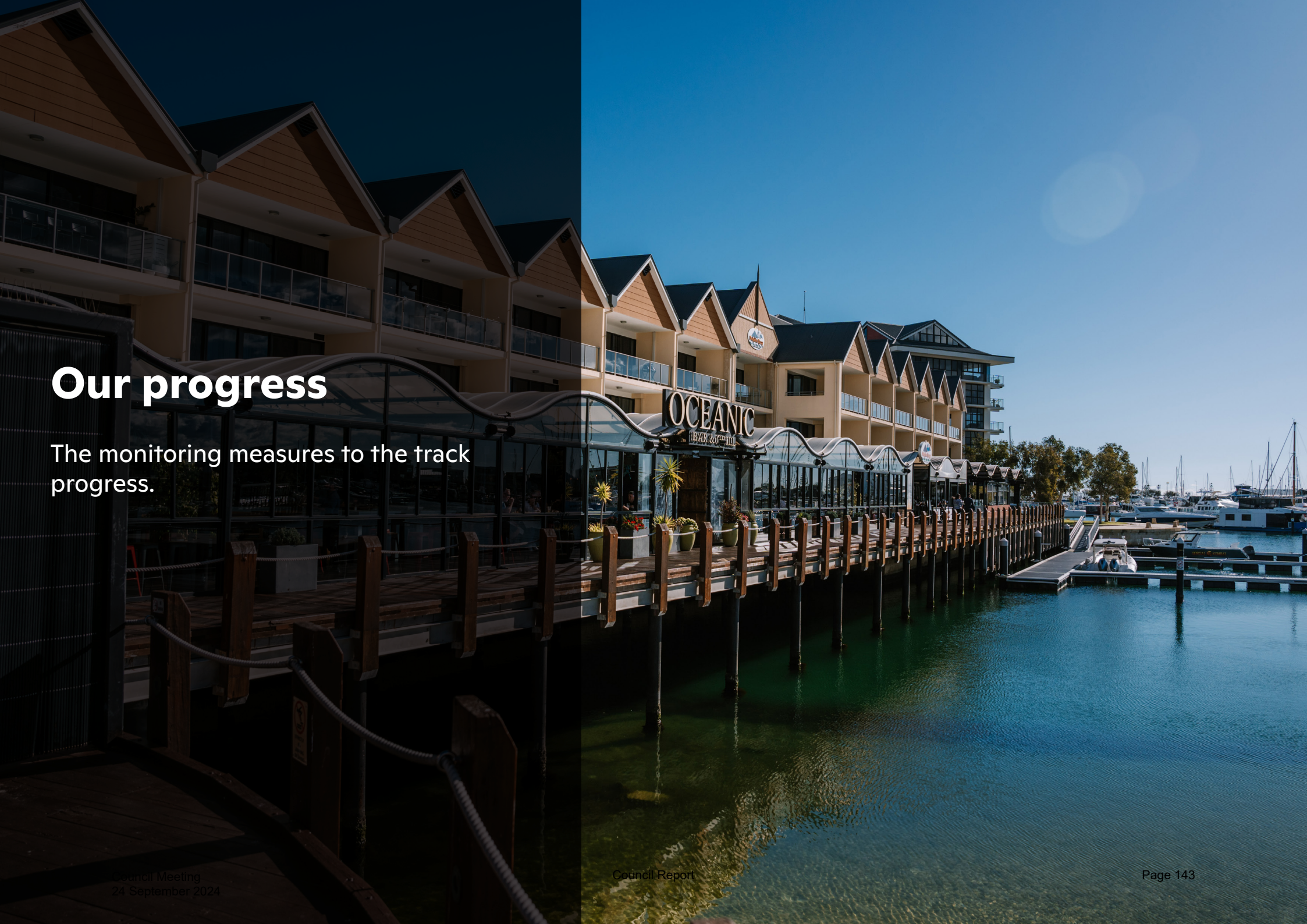
The City's role: (D) Deliver (P) Partner (A) Advocate

Projects / Initiatives	Role	Project Stages	Resourcing	2024/25	2025/26	2026/27	2027/28	Measures of Success	Estimated Economic Impact *
5.1 Entrepreneurial Capacity Building Program Facilitate the delivery of programs and initiatives that promote and support small business entrepreneurship in Mandurah.	D/P	• Annual Project Planning • Program Administration & Management • Program Evaluation	• Internal staff resources • Consultancy support	$100k Existing Operating Budget	$100k Existing Operating Budget	$100k Existing Operating Budget	$100k Existing Operating Budget	• Increase in the number of new local businesses • Improved business sustainability	Input: Creation of 20 direct local jobs p.a. Impact – direct and indirect: 25 local jobs, $ 2.88m in total value of goods and services produced and $1.82m in GRP
5.2 City Centre Liaison and Activation Support for businesses within the City Centre including City and business led activations and grants program.	D/P	• Implementation	• Internal staff resources • Consultancy support	$484k Existing Operating Budget	$484k Existing Operating Budget	$484k Existing Operating Budget	$484k Existing Operating Budget	• City centre spending • Footfall in central areas • Business survival rate	Assumptions and modelling to be developed Input: $484k activation spend p.a. Impact – direct and indirect: 4 local jobs, $710k in total economic output
5.3 Business Support Program Support Mandurah businesses to start up, grow and thrive.	D/P	• Implementation	• Internal staff resources • Consultancy support	$83k + in-kind Existing Operating Budget	$83k + in-kind Existing Operating Budget	$83k + in-kind Existing Operating Budget	$83k + in-kind Existing Operating Budget	• Improved business capacity and capability • Business survival rate	Assumptions and modelling to be developed Improved business survival and growth Improved employment prospects for residents
5.4 Digital Technology Improvements Advocate for continued connectivity enhancements and infrastructure to attract new businesses, support the growth in high skilled roles and improve education and remote working opportunities.	A	• Project Planning • Stakeholder Engagement	• Internal staff resources • Partner resources	Staff hours	Subject to consideration at next LTFP review			• Improved digital connectivity • Attraction of new digital businesses to Mandurah	100 jobs - Professional/ Scientific and Technical services +$33.07m p.a. +165 Jobs

Community Outcome 6: A highly skilled workforce supported by strong education and training opportunities.

The City's role: (D) Deliver (P) Partner (A) Advocate

Projects / Initiatives	Role	Project Stages	Resourcing	2024/25	2025/26	2026/27	2027/28	Measures of Success	Estimated Economic Impact *
6.1 Literacy Strategy Develop a Literacy Strategy to guide advocacy and investment in improved learning outcomes for Mandurah.	D/P/A	• Project Planning • Stakeholder Engagement • Partnership Development	• Internal staff resources • Consultancy support	$50k (Existing Operating Budget)	Subject to consideration at next LTFP review			• Improvements in SEIFA index ranking • Increase in education attainment levels	Improved early academic and non-cognitive skills Improved lifetime outcomes including employment, income and health
6.2 Expand Education Offerings Advocate and support tertiary education providers to expand course offerings to upskill the workforce towards emerging industries with skills shortages and job opportunities.	A	• Project Planning • Stakeholder Engagement	• Internal staff resources • Partner resources	Staff hours	Subject to consideration at next LTFP review			• Reduction in Mandurah's unemployment rate • Increase in local training and skill development opportunities	Reduction in hard to fill vacancies Improved employment prospects for residents
6.3 Human Capital Development Promote and support local education pathways and training and skill development programs and initiatives.	A/P/D	• Project Planning • Stakeholder Engagement • Partnership Development	• Internal staff resources • Consultancy support Partner resources	$100k (Existing Operating Budget)	$100k (Existing Operating Budget)	$100k (Existing Operating Budget)	$100k (Existing Operating Budget)	• Reduction in Mandurah's unemployment rate • Increase participation rate	Reduction in unfilled vacancies Increased productivity for local employers / businesses
6.4 Mandurah Library and Learning Hub Undertake a needs analysis and business case for the development of a new central Library and Learning Hub.	D/P/A	• Project Planning • Stakeholder Engagement • Partnership Development	• Internal staff resources • Consultancy support	$160k (Existing Operating Budget and Transform Mandurah Initiative)	Subject to consideration at next LTFP review			• Improvements in SEIFA index ranking • Increase in education attainment levels	Improved early academic and non-cognitive skills Improved lifetime outcomes including employment, income and health



Our progress

The monitoring measures to the track progress.

Our progress

Progress will be monitored against three specific economy wide measures

The City's Economic Development Strategy aims to deliver outcomes that create economy wide impacts. Delivery of the specific projects in line with the economic opportunities and community priorities would deliver change in three specific, measurable areas:



1. Reduction in Mandurah's structural rate of unemployment

Indicator:

Reduction in the difference between the WA and Mandurah 12 monthly rolling average unemployment rate.

Source: ABS labour force survey
Frequency: Monthly

Sub measures:

- Job growth
- Participation rate
- Population growth



2. Increase in the percentage of residents employed in high paying jobs

Indicator:

Percentage of residents employed in top salary quartile occupations.

Source: ABS detailed labour force survey
Frequency: Quarterly/Annual

Sub measures:

- Supply of commercial floorspace
- Household income
- Resident qualification levels



3. Diversification of the economy

Indicator:

Worker concentration ratio for five largest sectors.

Source: Census
Frequency: 5 yearly

Sub measures:

- Sectoral business registrations
- Business survival rates
- Supply and utilisation of floorspace



City of Mandurah
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www.mandurah.wa.gov.au

Community Engagement Report (September 2024)

Background

The City of Mandurah's Draft Economic Development Strategy was adopted for advertising by Council on 23 April 2024. The strategy provides the vision and high-level direction for the management and implementation of the City's economic activities for the next 5 – 10 years. It has been developed with consideration of the objectives of the City's Strategic Community Plan (2024-2044) and research from the Transform Mandurah Economic Opportunities Report (2022), the City of Mandurah Business Survey (2023) and other key stakeholder engagement.

The community engagement period for feedback on the Draft Economic Development Strategy was held between 10 July 2024 to 23 August 2024.

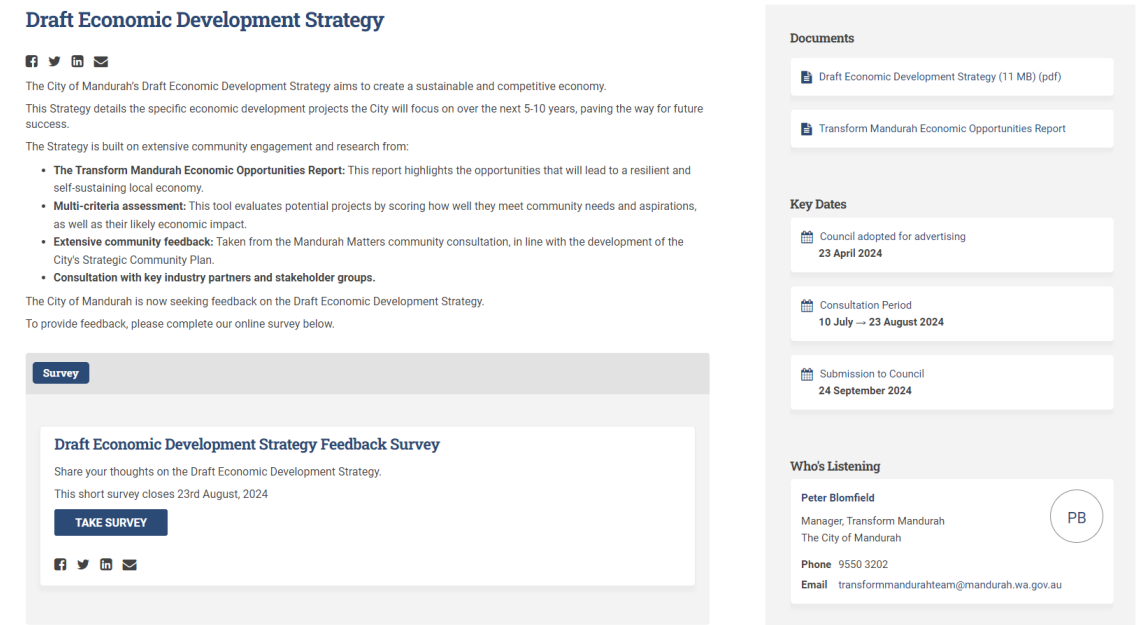
Objectives

The purpose of the Economic Development Strategy community engagement process was to;
- Create awareness, inform and involve the community in the development of the strategy.
- Facilitate authentic feedback and insights resulting in participation, submissions and support from the community.

The community were invited to provide their feedback via the following methods;
- Mandurah Matters project page - by completing a short feedback survey;
- Email or written submission; or
- Individual feedback sessions held with key stakeholder groups.

Community Engagement Summary

City officers developed a dedicated Project Page on the City's Mandurah Matters community engagement platform for the Draft Economic Development Strategy. The page included links to the following tools;
- Draft Economic Development Strategy
- Transform Mandurah Economic Opportunities Report (2022)
- Mandurah Matters Feedback Survey



Visitor Summary:

No. Visits to the Project Page	612
No. Visits to Survey Page	155
No. Times Draft Economic Develop Strategy was Download	217
No. Times Transform Mandurah Economic Opportunities Report was Download	39

The engagement period launched on Wednesday 10 July and was open for a period of 6 weeks (closing on Friday 23 August) with a total of 51 submissions being received. The breakdown of the submissions was;

- 48 Mandurah Matters Surveys
- 3 Written Submissions

In addition, the City also facilitated 5 workshops / meetings with key stakeholders to capture their comments and feedback.

Marketing and Promotion

The City promoted the opportunity to provide feedback on the Draft Economic Development Strategy through the following marketing activities;

Dates	Marketing Activities
10 July	Mandurah Matters Project Page
10 July	City of Mandurah Website: News Article
10 July	Facebook Post 1
18 July	Direct email to Major Landowners
19 July	Mandurah News & Events - Article 1
22 July	City Centre Business News Article
23 July	Facebook Post Boost
23 July	Mandurah Times News Article
30 July	Mandurah Times Press Advertisement
1 August	Incentre Advertising - Plasma Screens (Administration Centre, Library's x 3, MARC)
2 August	Facebook Post 2
2 August	Mandurah News & Events - Article 2
16 August	Mandurah News & Events - Article 3
20 August	Facebook Post 3
22 August	Mandurah Business News Article

A sample of the Marketing materials used to promote the community engagement opportunity are included in Attachment 1.

Mandurah Matters Survey

To help encourage community engagement and participation, City officers developed a short survey which comprised of five questions:

1. *Have you viewed the Draft Economic Development Strategy?*
2. *Please select the group that best describes you.*
3. *Does the Draft Economic Development Strategy capture your vision for Mandurah's Economy?*
4. *What projects/initiatives do you think will have the greatest impact in shaping Mandurah's economic future?*
5. *Do you have any other comments, suggestions or feedback that you would like to provide on the Draft Economic Development Strategy?*

A copy of the survey as it appeared on the Mandurah Matters Project Page is included as Attachment 2.

Survey Results:

Number of Participants (43 Anonymous, 5 Registered)	48
Qu 1. Have you viewed the Draft EDS?	
Yes	46
No	2
Total	48
Qu 2. Please select the group that best describes you:	
I'm a Local Mandurah Resident	37
I'm a Local Mandurah Business Owner	6
I work in Mandurah	2
I'm a member of a Local Organisation	3
Total	48
Qu 3. Does the Draft EDS capture your vision for Mandurah's Economy?	
Absolutely	4
Mostly	12
Halfway there	16
A little bit	15
Not at all	1
Total	48
Qu 4. What projects/initiatives do you think will have the greatest impact in shaping Mandurah's economic future?	45 responses
Qu 5. Do you have any other comments, suggestions or feedback that you would like to provide on the Draft EDS? (If yes please indicate below)	37 responses

Key Stakeholder Feedback

As an important element of the community engagement process, City officers also coordinated a number of meetings and workshops with key stakeholder groups to gather their feedback on the Draft Economic Development Strategy. These stakeholders were instrumental in the initial development of the strategy and the meetings were designed to test whether any circumstances had changed that would impact the actions (projects and initiatives) contained within the strategy and the outcomes that the strategy is working to achieve. A summary of the sessions is outlined below;

Date	Stakeholder	Forum
22 July	Strategic Economic Advisory Group	Meeting
25 July	Regional Development Australia	Meeting
1 August	Peel Development Commission	Meeting / Workshop
7 August	Peel Chamber of Commerce & Industry	Board Meeting
15 August	Visit Mandurah	Board Meeting

Key Themes

City officers have undertaken detailed analysis of all community feedback (48 completed surveys and 3 written submissions) and key stakeholder comments. This has subsequently been summarised into a number of key themes with a corresponding officer response.

Themes	Responses
1. Investment Attraction *Suggestions for attracting investors, infrastructure and new businesses to Mandurah*	Strong feedback was received around the theme of investment attraction, with respondents either generally referencing the importance and need for this activity or recommending specific projects or infrastructure for development. Examples include the following comments: • “Put a dullboys here” • “Make it is easy as possible for owners to invest in business in Mandurah” • “A plan is also urgently needed for increased Aged Care facilities” • “Having large State Government branches based in Mandurah to increase employment opportunities.” • “Attract investors that will provide family-oriented venues like bowling” • “Entice an IKEA to locate itself in Mandurah” • “Investment into the Mandurah town centre and foreshores” • “Economic development i.e. business investment (especially white collar, high paying jobs) needs to be returned to Mandurah city centre” This feedback relates to the Strategic Community Plan engagement and Economic Community Outcome 1.5 - "A supportive business environment where investment is encouraged, and entrepreneurship prospers."

Themes	Responses
	Actions supporting this feedback theme are contained in the Strategy under project 2.4 (Investment Attraction) and 3.5 (Property Strategy), and also in the Corporate Business Plan under a variety of Strategic Planning projects to develop Master Plans for strategic City land holdings, and Business Conferences and Events Support Program.
2. Public Amenity and the Environment *Comments and suggestions around the public environment, parks and reserves, Estuary Bridge and hospital.*	A common theme in the feedback included a variety of comments relating to public amenity across the City, with respondents generally highlighting a desire for high quality public spaces, or specifically referencing areas and projects which are highly valued or a perceived need. Examples include the following comments: • "Need a focus on the waterfront" • "New bridge" • "Broader focus on quality of life, accessibility of amenities, ease of parking, reduced traffic congestion." • "It should have been logical to provide seating for parents or carers to supervise their children at the new bike ramp area in the park by Shoveler Cresent in Erskine" • "Utilise the beautiful waterways better. Cafes and restaurants and no thru traffic along the shopping precinct." • "The goal should be a foreshore precinct that maintains the parklands, has a pool and water playground facility like that of Streets Beach in Brisbane and the water park at Elizabeth Quay in Perth, surrounded by development that draws inspiration from the Dubai Marina and Marina Bay / Gardens By The Bay in Singapore." • "The Eastern foreshore, Forum, and Train Station need to be better connected" • "Need a world class health facility to deal with cardiovascular international services for the community and region." • "The bridge and foreshore" • "The suburbs need more focus so that residents can enjoy where we live." This feedback relates to the Strategic Community Plan engagement and Community Outcomes 2.3 "Inclusive and welcoming places, spaces and neighbourhoods.", 3.1 "Nature has a voice in all decision-making", 3.3 "Our natural environment is celebrated, protected and restored for generations to come.", 3.4 "Our built environment is clean, accessible and sustainable.", and 4.4 "Well-maintained assets and facilities that meet the needs of our community". Actions supporting this feedback theme from an economic perspective are contained in the Strategy under project 3.1 - City Centre Master Plan. Action on this theme is also contained within the Corporate Business Plan under various Renewals and Upgrades projects and under City Services in the Environment section; managing and maintaining open space, bushland, foreshores and natural areas and Transport Planning.

Themes	Responses
	Additionally, it is noted that a variety of comments related to public infrastructure outside the control and delivery of the City (i.e. Peel Health Campus/ Hospital, Estuary Bridge Duplication etc), and in this case actions supporting these comments are captured within the Strategic Community Plan Outcome 4.3 "Effective advocacy focused on the needs of the community and strong relationships with key stakeholders."
3. Western Foreshore *Comments relating to the Western Foreshore Major Land Transaction Business Plan*	A number of feedback submissions referenced the Western Foreshore project within the Economic Development Strategy - project 3.2. At its ordinary meeting in August 2024, Council resolved to proceed with the Western Foreshore Major Land Transaction, and City Officers will now continue work on that project, including seeking excision of the commercial site from the reserve, securing a suitable head-lease from the Department of Planning, Lands and Heritage, and finalising a sub-lease with the proponent for the proposed development. City officers will also explore the traffic management and other considerations as endorsed by Council, and provide advice and comment on the development planning particulars as and when required.
4. Education and Training *Comments around the importance and need for strong education and training opportunities*	Another strong theme within the feedback was around Education and training, with respondents identifying a need for greater education opportunities for residents, and linking education attainment with employment. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcomes 1.6 "A highly skilled workforce supported by strong education and training opportunities." and 4.3 "Effective advocacy focused on the needs of the community and strong relationships with key stakeholders." Actions supporting this feedback theme are contained in the Strategy under projects 6.1 (Literacy and Learning), 6.2 (Expanding Education Offerings) and 6.3 (Human Capital Development).
5. Accommodation *Comments around the importance and scarcity of accommodation in Mandurah, and observations on accommodation as a constraint to economic growth*	Several feedback submissions also referenced affordable accommodation and housing as a constraint requiring intervention in order to support the City's economic growth aspirations. This feedback relates to the Strategic Community Plan engagement and Community Outcomes 2.2 "Safe and connected communities." and 2.3 "Inclusive and welcoming places, spaces and neighbourhoods." Actions supporting this feedback theme are contained in the

Themes	Responses
	Strategy under projects 1.1 (Key worker/ student accommodation), 1.3 (Housing Density Reform) and 3.1 (City Centre Master Plan), as well as 2.4 (Investment Attraction). Action on this theme is also contained within the City's Corporate Business Plan under the Mandurah Strategic Centre Structure Plan review, and in the Development of Advocacy Plans and Funding requests for investment by State and Commonwealth governments.
6. Tourism *Comments celebrating the strength and importance of Tourism to our local economy and observing challenges with growth in this sector*	Many feedback submissions referenced topics relating to the theme of Tourism, with respondents generally highlighting and supporting Mandurah's strength and advantage in this space, and some others identifying concern with the focus on tourism as a cyclical industry and potentially creating lower paying jobs. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcomes 1.2 "A diversified economy that supports growth sectors" and 1.4 "A thriving city that residents are proud to call home and people want to visit." Actions supporting this feedback theme are contained in the Strategy under project 2.1 (Eco Tourism Development - noting that this is existing capital and largely grant funded from the State and Commonwealth governments), and also projects 3.2 (Western Foreshore Leisure Precinct) and 4.1 (Waterfront Redevelopment - both previously endorsed by Council) and 4.3 (New Tourism Resort Offering - based on research from Tourism WA and Visit Mandurah on a need for more high quality Tourism Resort Accommodation to meet market demand).
7. Workforce Development, Participation and Local Jobs *Comments and suggestions around improving the job readiness of job seekers, and linking local jobs to local people*	A significant number of feedback submissions also referenced topics relating to the theme of workforce development, workforce participation and local jobs. Respondents highlighted the importance of supporting local employment opportunities, connecting job seekers with employers, and improving the connections and success of residents completing education and seeking employment. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcome 1.1 "Local jobs to retain our people and attract skilled workers". Actions supporting this feedback theme are contained in the Strategy under project 6.3 (Human Capital Development), however in response to this specific feedback, an additional project has been added to the Strategy at 1.4 (Local Jobs for Local People) to explore a business case for additional activities or resources that can improve local employment outcomes. Action on this theme is also contained within the City's Corporate Business Plan under the City's Youth Development Strategy, and

Themes	Responses
	under the City's Apprenticeship and Aboriginal Traineeship Programmes.
8. City Centre Activation *Comments around a desire for activation across the City and more events and things to do, particularly in Winter*	Another common theme of feedback submissions relates to the theme of City Centre activation, with respondents highlighting a desire to see regular activations, events, arts and culture and more things to do for residents of all ages. This feedback relates to the Strategic Community Plan engagement and Community Outcomes 1.4 "A thriving city that residents are proud to call home and people want to visit." and 2.4 "An enriched, creative and empowered community that values culture, heritage and lifelong learning." Actions supporting this feedback theme are contained in the Strategy under project 5.2 (City Centre Liaison and Activation), and also within a variety of projects, programs and services in the City's Corporate Business Plan. These additional actions within the Corporate Business Plan include the City of Mandurah Events Program, External Event Support Program, Business Conferences and Events Support Program, Activation of City Land, Events Strategy, Place Enrichment Strategy, and Arts and Culture Strategy.
9. Social Issues *Comments referring to a range of perceived social challenges in our community.*	A number of feedback submissions referenced a variety of community challenges along a theme of social issues. These were across a broad range of topics, including mental health, drug and alcohol abuse, crime, safety and homelessness. This feedback relates to the Strategic Community Plan engagement and Community Outcomes 2.1 "Access to support services that enhance opportunities for everyone.", 2.5 "A healthy lifestyle and healthy community, with an emphasis on prevention.", and 4.3 "Effective advocacy focused on the needs of the community and strong relationships with key stakeholders." Actions supporting this feedback theme are not dealt with under the Economic Development Strategy, but are instead captured within a variety of projects, programs and services within the City's Corporate Business Plan. These actions within the Corporate Business Plan include the Community Safety Strategy, Homelessness and Street Present Action Plan, Public Health Plan, Advocacy, Customer Service and Ranger Services.
10.Aged Care *Comments and suggestions around the proposed Aged Care*	Multiple feedback submissions also referenced aged care, either in terms of the City's proposed project or in delving further into the needs and challenges of this sector. This feedback relates to the Strategic Community Plan

Themes	Responses
project, and around the challenges and opportunity in this sector.	engagement and Economic Community Outcomes 1.1 "Local jobs to retain our people and attract skilled workers, 1.2 "A diversified economy that supports growth sectors" and 2.1 "Access to support services that enhance opportunities for everyone." Actions supporting this feedback theme are contained in the Strategy under project 2.2 (Excellence in Aged Care), 2.4 (Investment Attraction), 6.2 (Expand Education Offerings) and 6.3 (Human Capital Development). Action on this theme is also contained within the City's Corporate Business Plan under the Mandurah Health Precinct Structure Plan, Age Friendly Strategy and Advocacy.
11.Business Support *Comments and suggestions around the importance of supporting and incentivising local businesses*	Many feedback submissions referenced the theme of Business Support, calling on the City to provide support to existing businesses, with some specifying that this should include bricks and mortar businesses as well as mobile businesses, and others referencing a desire to see support and incentives provided to businesses and residents to stay open longer and to shop local. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcome 1.5 "A supportive business environment where investment is encouraged, and entrepreneurship prospers". Actions supporting this feedback theme are contained in the Strategy under projects 5.1 (Entrepreneurial Capacity Building Program) and 5.3 (Business Support Program). Action on this theme is also contained within the City's Corporate Business Plan under the support provided to Peel Chamber of Commerce and Industry, Statutory Planning Services and Activation of City Land through trading permits.
12.Telecommunications/ Technology *Comments and suggestions about technology and innovation and digital infrastructure as an enabler for economic growth*	Several feedback submissions referenced topics relating to the theme of digital technology and telecommunications; citing technology, connectivity and innovation as being core components of future success in economic growth across the other identified project areas in the strategy. This feedback relates to the Strategic Community Plan engagement and Economic Community Outcomes 1.2 "A diversified economy that supports growth sectors.", 1.5 "A supportive business environment where investment is encouraged and entrepreneurship prospers." and 2.2 "Safe and connected communities." Actions supporting this feedback theme were contained in the Strategy under project 5.4 (Regional Telecommunications), however in light of the feedback received, the project details have been amended to better represent the feedback and opportunity,

Themes	Responses
	with the new project name of 5.4 Digital Technology Improvements. Action on this theme is also contained within the City's Corporate Business Plan under the Advocacy and Investment Attraction programs.

Attachment 1: Marketing and Promotions

1. City of Mandurah Website – News Article (10 July 2024)

Draft Economic Development Strategy

Open for community consultation



The City of Mandurah is excited to announce the release of the Draft Economic Development Strategy, a comprehensive plan designed to create a sustainable and competitive economy for the community.

The vision of the Draft Economic Development Strategy is to build a vibrant and thriving Mandurah. It is based on consultation with key stakeholders, ensuring it reflects the needs and aspirations of Mandurah's community.

The recently endorsed Strategic Community Plan outlines six key community outcomes for Mandurah's economy. These outcomes have been incorporated into the Draft Economic Development Strategy, and include:

- Local jobs to retain people and attract skilled workers.
- A diversified economy that supports growth sectors.
- Well-planned, sustainable urban development.
- A thriving city that residents are proud to call home.

- A supportive business environment where investment is encouraged, and entrepreneurship prospers.
- A highly skilled workforce supported by strong education and training opportunities.

The strategy outlines the specific economic development projects that will be prioritised over the next 5-10 years. Examples of potential projects to be explored include:

- **Housing density reform**: to encourage new housing development in central Mandurah
- **Sustainable eco-tourism development**: to plan for increased protection and activation of Yalgorup National Park
- **Supporting the development of an aged-care training and workforce centre**: to provide opportunities for Mandurah residents to train in and receive high-quality aged care.

The Draft Economic Development Strategy is now available for review and feedback on Mandurah Matters before being presented to the Council for endorsement.

Residents, businesses, and stakeholders are encouraged to provide their feedback before 23 August 2024.

To review the Draft Strategy and have your say, please visit the Mandurah Matters page before **23 August 2024**.

2. City of Mandurah Facebook Post 1 (10 July 2024)

Let's work together to shape Mandurah's Economic Future! 🚀
You are invited to share your feedback on the Draft Economic Development Strategy as it plays an important role in creating a sustainable and competitive economy for our community.

The strategy focuses on important aspects such as:

- 🔹 Local jobs to retain and attract skilled workers
- 🔹 A diversified economy supporting growth sectors
- 🔹 Sustainable urban development
- 🔹 A thriving city that residents are proud to call home
- 🔹 A supportive business environment fostering investment and entrepreneurship
- 🔹 A highly skilled workforce with strong education and training opportunities
- 🔹 And more...

📅 Help us build a vibrant and thriving Mandurah by sharing your thoughts via Mandurah Matters before Aug 23!

https://www.mandurahmatters.com.au/draft-economic...

Please note we've turned comments off on this Facebook post to ensure all feedback is captured through our community engagement platform, Mandurah Matters.

3. Mandurah News & Events Article (19 July 2024)

Open for community consultation

The City of Mandurah is excited to announce the release of the **Draft Economic Development Strategy**. We value your input and invite you to share your feedback by Aug 23.

FIND OUT MORE



Click here for all news and updates

4. City Centre Business Newsletter (22 July 2024)



Draft Economic Development Strategy

The City of Mandurah is excited to announce the release of our Draft Economic Development Strategy.

We value your input and invite you to review the draft and share your feedback.

Have your say on Mandurah Matters by 23 Aug

Complete Survey

5. Mandurah Times Article (23 July 2024)

Wednesday, July 24, 2024 T1

Aged care hub plan for city

EXCLUSIVE KASEY GRATTON

The City of Mandurah has released its ambitious draft economic development strategy, which includes developing Mandurah as a hub for aged care worker training and supercharging housing options.

The city's draft strategy focuses on local jobs, attracting skilled workers to the city, sustainable urban development, and supporting investment, entrepreneurship, education and training.

The strategy includes eight projects that would further develop local industry, including positioning Mandurah as a hub for mining and petroleum industry technology workers, dubbed "blue collar tech".

City of Mandurah chief executive Casey Mihovilovich said the strategy aimed to solve challenges currently facing the community.

"Mandurah has experienced huge population growth over the past three decades," Ms Mihovilovich said.

"While this growth has spurred opportunities, a number of challenges relating to employment, housing, economy and education have also presented themselves, as they do for many growing cities.

"Mandurah has the foundations to achieve a strong and resilient economy for the future by building on the city's economic strengths."

One project seeks to establish a Statewide aged care training "centre of innovation" in Mandurah and to increase the number of professional workers by co-locating public sector staff in the city.

Ms Mihovilovich said Mandurah could "take a lead role in building the nation's aged care workforce of the future" through the proposed centre.

"Mandurah's high population of older residents, coupled with innovative existing aged care providers, means we have a unique opportunity in the aged care field and are well positioned to take a lead in helping solve an increasingly global problem," she said.

Mayor Rhys Williams said Mandurah made sense as the location for a State centre.

"For us, it makes natural sense that Mandurah positions itself to be part of the solution in a WA and national context, and to this end we're working with industry partners and training providers on establishing WA's first aged care Centre of Innovation," Mr Williams said.

"Our ambition is for this centre to be at the cutting edge of aged-care innovation and to train the aged-care workforce of the future here in WA."

The economic plan also includes a commitment to increase housing for key workers, including by developing "cost-effective rental accommodation" and reviewing potential ways to increase housing density in the city's centre.

Ms Mihovilovich said the city planned to increase housing density in central Mandurah, currently at 10 per cent of its capacity, to add 3750 new dwellings over the next 30 years.

She said it would be the "biggest single impact" of the proposed strategy and would add 6900 jobs and $2.3 billion to Mandurah's economy.

Residents can share their thoughts on the draft strategy through a survey until August 23 at bit.ly/4bHCWxJ.

Ready to live on

City of Mandurah re soon be able to watch t in action, with meetin recorded and publicly next month but lives meetings won't happe year.

In February, th endorsed a proposa Ahmed Zilani for the pare a policy on li meetings by mid-year.

The council was se putting this into practi meeting on Tuesday city officers endorsin mendation for audio an ording of council meeti from the council's next August 27.

This means the pu able to watch a recor council's decision on King Carnival and Sh ing Co's proposal for a redevelopment of the s set to be decided at meeting.

But the livestreamin ings is not set to occur ary 2025.

The livestreaming will see the city mee Government's deadlin local governments to and publish recording meetings by Januar year.

City officers have a mended proceedings closed to the public not until January as they w curing technology whi able the efficient rec confidential meeting ite

METRONET
BUILDING FOR TOMORROW.

's what's happening
ss METRONET:

yford Rail Extension Project, footings are complete
dale Station and slabs are being poured.

hornlie-Cockburn Link Project, installation of concrete


Slab pour for Armadale Station



6. Mandurah Times: Newspaper Advertisement (30 July 2024)



7. City of Mandurah Facebook Post 2 (2 August 2024)

Help us build a vibrant and thriving Mandurah by sharing your ideas and feedback on the Draft Economic Development Strategy.

Your input helps create local jobs and grow Mandurah's economy.

- Have your say on Mandurah Matters by Aug 23.

https://www.mandurahmatters.com.au/draft-economic...

Remember, comments on this post are turned off to ensure all feedback is captured through our community engagement platform, Mandurah Matters.



8. City of Mandurah Facebook Post 3 (20 August 2024)

📣Last chance to have your say! 🚨

We're wrapping up community feedback on the Draft Economic Development Strategy, and we want to hear from YOU!

This is your opportunity to help shape Mandurah's future and drive local economic growth. Whether you're a business owner, a resident, or someone passionate about our community, your input is valuable.

💬Have your say before Aug 23!

Visit: https://www.mandurahmatters.com.au/draft-economic... to review the draft and share your thoughts.



Attachment 2: Mandurah Matters Survey

Draft Economic Development Strategy Feedback Survey

Share your thoughts on the Draft Economic Development Strategy.

This short survey closes 23rd August, 2024

All fields marked with an asterisk (*) are required

1. Have you viewed the Draft Economic Development Strategy? *

- [ ] Yes
- [ ] No

2. Please select the group which best describes you: *

- [ ] I'm a local Mandurah resident
- [ ] I'm a local Mandurah business owner
- [ ] I work in Mandurah
- [ ] I visit Mandurah
- [ ] I am a member of an organisation (please specify)

3. Does the Draft Economic Development Strategy capture your vision for Mandurah's economy? *

- [ ] Absolutely
- [ ] Mostly
- [ ] Halfway there
- [ ] A little bit
- [ ] Not at all

4. What projects/initiatives do you think will have the greatest impact in shaping Mandurah's economic future?

5. Do you have any other comments, suggestions or feedback that you would like to provide on the Draft Economic Development Strategy? (If Yes, please indicate below).

Submit

3	**SUBJECT:**	Community Sporting & Recreation Facilities Fund (CSRFF) Annual/Forward Planning Application (2025/26)
	DIRECTOR:	Director Place and Community
	MEETING:	Council Meeting
	MEETING DATE:	24 September 2024

Summary

The Community Sport and Recreation Facilities Fund (CSRFF) is a Department of Local Government, Sport and Cultural Industries (DLGSC) program that provides financial assistance to community groups and Local Government Authorities to develop infrastructure for sport and recreation. The program aims to increase participation in sport and recreation, with an emphasis on physical activity through rational development of sustainable, good quality, well designed and well utilised facilities.

Regardless of the applicant, all CSRFF submissions require input from the local government to ensure proposed projects are well planned, prioritised and of positive benefit to the community.

There have been no local community group applications for this grant round. The City of Mandurah (the City) is proposing to submit an annual forward planning grant application for the upgrade of the synthetic turf surface at the Mandurah Hockey Stadium with the support of the Peel Hockey Association.

Upgrading the synthetic turf at Mandurah Hockey Stadium to a multi-purpose surface is a significant project that will enhance the experience for both senior and junior hockey players, while also exploring opportunity for the facility to be available to other user groups. The City's contribution to the project is $526,000, the Peel Hockey Association are contributing $50,000 and $288,000 will be sought via CSRFF. The total project cost of $864,000 demonstrates the City's commitment to maintaining high-quality recreational infrastructure and supporting a broad range of sporting activities throughout the year.

Council is requested to consider and support an application from the City for the 2025/26 funding round, for the upgrade of the synthetic turf surface at the Mandurah Hockey Stadium.

Disclosure of Interest

N/A

Location

42 Honeysuckle Ramble, Halls Head.



Previous Relevant Documentation

- G.20/7/20 20 July 2020 2020/21 CSRFF Small Grants Winter Round

Background

Local Government authorities and not-for-profit sport/recreation organisations are eligible to apply for CSRFF grants aimed towards increasing participation through the development of basic sustainable infrastructure that is well planned and designed.

CSRFF can fund the development of new or upgraded facilities aimed at maintaining or increasing physical activity or optimising the use of existing facilities. Priority is given to projects that promote facility sharing and rationalisation with multi-purpose facilities preferred as they reduce the need for additional infrastructure and enhance sustainability.

There are two Grant funding streams available through CSRFF:

a) Annual/Forward Planning Grants: $166,667 up to $2,500,000 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) 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.

c) In July 2021, DLGSC 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.

The CSRFF grant must be at least matched by the applicant's own cash contribution equivalent to one third of the total project cost, with any remaining funds being sourced by the applicant. In some cases, funds provided by the Department do not equate to one third of the project costs and the applicants are advised that they are expected to fund any such shortfall.

The Department will assess the total eligible cost of the project (excluding GST) from the information provided and does not guarantee that the full grant amount requested, or the maximum level of funding will be received. The level of financial assistance offered is based on the overall significance of the proposed project, including the benefits provided to the community.

The City utilises the CSRFF assessment principles and guidelines, as well as relevant strategic plans and policies, to assess the need, viability and priority of applications. After consideration by Council, the CSRFF applications are submitted to the Department for formal assessment. Announcements on successful/unsuccessful 2025/2026 Annual and Forward Planning Grants are scheduled for January 2025.

DLGSC provides specific criteria to assess (rank and rate) each application received by the City, 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 support an application being submitted by the City of Mandurah for the 2025/26 grant round for the upgrade of the hockey turf surface at the Mandurah Hockey Stadium.

City of Mandurah – Project 1	
Project Name:	Upgrade of the synthetic turf surface at the Mandurah Hockey Stadium
Location:	42 Honeysuckle Ramble, Halls Head
Years Applied for:	2025/2026
Total Project Cost:	$864,000
CSRFF Grant Amount:	$288,000
City of Mandurah Contribution:	$526,000
Other Funding Contributions:	$50,000 Peel Hockey Association Contribution
Recommended Ranking:	It is recommended that this project be given a ranking of “1” and a rating of “High”.

The Mandurah Hockey Stadium is situated on freehold land owned by the Department of Education. The City of Mandurah and Department of Education entered into a shared use license agreement in 1999 for a 21-year term which was negotiated for an additional ten-year term in 2021 when the original licence expired (expiry on 31 December 2031).

The City has a separate exclusive sub-license agreement with the Peel Hockey Association (PHA) for the Mandurah Hockey Stadium which includes the grandstand, stadium, kiosk and function room and office / storage facilities. Under existing arrangements, PHA are wholly responsible for the maintenance and replacement costs for the synthetic turf and have insufficient funds to pay for the entire resurfacing project. A change is anticipated to open the facility (hockey field, change rooms and function room, not kiosk or office) for more hirers, and consequently it’s practical for the club to provide only a portion of the costs. The agreement is currently in holding over whilst City officers reviewed the current management model and plans for an upgrade of the synthetic turf surface.

There is a preferred operating model after the resurfacing that the facility would transition from a single use/single user facility to a multi-use facility. The preferred option is for the City to manage the facility and establish a priority use hire agreement with PHA. This approach supports the goal of maximising facility use and provides opportunities for other sports to utilise the facility outside of school hours. It will also allow Halls Head Community College to access the facility during school hours, enabling the school to offer hockey and specialised sports programs and create additional pathways into hockey development. PHA and Halls Head Community College are in support of this model.

The existing hockey surface, installed in 2007, has reached the end of its effective lifespan due to nearly 18 years of high usage. The City proposes to upgrade this surface with a state-of-the-art multi-purpose turf that will primarily support senior and junior hockey, but will also enable the City to explore other uses that could be accommodated such as pickleball, futsal, 5-a-side soccer, and sports fitness training.

Key aspects of the project include:

- New synthetic surface and sub-base: The installation of a new wet/dry synthetic surface designed to meet contemporary standards. This upgrade will support high-level hockey while also being suitable for other low-impact sports.
- Asphalt remedial works: A provisional sum has been allocated for necessary asphalt repairs to ensure a stable foundation for the new surface.
- Certified surface: The new playing surface will be certified by a Federation of International Hockey (FIH) approved supplier, ensuring it meets global standards for hockey.

- Field line markings: Inclusion of appropriate line markings for hockey to support various levels of play and training programs.
- Removal of existing surface: The current synthetic surface will be removed and disposed of.

The project acknowledges the need to upgrade the current surface, which has experienced general wear commensurate with expectation of a surface of this type. The upgraded multi-purpose surface will not only extend the facility's use for hockey training and competition, but will also enhance its value as a community sports resource by accommodating a wider range of activities throughout the year.

With the upgraded turf surface, the PHA will continue to organise participation programs across winter and summer for children up to Year 4, junior competitions for those from Year 4 to Year 12, and senior competitions for men, women, and veterans/masters. The improved surface is expected to attract new players and retain existing players.

Affiliated with the state sporting association, Hockey WA (HWA), the PHA would continue to nominate teams, known as the Peel Rebels, in HWA's winter metropolitan competition, and send representative teams to tournaments such as Junior, Men's and Women's Country Championships. This provides an opportunity for local players to represent their region and play at a level higher than that available locally.

The upgrade of the synthetic turf surface at the Mandurah Hockey Stadium has been identified as the City's priority and only application to the Department's CSRFF Annual and Forward Planning Grants Round.

The City will be applying for $288,000 of funding which equals one-third of the cost to upgrade of the synthetic turf surface at the Mandurah Hockey Stadium. Based upon DLGSCI specific CSRFF criteria (rank and rate) this project is rated A – well planned and needed by the municipality.

Consultation

The City has consulted with the DLGSC Regional Manager – Peel/South West regarding this project. Support to submit an application was given in principle, on the basis that upgrading the synthetic turf surface meets CRSFF eligibility criteria, intends to boost physical activity, enhances accessibility for hockey, and promotes opportunity to increase usage by other local sports clubs.

Key stakeholders Hockey WA, PHA, the Department of Education and Halls Head Community College have all been consulted with and are fully in support of the application.

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.

Financial Implications

The total implementation cost for the upgrade of the synthetic turf surface at the Mandurah Hockey Stadium is estimated at $864,000 (excluding GST, and including contingency). The City has sufficient funds listed in the 2025/26 Financial Year as an apportioned contribution toward the delivery of this project.

The project recommended for support is:

Project	Lodged by	Council Contribution	PHA Club Contribution	DLGSC Contribution Request
Upgrade of the synthetic turf surface at the Mandurah Hockey Stadium	City of Mandurah	$526,000	$50,000	$288,000

The Peel Hockey Association has provided a letter of support confirming a financial contribution of $50,000 towards the project.

Results of the grant applications will be announced in January 2025 with the projects to be delivered in the 2025/26 financial year.

Hire of the Mandurah Hockey Stadium will be set in accordance with the City's fees and charges schedule. The City intends to undertake a review of fees and charges for presentation to Council in 2025.

The annual operating costs to maintain the new synthetic surface are expected to be reduced due to improved technology and water savings compared to the existing surface. The City will, however, be responsible for increased direct operating costs to maintain the synthetic turf estimated at $15,000 per annum. This is due to the proposed change in management model whereby the PHA will no longer have exclusive use and therefore more operational expenses will be apportioned to the City. It is anticipated this will be offset by increased revenue generated from additional hirers.

Economic Implications

The upgrade of the synthetic surface at the Mandurah Hockey Stadium will provide opportunities for PHA in partnership with the City to host significant State and National Events. It will also enhance the City's ability to attract multi-sport uses. These events increase the economic sporting tourism and financial benefits to the City, as well as the association income.

Environmental Implications

The City will ensure that the procurement specification for the synthetic turf includes how the provider will address water-sensitive design and water-saving principles.

Risk Analysis

If the City does not secure funding or receives less than the one-third contribution from CSRFF, it will need to consider covering the entire project cost through its own financial resources.

As the hockey surface nears the end of its lifespan, failing to renew it will negatively affect the future of hockey in Mandurah. There are no alternative synthetic facilities available for PHA in Mandurah or the Peel region, and grass ovals are nearly at full capacity with other sports

Upgrading the synthetic turf surfaces requires a sinking fund, which involves budgeting for operation and replacement over the surface's 10–12-year life span. This fund is crucial for maintaining the facility and is a requirement for successful CSRFF (Community Sport and Recreation Facility Fund) applications. The Peel Hockey Association (PHA) has established a sinking fund and currently makes sufficient revenue to maintain the hockey stadium and surface. However, due to rising facility costs the PHA struggles to retain a financial surplus to support the full cost of replacing the synthetic turf surface, this results in the PHA requiring the ongoing support of the City of Mandurah to provide financial assistance to replacing the surface.

The City of Mandurah is reviewing the current facility management model at the Mandurah Hockey Stadium with an intention to move from a single user to multiple users. The City will mitigate risks associated with this new management model through sound communication and change management.

Strategic Implications

The following community outcomes from the City of Mandurah Strategic Community Plan 2024 – 2044 are relevant to this report:

Community:
- A healthy lifestyle and healthy community, with an emphasis on prevention
- Modern health facilities and services that are local, accessible, affordable, and fit for purpose

Leadership:
- Well-maintained assets and facilities that meet the needs of our community

Conclusion

Local Government authorities and not-for-profit sport/recreation organisations are eligible to apply for CSRFF grants aimed at increasing participation through the development of basic sustainable infrastructure that is well planned and designed.

The upgrade to the synthetic turf surface at the Mandurah Hockey Stadium is a key sporting infrastructure priority and is the sole application for the CSRFF Forward Planning Grant round. The project directly aligns with key CSRFF priorities and criteria given the physical activity and health/wellbeing benefits for the community.

The assessment and prioritisation of applications by local government is an essential element of the CSRFF application process. Following endorsement by Council, the upgrade to the synthetic turf surface at the Mandurah Hockey Stadium application will be forwarded to the Department for their formal assessment.

RECOMMENDATION

That Council endorses the Community Sporting and Recreation Facilities Fund application for the upgrade to the synthetic turf surface at the Mandurah Hockey Stadium with a ranking of HIGH (well planned and needed by municipality) for consideration by the Department of Local Government, Sport and Cultural Industries, as follows:-

a. PRIORITY 1 – Upgrade to the synthetic turf surface at the Mandurah Hockey Stadium

b. Total Project cost of $864,000 (excluding GST) including a CSRFF grant of $288,000.

4	**SUBJECT:**	Transition To Rivers Regional Subsidiary – Endorsement of Revised Charter
	DIRECTOR:	Director Built and Natural Environment
	MEETING:	Council Meeting
	MEETING DATE:	24 September 2024

Summary

Council considered the future structure of the Rivers Regional Council (RRC) and resolved to support the dissolution of the current RRC and instead transition to a Regional Subsidiary model, subject to the requisite approvals being obtained, at its meeting on 22 May 2018.

Subsequently, Council considered and endorsed the Rivers Regional Subsidiary Business Plan and Charter and endorsed the transition of the RRC to a Regional Subsidiary, at its meeting on 26 May 2020.

An application to form the Rivers Regional Subsidiary was lodged by RRC with the Minister for Local Government on 9 June 2021. It is understood that Ministerial approval of the Rivers Regional Subsidiary was delayed at that time due to a review of the Local Government Act.

Following several meetings with Ministerial and Department of Local Government, Sport and Cultural Industries (DLGSC) staff, an agreement was reached to allow the formation of the Rivers Regional Subsidiary subject to the following:

- Minor amendments to the Rivers Regional Subsidiary Charter being endorsed by members; and
- Each member resolving to adopt the amended Rivers Regional Subsidiary Charter by absolute majority.

Council considered and endorsed the amended Rivers Regional Subsidiary Charter, at its meeting on 28 February 2023. The amended Rivers Regional Subsidiary Charter was subsequently submitted to the Minister for Local Government on 26 October 2023.

Following a further review of the amended Rivers Regional Subsidiary Charter, the DLGSC has requested additional minor amendments to the Rivers Regional Subsidiary Charter and these amendments, although minor in nature, require the formal endorsement of Rivers Regional Council and each of its members.

The purpose of this report is to seek Council's consideration and formal endorsement of the amended Rivers Regional Subsidiary Charter which is attached as **Attachment 4.1**.

Disclosure of Interest

Nil

Previous Relevant Documentation

• G. 12/2/23	28 Feb 2023	Council agreed to endorse the revised Charter for the Rivers Regional Subsidiary and nominated the Chief Executive Officer as the City's Board member. The Director, Built and Natural Environment is the nominated deputy Board member.

• G.23/5/20	26 May 2020	Council endorsed the Rivers Regional Subsidiary Business Plan 2020 – 2025 and Charter and re-confirmed the proposal to transition the Rivers Regional Council to a regional subsidiary.
• G.15/5/19	22 May 2019	Council agreed in principle to the windup of the Rivers Regional Council and transition to a Regional Subsidiary as soon as the requisite approvals can be obtained.

Background

The City of Mandurah is a member of the Rivers Regional Council (RRC). The future structure of the RRC has been an ongoing point of discussion for member Councils for a number of years, particularly since its primary role has been to manage the Waste to Energy contract.

In 2018, consensus was reached amongst RRC members that a Regional Subsidiary was the preferred model for the future management structure of the RRC. A Regional Subsidiary is a semi-independent collaborative organisation established by two or more local governments to provide new or existing services that can be more effectively delivered together than by one local government alone. It is considered a corporate body managed by a Board comprising of representatives from each member local government and may have two optional 'expert members'. A Regional Subsidiary can determine its own rules in accordance with an adopted Charter, which is similar to a constitution, and may employ staff and have its own premises.

The model being proposed for the Rivers Regional Subsidiary (Subsidiary) is one where each member Council will appoint a City officer to represent them on the Board and also a deputy representative.

The RRC, at its meeting on 2 May 2019, resolved:

1. *That RRC seek formal approval from participating Councils to dissolve the Rivers Regional Council and transition to a Regional Subsidiary as soon as all approvals can be obtained.*

2. *The CEO of RRC arrange preparation of:*
   - *The "Windup Agreement" and relevant legal processes including individual Council and Ministerial approval, and*
   - *The Subsidiary Charter and Business Plan.*

Council considered a report on the transition of the RRC to a Regional Subsidiary structure (*the Rivers Regional Subsidiary*) at its meeting on 22 May 2019, and agreed in principle to the dissolution of the RRC and transition to a Regional Subsidiary model.

Following that, Council then considered a further report on 26 May 2020, and resolved as follows:

"That Council:

1. *Endorse the Rivers Regional Subsidiary Business Plan 2020 – 2025 and the Charter of the Rivers Regional Subsidiary as detailed in Attachment 10.1 and 10.2.*

2. *Proceed with the proposal to form a Regional Subsidiary and notify the Rivers Regional Council of Council's endorsement of the Rivers Regional Subsidiary Business Plan 2020 – 2025 and the Charter of the Rivers Regional Subsidiary.*

3. *Authorise, on approval of the Minister for Local Government to form the Rivers Regional Subsidiary, the Mayor and Chief Executive Officer to execute the following deeds once all arrangements are in place for the Rivers Regional Subsidiary to be established:*

- *Deed of Dissolution of the Rivers Regional Council (Attachment 10.3)*
- *Deed of Asset Transfer (Attachment 10.4)*
- *Deed of Novation (Attachment 10.5).*

Note: Changes to the above deeds can be authorised by the Mayor and Chief Executive Officer so long as the changes do not alter the intent and purpose of the Deeds detailed in Attachments 10.3, 10.4 and 10.5."

Subsequently, the RRC has been facilitating ongoing discussion with the Department of Local Government in an effort to progress the transition from the RRC to a Regional Subsidiary model.

The RRC in conjunction with participating members has since established formal consent to dissolve the RRC and transition to the Rivers Regional Subsidiary and adopted a charter to govern the operations of the Subsidiary.

An Establishment Agreement has been created which provides for the RRC to be wound up by agreement between the parties, facilitated by a Deed of Dissolution. All participating Councils have previously executed the Deed of Dissolution, Deed of Asset Transfer and Deed of Novation documents, which will transfer all Assets, Liabilities and Contractual Responsibilities from the RRC to the Subsidiary.

An application to form the Rivers Regional Subsidiary was submitted to the Minister for Local Government on 9 June 2021. It is understood that approval has initially delayed due to a review of the Local Government Act.

Following several meetings with Ministerial and Department of Local Government staff, an agreement was reached to allow the formation of the Rivers Regional Subsidiary subject to the following:

- Minor amendments to the Rivers Regional Subsidiary Charter being endorsed by members; and

- Each member resolving to adopt the amended Rivers Regional Subsidiary Charter by absolute majority.

Council considered the above amendments, at its meeting on 28 February 2023, and resolved:

"That Council:

1. *Endorse the revised Charter of the Rivers Regional Subsidiary as detailed in Attachment 5.2.*

2. *Approves the Chief Executive Officer as the Board member and the Director Built and Natural Environment as the deputy Board member of the Rivers Regional Subsidiary."*

The amended Rivers Regional Subsidiary Charter was submitted to the Minister for Local Government on 26 October 2023.

Comment

The RRC Chairperson and RRC Chief Executive Officer met with the Minister for Local Government on 19 June 2024 to discuss the regional subsidiary application and to resolve outstanding issues that would enable the application to obtain Ministerial approval.

The RRC CEO had a follow up meeting with Ministerial Advisers and Department of Local Government staff on 20 June 2024.

It is understood that the Minister remains supportive of the Subsidiary transition program, however, the Rivers Regional Subsidiary approval has been caught up in the Department of Local Government's legislative review program, which is approaching completion.

The RRC has two options with respect to the approval of the Rivers Regional Subsidiary. These options are:

1. Wait for the State Government to pass legislative changes that would allow the approval of the Rivers Regional Subsidiary Charter in its current form (likely to be 2025 and beyond); or

2. Amend the current Rivers Regional Subsidiary Charter to satisfy the current Departmental interpretations of the existing Legislation.

Option 2 is the preferred option of the RRC and its members.

The proposed changes to the Rivers Regional Subsidiary Charter are minor in nature and can easily be accommodated by RRC and its members, and will not impact on the main operations of the Rivers Regional Subsidiary.

The more significant changes to the Rivers Regional Subsidiary Charter can be summarised as follows:

1. Amended Clause 5.2

Clause 5.2 Contributions by Participants

The amended clause 5.2 primarily provides clarification on the contribution to be paid by Subsidiary participants for a new project and that these projects are to be funded only by the participants in the project. The contribution arrangements are provided in the new schedule 2, which is outlined in further detail below.

Clause 5.2 (b) and (c) are proposed to read as follows:

"(b) Where the Subsidiary undertakes a project that is not a requirement of the RRC Waste Agreements or subscriptions to industry associations and is consistent with the objects outlined under clause 1.4, (New Project), a contribution shall be paid in accordance with the steps set out in Schedule 2. by only those Participants that agreed to undertake and contribute to that New Project (New Project Participants).

(c) Prior to undertaking a project where a contribution will be required by Participants in accordance with clause 5.2 (b) the subsidiary must submit a project plan detailing the obligations of Participants to each Participant and each Participant that is to contribute of the New Project Participants, of which there must be two (2) or more must resolve to proceed with the New Project and make that contribution."

2. New Clause 5.6

The new clause 5.6 primarily provides clarification that the Rivers Regional Subsidiary may not operate while insolvent and in the event that the Rivers Regional Subsidiary does become insolvent, and there remains any liability or debt more than the realised property and assets of the Subsidiary then the liability or debt is to be met by each of the participants in accordance with the steps set out in Schedule 2.

Clause 5.6 is proposed to read as follows:

"5.6 The Subsidiary may not operate while insolvent. If the Subsidiary does become insolvent, and there remains any liability or debt in excess of the realised property and assets of the Subsidiary then the liability or debt is to be met by each of the Participants in accordance with the steps set out in Schedule 2."

3. New Clause 10.2

The new clause 10.2 clarifies the obligations on Financial Reporting.

Clause 10.2 is proposed to read as follows:

"10.2 Financial reporting

The Subsidiary must comply with the financial reporting requirements required by the Act and the Regional Subsidiary Regulations, and no modification is made under regulation 9(g) of the Regional Subsidiary Regulations."

4. New Clause 10.5

The new clause 10.5 clarifies the obligations with respect to disposal of property.

Clause 10.5 is proposed to read as follows:

"10.5 Disposal of property and other assets

The Subsidiary may dispose of property, adopting the requirements of local governments under the Act."

The Subsidiary has no real assets, only cash so this new clause has no impact.

5. Schedule 2 - Contributions towards a new project

The new clause 2.2 in schedule 2 clarifies the contribution arrangements for a new project and is proposed to read as follows:

"2.2 Contributions towards a new project

Each Participant, of which there must be two (2) or more, that agrees to participate in the new project must pay a contribution calculated as follows:

$$\text{Participant's contribution} = PC \times \frac{TP}{TTP}$$

Where:

(a) PC is the Current New Project Value of a New Project and Includes any part of a Budget Deficiency, Deficit, Anticipated Exceptional Deficit, Surplus or any other Liability that is attributable to that new Project Participants participating in the New Project;
(b) TP is the number of tonnes of the New Project participant's Waste in the previous year or another number as agreed between the parties;
(c) TTP is the number of tonnes of all of the New Participants' Waste in the previous year for those New participants Participating in the New Project;
(d) "previous year" means the financial year preceding the financial year in which the Project is to commence; and
(e) " Waste" means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1; and
(f) "Current New Project Value" means the value of the New Project calculated based on the value of all revenues, expenses, assets and liabilities whatsoever attributable to that New Project at the relevant time (as recognised and calculated in accordance with the Local Government Act 1995 (the Act), Local Government (Financial Management) Regulations 1996 and to the extent they are not inconsistent with the Act, the Australian Accounting Standards (as they apply to local government entities))."

6. Schedule 2 - Contributions towards insolvency debt

The new clause 2.5 in schedule 2 clarifies the contribution arrangements toward insolvency debt and is proposed to read as follows:

"2.5 Contributions towards an Insolvency Debt

Each participant must pay a contribution towards the Insolvency debt calculated as follows:

$$\text{Participant's contribution} = TL \times \frac{TP}{TTP} + PC$$

Where:

(a) TL is the Total Liability;
(b) TP is the number of tonnes of the participant's Waste in the previous year;
(c) TTP is the number of tonnes of all of the participants' Waste in the previous year;
(d) "previous year" means the financial year preceding the financial year in which the Insolvency Debt is determined; and
(e) "Participants' Waste" means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1
(f) PC is the total cost of a New Project attributable to a New Project Participant as calculated under clause 2.2 of this Schedule 2."

The Rivers Regional Council Technical Advisory Group (TAG) has met on two occasions to discuss the proposed amendments to the Rivers Regional Subsidiary Charter. While there was general agreement amongst members, the City of Armadale (COA) requested further changes relating to the management of potential insolvency events and detail further clarity around the treatment of project related costs to ensure that these liabilities were clearly quarantined to those Council's participating.

To address this issue it was agreed that the Board of the Rivers Regional Subsidiary will be required to maintain a Policy relating to the management of potential insolvency events. Accordingly, it is proposed that a new clause 10.1(g) is added which reads as follows:

10.1(g) The Board must establish and maintain a governance policy in relation to the management of potential insolvency risks and events and that identifies insolvency risks and circumstances which may lead to insolvency events.

The Department of Local Government has now completed a review of the proposed amended Rivers Regional Subsidiary Charter and confirmed that it is now acceptable.

The amended Rivers Regional Subsidiary Charter was considered by the RRC at its meeting on 15 August 2024, and the Council resolved that:

"The revised Charter for the Operations of the RIVERS REGIONAL SUBSIDIARY_0824 be APPROVED and forwarded to Member Council's for consideration and forwarded to the Minister for Local Government once approved by each Council."

A clean version of the amended Rivers Regional Subsidiary Charter is attached as ***Attachment 4.1***.

A marked-up version of the amended Rivers Regional Subsidiary Charter is attached as ***Attachment 4.2***.

Statutory Environment

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

Section 3.69 Regional Subsidiaries
Section 3.70 Regional Subsidiaries to have Charter
Section 3.71 Regulations about Regional Subsidiaries

The *Local Government (Regional Subsidiaries) Regulations 2017* governs the establishment and operation of a Regional Subsidiary.
The *Waste Avoidance and Resource Recovery Act 2007* provide the legislative framework for the management of waste within the State.

Approval from the Minister for Local Government is required for both the dissolution of the RRC and the transition to the Rivers Regional Subsidiary. The operative date for the RRC wind-up is 60 days after the Minister has approved the Subsidiary or 14 days after receipt of the final Audit. Based on these outcomes an operative date for creation of the Rivers Regional Subsidiary, would be early 2025.

The rights and obligations under the RRC Waste Agreements will be transferred to the Rivers Regional Subsidiary via the Deed of Novation, which has previously been executed by all RRC members.

Policy Implications

Nil

Financial Implications

The City's RRC member fee contributions over the last 5 years are detailed as follows:

Year	Contribution
2024/2025	$85,399
2023/2024	$83,073
2022/2023	$79,740
2021/2022	$50,026
2020/2021	$94,785

The member fee contributions for the Rivers Regional Subsidiary are expected to be in the order of $60,000 per annum.

Economic Implications

Nil

Environmental Implications

Nil

Risk Analysis

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

Strategic Implications

The following community outcomes from the City of Mandurah Strategic Community Plan 2024 – 2044 are relevant to this report:

Leadership:
- Sound decisions based on evidence and meaningful engagement
- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs and services

Conclusion

Council has previously endorsed the transition of the RRC to the Rivers Regional Subsidiary.

The RRC have developed the following documents to enable for the transition to a Regional Subsidiary to proceed:

- *Rivers Regional Subsidiary Business Plan 2020 – 2025*
- *Charter of the Rivers Regional Subsidiary*
- *Deed of Dissolution of the Rivers Regional Council*
- *Deed of Asset Transfer*
- *Deed of Novation*

Approval has been sought from the Minister for Local Government to transition the RRC to the Rivers Regional Subsidiary. An agreement has been reached with Ministerial and Department staff to allow the RRC to proceed but is subject to further minor amendments to the Rivers Regional Subsidiary Charter.

The amendments are relatively minor in nature, and it is recommended that Council endorse the amended Rivers Regional Subsidiary Charter to enable the transition from the RRC to the Rivers Regional Subsidiary to proceed.

NOTE:

- **Refer** ***Attachment 4.1*** ***Charter of the Rivers Regional Subsidiary (clean copy)***
- **Refer** ***Attachment 4.2*** ***Charter of the Rivers Regional Subsidiary (marked amendments)***

RECOMMENDATION

That Council:

1. Endorse the revised Charter of the Rivers Regional Subsidiary as detailed in Attachment 4.1.

2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Charter of the Rivers Regional Subsidiary.

****ABSOLUTE MAJORITY REQUIRED****

CHARTER OF THE RIVERS REGIONAL SUBSIDIARY

A Regional Subsidiary

incorporated pursuant to section 3.69 of the Local Government Act 1995 (WA)

1. ESTABLISHMENT & OBJECTS

1.1 Local Government Act 1995

(a) This Charter governs the operation of the Subsidiary and both this Charter and the Subsidiary are subject to the requirements of Part 3, Division 4 of the Act and the Regional Subsidiaries Regulations.

(b) Pursuant to section 3.69(3) of the Act, the Subsidiary is a body corporate and has a common seal. Its Board has responsibility for the management of the business and other affairs of the Subsidiary.

1.2 Definitions

In this Charter:

"Act" means the *Local Government Act 1995 (WA)*;

"Anticipated Exceptional Deficit" means the amount, if any, of a Deficit which, during a financial year the Subsidiary determines will, or is likely to, occur in that year by reason of:

(a) an expense for which no expenditure estimate is included in the Subsidiary's annual budget for that year; or

(b) an expense for which an expenditure estimate is included in the Subsidiary's annual budget for that year but the expense is exceptional having regard to that estimate; or

(c) a shortfall in income for which an income estimate is included in the annual budget for that year but the shortfall is exceptional having regard to that estimate.

"Board" means the Board of Management established under Clause 8;

"Board member" means a person who has been appointed to the Board by a Participant in accordance with clause 8.2(a);

"Budget Deficiency" has the same meaning as the expression is given in Part 6 of the Act;

"Business Plan" means the business plan prepared by the Participants pursuant to regulation 4 of the Regional Subsidiaries Regulations;

"Chairperson" means the person elected as Chairperson of the Board pursuant to Clause 8.4(a) and includes a person authorised by this Charter to act in place of the Chairperson;

"CEO" means the chief executive officer of the Subsidiary or a Participant as specified in this Charter;

"district' means district as that term is defined in the Act;

"Deficit", for a financial year, means the amount, if any:

(a) by which the expenses of the Subsidiary exceeds the revenues and other income of the Subsidiary; and

(b) which is shown as such in the annual financial report, for that year, prepared by the Subsidiary in accordance with the provisions of

section 5.53 of the Act as those provisions are modified by regulation 18 of the Regional Subsidiaries Regulations;

"Local Government" means a Local Government constituted under the *Local Government Act 1995 (WA);*

"elected member" means a Mayor, President or Councillor of a Council;

"financial year" means a year beginning on 1 July in each year and ending on 30 June of the following year;

"meeting" includes both ordinary and special meetings of the Board;

"Minister" means the Minister for the time being responsible for the administration of the *Local Government Act 1995 (WA);*

"Objects" means the objects of the Subsidiary as set out in clause 1.4;

"Participant" means a Local Government that is a member of the Subsidiary named in clause 1.3;

"parties" as described in clause 11 means a Participant or Participants or the Subsidiary and party means any one or more of them according to context;

"Region" means the total area of the districts of the Participants;

"Regional Subsidiaries Regulations" means the *Local Government (Regional Subsidiaries) Regulations 2017 (WA)*

"RRC**"** means the Rivers Regional Council;

"RRC Waste Agreements" means the agreements and documents itemised in Schedule 1;

"special resolution" means a resolution passed by a two thirds majority of all Board members present at a meeting and entitled to vote on the issue;

"Subsidiary" means the Rivers Regional Subsidiary; and

"Surplus", for a financial year, means the amount if any:

(a) by which the revenues and other income of the Subsidiary exceeds the expenses of the Subsidiary; and

(b) which is shown as such in the annual financial report, for that year, prepared by the Subsidiary in accordance with the provisions of section 5.53 of the Act as those provisions are modified by regulation 18 of the Regional Subsidiaries Regulations.

1.3 Establishment

The Subsidiary is a regional subsidiary established pursuant to section 3.69 of the Act by the following local governments:

(a) The City of Gosnells;

(b) The City of Armadale;

(c) The City of South Perth;

(d) The City of Mandurah;

(e) The Shire of Serpentine-Jarrahdale; and

(f) The Shire of Murray.

1.4 Objects

The Subsidiary is established to:

(a) replace the RRC and act as principal under the terms of the:

(i) Agreement for Receipt and Processing of Waste for Resource Recovery dated 4 November 2015 referred to in item 2 of Schedule 1; and

(ii) Participant's Agreement for the Receipt and Processing Waste for Resource Recovery dated 15 October 2015 referred to in item 1 of Schedule 1.

(iii) Financier Direct Deed dated 16 October 2018 and referred to in item 6 of Schedule 1; and

(iv) Supplemental Deed dated 16 July 2018 and referred to in item 4 of Schedule 1.

(b) assist in the coordination of resource sharing between the Participants, to reduce costs and increase operational efficiencies associated with waste management;

(c) associate, collaborate and work in conjunction with other local government bodies for the advancement of matters of common interest relating to waste management;

(d) undertake coordination, advocacy, education and representation roles for the Participants at a regional level and, in particular, coordinate waste recovery, reuse and disposal education programs;

(e) develop cooperation between the Participants so as to improve waste management and recycling programs and practices within the Region;

(f) assist Participants to minimise the volume of waste collected in the districts of the Participants which is required to be disposed of by landfill;

(g) develop, encourage, promote, foster and maintain consultation and cooperation with the Western Australian Local Government Association (WALGA), other levels of government, private enterprise and the community with regard to matters relating to waste management;

(h) strengthen the representation and status of local government waste management matters when dealing with other levels of government, private enterprise and the community;

(i) develop further waste management cooperation between the Participants for the benefit of the communities of the Region;

(j) develop and manage waste management policies which guide the conduct of programs and projects in the Region with the objective of securing the best outcomes for the communities of the Region; and

(k) undertake waste management projects that benefit the Region and its communities.

1.5 Review of Charter

a) This Charter will be reviewed by the Participants acting in concurrence at least once in every four (4) years.

b) Where the Participants determine that the Charter ought to be amended, either at the time of review or any other time, then the Participants shall thereafter comply with the provisions of regulation 6 and 7 of the Regional Subsidiaries Regulations to enable any proposed amendment to be made.

2. THE RIVERS REGIONAL COUNCIL

2.1 Establishment

The RRC is a Regional Local Government established under section 3.61 of the Act.

2.2 Novation of Rights and Obligations

Upon the establishment of the Subsidiary it is the intention of both the RRC and the Participants that:

(a) the RRC shall novate all of its rights, title, interest and obligations in the RRC Waste Agreements (Novation) to the Subsidiary subject to the consents where required of the parties to the RRC Waste Agreements; and

(b) the Subsidiary shall take the Novation.

2.3 Transfer of Assets as Deemed Contributions

It is also the intention of the both the RRC and the Participants that:

(a) the RRC shall transfer all of its assets to the Subsidiary **(Transfer)** and the Subsidiary shall deem these assets to be contributions from the Participants.

(b) the deemed contributions shall be apportioned by the Subsidiary to each Participant by multiplying the total asset value received from the RRC by each Participant's waste volume in tonnes for the previous five (5) financial years as a percentage of the Participant's total waste for the same period.

2.4 Order of Precedence

To the extent that any of the provisions of this Charter, as set out below, are also dealt with in any of the RRC Waste Agreements then, for the purposes only of the RRC Waste Agreements, the provisions of the RRC Waste Agreement/s shall take precedence over the provisions of this Charter to the extent of any inconsistency.

(a) Clause 4 - Non Derogation and Direction of Participants;

(b) Clause 5 - Funding by the Participants; and

(c) Clause 11 – Dispute Resolution

2.5 Wind Up of RRC

It is the intention of the RRC to wind itself up after completion of the Novation and Transfer referred to in clauses 2.2 and 2.3.

3. POWERS FUNCTIONS AND DUTIES

The powers, functions and duties of the Subsidiary are to be exercised in the performance of the Subsidiary's Objects. The Subsidiary shall have those powers and functions provided under the Act, the Regional Subsidiaries Regulations and this Charter which include:

(a) cooperating or contracting with any other association or organisation, whether within or outside of the area of the Participants, which shares similar objects to those of the Subsidiary;

(b) entering into contracts or arrangements with any Government agency or authority that are incidental or conducive to the attainment of the Objects and the exercise of the powers of the Subsidiary;

(c) entering into contracts with any person or body including a Participant for the acquisition or supply of goods and services or for any other reason that is consistent with the Subsidiary’s Objects;

(d) Subject to clause 9, appointing, employing, remunerating, removing or suspending officers, managers, employees and agents;

(e) raising revenue by:

(i) charging the Participants fees incurred by the Subsidiary in undertaking and carrying out its Objects;

(ii) arrangements with sponsor organisations;

(iii) making submissions for and accepting grants, subsidies and contributions to further the Subsidiary’s Objects;

(iv) arrangements or contracts with any other person or body; and

(v) any other means not inconsistent with the Objects of the Subsidiary.

(f) printing and publishing any newspapers, periodicals, books, leaflets, or other like writing;

(g) appointing such committees as it deems necessary and to define the duties of such committees provided that the acts of any such committee shall be submitted before execution or discharge for the approval of the Subsidiary, and appointing persons to committees which may consist partly of persons who are not representatives of Participants;

(h) delegating any of the Subsidiary's powers and functions to persons or committees and altering or revoking such delegations;

(i) co-opting to any duly appointed committee, any Board member, any officer of a Participant, or any other appropriate person as deemed desirable for the efficient function of that committee;

(j) acquiring, holding, dealing with and disposing of any real or personal property of the Subsidiary;

(k) opening and operating bank accounts;

(l) investing monies in any manner in which trust moneys may be invested in accordance with the provisions of section 6.14 of the Act and regulation 19C of the *Local Government (Financial Management) Regulations 1996 (WA)*, as those provisions are modified by regulation 22 of the Regional Subsidiaries Regulations;

(m) subject to regulation 11 of the Regional Subsidiaries Regulations borrowing money in accordance with an approved Business Plan;

(n) giving security for the discharge of liabilities of the Subsidiary;

(o) imposing fees and charges in accordance with Part 6, Division 5, Subdivision 2 of the Act as modified by regulation 23 of the Regional Subsidiaries Regulations;

(p) the development of a code of conduct to be observed by members of the Board, employees of the Subsidiary and members of any committee appointed by the Subsidiary;

(q) establish a reserve fund or funds clearly identified for the upkeep and / or replacement of fixed assets or for meeting any deferred liability; and

(r) doing all other things that are necessary or convenient for or incidental or conducive to the attainment of the Objects, and the exercise, performance or discharge of the powers, functions and duties of the Subsidiary.

4. DIRECTION BY PARTICIPANTS

4.1 Participants

All of the Participants listed at Clause 1.3 are the members of the Subsidiary.

4.2 Non-Derogation and Direction by Participants

(a) The establishment of the Subsidiary does not derogate from the power of any of the Participants to act independently in relation to a matter within the jurisdiction of the Subsidiary.

(b) Provided that all of the Participants unanimously agree on the action to be taken, the Participants may direct and control the Subsidiary. Non Compliance maybe dealt with under clause 8.3.

(c) Any decision of the Participants under clause 4.2(b) and/or direction given or control exercised by the Participants must be given in writing to the CEO of the Subsidiary.

(d) A project that is not a requirement of the RRC Waste Agreements or subscriptions to industry bodies shall not be commenced within 12 months of establishment of the Subsidiary unless unanimously agreed by the Participants.

4.3 Provision of Information to Participants

(a) The Subsidiary must, at the written request of a person authorised by the CEO of a Participant, furnish to all Participants at the same time the Participant information or records in the possession or control of the Subsidiary as the Participant may require in such manner and form as the Participant may require.

(b) If the Board of the Subsidiary considers that information or a record furnished under this clause contains matters that should be treated as confidential, the Board may advise the Participants of that opinion giving the reason for the opinion and the Participants must, subject to sub clause (c), act on that advice.

(c) If the Subsidiary owes a duty of confidence in respect of a matter, the Participants must ensure the observance of that duty in respect of the matter, but this sub clause does not prevent a disclosure as required in the proper performance of the functions or duties of the Participants.

4.4 Role of Elected Members

Elected Members via their Participating Councils

(a) Adopt and approve amendments to this Charter

(b) Endorse the initial Business Plan;

(c) Approve the payment of fees and reimbursements to Board members;

(d) Provide direction under clause 4.2; and

(e) Nominate their Board representative.

5. FUNDING BY PARTICIPANTS

5.1 Application of Clause

This clause applies if in any year:

(a) A Budget Deficiency is disclosed in the annual budget of the Subsidiary;

(b) A Deficit is disclosed in the annual financial report of the Subsidiary;

(c) An Anticipated Exceptional Deficit is determined by the Subsidiary**;**

(d) An Insolvency Debt; or

(e) Contributions are required towards a project that is not a requirement of the RRC Waste Agreements or subscriptions to industry associations.

5.2 Contributions by Participants

(a) The Participants must pay to the Subsidiary contributions towards a Budget Deficiency, a Deficit or an Anticipated Exceptional Deficit not related to projects covered under 5.2 (b) and (c) as the case may be, in accordance with the steps set out in Schedule 2.

(b) Where the Subsidiary undertakes a project that is not a requirement of the RRC Waste Agreements or subscriptions to industry associations and is consistent with the objects outlined under clause 1.4 (**New Project**), a contribution shall be paid in accordance with the steps set out in Schedule 2 by only those Participants that agreed to undertake and contribute to that New Project (**New Project Participants**).

(c) Prior to undertaking a project where a contribution will be required by Participants in accordance with clause 5.2 (b) the subsidiary must submit a project plan detailing the obligations of Participants to each Participant and each of the New Project Participants, of which there must be two (2) or more must resolve to proceed with the New Project and make that contribution.

5.3 Time for Payment of Contributions

The contributions referred to in clause 5.2 must be paid by each Participant or any New Project Participants to the Subsidiary within 42 days, or any earlier time agreed by the Participants, after:

(a) In the case of contributions towards a Budget Deficiency – the date on which the annual budget is prepared and adopted by the Subsidiary;

(b) In the case of contributions towards a Deficit – the date on which the annual financial report is prepared and submitted for audit;

(c) In the case of contributions towards an Anticipated Exceptional Deficit – the date on which the Anticipated Exceptional Deficit is determined by the Subsidiary; or

(d) In the case of contributions toward New Projects – the date on which the Subsidiary and the New Project Participants agree will be the commencement date of that New Project.

5.4 Late Payment of Contributions

If a Participant fails to pay the contribution referred to in clause 5.2 on or before the due date for payment then, in addition to the contribution, the Participant must pay to the Subsidiary interest on the contribution at the overdraft rate charged by the Subsidiary's bank on amounts of the same size as the unpaid contribution calculated from and including the due date to but excluding the actual date of payment.

5.5 Contributions to the Acquisition of Land

(a) Where the Subsidiary determines that the Participants are to make contributions towards the acquisition of land then the Participants must make those contributions in equal proportions.

(b) Contributions referred to in subclause 5.5(a) are capital contributions for the purpose of clause 6.2 (f) and 7.2.

5.6 Subsidiary may not operate while insolvent

The Subsidiary may not operate while insolvent. If the Subsidiary does become insolvent, and there remains any liability or debt in excess of the realised property and assets of the Subsidiary then the liability or debt is to

be met by each of the Participants in accordance with the steps set out in Schedule 2.

5.7 Distribution of a Paid Surplus

(a) The Participants acknowledge that it is for the Subsidiary to determine if a Surplus or portion of a Surplus is to be paid to the Participants and the manner and timing of any payment, having a regard to the prudent management of its cash flow and financial requirements and other relevant matters **(Paid Surplus).**

(b) The Participants agree that any Paid Surplus is to be distributed between them in proportions calculated in accordance with Schedule 3.

6. NEW AND WITHDRAWAL OF PARTICIPANTS

6.1 New Participants

Subject to the provisions of the Act, including but not limited to Ministerial approval under regulation 7 of the Regional Subsidiaries Regulations, this Charter may be amended by a resolution of the Participants to provide for the admission of a new Participant or Participants, with or without conditions of membership, with such conditions to be determined jointly by the Board and the member Participants.

6.2 Withdrawal of a Participant

(a) A Participant may seek to withdraw from the Subsidiary but withdrawal shall be subject to and conditional upon the Subsidiary being able to successfully comply with the provisions of regulation 6 and 7 of the Regional Subsidiaries Regulations.

(b) A Participant which intends to withdraw from the Subsidiary shall give to the CEO of the Subsidiary and to the CEO's of all of the other Participants written notice of such intention, specifying the date of intended withdrawal. Such notice shall be given a minimum of three months prior to the date of the intended withdrawal.

(c) Upon receipt of a notice of intention to withdraw from the Subsidiary the remaining Participants and the Subsidiary shall, subject to clause 6.2(d), use their best endeavours, acting reasonably to achieve compliance with regulations 6 and 7 of the Regional Subsidiaries Regulations to allow the withdrawal to proceed.

(d) However, to the extent that the Participants may have entered into contractual obligations and liabilities relying on the withdrawing Participant's ongoing support, the Participants may refuse the request of an individual Participant to withdraw if, in the reasonable opinion of the remaining Participants, they will incur an unreasonable financial burden by reason of the withdrawal.

(e) The withdrawal of the Participant does not extinguish the proportionate liability of that Participant to make payment of its budgeted contribution for the financial year in which it gives notice and in respect of any other amounts outstanding.

(f) The payment of any proportionate entitlement sought by the withdrawing Participant shall only be made where the remaining Participants and the Subsidiary agree with the withdrawing Participant as to the amount and terms of payment.

7. WINDING UP

7.1 Form of Wind Up

The Subsidiary may be wound up by the Minister acting upon a unanimous resolution of the Participants or by the Minister in accordance with the provisions of section 8.15 (2) of the Act as those provisions are modified by regulation 24 of the Regional Subsidiary's Regulations.

7.2 Division of Assets (excluding New Project Assets)

(a) Where the Subsidiary is to be wound up and there remains, after satisfaction of all its debts and liabilities, any property and assets of the Subsidiary excluding any assets or Surplus attributable to a New Project, then that property and those assets are to be realised and:

(i) firstly, to the extent that the proceeds, along with any Surplus funds, are sufficient to do so, the Participants are to be repaid their respective capital contributions as shown in the accounting records of the Subsidiary; and

(ii) secondly, the balance, if any, is to be divided among the Participants in the proportions set out in clause 4.1 of Schedule 4.

(b) For the avoidance of doubt, for the purposes of subclause (a) the capital contributions of the Participants do not accrue interest.

7.3 Division of Liabilities (excluding New Project Liabilities)

If the subsidiary is to be wound up and there remains any liability or debt in excess of the realised property and assets of the Subsidiary then the liability or debt excluding any liability or debt attributable to a New Project is to be met by each of the Participants in the proportions set out in clause 4.1 of Schedule 4.

7.4 Division of New Project Assets

(a) Where the Subsidiary is to be wound up and there remains, after satisfaction of all its debts and liabilities, any property and assets of the Subsidiary that are attributable to a New Project, then that property and those assets for that New Project are to be realised and:

(i) firstly, to the extent that the proceeds, along with any Surplus funds, are sufficient to do so, the New Project Participants are to be repaid their respective capital contributions attributable to a New Project as shown in the accounting records of the Subsidiary; and

(ii) secondly, the balance, if any, is to be divided among the New Project Participants in the proportions set out in clause 4.2 of Schedule 4.

(b) For the avoidance of doubt, for the purposes of subclause (a) the capital contributions of the New Project Participants do not accrue interest.

7.5 Division of New Project Liabilities

If the subsidiary is to be wound up and there remains any liability or debt in excess of the realised property and assets of the Subsidiary attributable to a New Project then the liability or debt for that New Project is to be met by each of the New Project Participants in the proportions set out in clause 4.2 of Schedule 4.

8. BOARD OF MANAGEMENT

The Board shall have the responsibility to manage the business and other affairs of the Subsidiary ensuring that the Subsidiary acts in accordance with this Charter.

8.1 Functions of the Board

The functions of the Board shall be:

(a) the formulation of strategic plans and strategies aimed at improving the activities of the Subsidiary;

(b) to provide professional input and policy direction to the Subsidiary;

(c) to monitor, oversee and evaluate the performance of the CEO of the Subsidiary;

(d) ensuring that ethical behaviour and integrity is established and maintained by the Subsidiary and its Board Members in all activities undertaken by the Subsidiary;

(e) subject to clause 8.6(j), ensuring that the activities of the Subsidiary are undertaken in an open and transparent manner;

(f) the review and amendment of the Business Plan to be considered in consultation with the Participants;

(g) exercising the care, diligence and skill required by the Act and the Regional Subsidiaries Regulations and in any event such that a prudent person of business would exercise in managing the affairs of other persons; and

(h) To manage the Subsidiary's responsibilities of the RRC Waste Agreements.

8.2 Membership of the Board

(a) Subject to subclause (b), the Board shall consist of one (1) natural person appointed by each Participant who must be an employee of the Participant.

(b) Each Participant shall appoint their Board member from time to time, as required, for a period not exceeding four (4) years, and give notice in writing to the CEO of the Subsidiary, of the person who is or will be its Board member.

(c) Notwithstanding subclause (a), a Participant may appoint its Board Member for a lesser period by nominating the period in the written appointment provided to the CEO of the Subsidiary. In such circumstances, any continuation of appointment following the expiry of the initial period nominated shall be in writing addressed to the CEO of the Subsidiary.

(d) Each Constituent Council will also appoint a natural person and employee of the Participant as deputy Board Member. The deputy Board Member is

entitled to act in place of a Board Member appointed by the same Participant if the Board Member is unable for any reason to be present at a Board meeting.

(e) In the absence of the Board Member, a deputy Board Member will be deemed to be the Board Member and can exercise all rights, privileges and obligations of the Board Member during the absence of that Board Member.

(f) A notice signed by the Chief Executive Officer of a Participant will be sufficient evidence of the appointment of a Board Member and deputy Board Member of the Board of Management.

8.3 Termination of Membership of the Board

The appointment of a Board member shall terminate upon any of the grounds set out below:

(a) the Participant which appointed him/her ceasing to be a Participant;

(b) the appointing Participant providing written notice of termination to the Board Member and the Board;

(c) ceasing to be employed by the Participant which appointed him/her;

(d) the death of the Board member;

(e) completion of a term of office without re appointment;

(f) written resignation from the Board Member being served on the Participant who appointed him / her;

(g) personal bankruptcy or application for the benefit of a law for the relief of insolvent debtors;

(h) the Board, by special resolution, resolves to terminate the appointment of that Board member for:

  (i) any behaviour of the Board member which, in the opinion of the Board, amounts to impropriety;

  (ii) serious neglect of duty in attending to his/her responsibilities as a Board member;

  (iii) breach of fiduciary duties to the Subsidiary or the Participant(s);

  (iv) breach of the duty of confidentiality to the Subsidiary or the Participant(s);

  (v) any other behaviour which may discredit the Subsidiary or the Participants.

(i) Notwithstanding any other clause of this Charter, a Board member may be removed from office as a Board member by special resolution of the Board prior to the expiration of a term of appointment.

(j) If any vacancy occurs in the membership of the Board it must be filled in the same manner as the original appointment under clause 8.2. The person appointed to the Board to fill a vacancy will be appointed for the balance of the term of the original appointment and at the expiry of that term, subject to satisfying the requirements of this Charter, shall be eligible for re-appointment.

8.4 Chairperson of the Board

(a) The Chairperson of the Board shall be appointed by the Board from amongst its members and shall hold office for a term agreed by the Board, unless he/she resigns or is removed from office pursuant to a resolution of the Board or until he/she is no longer eligible to act as a Board member.

(b) There shall also be a Deputy Chairperson of the Board appointed by the Board from amongst its members who shall hold office for a term agreed by the Board unless he/she resigns or is removed from office pursuant to a resolution of the Board or until he/she is no longer eligible to act as a Board member.

(c) The Chairperson and Deputy Chairperson shall be eligible for re-appointment upon their term of office expiring.

(d) If the Chairperson either resigns or is no longer eligible to act as a Board Member prior to the expiry of his/her term as Chairperson, the Deputy Chairperson shall act in that office. In the event of the Deputy Chairperson refusing or being unable to act, the Board shall elect from amongst their own number a new Chairperson who shall hold office until the conclusion of the original term.

8.5 Powers of the Chairperson and the deputy Chairperson

(a) The Chairperson shall preside at all meetings of the Board.

(b) In the event that the Chairperson is absent from a meeting, the Deputy Chairperson shall preside at that meeting, and in the event that both the Chairperson and Deputy Chairperson are absent from the meeting, the Board shall appoint a member from amongst them who shall preside at that meeting or until the Chairperson or Deputy Chairperson is present.

(c) If any circumstance arises on which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chairperson may decide the action to be taken to ensure achievement of the objects of the Subsidiary and its effective administration.

(d) The Chairperson shall report any such decision at the next ordinary meeting.

8.6 Meetings of the Board

(a) The Board may determine procedures in addition to but not inconsistent with those specified in this Charter to apply at or in relation to its meetings.

(b) The Board shall meet:

(i) for ordinary meetings at such times and places as may be fixed by the Board from time to time provided that there will be not less than three ordinary meetings each financial year; and

(ii) for special meetings if demanded in writing by the Chairperson, the CEO of the Subsidiary or by the Board members appointed by any three (3) Participants.

(c) An ordinary meeting of the Board will constitute an ordinary meeting of the Subsidiary. The Board shall administer the business of an ordinary meeting.

(d) For the purposes of this sub-clause, the contemporary linking together by telephone, audio-visual or other instantaneous means ("telecommunications meeting") of a number of the Board members, provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board members taking part in a telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board members present. At the commencement of the meeting each Board member must announce his/her presence to all other Board members taking part in the meeting. A Board member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board member has previously notified the Chairperson of the meeting.

(e) A resolution may be passed without a meeting being held if all the Board Members entitled to vote on the resolution sign a document containing a statement that they are in favour of the motion/recommendation set out in the document.

(f) Except as otherwise provided in this Charter, notice of ordinary meetings will be forwarded by the CEO of the Subsidiary to the Board members and the CEOs of the Participants at least 7 days prior to the date of the meeting, either by post to the Participant's address or by post to any other location, or via any other means of giving notice (eg. facsimile or email) as nominated by the Board member and the CEO of a Participant in writing addressed to the CEO of the Subsidiary.

(g) Notice of meetings will be sent by the CEO of the Subsidiary to the Board members and the CEOs of the Participants at least seven (7) days prior to the date of the meeting in the manner provided for at clause 8.6(e). Notice of a meeting for the purpose of making a recommendation to wind up the Subsidiary shall be sent to the Board members and the CEOs of the Participants at least eight (8) weeks before the date of the meeting in the manner provided for at clause 8.6(f).

(h) A majority of the Board members present at a meeting of the Board may adjourn the meeting from time to time and from place to place.

(i) Subject to clause 8.6(k), meetings of the Board will be conducted in a place open to the public where deemed appropriate by the Chairman or CEO of the Subsidiary.

(j) All Board members must keep confidential all documents and any information provided to them on a confidential basis for their consideration prior to a meeting of the Board.

(k) The Board may order that the public be excluded from attendance at any meeting in order to enable the Board to consider in confidence any information or matter listed in section 5.23(2) of the Act (after taking into account any relevant consideration under that subsection).

The exercise of this power does not exclude Board members and any other person permitted by the Board to remain in the room.

(l) Where an order is made under clause 8.6(k), a note must be made in the minutes of the making of the order and of the grounds on which it was made.

(m) Where the Board has considered any information or a matter in confidence under Clause 8.6(k) it may subsequently resolve to keep minutes and/or any other documents considered during that part of the meeting confidential.

(n) The CEO of the Subsidiary must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation and adoption.

(o) Where the CEO of the Subsidiary is excluded from attendance at a meeting of the Board pursuant to clause 8.6(k), the person presiding at the meeting shall cause the minutes to be kept.

(p) The Board may invite any person to attend at a meeting of the Board to act in an advisory capacity.

(q) Meeting agendas and minutes shall be made available on a website accessible to the public.

8.7 Quorum

The quorum for any meeting of the Board is a majority of the number of Board members in office, being a number ascertained by dividing the total number of Board members for the time being in office by two (2), ignoring any fraction, and adding one (1). No business will be transacted at a meeting of the Board unless a quorum is present.

8.8 Voting

(a) Unless stipulated otherwise in this Charter, questions arising for decision at meetings of the Board will be decided by a simple majority of eligible votes on the basis of one (1) vote per Board member present at the meeting. The Chairperson shall not, in the event of equality of votes, have a second or casting vote. In the event of equality of votes the matter will lapse.

(b) Subject to a conflict of interest, each Board member validly present at a meeting must vote on a question arising for a decision at the meeting. Failure by any Board member to vote will be deemed to be a negative vote in relation to the question for decision.

8.9 Standing Orders or Rules

(a) Subject to this Charter, the Board may pass, alter or rescind standing orders, policies or rules for the due management and regulation of meetings of the Subsidiary.

(b) Standing orders, policies or rules made pursuant to this clause 8.9 shall be entered in a record which will be kept for the information of the Board members and may be printed and/or circulated at the discretion of the Board.

(c) The standing orders, policies and rules in existence shall remain in operation for a period of one (1) year, at which time they shall be reviewed by the Board and confirmed, varied or discontinued by resolution of the Board.

8.10 Common Seal

(a) Pursuant to section 3.69(3) of the Act the Subsidiary shall have a common seal upon which its corporate name shall appear in legible characters.

(b) The common seal shall not be used without the express authorisation of a resolution of the Board and every use of the common seal shall be recorded in the minute book of the Subsidiary.

(c) The affixing of the common seal shall be witnessed by the Chairperson or the Deputy Chairperson and the CEO of the Subsidiary or such other person as the Board may appoint for the purpose.

(d) The common seal shall be kept in the custody of the CEO of the Subsidiary or such other person as the Board may from time to time decide.

8.11 Committees

(a) The Board may establish a committee of Board members for the purposes of:

i. enquiring into and reporting to the Board on any matter within the Subsidiary's functions and powers and as detailed in the terms of reference given by the Board to the committee;

ii. exercising, performing or discharging delegated powers, functions or duties.

(b) A member of a committee established under clause 8.11(a) of this Charter holds office at the pleasure of the Board.

(c) The Board may otherwise establish advisory committees consisting of or including persons who are not Board members for enquiring into and reporting to the Board on any matter within the Subsidiary's functions and powers and as detailed in the terms of reference.

(d) The Chairperson of the Board is an ex-officio member of any committee or advisory committee established by the Board.

8.12 Fees and Allowances

Fees, annual allowances or reimbursements, if any, for expenses payable to Board Members shall be subject the approval of the majority of Participants.

9. EMPLOYEES OF THE SUBSIDIARY

9.1 The Board must appoint a CEO of the Subsidiary to manage the business of the Subsidiary on terms agreed between the CEO and the Board. The CEO of the Subsidiary must be a natural person.

9.2 The CEO of the Subsidiary shall cause records to be kept of the business and financial affairs of the Subsidiary in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.

9.3 In the absence of the CEO of the Subsidiary for any period exceeding six weeks a suitable person to act in the position of CEO of the Subsidiary must be appointed by the Board.

9.4 The Board shall delegate responsibility for the day to day management of the Subsidiary to the CEO of the Subsidiary, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Subsidiary.

9.5 The functions of the CEO of the Subsidiary shall be specified in the terms and conditions of appointment and shall include but are not limited to:

(a) appointing, managing, suspending and dismissing employees of the Subsidiary;

(b) determining the conditions of employment of employees of the Subsidiary within the budgetary constraints set by the Board;

(c) attending at all meetings of the Board unless excluded by resolution of the Board;

(d) ensuring that the decisions of the Board are implemented in a timely and efficient manner;

(e) providing information to assist the Board to assess the Subsidiary's performance against its Strategic and Business Plans;

(f) providing advice and reports to the Board on the exercise and performance of its powers and functions under the Act, the Regional Subsidiaries Regulations and this Charter;

(g) ensuring that the Subsidiary is at all times complying with the Act, the Regional Subsidiaries Regulations and this Charter;

(h) ensuring that the Subsidiary's annual report prepared in accordance with section 5.53 of the Act as modified by regulation 18 of the Regional Subsidiaries Regulations is distributed to the Participants in time to be incorporated in their annual reports;

(i) co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Subsidiary;

(j) ensuring that the assets and resources of the Subsidiary are properly managed and maintained;

(k) exercising, performing or discharging other powers, functions or duties conferred on the CEO of the Subsidiary by or under the Act or any other legislation, and performing other functions lawfully directed by the Board; and

(l) inviting any person to attend at a meeting to act in an advisory capacity.

9.6 The CEO of the Subsidiary shall provide a report on his/her activities to the Board at every ordinary meeting.

9.7 The Board in association with the CEO shall agree key performance indicators and undertake a review of the performance of the CEO at least once in relation to each year of the person's employment.

10. MANAGEMENT OF THE SUBSIDIARY

10.1 Financial Management

(a) The Subsidiary shall keep proper books of account, which must be available for inspection by any Board member or representative authorised by the CEO of any Participant at any reasonable time on request.

(b) The Subsidiary must establish and maintain a bank account at a bank and with such bank facilities to be determined by the Board.

(c) The Subsidiary shall appoint, the CEO of the Subsidiary, the Chairperson and Deputy Chairperson as authorised operators of the bank accounts. A minimum of two authorised operators must be required to deal with the bank account at any one time.

(d) All cheques must be signed by two of the persons appointed under or listed at clause 10.1(c).

(e) Any payments made by electronic funds transfer must be made in accordance with procedures for the authorisation of, and payment of accounts which have received the prior approval of the Board.

(f) The Board must establish and maintain a purchasing policy in relation to contracts for other persons to supply goods and services.

(g) The Board must establish and maintain a governance policy in relation to the management of insolvency risks and events and that identifies insolvency risks and circumstances which may lead to insolvency events.

10.2 Financial reporting

The Subsidiary must comply with the financial reporting requirements required by the Act and the Regional Subsidiary Regulations, and no modification is made under regulation 9(g) of the Regional Subsidiary Regulations.

10.3 Reporting

a) The CEO of the Subsidiary shall ensure that the CEO and the Board member of each Participant receive, within 14 days of a Board meeting, a copy of the minutes from that Board meeting for distribution to the elected members of the Participants.

b) The CEO of the Subsidiary must act prudently in the handling of all financial transactions for the Subsidiary and must provide quarterly financial and corporate reports to the Board and, if requested, the Participants.

c) The Board must submit their annual report, annual budget and auditor's report to the Participants upon completion of those reports.

10.4 Business Plan

The Board shall:

a) Compare the Business Plan against performance targets at least twice every financial year;

b) Review the contents of the Business Plan annually; and

c) Undertake reasonable consultation with the Participants prior to adopting or amending the Business Plan.

10.5 Disposal of property and other assets

The Subsidiary may dispose of property, adopting the requirements of local governments under the Act.

10.6 Annual Report

The Subsidiary shall prepare an annual report for each financial year in accordance with the provisions of section 5.53 of the Act as those provisions are modified by regulation 18 of the Regional Subsidiaries Regulations.

10.7 Annual Budget

The Subsidiary shall prepare an annual budget in accordance with the provisions of section 6.2 of the Act as those provisions are modified by regulation 18 of the Regional Subsidiaries Regulations.

10.8 Audit

The Board shall determine that the audit functions required under section 3.70A of the Act be undertaken by:-

(a) a committee, which may include Finance Manager or Governance representatives from the Participants or independent parties; and/or

(b) an external audit arrangement where the size and scale of the operations warrants.

10.9 Code of Conduct

In establishing a code of conduct for the subsidiary as required by clause 3(p) the Board shall take into consideration the guidelines and legislation relevant to Local Government and the Participants' code of conduct policies.

General principles to guide the behaviour include that a person in his or her capacity as a Board or Committee member, or employee:-

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) avoid damage to the reputation of the subsidiary; and

(e) be open and accountable to the public and Participants; and

(f) base decisions on relevant and factually correct information; and

(g) treat others with respect and fairness; and

(h) not be impaired by mind affecting substances.

11. DISPUTE RESOLUTION

11.1 Negotiation

(a) The procedure in Clause 11 must be applied to any dispute that arises between the Subsidiary and a Participant or Participants concerning the affairs of the Subsidiary, or between Participants concerning the affairs of the Subsidiary, including a dispute as to the meaning or effect of this Charter.

(b) In the event of a dispute between the parties **(Dispute)** one party may deliver a written notice to the other party that identifies the Dispute **(Notice of Dispute).**

(c) The party that delivers the Notice of Dispute should also provide enough information about the Dispute for the other party or parties to reasonably understand the:

(i) alleged facts on which the claim is based;

(ii) legal basis on which the claim is made; and

(iii) relief that is claimed.

(d) Within 10 Business Days of a Notice of Dispute being delivered, the receiving party or parties must deliver a written response to the other party or parties stating:

(i) its position in relation to the Dispute; and

(ii) the basis for its position.

(iii) Within ten Business Days of receipt of the response referred to in clause 11.1 (c), the parties agree to attempt in good faith to resolve through negotiation any Dispute arising under or in relation to this Charter.

11.2 Mediation

(a) If the parties fail to resolve the Dispute within the 10 Business Days under clause 11.1(d), any of the parties may refer the Dispute to mediation by notice in writing to the other party or parties.

(b) Within 10 Business Days of a party referring the Dispute to mediation, the parties will attempt in good faith to agree the appointment of a mediator for the purposes of mediation.

(c) In the event the parties are unable to agree the appointment of a mediator then the Chairperson of the Resolution Institute in Western Australia shall appoint a mediator for the purposes of mediation.

(d) Once a Mediator has been appointed then the parties must within 10 Business Days of the mediator being appointed agree a mutually convenient date, time and place for the mediation to take place.

11.3 Terms of Mediation

The mediation must be conducted on the following terms:

(a) the reference to the mediator is made in accordance with, and subject to, the Resolution Institute Mediation Rules;

(b) the mediator will assist the parties to explore the options for and, if possible, achieve expeditious resolution of the dispute by agreement;

(c) the mediator will not make decisions for a party or impose a solution on the parties;

(d) the mediator will not obtain from any independent person advice or an opinion as to any aspect of the Dispute unless:

(i) the mediator is requested in writing by all parties to do so;

(ii) all parties have agreed upon the identity of the independent person to give such advice or opinion; and

(iii) all parties have agreed on who will be responsible to pay for the costs or fees in relation to the advice provided by the independent person;

(e) all parties will co-operate in good faith with the mediator and each other during the mediation;

(f) each party will use its reasonable endeavours to comply with reasonable requests made by the mediator to promote the efficient and expeditious resolution of the Dispute;

(g) the mediation, including all preliminary steps, shall be conducted in such manner as the mediator considers appropriate having regard to the nature and circumstances of the Dispute, the agreed goal of an efficient and expeditious resolution to the Dispute and, to the extent that the mediator may deem appropriate, to the view of each party as to the conduct of the mediation;

(h) the proceedings, discussions and all documents created during the course of the mediation and all things said or disclosed during the course of the mediation shall be privileged and shall be for the purposes of any future matters or actions between the parties be without prejudice save to the extent that the parties shall reach an enforceable agreement;

(i) if, after consultation with the parties, the mediator forms the view that the mediator will be unable to assist the parties to achieve resolution of a Dispute, the mediator may immediately terminate its engagement as mediator by giving written notice to the parties of that termination, upon which, the mediator's role shall cease;

(j) the mediation shall be terminated immediately upon the earlier of:

(i) execution of a settlement agreement in respect of the Dispute; and

(ii) withdrawal of the Dispute;

(k) the costs of the mediation shall be paid equally by each Participant.

11.4 Arbitration

(a) If the Dispute has not been resolved by mediation under clause 11.2 and 11.3, then the Dispute may be submitted by any party to the arbitration of a single arbitrator in accordance with, and subject to, Resolution Institute Arbitration Rules. Unless the parties agree on the appointment of an arbitrator, any party may request a nomination from the Chair of the time being of the Resolution Institute Western Australia Division.

(b) The arbitrator's award shall be final and binding on the parties.

(c) The costs of the submission, reference or award are in the discretion of the arbitrator.

(d) Nothing in this Charter shall prevent a party from obtaining any urgent injunctive, declaratory or other interlocutory relief from a court which may be required in respect of a Dispute under clause 11 or any matter under this Charter.

SCHEDULE 1

RRC WASTE AGREEMENTS

Doc	Description	Date
1	Participant's Agreement between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale and City of Canning	Dated 15 October 2015
2	Agreement for Processing of Waste for Resource Recovery between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale, City of Canning and Kwinana WTE Project Co Pty Ltd	Dated 4 November 2015
3	Deed of Variation to Waste Supply Agreement between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale, City of Canning and Kwinana WTE Project Co Pty Ltd	Dated 7 June 2017
4	Supplemental Deed between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, City of Canning and Kwinana WTE Project Co Pty Ltd	Dated 16 July 2018
5	Exercise of Rights letter by the RRC	Dated 23 April 2018
6	Exercise of Rights Letter by the RRC	Dated 21 September 2018
7	Exercise of Rights Letter by the RRC	Dated 15 October 2018
8	Financier Direct Deed between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale, City of Canning, Kwinana WTE Project Co Pty Ltd and BTA Institutional Services Australia Limited	Dated 16 October 2018
9	Participants Agreement Deed of Variation between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale, City of Canning, Kwinana WTE Project Co Pty Ltd	Dated 14 September 2018

SCHEDULE 2

CALCULATION OF CONTRIBUTIONS

2.1 Contributions towards a Budget Deficiency

Each Participant must pay a contribution towards the Budget Deficiency calculated as follows:

$$\text{Participant's contribution} = \left[BD \times \frac{TP}{TTP} \right] + PC$$

Where:

(a) BD is the Budget Deficiency excluding any PC;

(b) TP is the number of tonnes of the Participant's Waste in the previous year;

(c) TTP is the number of tonnes of all of the Participants' Waste in the previous year;

(d) "previous year" means the financial year preceding the financial year in which the Budget Deficiency is to occur;

(e) "Participants Waste" means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1; and

(f) PC is the total cost of a New Project attributable to a New Project Participant as calculated under clause 2.2 of this Schedule 2.

2.2 Contributions towards a New Project

Each Participant, of which there must be two (2) or more, that agrees to participate in the New Project must pay a contribution calculated as follows:

$$\text{Participant's contribution} = PC \times \frac{TP}{TTP}$$

Where:

(a) PC is the Current New Project Value of a New Project and includes any part of a Budget Deficiency, Deficit, Anticipated Exceptional Deficit, Surplus or any other liability that is attributable to that New Project;

(b) TP is the number of tonnes of the New Project Participant's Waste in the previous year or another number as agreed between the New Project Participants participating in that New Project;

(c) TTP is the number of tonnes of all of the New Participants' Waste in the previous year for those New Participants participating in the New Project;

(d) "previous year" means the financial year preceding the financial year in which the Project is to commence;

(e) "Waste" means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1; and

(f) “Current New Project Value” means the value of the New Project calculated based on the value of all revenues, expenses, assets and

liabilities whatsoever attributable to that New Project at the relevant time (as recognised and calculated in accordance with the *Local Government Act 1995* (the Act), *Local Government (Financial Management) Regulations 1996* and to the extent they are not inconsistent with the Act, the Australian Acounting Standards (as they apply to local government entities)).

2.3 Contributions towards a Deficit

Each Participant must pay a contribution towards the Deficit calculated as follows:

$$\text{Participant's contribution} = \left[D \times \frac{TP}{TTP} \right] + PC$$

Where:

(a) D is the Deficit excluding any PC;

(b) TP is the number of tonnes of the Participant's Waste in the relevant year;

(c) TTP is the number of tonnes of all of the Participants' Waste in the relevant year;

(d) "relevant year" means the financial year in which the Deficit occurs;

(e) "Participants Waste" means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1; and

(g) PC is the total cost of a New Project attributable to a New Project Participant as calculated under clause 2.2 of this Schedule 2.

2.4 Contributions towards an Anticipated Exceptional Deficit

Each Participant must pay a contribution towards the Anticipated Exceptional Deficit as follows:

$$\text{Participant's contribution} = \left[AED \times \frac{PT}{PTT} \right] + PC$$

Where:

(a) AED is the Anticipated Exceptional Deficit excluding any PC;

(b) PT is the number of tonnes of the Participant's Waste in the previous year;

(c) PTT is the number of tonnes of all of the Participants' Waste in the previous year;

(d) "previous year" means the financial year preceding the financial year in which the Anticipated Exceptional Deficit is determined;

(e) “Participants Waste" means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1; and

(f) PC is the total cost of a New Project attributable to a New Project Participant as calculated under clause 2.2 of this Schedule 2.

2.5 Contributions towards an Insolvency Debt

Each Participant must pay a contribution towards the Insolvency Debt as follows:

$$\text{Participant's contribution} = \left[TL \times \frac{PT}{PTT} \right] + PC$$

Where:

(a) TL is the Total Liability excluding any PC;

(b) PT is the number of tonnes of the Participant's Waste in the previous year;

(c) PTT is the number of tonnes of all of the Participants' Waste in the previous year;

(d) "previous year" means the financial year preceding the financial year in which the Insolvency Debt is determined;

(e) “Participants Waste" means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1; and

(f) PC is the total cost of a New Project attributable to a New Project Participant as calculated under clause 2.2 of this Schedule 2.

SCHEDULE 3

CALCULATION OF PROPORTIONS IN WHICH PARTICIPANTS ARE TO RECEIVE A PAID SURPLUS

3.1 Calculation of proportions

Each Participant is to receive a proportion of the Paid Surplus calculated as follows:

$$\text{Participant's proportion} = PS \times \frac{TP}{TTP}$$

Where:

(a) PS is the Paid Surplus excluding any PC;

(b) TP is the number of tonnes of the Participant's Waste in the relevant year;

(c) TTP is the number of tonnes of all of the Participants' Waste in the relevant year;

(d) "relevant year" means the financial year in which the Surplus occurs;

(e) “Participants Waste" means the wastes actually delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery; and

(f) PC is the total cost of a New Project attributable to a New Project Participant calculated under clause 2.2 of Schedule 2.

3.2 Calculations of proportions towards a New Project Surplus

Each New Project Participant that has contributed to a New Project is to receive a proportion of the Surplus attributable to that New Project calculated as follows:

$$\text{New Project Participant's proportion} = NPS \times \frac{TP}{TTP}$$

Where:

(a) NPS is a New Project Surplus;

(b) TP is the number of tonnes of Waste in the previous year of the New Project Participant participating in the New Project;

(c) TTP is the number of tonnes of Waste in the previous year of all of the New Project Participants participating in the New Project ;

(d) "previous year" means the financial year preceding the financial year in which the Project is to commence; and

(e) " Waste" means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1.

SCHEDULE 4

PROPORTIONS OF PARTICIPANTS FOR THE PURPOSE OF WINDING UP

4.1 Winding up proportions of Participants (excluding New Projects)

For the purpose of clauses 7.2(a)(ii) and 7.3, the proportion of each Participant is the proportion that the number of tonnes of the Participant's Waste for the previous five (5) financial years (including RRC member tonnes as defined in the Establishment agreement if required) bear to the number of tonnes of all of the Participants' Waste for the same period excluding any PC, assets or surplus attributable to any New Project.

“Participants Waste" means the wastes actually delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery.

“PC” is the total cost of a New Project as calculated under clause 2.2 of Schedule 2.

4.2 Winding up proportions of New Project Participants

For the purpose of clauses 7.4(a)(ii) and 7.5, the proportion of each New Project Participant for any particular New Project is the proportion that the number of tonnes of a New Project Participant's Waste for the previous five (5) financial years (including RRC member tonnes as defined in the Establishment agreement if required) bear to the number of tonnes of all of the Waste of New Project Participants participating in that New Project for the same period.

“Waste" means the wastes actually delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery.

EXECUTED by the Parties

THE COMMON SEAL of the **CITY OF ARMADALE** was affixed pursuant to a resolution of the Council in the presence of:)

_____
Mayor

_____
Chief Executive Officer

THE COMMON SEAL of the **CITY OF GOSNELLS** was affixed pursuant to a resolution of the Council in the presence of:)

_____
Mayor

_____
Chief Executive Officer

THE COMMON SEAL of the **CITY OF SOUTH PERTH** was affixed pursuant to a resolution of the Council in the presence of:)

_____
Mayor

_____
Chief Executive Officer

THE COMMON SEAL of the **CITY OF MANDURAH** was affixed pursuant to a resolution of the Council in the presence of:)

_____
Mayor

_____
Chief Executive Officer

THE COMMON SEAL of the **SHIRE OF MURRAY** was affixed pursuant to a resolution of the Council in the presence of:)

_____
Shire President

_____
Chief Executive Officer

THE COMMON SEAL of the **SHIRE OF SERPENTINE-JARRAHDALE** was affixed pursuant to a resolution of the Council in the presence of:)

_____
Shire President

_____
Chief Executive Officer

Approved by the Minister for Local Government

_____ _____
Date

CHARTER OF THE RIVERS REGIONAL SUBSIDIARY

A Regional Subsidiary

incorporated pursuant to section 3.69 of the Local Government Act 1995 (WA)

1. ESTABLISHMENT & OBJECTS

1.1 Local Government Act 1995

a) This Charter governs the operation of the Subsidiary and both this Charter and the Subsidiary are subject to the requirements of Part 3, Division 4 of the Act and the Regional Subsidiaries Regulations.

b) Pursuant to section 3.69(3) of the Act, the Subsidiary is a body corporate and has a common seal. Its Board has responsibility for the management of the business and other affairs of the Subsidiary.

1.2 Definitions

In this Charter:

"Act" means the *Local Government Act 1995 (WA)*;

"Anticipated Exceptional Deficit" means the amount, if any, of a Deficit which, during a financial year the Subsidiary determines will, or is likely to, occur in that year by reason of:

(a) an expense for which no expenditure estimate is included in the Subsidiary's annual budget for that year; or

(b) an expense for which an expenditure estimate is included in the Subsidiary's annual budget for that year but the expense is exceptional having regard to that estimate; or

(c) a shortfall in income for which an income estimate is included in the annual budget for that year but the shortfall is exceptional having regard to that estimate.

"Board" means the Board of Management established under Clause 8;

"Board Member" means a person who has been appointed to the Board by a Participant in accordance with clause 8.2(a);

"Budget Deficiency" has the same meaning as the expression is given in Part 6 of the Act;

"Business Plan" means the business plan prepared by the Participants pursuant to regulation 4 of the Regional Subsidiaries Regulations;

"Chairperson" means the person elected as Chairperson of the Board pursuant to Clause 8.4(a) and includes a person authorised by this Charter to act in place of the Chairperson;

"CEO" means the Chief Executive Officer of the Subsidiary or a Participant as specified in this Charter;

"District' means district as that term is defined in the Act;

"Deficit", for a financial year, means the amount, if any:

(a) by which the expenses of the Subsidiary exceeds the revenues and other income of the Subsidiary; and

(b) which is shown as such in the annual financial report, for that year, prepared by the Subsidiary in accordance with the provisions of section 5.53 of the Act as those provisions are modified by regulation 18 of the Regional Subsidiaries Regulations;

~~"Insolvency Event" means:~~

~~in relation to the Subsidiary, where the Subsidiary:~~

~~is otherwise unable to pay all its debts as and when they fall due;~~

~~has had appointed to it an inspector or like official (appointed by the Minister or another State agency or otherwise under the Act) to examine the affairs of the Subsidiary;~~

~~is otherwise dissolved; or~~

~~enters into or attempts to enter into any composition, scheme of arrangement or agreement with a creditor or other entity or person that is not a Participant without first obtaining the written consent of all Participants;~~

~~in relation to Participants, where:~~

~~a Participant fails to pay a contribution or late payment of a contribution under clause 5;~~

~~no Participant agrees to the lend the Subsidiary money necessary to perform the Subsidiary's functions in accordance with Regulation 11 of the Regional Subsidiaries Regulations;~~

~~a Participant gives a notice of its intent to withdraw from the Subsidiary under clause 6.2; or~~

~~the Participants otherwise agree that the Subsidiary has become insolvent.~~

"Local Government" means a Local Government constituted under the *Local Government Act 1995 (WA);*

"Elected Member" means a Mayor, President or Councillor of a Council;

"Financial Year" means a year beginning on 1 July in each year and ending on 30 June of the following year;

"Meeting" includes both ordinary and special meetings of the Board;

"Minister" means the Minister for the time being responsible for the administration of the *Local Government Act 1995 (WA);*

"Objects" means the objects of the Subsidiary as set out in clause 1.4;

"Participant" means a Local Government that is a member of the Subsidiary named in clause 1.3;

"Parties" as described in clause 11 means a Participant or Participants or the Subsidiary and party means any one or more of them according to context;

"Region" means the total area of the districts of the Participants;

"Regional Subsidiaries Regulations" means the *Local Government (Regional Subsidiaries) Regulations 2017 (WA);*

"RRC" means the Rivers Regional Council;

"RRC Waste Agreements" means the agreements and documents itemised in *Schedule 1;*

"Special Resolution" means a resolution passed by a two thirds majority of all Board members present at a meeting and entitled to vote on the issue;

"Subsidiary" means the Rivers Regional Subsidiary; and

"Surplus", for a financial year, means the amount if any:

(a) By which the revenues and other income of the Subsidiary exceeds the expenses of the Subsidiary; and

(b) Which is shown as such in the annual financial report, for that year, prepared by the Subsidiary in accordance with the provisions of section 5.53 of the Act as those provisions are modified by regulation 18 of the Regional Subsidiaries Regulations.

1.3 Establishment

The Subsidiary is a Regional Subsidiary established pursuant to section 3.69 of the Act by the following Local Governments:

a) The City of Gosnells;

b) The City of Armadale;

c) The City of South Perth;

d) The City of Mandurah;

e) The Shire of Serpentine Jarrahdale; and

f) The Shire of Murray.

1.4 Objects

The Subsidiary is established to:

(a) Replace the RRC and act as principal under the terms of the:

(i) Agreement for Receipt and Processing of Waste for Resource Recovery dated 4 November 2015 referred to in item 2 of Schedule 1; and

(ii) Participant's Agreement for the Receipt and Processing Waste for Resource Recovery dated 15 October 2015 referred to in item 1 of Schedule 1.

(iii) Financier Direct Deed dated 16 October 2018 and referred to in item 6 of Schedule 1; and

(iv) Supplemental Deed dated 16 July 2018 and referred to in item 4 of Schedule 1.

(b) Assist in the coordination of resource sharing between the Participants, to reduce costs and increase operational efficiencies associated with waste management;

(c) Associate, collaborate and work in conjunction with other local government bodies for the advancement of matters of common interest relating to waste management;

(d) Undertake coordination, advocacy, education and representation roles for the Participants at a regional level and, in particular, coordinate waste recovery, reuse and disposal education programs;

(e) Develop cooperation between the Participants so as to improve waste management and recycling programs and practices within the Region;

(f) Assist Participants to minimise the volume of waste collected in the districts of the Participants which is required to be disposed of by landfill;

(g) Develop, encourage, promote, foster and maintain consultation and cooperation with the Western Australian Local Government Association (WALGA), other levels of government, private enterprise and the community with regard to matters relating to waste management;

(h) Strengthen the representation and status of local government waste management matters when dealing with other levels of government, private enterprise and the community;

(i) Develop further waste management cooperation between the Participants for the benefit of the communities of the Region;

(j) Develop and manage waste management policies which guide the conduct of programs and projects in the Region with the objective of securing the best outcomes for the communities of the Region; and

(k) Undertake waste management projects that benefit the Region and its communities.

1.5 Review of Charter

a) This Charter will be reviewed by the Participants acting in concurrence at least once in every four (4) years.

b) Where the Participants determine that the Charter ought to be amended, either at the time of review or any other time, then the Participants shall thereafter comply with the provisions of regulation 6 and 7 of the Regional Subsidiaries Regulations to enable any proposed amendment to be made.

2. THE RIVERS REGIONAL COUNCIL

2.1 Establishment

The RRC is a Regional Local Government established under section 3.61 of the Act.

2.2 Novation of Rights and Obligations

Upon the establishment of the Subsidiary it is the intention of both the RRC and the Participants that:

(a) The RRC shall novate all of its rights, title, interest and obligations in the RRC Waste Agreements (Novation) to the Subsidiary subject to the consents where required of the parties to the RRC Waste Agreements; and

(b) The Subsidiary shall take the Novation.

2.3 Transfer of Assets as Deemed Contributions

It is also the intention of the both the RRC and the Participants that:

(a) The RRC shall transfer all of its assets to the Subsidiary **(Transfer)** and the Subsidiary shall deem these assets to be contributions from the Participants.

(b) The deemed contributions shall be apportioned by the Subsidiary to each Participant by multiplying the total asset value received from the RRC by each Participant's waste volume in tonnes for the previous five (5) financial years as a percentage of the Participant's total waste for the same period.

2.4 Order of Precedence

To the extent that any of the provisions of this Charter, as set out below, are also dealt with in any of the RRC Waste Agreements then, for the purposes only of the RRC Waste Agreements, the provisions of the RRC Waste Agreement/s shall take precedence over the provisions of this Charter to the extent of any inconsistency.

(a) Clause 4 - Non Derogation and Direction of Participants;

(b) Clause 5 - Funding by the Participants; and

(c) Clause 11 – Dispute Resolution

2.5 Wind Up of RRC

It is the intention of the RRC to wind itself up after completion of the Novation and Transfer referred to in clauses 2.2 and 2.3.

3. POWERS FUNCTIONS AND DUTIES

The powers, functions and duties of the Subsidiary are to be exercised in the performance of the Subsidiary's Objects. The Subsidiary shall have those powers and functions provided under the Act, the Regional Subsidiaries Regulations and this Charter which include:

(a) Co-operating or contracting with any other association or organisation, whether within or outside of the area of the Participants, which shares similar objects to those of the Subsidiary;

(b) Entering into contracts or arrangements with any Government agency or authority that are incidental or conducive to the attainment of the Objects and the exercise of the powers of the Subsidiary;

(c) Entering into contracts with any person or body including a Participant for the acquisition or supply of goods and services or for any other reason that is consistent with the Subsidiary's Objects;

(d) Subject to clause 9, appointing, employing, remunerating, removing or suspending officers, managers, employees and agents;

(e) Raising revenue by:

(i) Charging the Participants fees incurred by the Subsidiary in undertaking and carrying out its Objects;

(ii) Arrangements with sponsor organisations;

(iii) Making submissions for and accepting grants, subsidies and contributions to further the Subsidiary's Objects;

(iv) Arrangements or contracts with any other person or body; and

(v) Any other means not inconsistent with the Objects of the Subsidiary.

(f) Printing and publishing any newspapers, periodicals, books, leaflets, or other like writing;

(g) Appointing such committees as it deems necessary and to define the duties of such committees provided that the acts of any such committee shall be submitted before execution or discharge for the approval of the Subsidiary, and appointing persons to committees which may consist partly of persons who are not representatives of Participants;

(h) Delegating any of the Subsidiary's powers and functions to persons or committees and altering or revoking such delegations;

(i) Co-opting to any duly appointed committee, any Board member, any officer of a Participant, or any other appropriate person as deemed desirable for the efficient function of that committee;

(j) Acquiring, holding, dealing with and disposing of any real or personal property of the Subsidiary;

(k) Opening and operating bank accounts;

(l) Investing monies in any manner in which trust moneys may be invested in accordance with the provisions of section 6.14 of the Act and regulation 19C of the *Local Government (Financial Management) Regulations 1996 (WA)*, as those provisions are modified by regulation 22 of the Regional Subsidiaries Regulations;

(m) Subject to regulation 11 of the Regional Subsidiaries Regulations borrowing money in accordance with an approved Business Plan;

(n) Giving security for the discharge of liabilities of the Subsidiary;

(o) Imposing fees and charges in accordance with Part 6, Division 5, Subdivision 2 of the Act as modified by regulation 23 of the Regional Subsidiaries Regulations;

(p) The development of a code of conduct to be observed by members of the Board, employees of the Subsidiary and members of any committee appointed by the Subsidiary;

(q) Establish a reserve fund or funds clearly identified for the upkeep and / or replacement of fixed assets or for meeting any deferred liability; and

(r) Doing all other things that are necessary or convenient for or incidental or conducive to the attainment of the Objects, and the exercise, performance or discharge of the powers, functions and duties of the Subsidiary.

4. DIRECTION BY PARTICIPANTS

4.1 Participants

All of the Participants listed at Clause 1.3 are the members of the Subsidiary.

4.2 Non-Derogation and Direction by Participants

(a) The establishment of the Subsidiary does not derogate from the power of any of the Participants to act independently in relation to a matter within the jurisdiction of the Subsidiary.

(b) Provided that all of the Participants unanimously agree on the action to be taken, the Participants may direct and control the Subsidiary. Non Compliance maybe dealt with under clause 8.3.

(c) Any decision of the Participants under clause 4.2(b) and/or direction given or control exercised by the Participants must be given in writing to the CEO of the Subsidiary.

(d) A project that is not a requirement of the RRC Waste Agreements or subscriptions to industry bodies shall not be commenced within 12 months of establishment of the Subsidiary unless unanimously agreed by the Participants.

4.3 Provision of Information to Participants

(a) The Subsidiary must, at the written request of a person authorised by the CEO of a Participant, furnish to all Participants at the same time the Participant information or records in the possession or control of the Subsidiary as the Participant may require in such manner and form as the Participant may require.

(b) If the Board of the Subsidiary considers that information or a record furnished under this clause contains matters that should be treated as confidential, the Board may advise the Participants of that opinion giving the reason for the opinion and the Participants must, subject to sub clause (c), act on that advice.

(c) If the Subsidiary owes a duty of confidence in respect of a matter, the Participants must ensure the observance of that duty in respect of the matter, but this sub clause does not prevent a disclosure as required in the proper performance of the functions or duties of the Participants.

4.4 Role of Elected Members

Elected Members via their Participating Councils:

(a) Adopt and approve amendments to this Charter

(b) Endorse the initial Business Plan;

(c) Approve the payment of fees and reimbursements to Board members;

(d) Provide direction under clause 4.2; and

(e) Nominate their Board representative.

5. FUNDING BY PARTICIPANTS

5.1 Application of Clause

This clause applies if in any year:

(a) A Budget Deficiency is disclosed in the annual budget of the Subsidiary;

(b) A Deficit is disclosed in the annual financial report of the Subsidiary;

(c) An Anticipated Exceptional Deficit is determined by the Subsidiary**;**

(d) An Insolvency Debt; or

(e) Contributions are required towards a project that is not a requirement of the RRC Waste Agreements or subscriptions to industry associations.

5.2 Contributions by Participants

(a) The Participants must pay to the Subsidiary contributions towards a Budget Deficiency, a Deficit or an Anticipated Exceptional Deficit not related to projects covered under 5.2 (b) and (c) as the case may be, in accordance with the steps set out in Schedule 2.

(b) Where the Subsidiary undertakes a project that is not a requirement of the RRC Waste Agreements or subscriptions to industry associations and is consistent with the objects outlined under clause 1.4~~,~~ (**New Project**), a contribution shall be paid in accordance with the steps set out in Schedule 2~~.~~ by only those Participants that agreed to undertake and contribute to that New Project (**New Project Participants**).

(c) Prior to undertaking a project where a contribution will be required by Participants in accordance with clause 5.2 (b) the subsidiary must submit a project plan detailing the obligations of Participants to each Participant and each ~~Participant that is to contribute~~of the New Project Participants**,** of which there must be two (2) or more must resolve to proceed with the New Project and make that contribution.

5.3 Time for Payment of Contributions

The contributions referred to in clause 5.2 must be paid by each Participant or any New Project Participants to the Subsidiary within 42 days, or any earlier time agreed by the Participants, after:

(a) In the case of contributions towards a Budget Deficiency – the date on which the annual budget is prepared and adopted by the Subsidiary;

(b) In the case of contributions towards a Deficit – the date on which the annual financial report is prepared and submitted for audit;

(c) In the case of contributions towards an Anticipated Exceptional Deficit – the date on which the Anticipated Exceptional Deficit is determined by the Subsidiary~~.~~; or

(d) In the case of contributions toward New Projects – the date on which the Subsidiary and the New Project Participants agree will be the commencement date of that New Project.

5.4 Late Payment of Contributions

If a Participant fails to pay the contribution referred to in clause 5.2 on or before the due date for payment then, in addition to the contribution, the Participant must pay to the Subsidiary interest on the contribution at the overdraft rate charged by the Subsidiary's bank on amounts of the same size as the unpaid contribution calculated from and including the due date to but excluding the actual date of payment.

5.5 Contributions to the Acquisition of Land

(a) Where the Subsidiary determines that the Participants are to make contributions towards the acquisition of land then the Participants must make those contributions in equal proportions.

(b) Contributions referred to in subclause 5.5(a) are capital contributions for the purpose of clause 6.2 (f) and 7.2.

~~**Occurrence of an Insolvency Event**~~

~~When an Insolvency Event occurs:~~

~~the Board must:~~

~~call a special meeting to be convened within five (5) days from the date of the Insolvency Event;~~

~~notify all Participants in writing of the details of the insolvency event and the convening of the special meeting of the Board in sub-clause (a)(i);~~

~~at the special meeting convened in accordance with sub-clause (a)(i), resolve to work with the Participants to reach an agreement on how the Subsidiary will respond to the Insolvency Event;~~

~~at the special meeting, the Board must determine whether the Insolvency Event means that the Subsidiary is insolvent; and~~

~~the Participants must:~~

~~agree on how the Subsidiary will respond to the Insolvency Event and continue as an ongoing concern including paying any Insolvency Debt in accordance with Schedule 2 clause 2.5 or as otherwise agreed between the Participants; or~~

~~resolve to wind up the Subsidiary in accordance with clause 7.~~

5.6 Subsidiary may not operate while insolvent

The Subsidiary may not operate while insolvent. If the Subsidiary does become insolvent, and there remains any liability or debt in excess of the realised property and assets of the Subsidiary then the liability or debt is to be met by each of the Participants in accordance with the steps set out in Schedule 2.

5.7 Distribution of a Paid Surplus

(a) The Participants acknowledge that it is for the Subsidiary to determine if a Surplus or portion of a Surplus is to be paid to the Participants and the manner and timing of any payment, having a regard to the prudent management of its cash flow and financial requirements and other relevant matters (Paid Surplus).

(b) The Participants agree that any Paid Surplus is to be distributed between them in proportions calculated in accordance with Schedule 3.

6. NEW AND WITHDRAWAL OF PARTICIPANTS

6.1 New Participants

Subject to the provisions of the Act, including but not limited to Ministerial approval under regulation 7 of the Regional Subsidiaries Regulations, this Charter may be amended by a resolution of the Participants to provide for the admission of a new Participant or Participants, with or without conditions of membership, with such conditions to be determined jointly by the Board and the member Participants.

6.2 Withdrawal of a Participant

(a) A Participant may seek to withdraw from the Subsidiary but withdrawal shall be subject to and conditional upon the Subsidiary being able to successfully comply with the provisions of regulation 6 and 7 of the Regional Subsidiaries Regulations.

(b) A Participant which intends to withdraw from the Subsidiary shall give to the CEO of the Subsidiary and to the CEO's of all of the other Participants written notice of such intention, specifying the date of intended withdrawal. Such notice shall be given a minimum of three months prior to the date of the intended withdrawal.

(c) Upon receipt of a notice of intention to withdraw from the Subsidiary the remaining Participants and the Subsidiary shall, subject to clause 6.2(d), use their best endeavours, acting reasonably to achieve compliance with regulations 6 and 7 of the Regional Subsidiaries Regulations to allow the withdrawal to proceed.

(d) However, to the extent that the Participants may have entered into contractual obligations and liabilities relying on the withdrawing Participant's ongoing support, the Participants may refuse the request of an individual Participant to withdraw if, in the reasonable opinion of the remaining

Participants, they will incur an unreasonable financial burden by reason of the withdrawal.

(e) The withdrawal of the Participant does not extinguish the proportionate liability of that Participant to make payment of its budgeted contribution for the financial year in which it gives notice and in respect of any other amounts outstanding.

(f) The payment of any proportionate entitlement sought by the withdrawing Participant shall only be made where the remaining Participants and the Subsidiary agree with the withdrawing Participant as to the amount and terms of payment.

7. WINDING UP

7.1 Form of Wind Up

The Subsidiary may be wound up by the Minister acting upon a unanimous resolution of the Participants or by the Minister in accordance with the provisions of section 8.15 (2) of the Act as those provisions are modified by regulation 24 of the Regional Subsidiary's Regulations.

7.2 Division of Assets (excluding New Project Assets)

(a) Where the Subsidiary is to be wound up and there remains, after satisfaction of all its debts and liabilities, any property and assets of the Subsidiary excluding any assets or Surplus attributable to a New Project, then ~~the~~that property and those assets are to be realised and:

(i) Firstly, to the extent that the proceeds, along with any Surplus funds, are sufficient to do so, the Participants are to be repaid their respective capital contributions as shown in the accounting records of the Subsidiary; and

(ii) Secondly, the balance, if any, is to be divided among the Participants in the proportions set out in clause 4.1 of Schedule 4.

(b) For the avoidance of doubt, for the purposes of subclause (a) the capital contributions of the Participants do not accrue interest.

7.3 Division of Liabilities (excluding New Project Liabilities)

If the Subsidiary is to be wound up and there remains any liability or debt in excess of the realised property and assets of the Subsidiary then the liability or debt excluding any liability or debt attributable to a New Project is to be met by each of the Participants in the proportions set out in clause 4.1 of Schedule 4.

7.4 Division of New Project Assets

(a) Where the Subsidiary is to be wound up and there remains, after satisfaction of all its debts and liabilities, any property and assets of the Subsidiary that are attributable to a New Project, then that property and those assets for that New Project are to be realised and:

(i) Firstly, to the extent that the proceeds, along with any Surplus funds, are sufficient to do so, the New Project Participants are to be repaid their respective capital contributions attributable to a New Project as shown in the accounting records of the Subsidiary; and

(ii) Secondly, the balance, if any, is to be divided among the New Project Participants in the proportions set out in clause 4.2 of Schedule 4.

~~(a)~~(b) For the avoidance of doubt, for the purposes of subclause (a) the capital contributions of the New Project Participants do not accrue interest.

7.5 Division of New Project Liabilities

If the subsidiary is to be wound up and there remains any liability or debt in excess of the realised property and assets of the Subsidiary attributable to a New Project then the liability or debt for that New Project is to be met by each of the New Project Participants in the proportions set out in clause 4.2 of Schedule 4.

8. BOARD OF MANAGEMENT

The Board shall have the responsibility to manage the business and other affairs of the Subsidiary ensuring that the Subsidiary acts in accordance with this Charter.

8.1 Functions of the Board

The functions of the Board shall be:

(a) The formulation of strategic plans and strategies aimed at improving the activities of the Subsidiary;

(b) To provide professional input and policy direction to the Subsidiary;

(c) To monitor, oversee and evaluate the performance of the CEO of the Subsidiary;

(d) Ensuring that ethical behaviour and integrity is established and maintained by the Subsidiary and its Board Members in all activities undertaken by the Subsidiary;

(e) Subject to clause 8.6(j), ensuring that the activities of the Subsidiary are undertaken in an open and transparent manner;

(f) The review and amendment of the Business Plan to be considered in consultation with the Participants;

(g) Exercising the care, diligence and skill required by the Act and the Regional Subsidiaries Regulations and in any event such that a prudent person of business would exercise in managing the affairs of other persons; and

(h) To manage the Subsidiary's responsibilities of the RRC Waste Agreements.

8.2 Membership of the Board

(a) Subject to subclause (b), the Board shall consist of one (1) natural person appointed by each Participant who must be an employee of the Participant.

(b) Each Participant shall appoint their Board member from time to time, as required, for a period not exceeding four (4) years, and give notice in writing to the CEO of the Subsidiary, of the person who is or will be its Board member.

(c) Notwithstanding subclause (a), a Participant may appoint its Board Member for a lesser period by nominating the period in the written appointment provided to the CEO of the Subsidiary. In such circumstances, any continuation of appointment following the expiry of the initial period nominated shall be in writing addressed to the CEO of the Subsidiary.

(d) Each Constituent Council will also appoint a natural person and employee of the Participant as deputy Board Member. The deputy Board Member is entitled to act in place of a Board Member appointed by the same Participant if the Board Member is unable for any reason to be present at a Board meeting.

(e) In the absence of the Board Member, a deputy Board Member will be deemed to be the Board Member and can exercise all rights, privileges and obligations of the Board Member during the absence of that Board Member.

(f) A notice signed by the Chief Executive Officer of a Participant will be sufficient evidence of the appointment of a Board Member and deputy Board Member of the Board of Management.

8.3 Termination of Membership of the Board

The appointment of a Board member shall terminate upon any of the grounds set out below:

(a) The Participant which appointed him/her ceasing to be a Participant;

(b) The appointing Participant providing written notice of termination to the Board Member and the Board;

(c) Ceasing to be employed by the Participant which appointed him/her;

(d) The death of the Board member;

(e) Completion of a term of office without re appointment;

(f) Written resignation from the Board Member being served on the Participant who appointed him / her;

(g) Personal bankruptcy or application for the benefit of a law for the relief of insolvent debtors;

(h) The Board, by special resolution, resolves to terminate the appointment of that Board member for:

(i) Any behaviour of the Board member which, in the opinion of the Board, amounts to impropriety;

(ii) Serious neglect of duty in attending to his/her responsibilities as a Board member;

(iii) Breach of fiduciary duties to the Subsidiary or the Participant(s);

(iv) Breach of the duty of confidentiality to the Subsidiary or the Participant(s);

(v) Any other behaviour which may discredit the Subsidiary or the Participants.

(i) Notwithstanding any other clause of this Charter, a Board member may be removed from office as a Board member by special resolution of the Board prior to the expiration of a term of appointment.

(j) If any vacancy occurs in the membership of the Board it must be filled in the same manner as the original appointment under clause 8.2. The person appointed to the Board to fill a vacancy will be appointed for the balance of the term of the original appointment and at the expiry of that term, subject to satisfying the requirements of this Charter, shall be eligible for re-appointment.

8.4 Chairperson of the Board

(a) The Chairperson of the Board shall be appointed by the Board from amongst its members and shall hold office for a term agreed by the Board, unless he/she resigns or is removed from office pursuant to a resolution of the Board or until he/she is no longer eligible to act as a Board member.

(b) There shall also be a Deputy Chairperson of the Board appointed by the Board from amongst its members who shall hold office for a term agreed by the Board unless he/she resigns or is removed from office pursuant to a resolution of the Board or until he/she is no longer eligible to act as a Board member.

(c) The Chairperson and Deputy Chairperson shall be eligible for re-appointment upon their term of office expiring.

(d) If the Chairperson either resigns or is no longer eligible to act as a Board Member prior to the expiry of his/her term as Chairperson, the Deputy Chairperson shall act in that office. In the event of the Deputy Chairperson refusing or being unable to act, the Board shall elect from amongst their own number a new Chairperson who shall hold office until the conclusion of the original term.

8.5 Powers of the Chairperson and the deputy Chairperson

(a) The Chairperson shall preside at all meetings of the Board.

(b) In the event that the Chairperson is absent from a meeting, the Deputy Chairperson shall preside at that meeting, and in the event that both the Chairperson and Deputy Chairperson are absent from the meeting, the Board shall appoint a member from amongst them who shall preside at that meeting or until the Chairperson or Deputy Chairperson is present.

(c) If any circumstance arises on which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chairperson may decide the action to be taken to ensure achievement of the objects of the Subsidiary and its effective administration.

(d) The Chairperson shall report any such decision at the next ordinary meeting.

8.6 Meetings of the Board

(a) The Board may determine procedures in addition to but not inconsistent with those specified in this Charter to apply at or in relation to its meetings.

(b) The Board shall meet:

(i) For ordinary meetings at such times and places as may be fixed by the Board from time to time provided that there will be not less than three ordinary meetings each financial year; and

(ii) For special meetings if demanded in writing by the Chairperson, the CEO of the Subsidiary or by the Board members appointed by any three (3) Participants.

(c) An ordinary meeting of the Board will constitute an ordinary meeting of the Subsidiary. The Board shall administer the business of an ordinary meeting.

(d) For the purposes of this sub-clause, the contemporary linking together by telephone, audio-visual or other instantaneous means ("telecommunications meeting") of a number of the Board Members, provided that at least a quorum is present, is deemed to constitute a meeting of the Board.

Each of the Board Members taking part in a telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting each Board Member must announce his/her presence to all other Board Members taking part in the meeting.

A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.

(e) A resolution may be passed without a meeting being held if all the Board Members entitled to vote on the resolution sign a document containing a statement that they are in favour of the motion/recommendation set out in the document.

(f) Except as otherwise provided in this Charter, notice of ordinary meetings will be forwarded by the CEO of the Subsidiary to the Board members and the CEOs of the Participants at least seven (7) days prior to the date of the meeting, either by post to the Participant's address or by post to any other location, or via any other means of giving notice (eg. facsimile or email) as nominated by the Board Member and the CEO of a Participant in writing addressed to the CEO of the Subsidiary.

(g) Notice of meetings will be sent by the CEO of the Subsidiary to the Board members and the CEOs of the Participants at least seven (7) days prior to the date of the meeting in the manner provided for at clause 8.6(e). Notice of a meeting for the purpose of making a recommendation to wind up the Subsidiary shall be sent to the Board members and the CEOs of the Participants at least eight (8) weeks before the date of the meeting in the manner provided for at clause 8.6(f).

(h) A majority of the Board members present at a meeting of the Board may adjourn the meeting from time to time and from place to place.

(i) Subject to clause 8.6(k), meetings of the Board will be conducted in a place open to the public where deemed appropriate by the Chairman or CEO of the Subsidiary.

(j) All Board members must keep confidential all documents and any information provided to them on a confidential basis for their consideration prior to a meeting of the Board.

(k) The Board may order that the public be excluded from attendance at any meeting in order to enable the Board to consider in confidence any information or matter listed in section 5.23(2) of the Act (after taking into account any relevant consideration under that subsection).

The exercise of this power does not exclude Board Members and any other person permitted by the Board to remain in the room.

(l) Where an order is made under clause 8.6(k), a note must be made in the minutes of the making of the order and of the grounds on which it was made.

(m) Where the Board has considered any information or a matter in confidence under Clause 8.6(k) it may subsequently resolve to keep minutes and/or any other documents considered during that part of the meeting confidential.

(n) The CEO of the Subsidiary must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation and adoption.

(o) Where the CEO of the Subsidiary is excluded from attendance at a meeting of the Board pursuant to clause 8.6(k), the person presiding at the meeting shall cause the minutes to be kept.

(p) The Board may invite any person to attend at a meeting of the Board to act in an advisory capacity.

(q) Meeting agendas and minutes shall be made available on a website accessible to the public.

8.7 Quorum

The quorum for any meeting of the Board is a majority of the number of Board Members in office, being a number ascertained by dividing the total number of Board members for the time being in office by two (2), ignoring any fraction, and adding one (1). No business will be transacted at a meeting of the Board unless a quorum is present.

8.8 Voting

(a) Unless stipulated otherwise in this Charter, questions arising for decision at meetings of the Board will be decided by a simple majority of eligible votes on the basis of one (1) vote per Board member present at the meeting. The Chairperson shall not, in the event of equality of votes, have a second or casting vote. In the event of equality of votes the matter will lapse.

(b) Subject to a conflict of interest, each Board member validly present at a meeting must vote on a question arising for a decision at the meeting. Failure by any Board member to vote will be deemed to be a negative vote in relation to the question for decision.

8.9 Standing Orders or Rules

(a) Subject to this Charter, the Board may pass, alter or rescind standing orders, policies or rules for the due management and regulation of meetings of the Subsidiary.

(b) Standing orders, policies or rules made pursuant to this clause 8.9 shall be entered in a record which will be kept for the information of the Board members and may be printed and/or circulated at the discretion of the Board.

(c) The standing orders, policies and rules in existence shall remain in operation for a period of one (1) year, at which time they shall be reviewed by the Board and confirmed, varied or discontinued by resolution of the Board.

8.10 Common Seal

(a) Pursuant to section 3.69(3) of the Act the Subsidiary shall have a common seal upon which its corporate name shall appear in legible characters.

(b) The common seal shall not be used without the express authorisation of a resolution of the Board and every use of the common seal shall be recorded in the minute book of the Subsidiary.

(c) The affixing of the common seal shall be witnessed by the Chairperson or the Deputy Chairperson and the CEO of the Subsidiary or such other person as the Board may appoint for the purpose.

(d) The common seal shall be kept in the custody of the CEO of the Subsidiary or such other person as the Board may from time to time decide.

8.11 Committees

(a) The Board may establish a committee of Board members for the purposes of:

i. Enquiring into and reporting to the Board on any matter within the Subsidiary's functions and powers and as detailed in the terms of reference given by the Board to the committee;

ii. Exercising, performing or discharging delegated powers, functions or duties.

(b) A member of a committee established under clause 8.11(a) of this Charter holds office at the pleasure of the Board.

(c) The Board may otherwise establish advisory committees consisting of or including persons who are not Board members for enquiring into and reporting to the Board on any matter within the Subsidiary's functions and powers and as detailed in the terms of reference.

(d) The Chairperson of the Board is an ex-officio member of any committee or advisory committee established by the Board.

8.12 Fees and Allowances

Fees, annual allowances or reimbursements, if any, for expenses payable to Board Members shall be subject the approval of the majority of Participants.

9. EMPLOYEES OF THE SUBSIDIARY

9.1 The Board must appoint a CEO of the Subsidiary to manage the business of the Subsidiary on terms agreed between the CEO and the Board. The CEO of the Subsidiary must be a natural person.

9.2 The CEO of the Subsidiary shall cause records to be kept of the business and financial affairs of the Subsidiary in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.

9.3 In the absence of the CEO of the Subsidiary for any period exceeding six weeks a suitable person to act in the position of CEO of the Subsidiary must be appointed by the Board.

9.4 The Board shall delegate responsibility for the day to day management of the Subsidiary to the CEO of the Subsidiary, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Subsidiary.

9.5 The functions of the CEO of the Subsidiary shall be specified in the terms and conditions of appointment and shall include but are not limited to:

(a) Appointing, managing, suspending and dismissing employees of the Subsidiary;

(b) Determining the conditions of employment of employees of the Subsidiary within the budgetary constraints set by the Board;

(c) Attending at all meetings of the Board unless excluded by resolution of the Board;

(d) Ensuring that the decisions of the Board are implemented in a timely and efficient manner;

(e) Providing information to assist the Board to assess the Subsidiary's performance against its Strategic and Business Plans;

(f) Providing advice and reports to the Board on the exercise and performance of its powers and functions under the Act, the Regional Subsidiaries Regulations and this Charter;

(g) Ensuring that the Subsidiary is at all times complying with the Act, the Regional Subsidiaries Regulations and this Charter;

(h) Ensuring that the Subsidiary's annual report prepared in accordance with section 5.53 of the Act as modified by regulation 18 of the Regional Subsidiaries Regulations is distributed to the Participants in time to be incorporated in their annual reports;

(i) Co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Subsidiary;

(j) Ensuring that the assets and resources of the Subsidiary are properly managed and maintained;

(k) Exercising, performing or discharging other powers, functions or duties conferred on the CEO of the Subsidiary by or under the Act or any other legislation, and performing other functions lawfully directed by the Board; and

(l) Inviting any person to attend at a meeting to act in an advisory capacity.

9.6 The CEO of the Subsidiary shall provide a report on his/her activities to the Board at every ordinary meeting.

9.7 The Board in association with the CEO shall agree key performance indicators and undertake a review of the performance of the CEO at least once in relation to each year of the person's employment.

10. MANAGEMENT OF THE SUBSIDIARY

10.1 Financial Management

(a) The Subsidiary shall keep proper books of account, which must be available for inspection by any Board member or representative authorised by the CEO of any Participant at any reasonable time on request.

(b) The Subsidiary must establish and maintain a bank account at a bank and with such bank facilities to be determined by the Board.

(c) The Subsidiary shall appoint, the CEO of the Subsidiary, the Chairperson and Deputy Chairperson as authorised operators of the bank accounts. A minimum of two authorised operators must be required to deal with the bank account at any one time.

(d) All cheques must be signed by two of the persons appointed under or listed at clause 10.1(c).

(e) Any payments made by electronic funds transfer must be made in accordance with procedures for the authorisation of, and payment of accounts which have received the prior approval of the Board.

(f) The Board must establish and maintain a purchasing policy in relation to contracts for other persons to supply goods and services.

(g) The Board must establish and maintain a governance policy in relation to the management of ~~potential~~ insolvency risks and events and that identifies insolvency risks and circumstances which may lead to insolvency events.

10.2 Financial reporting

The Subsidiary must comply with the financial reporting requirements required by the Act and the Regional Subsidiary Regulations, and no modification is made under regulation 9(g) of the Regional Subsidiary Regulations.

10.3 Reporting

a) The CEO of the Subsidiary shall ensure that the CEO and the Board member of each Participant receive, within 14 days of a Board meeting, a copy of the minutes from that Board meeting for distribution to the elected members of the Participants.

b) The CEO of the Subsidiary must act prudently in the handling of all financial transactions for the Subsidiary and must provide quarterly financial and corporate reports to the Board and, if requested, the Participants.

c) The Board must submit their annual report, annual budget and auditor's report to the Participants upon completion of those reports.

10.4 Business Plan

The Board shall:

a) Compare the Business Plan against performance targets at least twice every financial year;

b) Review the contents of the Business Plan annually; and

c) Undertake reasonable consultation with the Participants prior to adopting or amending the Business Plan.

10.5 Disposal of property and other assets

The Subsidiary may dispose of property, adopting the requirements of local governments under the Act.

10.6 Annual Report

The Subsidiary shall prepare an annual report for each financial year in accordance with the provisions of section 5.53 of the Act as those provisions are modified by regulation 18 of the Regional Subsidiaries Regulations.

10.7 Annual Budget

The Subsidiary shall prepare an annual budget in accordance with the provisions of section 6.2 of the Act as those provisions are modified by regulation 18 of the Regional Subsidiaries Regulations.

10.8 Audit

The Board shall determine that the audit functions required under section 3.70A of the Act be undertaken by:-

(a) A committee, which may include Finance Manager or Governance representatives from the Participants or independent parties; and/or

(b) An external audit arrangement where the size and scale of the operations warrants.

10.9 Code of Conduct

In establishing a code of conduct for the subsidiary as required by clause 3(p) the Board shall take into consideration the guidelines and legislation relevant to Local Government and the Participants' code of conduct policies.

General principles to guide the behaviour include that a person in his or her capacity as a Board or Committee Member, or employee:-

(a) Act with reasonable care and diligence; and

(b) Act with honesty and integrity; and

(c) Act lawfully; and

(d) Avoid damage to the reputation of the subsidiary; and

(e) Be open and accountable to the public and Participants; and

(f) Base decisions on relevant and factually correct information; and

(g) Treat others with respect and fairness; and

(h) Not be impaired by mind affecting substances.

11. DISPUTE RESOLUTION

11.1 Negotiation

(a) The procedure in Clause 11 must be applied to any dispute that arises between the Subsidiary and a Participant or Participants concerning the affairs of the Subsidiary, or between Participants concerning the affairs of the Subsidiary, including a dispute as to the meaning or effect of this Charter.

(b) In the event of a dispute between the parties **(Dispute)** one party may deliver a written notice to the other party that identifies the Dispute **(Notice of Dispute).**

(c) The party that delivers the Notice of Dispute should also provide enough information about the Dispute for the other party or parties to reasonably understand the:

(i) alleged facts on which the claim is based;

(ii) legal basis on which the claim is made; and

(iii) relief that is claimed.

(d) Within 10 Business Days of a Notice of Dispute being delivered, the receiving party or parties must deliver a written response to the other party or parties stating:

(i) its position in relation to the Dispute; and

(ii) the basis for its position.

(iii) Within ten Business Days of receipt of the response referred to in clause 11.1 (c), the parties agree to attempt in good faith to resolve through negotiation any Dispute arising under or in relation to this Charter.

11.2 Mediation

(a) If the parties fail to resolve the Dispute within the 10 Business Days under clause 11.1(d), any of the parties may refer the Dispute to mediation by notice in writing to the other party or parties.

(b) Within 10 Business Days of a party referring the Dispute to mediation, the parties will attempt in good faith to agree the appointment of a mediator for the purposes of mediation.

(c) In the event the parties are unable to agree the appointment of a mediator then the Chairperson of the Resolution Institute in Western Australia shall appoint a mediator for the purposes of mediation.

(d) Once a Mediator has been appointed then the parties must within ten (10) Business Days of the Mediator being appointed agree a mutually convenient date, time and place for the mediation to take place.

11.3 Terms of Mediation

The mediation must be conducted on the following terms:

(a) The reference to the Mediator is made in accordance with, and subject to, the Resolution Institute Mediation Rules;

(b) The Mediator will assist the parties to explore the options for and, if possible, achieve expeditious resolution of the dispute by agreement;

(c) The Mediator will not make decisions for a party or impose a solution on the parties;

(d) The Mediator will not obtain from any independent person advice or an opinion as to any aspect of the Dispute unless:

(i) The Mediator is requested in writing by all parties to do so;

(ii) All parties have agreed upon the identity of the independent person to give such advice or opinion; and

(iii) All parties have agreed on who will be responsible to pay for the costs or fees in relation to the advice provided by the independent person;

(e) All parties will co-operate in good faith with the mediator and each other during the mediation;

(f) Each party will use its reasonable endeavours to comply with reasonable requests made by the mediator to promote the efficient and expeditious resolution of the Dispute;

(g) The mediation, including all preliminary steps, shall be conducted in such manner as the mediator considers appropriate having regard to the nature and circumstances of the Dispute, the agreed goal of an efficient and expeditious resolution to the Dispute and, to the extent that the mediator may deem appropriate, to the view of each party as to the conduct of the mediation;

(h) The proceedings, discussions and all documents created during the course of the mediation and all things said or disclosed during the course of the mediation shall be privileged and shall be for the purposes of any future matters or actions between the parties be without prejudice save to the extent that the parties shall reach an enforceable agreement;

(i) If, after consultation with the parties, the mediator forms the view that the mediator will be unable to assist the parties to achieve resolution of a Dispute, the mediator may immediately terminate its engagement as mediator by giving written notice to the parties of that termination, upon which, the mediator's role shall cease;

(j) The mediation shall be terminated immediately upon the earlier of:

(i) Execution of a settlement agreement in respect of the Dispute; and

(ii) Withdrawal of the Dispute;

(j) The costs of the mediation shall be paid equally by each Participant.

11.4 Arbitration

(a) If the Dispute has not been resolved by mediation under clause 11.2 and 11.3, then the Dispute may be submitted by any party to the arbitration of a single arbitrator in accordance with, and subject to, Resolution Institute Arbitration Rules. Unless the parties agree on the appointment of an arbitrator, any party may request a nomination from the Chair of the time being of the Resolution Institute Western Australia Division.

(b) The arbitrator's award shall be final and binding on the parties.

(c) The costs of the submission, reference or award are in the discretion of the arbitrator.

(d) Nothing in this Charter shall prevent a party from obtaining any urgent injunctive, declaratory or other interlocutory relief from a court which may be required in respect of a Dispute under clause 11 or any matter under this Charter.

SCHEDULE 1

RRC WASTE AGREEMENTS

Doc	Description	Date
1	Participant's Agreement between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale and City of Canning	Dated 15 October 2015
2	Agreement for Processing of Waste for Resource Recovery between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale, City of Canning and Kwinana WTE Project Co Pty Ltd	Dated 4 November 2015
3	Deed of Variation to Waste Supply Agreement between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale, City of Canning and Kwinana WTE Project Co Pty Ltd	Dated 7 June 2017
4	Supplemental Deed between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, City of Canning and Kwinana WTE Project Co Pty Ltd	Dated 16 July 2018
5	Exercise of Rights letter by the RRC	Dated 23 April 2018
6	Exercise of Rights Letter by the RRC	Dated 21 September 2018
7	Exercise of Rights Letter by the RRC	Dated 15 October 2018
8	Financier Direct Deed between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale, City of Canning, Kwinana WTE Project Co Pty Ltd and BTA Institutional Services Australia Limited	Dated 16 October 2018
9	Participants Agreement Deed of Variation between the RRC, City of Armadale, City of Gosnells, City of Mandurah, City of South Perth, Shire of Murray, Shire of Serpentine Jarrahdale, City of Canning, Kwinana WTE Project Co Pty Ltd	Dated 14 September 2018

SCHEDULE 2

CALCULATION OF CONTRIBUTIONS

2.1 Contributions towards a Budget Deficiency

Each Participant must pay a contribution towards the Budget Deficiency calculated as follows:

$$\text{Participant's contribution} = \left[\frac{BD \times TP}{TTP}\right] + PC$$

Where:

(a) **BD** is the Budget Deficiency excluding any PC;

(b) **TP** is the number of tonnes of the Participant's Waste in the previous year;

(c) **TTP** is the number of tonnes of all of the Participants' Waste in the previous year;

(d) **"Previous Year"** means the financial year preceding the financial year in which the Budget Deficiency is to occur; ~~and~~

(e) **"Participants Waste"** means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1~~.~~; and

(f) **PC** is the total cost of a New Project attributable to a New Project Participant as calculated under clause 2.2 of this Schedule 2.

2.2 Contributions towards a New Project

Each Participant, of which there must be two (2) or more, that agrees to participate in the New Project must pay a contribution calculated as follows:

$$\textbf{Participant's contribution} = PC \times \frac{TP}{TTP}$$

Where:

(a) **PC** is the Current New Project ~~Cost including~~Value of a New Project and includes any ~~project related~~part of a Budget Deficiency, Deficit~~, Extraordinary~~, Anticipated Exceptional Deficit~~ or~~, Surplus~~;~~ or any other liability that is attributable to that New Project;

(b) **TP** is the number of tonnes of the New Project Participant's Waste in the previous year or another number as agreed between the New Project Participants participating in that New Project;

(c) **TTP** is the number of tonnes of all of the New Participants' Waste in the previous year for those ~~Participants agreeing to participate~~New Participants participating in the New Project ~~or another number as agreed between the New Project Participants participating in that New Project~~;

(d) **"Pprevious Yyear"** means the financial year preceding the financial year in which the Project is to commence; and

(e) **"Participants' Waste"** means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1.; and

(f) "**Current New Project Value**" means the value of the New Project calculated based on the value of all revenues, expenses, assets and liabilities whatsoever attributable to that New Project at the relevant time (as recognised and calculated in accordance with the *Local Government Act 1995* (the Act), *Local Government (Financial Management) Regulations 1996* and to the extent they are not inconsistent with the Act, the Australian Accounting Standards (as they apply to Local Government entities)).

2.3 Contributions towards a Deficit

Each Participant must pay a contribution towards the Deficit calculated as follows:

$$\textbf{Participant's contribution} = D \times \frac{TP}{TTP} + PC$$

Where:

(a) **D** is the Deficit excluding any PC;

(b) **TP** is the number of tonnes of the Participant's Waste in the relevant year;

(c) **TTP** is the number of tonnes of all of the Participants' Waste in the relevant year;

(d) **"relevant year"** means the financial year in which the Deficit occurs; and

(e) **"Participants Waste"** means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1.; and

(g) **PC** is the total cost of a New Project attributable to a New Project Participant as calculated under clause 2.2 of this Schedule 2.

2.4 Contributions towards an Anticipated Exceptional Deficit

Each Participant must pay a contribution towards the Anticipated Exceptional Deficit as follows:

$$\textbf{Participant's contribution} = AED \times \frac{PT}{PTT} + PC$$

Where:

(a) **AED** is the Anticipated Exceptional Deficit excluding any PC;

(b) **PT** is the number of tonnes of the Participant's Waste in the previous year;

(c) **PTT** is the number of tonnes of all of the Participants' Waste in the previous year;

(d) **"previous year"** means the financial year preceding the financial year in which the Anticipated Exceptional Deficit is determined;

(e) **"Participants Waste"** means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1; and

(f) **PC** is the total cost of a New Project attributable to a New Project Participant as calculated under clause 2.2 of this Schedule 2.

2.5 Contributions towards and Insolvency Debt

Each Participant must pay a contribution towards the Insolvency Debt as follows:

Participant's contribution = $\left[TL \times \frac{PT}{PTT} \right] + PC$

Where:

(a) **TL** is the Total Liability excluding any PC;

(b) **PT** is the number of tonnes of the Participant's Waste in the previous year;

(c) **PTT** is the number of tonnes of all of the Participants' Waste in the previous year;

(d) **"previous year"** means the financial year preceding the financial year in which the Insolvency Debt is determined; ~~and~~

(e) **"Participants Waste"** means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1~~.~~; and

(f) **PC** is the total cost of a New Project attributable to a New Project Participant as calculated under clause 2.2 of this Schedule 2.

SCHEDULE 3

CALCULATION OF PROPORTIONS IN WHICH PARTICIPANTS ARE TO RECEIVE A PAID SURPLUS

3.1 Calculation of proportions

Each Participant is to receive a proportion of the Paid Surplus calculated as follows:

$$\textbf{Participant's proportion} = PS \times \frac{TP}{TTP}$$

Where:

(a) **PS** is the Paid Surplus~~;~~ excluding any PC;

(b) **TP** is the number of tonnes of the Participant's Waste in the relevant year;

(c) **TTP** is the number of tonnes of all of the Participants' Waste in the relevant year;

(d) **"Relevant Year"** means the financial year in which the Surplus occurs; ~~and~~

(e) **"Participants Waste"** means the wastes actually delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery~~.~~; and

(f) **PC** is the total cost of a New Project attributable to a New Project Participant calculated under clause 2.2 of Schedule 2.

3.2 Calculations of proportions towards a New Project Surplus

Each New Project Participant that has contributed to a New Project is to receive a proportion of the Surplus attributable to that New Project calculated as follows:

$$\textbf{New Project Participant's proportion} = NPS \times \frac{TP}{TTP}$$

Where:

(a) **NPS** is a New Project Surplus;

(b) **TP** is the number of tonnes of Waste in the previous year of the New Project Participant participating in the New Project ~~or as otherwise agreed under clause 2.2 of this Schedule~~;

(c) **TTP** is the number of tonnes of Waste in the previous year of all of the New Project Participants participating in the New Project ~~or as otherwise agreed under clause 2.2 of Schedule 2~~;

(d) **"Previous Year"** means the financial year preceding the financial year in which the Project is to commence; and

(e) **"Waste"** means the wastes to be delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery referred to in item 2 of Schedule 1 and the Participants Agreement referred to in item 1 of Schedule 1.

SCHEDULE 4

PROPORTIONS OF PARTICIPANTS FOR THE PURPOSE OF WINDING UP

~~4.1~~ **4.1 Winding up proportions of Participants (excluding New Projects)**

For the purpose of clauses 7.2(a)(ii) and 7.3, the proportion of each Participant is the proportion that the number of tonnes of the Participant's Waste for the previous five (5) financial years (including RRC member tonnes as defined in the Establishment agreement if required) bear to the number of tonnes of all of the Participants' Waste for the same period excluding any PC, assets or surplus attributable to any New Project.

"Participants Waste" means the wastes actually delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery.

"PC" is the total cost of a New Project as calculated under clause 2.2 of Schedule 2.

4.2 Winding up proportions of New Project Participants

For the purpose of clauses 7.4(a)(ii) and 7.5, the proportion of each New Project Participant for any particular New Project is the proportion that the number of tonnes of a New Project Participant's Waste for the previous five (5) financial years (including RRC member tonnes as defined in the Establishment agreement if required) bear to the number of tonnes of all of the Waste of New Project Participants participating in that New Project for the same period ~~or the number otherwise agreed by the New Project Participants under clause 2.2 of Schedule 2~~.

"Waste" means the wastes actually delivered to the Resource Recovery Facility in accordance with the Agreement for Processing of Waste for Resource Recovery.

EXECUTED by the Parties

THE COMMON SEAL of the **CITY OF ARMADALE** was affixed pursuant to a Resolution of the Council in the presence of:)

_____
Mayor

_____
Chief Executive Officer

THE COMMON SEAL of the **CITY OF GOSNELLS** was affixed pursuant to a Resolution of the Council in the presence of:)

_____
Mayor

_____
Chief Executive Officer

THE COMMON SEAL of the **CITY OF SOUTH PERTH** was affixed pursuant to a Resolution of the Council in the presence of:)

_____
Mayor

_____
Chief Executive Officer

THE COMMON SEAL of the **CITY OF MANDURAH** was affixed pursuant to a Resolution of the Council in the presence of:)

_____
Mayor

_____
Chief Executive Officer

THE COMMON SEAL of the **SHIRE OF MURRAY** was affixed pursuant to a Resolution of the Council in the presence of:)

_____
Shire President

_____
Chief Executive Officer

THE COMMON SEAL of the **SHIRE OF SERPENTINE JARRAHDALE** was affixed pursuant to a Resolution of the Council in the presence of:)

_____
Shire President

_____
Chief Executive Officer

Approved by the Minister for Local Government

_____ _____
Date

5	**SUBJECT:**	2024 Western Australian Local Government Association Convention and Annual General Meeting: Nomination of Delegates and Voting Guidance
	DIRECTOR:	Director Business Services
	MEETING:	Council Meeting
	MEETING DATE:	24 September 2024

Summary

The Western Australian Local Government Association (WALGA) will hold its 2024 Annual General Meeting (AGM), on Wednesday 9 October 2024 as part of the 2024 WA Local Government Convention. WALGA has requested Council nominate two voting delegates to the AGM and a proxy voting delegate.

Voting delegates may be either Elected Members or City 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.

Council is requested to approve the nominations of its Peel Zone delegates Mayor Rhys Williams and Councillor Amber Kearns to attend the 2024 WALGA AGM on Wednesday 9 October 2024 and appoint the Chief Executive Officer as its proxy voting delegate should either voting delegate be unable to attend.

Notice of the AGM, Procedural Information and Submission of Motions has been received. WALGA has released an agenda for the AGM (refer Attachment 5.1) and there are 6 items for consideration that delegates will be asked 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.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.21/10/23 Elected Member Appointments and Nominations Mayor Williams and Councillor Kearns appointed to the WALGA Peel Country Zone.

Background

In preparation for the WALGA 2024 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 Peel Zone of WALGA delegates as Council's voting delegates at the AGM. Mayor Rhys Williams and Councillor Kearns 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 the voting and proxy voting delegates to the Chief Executive Officer of WALGA prior to 5pm Friday 27 September 2024.

As part of the City's advocacy efforts to demonstrate regional leadership and advocate for the needs of the Mandurah community, it is important that Mandurah is represented at this event, which is the largest event for the local government industry annually. It is requested that all costs associated with the registration for the Mayor and Councillor Kearns are included in the advocacy budget and do not form part of their training allowance.

City officers have considered the proposed motions outlined in item 7 of the WALGA AGM as provided in Attachment 5.1 with City of Mandurah comment provided below.

1. 7.1 AMENDMENTS TO THE CAT ACT 2011 - ALLOW LOCAL GOVERNMENTS TO MAKE LOCAL LAWS TO CONTAIN CATS TO THE OWNER'S PROPERTY

Two Local Governments have submitted items on this matter. In accordance with WALGA's criteria for motions, when motions of a similar objective are received, they are to be consolidated.

Consolidated Motion:

That WALGA advocate to the State Government to make changes to the Cat Act 2011 to permit local laws to be made to the following effect:

1. Cats are to be confined to the cat owner's residence premises;
2. Cats within public places are to be under effective control and not to create a nuisance;
3. Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance;
4. Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.

WALGA Secretariat Comment:

The Motion generally aligns with current WALGA advocacy in relation to a review of the Cat Act 2011:

> *That the Local Government sector advocates for a commitment from the State Government…to prioritise reforms to the Cat Act 2011, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.*

The 2019 Review included proposals that penalties should be incurred when cats wander/trespass on property without consent or cats should be confined to their property.

Many Local Governments have made Cat Local Laws prohibiting cats from being on land under the care, control and management of the Local Government, as currently provided for under the *Cat Act 2011*.

It is established through numerous disallowance motions by Parliament's Delegated Legislation Committee that the *Cat Act 2011* does not provide the requisite heads of power for a Local Government to make Cat Local Laws requiring cats to be confined to the owner's residence or being prevented from roaming in any public place throughout the district.

Although not currently achievable, the intent of this Motion can be considered upon successful advocacy for a review of *the Cat Act 2011* and provision of the necessary heads of power that allow Cat Local Laws to prevent cats from wandering.

City of Mandurah Comment:

It is recommended that Council oppose the proposed motion

It is not recommended that each local government create separate local laws relating to these matters. To ensure consistency and efficiency, the State Government should progress Cat Act 2011 amendments following the statutory review that was tabled in State parliament on 27 November 2019.

A foreshadowed motion is recommended as follows:

That WALGA advocate to the Minister for Local Government:

1. For urgent advancement of amendments to the *Cat Act 2011* and subsidiary legislation incorporating the following:

   - That cats are required to be confined to the cat owner's property.

   - That cat prohibited areas be able to be created via Council resolution without local law amendment (via Council resolution similar to the *Dog Act 1976*).

   - That there is a consistent approach to the number of cats permitted at a property and this is prescribed within the Cat Act 2011 or Cat Regulations 2012.

   - Clear definitions on differentiation of feral, stray and domesticated cats are incorporated and recognised as the high number of unowned stray cats that are not feral. Unidentified cats should be considered feral and be managed in shorter time periods given the low rate of owner collections from impoundment and high rate of informal "ownership".

2. That a comprehensive state-wide public education campaign be developed.
   Note: It is clear that there remains a percentage of the community who are not aware of the requirements of the Cat Act 2011 to register, microchip and sterilise their cats. For any cat related laws to be effective, identification must be comprehensive and clear advice relating to containment as well as registration, micro-chipping and sterilisation requirements must be given.

3. That a state-wide financial assistance program be provided to pensioners for cat sterilisation and microchipping.

   Note: There remains clear barriers to cat identification and it is essential that efforts are made to overcome this. Without effective identification any cat legislation will not be effective and lead to heavy burdens on trapping and re-homing programs.

2. 7.2 ADVOCACY FOR LEGISLATIVE REFORMS TO COUNTER LAND-BANKING

Motion:

That WALGA:

1. In line with its 2020-2025 Strategic Plan to provide a Sector Vision that enables Local Governments to be agile enhancing community wellbeing and economic prosperity, develops a draft Advocacy Position for Legislative Reforms to address Land-Banking practices including, but not limited to consideration of the following:

a. Prohibiting demolition of habitable housing until a Development Application (DA) has been approved;
b. development applications that result in the demolition of existing habitable housing be time limited so that reasonable time periods for project commencement and project completion are conditions of the development application.
c. provide Local Authorities with the ability to apply a "penalty fee" over and above any differential rating on vacant land, where the time conditions on the development application in (b) have not been met.
d. Development of a mandatory register of unoccupied residential properties, with the ability of Local Governments to apply rates or levies on long term unoccupied residential properties, which could increase incrementally over time.

2. Distributes the draft "WALGA Advocacy Position for Legislative Reforms to counter Land-Banking" to all West Australian Local Authorities for comment, and that a subsequent report be provided for consideration by WALGA Zones.

In Brief:

- Land-banking reduces the availability of sites for development.
- Premature demolition of viable housing is unacceptable in what is a dire housing shortage for this nation.
- Additional legislative changes are required to enable Local Authorities the flexibility to apply additional levies to long term unoccupied housing.

WALGA Secretariat Comment:

Part 1a and 1b

Under Schedule 2 Clause 61 (1) of the Planning and Development (Local Planning Scheme) Regulations 2015 (LPS Regulations) the demolition of a single house, and any associated structure, are exempt from requiring development approval, unless the proposal is located in a heritage-protected place. Further demolition works are regulated by the Building Act 2011 and the Building Regulations 2012, and thus the removal of a dwelling would require the issuance of a building permit before demolition is undertaken. Local Governments as permit authorities are required to issue building permits within statutory timeframes. There are limited reasons why a Local Government can refuse to issue a building permit, including where the necessary development approval has not been issued. The proposal outlined in the Town of Bassendean's motion would require amendments to both the planning and building regulatory frameworks.

It should also be noted that under the LPS Regulations and State Planning Policy 3.1 Residential Design Codes (SPP3.1) most proposals for single houses are also exempt from requiring development approval. Most proposals for grouped and multiple dwellings do require development approval.

Local Governments are able to limit the validity period of a development approval and a building permit, with substantial commencement being required before the expiry date to ensure the ongoing validity of the approval. Common lengths of approval are 24 and 48 months.

Part 1c

The LPS Regulations Schedule.2, cl.71 provides that an approved development must be substantially commenced…if no period is specified in the approval, within the period of two years commencing on the date the determination is made or the period specified or as approved, with the approval lapsing if development is not substantially commenced within the determined period.

Part (c) of the proposal, appears to seek a modified penalty to be prescribed in Planning and Development Regulation 42, enabling an infringement notice to be issued, where residential development is not substantially commenced before expiry of the approval period.

It should be noted that if the time period for commencement of development expires, the approval expires and the development application process would need to restart if the developer so chooses to proceed. Applying a penalty to an expired application would likely require amendments to the LPS Regulations and potentially the Planning and Development Act 2005. The modified penalty under the planning framework is currently set at $500.

Part 1d

Proposal for mandatory register of unoccupied residential properties

Implementing the proposed register would require legislative amendment and regulatory provisions to enable collection of evidence that a habitable residential property is unoccupied continually for a prescribed period, to inform entry of a property into the register.

Proposal for application of a differential rate to residential improved and long-term unoccupied properties

- Local Government Act section 6.33(1)(b) already enables a differential rate to be levied for a purpose for which the land is held or used as determined by the Local Government e.g. Some Local Governments currently levy a differential rate for “residential improved and vacant” property.

- It is unclear if section 6.33 provisions can be interpreted as enabling Local Government to levy scaled differential rates applicable to specified timeframes that an improved residential property has been unoccupied. This may require confirmation from the Department of Local Government, Sport and Cultural Industries subject to advice from the State Solicitor’s Office. If section 6.33 cannot be interpreted to enable this, then a legislative amendment would be required.

Proposal for a “levy” to be applied to long term unoccupied residential properties.

Local Government Act section 6.16 limits Local Government imposition of fees and charges to goods or services provided the Local Government.

This proposal intends a penalty for long-term unoccupied residential property, which under written law would require legislative amendment to create an offence and prescribe a modified penalty / court proceedings.

City of Mandurah Comment:

It is recommended that Council support in principle the proposed motion.

It is recommended that the considerations outlined are reviewed as part of a wider advocacy position on distortions in the property market beyond Land-Banking (e.g. negative gearing on existing properties).

Each position should be reviewed to ensure the unintended consequences are minimised. This should include:

- Limit additional administrative burden on local governments in ensuring compliance.
- Minimise any disruption to trading in the property market.

3. 7.3 ADVOCACY FOR EXPANSION OF DIFFERENTIAL RATING TO INCLUDE LONG TERM UNOCCUPIED COMMERCIAL BUILDINGS (PROPERTY ACTIVATION LEVY)

Motion:

That WALGA:

1. Explores expanding Item 2.1.8 Differential Rates of its Advocacy Position Statement to consider inclusion of the following:

    a. Advocating for Local Authorities to have the ability to apply a differential rate to long term unoccupied commercial buildings; and

    b. Developing legislation that requires commercial property owners to demonstrate that in order to avoid the imposition of a differential rate on unoccupied commercial property the property;

        i. is commercially habitable with annual investment in maintenance
        ii. remains connected to essential services
        iii. is undergoing periodic compliance checks and,
        iv. has a plan in place to redevelop or make operational.

    c. Develop legislation that enables Local Government to provide exemptions to the above differential rating based on an approved periodic activation program for the vacant commercial property by the Local Government.

2. Distributes the draft expanded WALGA Advocacy Position for Differential Rates to counter long term unoccupied commercial buildings to all West Australian Local Authorities for comment, and that a subsequent report be made available for consideration by WALGA Zones.

WALGA Secretariat Comment:

WALGA's Advocacy Position 2.1.8 Differential Rates is below:

Position Statement:	Section 6.33 of the Local Government Act 1995 should be reviewed in contemplation of time-based differential rating, to encourage development of land.
Background:	Concern at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities.

Local Government Act section 6.33(1)(b) already enables a differential rate to be levied for a purpose for which the land is held or used as determined by the Local Government e.g. Some Local Governments currently levy a differential rate for "residential improved and vacant" property. This can be extended to "commercial improved" and "commercial undeveloped".

City of Mandurah Comment:

It is recommended that Council support in principle the proposed motion

Differential rates are optional and subject to Council approval. The City has the discretion to adopt these differential rates if the legislation is changed. The proposal aims to broaden the Council's options in setting differential rates and offers a mechanism to address derelict commercial properties within the City. Consideration must be given to defining "long-term" vacant properties and establishing minimum service standards for exemption from the rate.

4. 7.4 ACTION ON ASBESTOS FOR WESTERN AUSTRALIA

Motion:

That WALGA advocates for the state and federal governments to take urgent action to assist Local Governments and their communities in safely removing asbestos, including providing targeting funding programs and support for regional areas.

In Brief:

- The Asbestos Safety and Eradication Agency (ASEA) has released its 2024-2030 Strategic Plan, which identifies the need to take action to save lives, as asbestos materials are degrading, increasing the risk they pose.
- The approach to asbestos is unlikely to change unless Local Governments and their communities, particularly in regional areas, are provided with additional funding and support.

WALGA Secretariat Comment:

The ASEA Strategic Plan has identified an increasing need to take action on asbestos. As the material degrades over time there is an increasing human health risk and costs associated with removal escalate. As identified in the AGM item, WALGA's recent Submission on the ASEA Strategic Plan noted that Asbestos management is an ongoing and increasing challenge for Local Governments, particularly in regional areas, and additional focus is needed. The approach of providing targeted funding and support would assist regional Local Government to address issues such as limited availability and cost of suitably qualified contractors and ability to fund asbestos removal.

City of Mandurah Comment:

It is recommended that Council propose an Amended Recommendation to remove eligibility for regional areas only.

Proposed motion:

That WALGA advocates for the state and federal governments to take urgent action to assist Local Governments and their communities in safely removing asbestos, including providing targeting funding programs and support for all local government areas.

- Asbestos Safety and Eradication Agency (ASEA) 2024-2030 Strategic Plan includes the following actions
- Develop a risk-based, prioritised ACM removal program for publicly owned and controlled properties
- Develop incentives to encourage the safe removal of ACMs from residential and commercial properties, including housing of Indigenous Australians
- Support local government to administer devolved responsibilities

There are many properties throughout the City of Mandurah that have structures that are built from ACM such as buildings and fences that are degrading and at increased risk of storm damage. Further properties in urban environments are subject to renovation that creates high risk environments.

The City supports incentives for removal in all areas regardless of whether the local government area is regional or metropolitan.

5. 7.5 ADDRESSING THE IMPRACTICALITY OF LOCAL GOVERNMENTS FUNDING DEPARTMENT OF COMMUNITIES AND GOVERNMENT REGIONAL OFFICER HOUSING

Motion:

That WALGA advocates to the State Government for the State Government to fully fund Department of Communities (Social) and Government Regional Officer Housing.

In Brief:

- Housing Funding Impracticality: Local Governments face impracticalities in funding housing due to the extra budgetary constraints then placed on the Local Government.
- Financial Risk: Investment in providing housing can be risky over the long term due the volatility of the housing market (particularly in areas where mining is the predominant industry) and the constraints placed on Local Governments that are borrowing money to fund these builds.
- State Responsibility: Housing should be funded through state taxes and mining royalties, not Local Government budgets.

WALGA Secretariat Comment:

The GROH Program provides housing for public sector employees providing essential services in regional and remote locations to attract and retain staff. The Department of Communities uses partnerships to increase supply of GROH housing in addition to its own capital investment and refurbishment programs. Partnerships include build to lease agreements, which Local Governments are eligible to apply to. The Department of Communities also provides subsidised rental accommodation to eligible low-income households across Western Australia commonly referred to as public or social housing. Public housing is owned and managed directly by the Department of Communities. Social housing can be owned and or maintained by a third party, typically Community Housing Providers.

In a 2024 WALGA survey, 100 percent of respondents viewed housing as a major challenge in their Local Government area and 64 percent stating that the lack of Government Regional Officer Housing (GROH) housing is “very challenging” or “extremely challenging”.

Housing supply continues to be a priority issue for both the Australian and State Government. The Australian Government’s 2024-2 budget included an additional $1 billion to states and territories to deliver new housing including for connecting essential services such as water, power, sewerage and roads. This investment underpins the Federal Government commitment to increasing housing supply through the National Housing Accord, Housing Australia Future Fund and Social Housing Accelerator initiatives. The WA Government committed an additional $43.8 million to the GROH program in the 2024-25 State Budget. The State budget also included $400 million to expand the Social and Affordable Housing Investment Fund and $179 million for maintenance of existing social and GROH housing.

WALGA is advocating for the State Government to work with the Local Government sector on the delivery of these investments, including ensuring member views are considered in relation to critical housing need. WALGA’s 2025 State Election platform calls for State Government to create a comprehensive long-term strategy to address the entrenched shortage of social, affordable and key worker housing and to undertake a review of the GROH program to improve coordination and responsiveness to regional housing needs and provide Local Government’s with greater scope to invest in GROH housing.

City of Mandurah Comment:

It is recommended that Council support in principle the proposed motion.

This is not relevant to the City of Mandurah because it is not classified as a GROH (Government Regional Officer Housing) area. The provision of housing for State Government employees that carrying out State Government functions or services in GROH areas should be wholly the responsibility of the State Government.

6. 7.6 ADVOCACY FOR ACCESSIBILITY

Motion:

That WALGA develops an Advocacy Position calling for the WA Government to adopt the Liveable Housing Design Standards for accessibility as part of the National Construction Code, consistent with WALGA's 2020-2025 Strategic Plan Sector Vision to enable inclusive Local Governments enhancing community wellbeing and economic prosperity.

In Brief:

- Advocacy for adoption of National Construction Code minimum accessibility standards
- Australia should have national building standards guaranteeing new homes have access for all abilities.
- WALGA should develop a policy to reflect its organisation commitment to accessibility, including but not limited to ensuring any venues WALGA utilises for its services or events have universal accessibility entry points (and are not dependent on one accessible entry point).

WALGA Secretariat Comment:

The National Construction Code (NCC) is a uniform set of technical provisions for the design and construction of buildings and other structures, and plumbing and drainage systems throughout Australia.

The NCC is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Commonwealth and all State and Territory government and is given legal effect through legislation at the state and territory level. The NCC is reviewed every 3 years, based on required regulatory practices, industry research, public feedback and policy directions.

The goal of the NCC is to enable the achievement of nationally consistent, minimum necessary standards of relevant safety (including structural safety and safety from fire), health, amenity and sustainability objectives efficiently. The NCC has traditionally included a part focused on access for people with a disability, setting out deemed-to-comply solutions and general building requirements for buildings based on their classification, for class 2-9 buildings. For the 2022 edition of the NCC new requirements titled the 'livable housing design' requirements, based on the Livable Housing Design Guidelines (silver level), were incorporated into both volumes of the NCC.

These requirements apply to all dwelling types, including new Class 1a (single house) buildings. The purpose of these changes was to help increase the stock of housing that is adaptable and better able to meet the needs of older people and people with mobility limitations. The Deemed-to-Comply provision of the new requirements, called the ABCB Livable Housing Design Standard, covers:

- Providing step-free access to the home.
- Making doorways and hallways easier to use for people with reduced mobility.
- Providing extra space in the bathroom and toilet.

- Wall reinforcing in the bathroom and toilet, to make it easier to install grabrails if needed in the future.

The NCC is implemented into Western Australia's building regulatory system through amendments to the Building Regulations 2012, with the NCC 2022 commencing operation in WA on 1 May 2023, following a 12-month transition period. In announcing the implementation of the NCC 2022, the State Government indicated that it had considered the current challenges facing the building and construction industry and as a result decided that some provisions, including energy efficiency, would have a longer transitional period and that the mandatory liveable (accessible) housing provisions would not be applied in Western Australia. In making this determination the Government indicated it would continue to monitor the situation in the building industry and the housing market. New South Wales and South Australia also determined to not support the new requirements. There is no indication, at time of writing, that the State Government has progressed in its consideration of the livable housing design requirements.

WALGA's Building Act and Regulations Advocacy Position:

Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth.

The Association has the following endorsed positions:

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the Building Act 2011.

2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.

3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:

    a. Quality buildings that are cost efficient.
    b. Functional, safe and environmentally friendly buildings.
    c. Good decision making in all aspects of building.
    d. Efficiency and effectiveness in building management, administration and regulation.
    e. Openness and accountability with respect to all building matters.
    f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.

4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.
6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

City of Mandurah Comment:

It is recommended that Council support the proposed motion.

As noted the estimated additional cost to implement the minimum accessible design standards is between $2,900 and $4,400 per home.

It is appropriate that the concept of nationally agreed application of the Livable Housing Standards in the NCC continues. The key issue for resolution through the advocacy position is the timeframe for adoption and an assessment as to whether there are some elements that can be progressed that manage and considers the building cost impacts that would be acceptable.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Elected Member and CEO Training Professional Development, Travel and Events Council Policy includes a WALGA conference as an approved training and development activity.

Financial Implications

During the 2024 WA Local Government Convention, WALGA will be holding a number of events alongside this year's AGM including a Mayors and Presidents Forum, Premier, President and Minister's Address, Keynote speakers' Michael McQueen, Lucinda Hartley and Dr Chadden Hunter and a collaborative panel session. Registration for Local Government delegates at the Convention will be $1,295 plus accommodation. There is no charge for registration to the AGM only.

Economic Implications

Nil

Environmental Implications

Nil

Risk Analysis

Nil

Strategic Implications

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

Leadership

- Sound decisions based on evidence and meaningful engagement
- Effective advocacy focused on the needs of the community and strong relationships with key stakeholders

Conclusion

Council is requested to appoint the WALGA Peel Zone representatives, Mayor Williams and Councillor Kearns, as the two Voting Delegates for the WALGA 2024 AGM. Council is requested to appoint the Chief Executive Officers as its proxy.

Council is requested to provide guidance to the voting delegates for the Executive and Members Motions at the WALGA Annual General Meeting as follows:

NOTE:

- Refer Attachment 5.1 WALGA AGM Agenda 9 October 2024

RECOMMENDATION

That Council:

1. **Appoint Peel Zone delegates, Mayor Rhys Williams and Councillor Amber Kearns, as the City of Mandurah Voting Delegates to the 2024 Western Australian Local Government Association Annual General Meeting, to be held at Perth Convention Centre on Wednesday 9 October 2024.**

2. **Appoint the Chief Executive Officer as proxy should either Voting Delegate be unable to attend.**

3. **Approve Mayor Rhys Williams and Councillor Amber Kearns to attend the WALGA WA Local Government Convention as part of the City of Mandurah's advocacy and the costs associated, will not be included in their Training and Professional Development allocation.**

4. **Notes that the Chief Executive Officer will be attending the Annual General Meeting to be held at the Perth Convention Centre on Wednesday 9 October 2024.**

5. **Approve the voting delegates to vote the following way for the motions outlined in Item 7 Consideration of Executive and Members Motions, of the WA Local Government Association Annual General Meeting:**

    5.1 7.1 Amendments to the Cat Act 2011 – Allow Local Governments to make local laws to contain cats to the owner's property
    Oppose and recommend a foreshadowed motion:

        1. For urgent advancement of amendments to the Cat Act 2011 and subsidiary legislation incorporating the following:

- **That cats are required to be confined to the cat owner's property.**
- **That cat prohibited areas be able to be created via Council resolution without local law amendment (via Council resolution similar to the Dog Act 1976).**
- **That there is a consistent approach to the number of cats permitted at a property and this is prescribed within the Cat Act 2011 or Cat Regulations 2012.**
- **Clear definitions on differentiation of feral, stray and domesticated cats are incorporated and recognised as the high number of unowned stray cats that are not feral. Unidentified cats should be considered feral and be managed in shorter time periods given the low rate of owner collections from impoundment and high rate of informal "ownership".**

2. **That a comprehensive state-wide public education campaign be developed. Note: It is clear that there remains a percentage of the community who are not aware of the requirements of the Cat Act 2011 to register, microchip and sterilise their cats. For any cat related laws to be effective, identification must be comprehensive and clear advice relating to containment as well as registration, micro-chipping and sterilisation requirements must be given.**

3. **That a state-wide financial assistance program be provided to pensioners for cat sterilisation and microchipping.**

Note: There remains clear barriers to cat identification and it is essential that efforts are made to overcome this. Without effective identification any cat legislation will not be effective and lead to heavy burdens on trapping and re-homing programs.

5.2 7.2 Advocacy for legislative reforms to counter land-banking
Support in principle

5.3 7.3 Advocacy for expansion of differential rating to include long term unoccupied commercial buildings (property Activation Levy)
Support in principle

5.4 7.4 Action on asbestos for Western Australia

Proposed motion:

That WALGA advocates for the state and federal governments to take urgent action to assist Local Governments and their communities in safely removing asbestos, including providing targeting funding programs and support for all local government areas.

5.5 7.5 Addressing the impracticality of Local Governments funding Department of Communities and Government Regional Officer Housing
Support in principle

5.6 7.6 Advocacy for accessibility
Support

WALGA

WALGA
Annual General Meeting
Agenda

Wednesday, 9 October 2024
2:30pm

Perth Convention and Exhibition Centre
21 Mounts Bay Road, Perth WA

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1 OPENING

2 RECORD OF APOLOGIES

- Shire of Dowerin

3 ANNOUNCEMENTS

4 ADOPTION OF AGM ASSOCIATION STANDING ORDERS

The Annual General Meeting Association Standing Orders are contained within this Agenda (Attachment 1).

MOTION

That the Annual General Meeting Association Standing Orders be adopted.

5 CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the 2023 WALGA Annual General Meeting are contained within this Agenda (Attachment 2), along with a report on the action taken on the 2023 AGM resolutions (Attachment 3).

MOTION

That the Minutes of the 2023 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings.

6 ADOPTION OF ANNUAL REPORT

The 2023-2024 Annual Report, including the 2023-2024 Audited Financial Statements, will be distributed to Members separately.

MOTION

That the 2023-2024 Annual Report, including the 2023-2024 Audited Financial Statements, be received.

7 CONSIDERATION OF EXECUTIVE AND MEMBER MOTIONS

7.1 AMENDMENTS TO THE CAT ACT 2011 - ALLOW LOCAL GOVERNMENTS TO MAKE LOCAL LAWS TO CONTAIN CATS TO THE OWNER'S PROPERTY

Two Local Governments have submitted items on this matter. In accordance with WALGA's criteria for motions, when motions of a similar objective are received, they are to be consolidated.

CONSOLIDATED MOTION

That WALGA advocate to the State Government to make changes to the *Cat Act 2011* to permit local laws to be made to the following effect:

1. **Cats are to be confined to the cat owner's residence premises;**
2. **Cats within public places are to be under effective control and not to create a nuisance;**
3. **Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance;**
4. **Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.**

SHIRE OF ESPERANCE SUBMISSION:

MOTION

That WALGA request the State Government make changes to the *Cat Act 2011* to allow Local Governments to make local laws to contain cats to the owner's property.

IN BRIEF

- The *Cat Act 2011* prohibits Local Governments to make a local law to prohibit a cat from wandering.
- Cats do a significant amount of damage to wildlife when left to wander.
- Wandering domestic cats add to the breeding of feral cats.

MEMBER COMMENT

The Joint Standing Committee on Delegated Legislation has advised the Shire of its reasons why a Local Government cannot create a local law to deal with wandering cats or cats that are creating a nuisance.

Local Governments are therefore unable to enact local laws to effectively deal with cats to meet the expectations of the community due to inconsistencies with the *Cat Act 2011*.

Amendments therefore need to be made to the *Cat Act 2011* to allow the effective management of cats.

SECRETARIAT COMMENT

The Motion generally aligns with current WALGA advocacy in relation to a review of the *Cat Act 2011*.

> *That the Local Government sector advocates for a commitment from the State Government...to prioritise reforms to the Cat Act 2011, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.*

The 2019 Review included proposals that penalties should be incurred when cats wander/trespass on property without consent or cats should be confined to their property.

SHIRE OF DARDANUP SUBMISSION

MOTION

That WALGA develop a model Cat Local Law in consultation and agreement with the Department of Local Government, Sport and Cultural Industries, the Joint Standing Committee on Delegated Legislation and the WA Cat Feral Working Group that provides for the following:

1. Cats are to be confined to the cat owner's residence premises, unless under effective control;
2. Cats within public places are to be under effective control and not to create a nuisance at all times;
3. Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance;
4. Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute Majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.

IN BRIEF

- The Shire of Dardanup attempted to bring its local law in line with that of other Local Governments where provisions have been included that expressly require cat owners to have effective control of their cats, and that makes it an offence for a cat to be in other places, where the occupier of that place has not given approval.
- The Joint Standing Committee on Delegated Legislation considered the Shire of Dardanup Cats Local Law 2023 and outlined that the Committee believed the proposed local law is contrary to the *Cat Act 2011* .
- Within Western Australia there are a number of Local Governments that have Cat Local Laws that require cats to be under effective control when in a public place. Some of these Cat Local Laws also make it an offence for a cat to be in a place, other than a public place, without the express permission of the occupier of that place. These local laws also require cats not to create a nuisance in either a public place, or other places
- WALGA's support for the development of a model Cat Local Law that incorporates these provisions as standard provisions are sought so as to ensure this is accepted in advance by the Department of Local Government, Sport and Cultural Industries and the Joint Standing Committee on Delegated Legislation

MEMBER COMMENT

The Shire of Dardanup in 2022 attempted to bring its local law in line with that of other Local Governments where provisions have been included that expressly require cat owners to have effective control of their cats, and that makes it an offence for a cat to be in other places, where the occupier of that place has not given approval.

At its meeting of 25th of January 2023, the Shire of Dardanup resolved [09-23] as follows:

THAT Council:

1. *In accordance with Section 3.12 of the Local Government Act 1995 approves the advertising of the proposed 'Shire of Dardanup Cats Local Law 2023' [Appendix ORD: 12.4.2C] in order to seek community comment.*
2. *Provides a copy of the proposed Local Law and public notice to the Minister for Local Government; and*
3. *After the close of the public consultation period, requests the Chief Executive Officer to submit a report on any submissions received on the proposed Local Law to enable Council to consider the submissions made and to determine whether to make the Local Law in accordance with section 3.12(4).*

The Local Law was advertised, and no public submissions were received. A Submission from the Department of Local Government, Sport and Cultural Industries were received and considered by Council in November 2023. Council resolved [273-23] as follows:

THAT Council:

1. *Receives the submission received from the Department of Local Government, Sport and Cultural Industries in respect of the Shire of Dardanup Cats Local Law 2023.*
2. *Notes that there were no public submissions received in respect of the Shire of Dardanup Cats Local Law 2023.*
3. *By Absolute Majority decision, adopts the Shire of Dardanup Cats Local Law 2023 [Appendix ORD: 12.4.1D] inclusive of the following minor amendments:*
   - *Clause 1.1: Citation changed to italics;*
   - *Clause 1.4: Changed both the citation title and "Government Gazette" to italics.;*
   - *Clause 1.5: In the definition of Act, changed the citation to italics;*
   - *The words ", in the opinion of an authorised person," deleted from Clause 2.1(1); Clause 2.2(1)(b) and Clause 2.4(2).*
   - *Clause 3.1(1) Amended to give clarity that the Shire acknowledges the local law process in the designation of cat prohibited areas by adding the words "after following the process for amending a local law pursuant to the Local Government Act." after the words 'Schedule 3';*
   - *Clause 4.8 Conditions – amend subclause (1)(a) to read: (a) each cat kept on the premises to be kept so as not to create a nuisance; and*
   - *Clause 4.8 Conditions – deletes subclause (1)(b) that read "(b) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);" ; and renumber the following subclauses accordingly.*
4. *Publishes a copy of the adopted local law in the Government Gazette.*
5. *Gives a copy of the adopted gazette ready Local Law to the Minister for Local Government.*

6. *After the local law has been published in the Gazette, gives local public notice as per section 1.7 of the Local Government Act 1995 advising:*
    - *The title of the local law;*
    - *Summarizing the purpose and effect of the local law;*
    - *Specifying the day on which the local law comes into operation; and*
    - *Advising the location of copies of where the local law may be inspected or obtained.*
7. *Supplies copies of the local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation within 10 working days of the gazettal publication date of the local law.*

The Joint Standing Committee in Delegated Legislation (the Committee) considered the Shire of Dardanup Cats Local Law 2023 at its meeting held 13th of March 2024 and outlined that the Committee believed the proposed local law is contrary to the *Cat Act 2011*. The Committee therefore requires that Council agree to undertaking amendments to the Local Law at its meeting on 27th of March 2024 and by 3rd of April 2024.

The Committee requests the following undertakings:

1. *Within 6 months:*
    - *delete the definition of **effective control** in clause 1.5*
    - *delete clause 2.2*
    - *amend clause 4.4(f) to ensure it is not inconsistent with the Cat Act 2011*
    - *correct the typographical error in the clause reference beneath the heading to Schedule 3.*
2. *All consequential amendments arising from undertaking 1 will be made.*
3. *Clauses 2.2 and 4.4(f) will not be enforced in a manner contrary to undertaking 1.*
4. *Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.*

Whilst Council in March resolved to undertake the changes required by the Committee, Council in July 2024 when presented with the amendment local law, did not initiate the making of the amendment local law.

Officers have written to the Committee, providing it with the outcome of the Council decision. At the time of writing this report the Committee's response had not yet been received.

There are no direct legal implications of seeking WALGA form a position on the local law, however, should the motion be successful and WALGA is able to convince the State Government of the merits, then the motion may lead to possible changes to State Government Policy and Legislation.

Cat Act 2011

The authority for a Local Government to create a local law under the *Cat Act 2011* is provided in section 79 of the *Cat Act 2011*. The *Cat Act 2011* sets out the requirements inter alia for registration and sterilisation of cats, as well as the requirements for cat management

facilities. The Cat Regulations 2012 set out the requirements for cats to be microchipped and registered, as well as the approval requirements for cat breeders.

In the paragraphs that follow, the Shire of Dardanup will not name any of these Local Governments that have Cat local laws in place, so as to not dob these Local Governments in with the Joint Standing Committee on Delegated Legislation (the Committee). The Shire understands that the Committee may require those Local Governments that have local laws with such provisions, to amend these local laws in future, in order to ensure it is in line with the Committee's direction as given to the Shire of Dardanup. For that reason, this report will refer more broadly to other Local Governments within Western Australia that have such local laws.

Within Western Australia there are a number of Local Governments that have Cat Local Laws that require cats to be under effective control when in a public place. Some of these Cat Local Laws also make it an offence for a cat to be in a place, other than a public place, without the express permission of the occupier of that place. These local laws also require cats not to create a nuisance in either a public place, or other places. There are also Property and Public Places Local Laws, that allow Council's to make designations of areas, by absolute majority and to erect a sign to give effect to such designations.

These provisions seem sensible and require that a cat cannot simply go onto someone else's private property without their permission, that cats are under effective control in public places and are prohibited from entering areas of sensitive ecological values. The WA Feral Cat Working Group provided the Shire of Dardanup with an information sheet with reference to existing Cat Local Laws (names of Local Governments redacted), and a legal opinion received from Castledine Gregory in relation to this. This also includes reference to the WA Labor Party's party Platform for 2023.

WALGA's support for the development of a model Cat Local Law that incorporates these provisions as standard provisions are sought so as to ensure this is accepted in advance by the Department of Local Government, Sport and Cultural Industries and the Joint Standing Committee on Delegated Legislation. By doing this, it will save a lot of frustration for Local Governments having to go through a local law development and/or review process and will also ensure that adequate provisions to control cats are included in the local law. This will assist greatly in dealing with complaints from residents in relation to the nuisances caused by cats and will also assist greatly in enforcement efforts by Local Government rangers.

SECRETARIAT COMMENT

Many Local Governments have made Cat Local Laws prohibiting cats from being on land under the care, control and management of the Local Government, as currently provided for under the *Cat Act 2011*.

It is established through numerous disallowance motions by Parliament's Delegated Legislation Committee that the *Cat Act 2011* does not provide the requisite heads of power for a Local Government to make Cat Local Laws requiring cats to be confined to the owner's residence or being prevented from roaming in any public place throughout the district.

Although not currently achievable, the intent of this Motion can be considered upon successful advocacy for a review of the *Cat Act 2011* and provision of the necessary heads of power that allow Cat Local Laws to prevent cats from wandering.

7.2 ADVOCACY FOR LEGISLATIVE REFORMS TO COUNTER LAND-BANKING

Town of Bassendean to move:

MOTION

That WALGA:

1. **In line with its 2020-2025 Strategic Plan to provide a Sector Vision that enables Local Governments to be agile enhancing community wellbeing and economic prosperity, develops a draft Advocacy Position for Legislative Reforms to address Land-Banking practices including, but not limited to consideration of the following:**
    a. **Prohibiting demolition of habitable housing until a Development Application (DA) has been approved;**
    b. **development applications that result in the demolition of existing habitable housing be time limited so that reasonable time periods for project commencement and project completion are conditions of the development application.**
    c. **provide Local Authorities with the ability to apply a "penalty fee" over and above any differential rating on vacant land, where the time conditions on the development application in (b) have not been met.**
    d. **Development of a mandatory register of unoccupied residential properties, with the ability of Local Governments to apply rates or levies on long term unoccupied residential properties, which could increase incrementally over time.**
2. **Distributes the draft "WALGA Advocacy Position for Legislative Reforms to counter Land-Banking" to all West Australian Local Authorities for comment, and that a subsequent report be provided for consideration by WALGA Zones.**

IN BRIEF

- Land-banking reduces the availability of sites for development.
- Premature demolition of viable housing is unacceptable in what is a dire housing shortage for this nation.
- Additional legislative changes are required to enable Local Authorities the flexibility to apply additional levies to long term unoccupied housing.

MEMBER COMMENT

The Victorian Government recently introduced the ability to tax long term unoccupied residential properties (i.e. a residential property left vacant for six months or more in a year). Victorian Councils welcomed these changes to "Vacant Residential Land Tax" (VRLT) emphasising that it is a significant step forward in addressing longstanding land-banking issues that plague many municipalities.

Tighter controls that prevent the demolition of viable housing stock prior to Development Approvals (DA) assists in closing a loophole, that has to date, increased the numbers of long term unsightly vacant blocks negatively affecting the amenity of suburbs and towns. The introduction of a levy on long term unoccupied residential homes is designed to encourage occupation or rental of those homes. In turn DA approvals that subsequently require the demolition of viable housing stock should require commencement and completion of the new development within reasonable timelines.

This will alleviate the strain on the housing market by avoiding premature demolition with the intention to retain viable housing for occupancy for as long as possible, leading to a positive impact on rental availability and affordability. All of this can be accomplished without negatively affecting the development potential of a site.

Reference Documents
Link to media "New legislation to boost housing supply and combat land-banking" by Shire of Maribyrnong: https://www.maribyrnong.vic.gov.au/News/New-legislation-to-boost-housing-supply-and-combat-land-banking.

Link to media "How the world is tackling issue of empty homes" by The Guardian: https://www.theguardian.com/society/2017/aug/02/how-the-world-is-tackling-issue-of-empty-homes .

SECRETARIAT COMMENT

Part 1a and 1b
Under Schedule 2 Clause 61 (1) of the Planning and Development (Local Planning Scheme) Regulations 2015 (LPS Regulations) the demolition of a single house, and any associated structure, are exempt from requiring development approval, unless the proposal is located in a heritage-protected place. Further demolition works are regulated by the *Building Act 2011* and the Building Regulations 2012, and thus the removal of a dwelling would require the issuance of a building permit before demolition is undertaken. Local Governments as permit authorities are required to issue building permits within statutory timeframes. There are limited reasons why a Local Government can refuse to issue a building permit, including where the necessary development approval has not been issued. The proposal outlined in the Town of Bassendean's motion would require amendments to both the planning and building regulatory frameworks.

It should also be noted that under the LPS Regulations and State Planning Policy 3.1 Residential Design Codes (SPP3.1) most proposals for single houses are also exempt from requiring development approval. Most proposals for grouped and multiple dwellings do require development approval.

Local Governments are able to limit the validity period of a development approval and a building permit, with substantial commencement being required before the expiry date to ensure the ongoing validity of the approval. Common lengths of approval are 24 and 48 months.

Part 1c
The LPS Regulations Schedule.2, cl.71 provides that an approved development must be substantially commenced…if no period is specified in the approval, within the period of two years commencing on the date the determination is made or the period specified or as approved, with the approval lapsing if development is not substantially commenced within the determined period.

Part (c) of the proposal, appears to seek a modified penalty to be prescribed in Planning and Development Regulation 42, enabling an infringement notice to be issued, where residential development is not substantially commenced before expiry of the approval period.

It should be noted that if the time period for commencement of development expires, the approval expires and the development application process would need to restart if the developer so chooses to proceed. Applying a penalty to an expired application would likely require amendments to the LPS Regulations and potentially the *Planning and Development Act 2005*. The modified penalty under the planning framework is currently set at $500.

Part 1d

Proposal for mandatory register of unoccupied residential properties

Implementing the proposed register would require legislative amendment and regulatory provisions to enable collection of evidence that a habitable residential property is unoccupied continually for a prescribed period, to inform entry of a property into the register.

Proposal for application of a differential rate to residential improved and long-term unoccupied properties

- Local Government Act section 6.33(1)(b) already enables a differential rate to be levied for a purpose for which the land is held or used as determined by the Local Government e.g. Some Local Governments currently levy a differential rate for "residential improved and vacant" property.
- It is unclear if section 6.33 provisions can be interpreted as enabling Local Government to levy scaled differential rates applicable to specified timeframes that an improved residential property has been unoccupied. This may require confirmation from the Department of Local Government, Sport and Cultural Industries subject to advice from the State Solicitor's Office. If section 6.33 cannot be interpreted to enable this, then a legislative amendment would be required.

Proposal for a "levy" to be applied to long term unoccupied residential properties.

Local Government Act section 6.16 limits Local Government imposition of fees and charges to goods or services provided the Local Government.

This proposal intends a penalty for long-term unoccupied residential property, which under written law would require legislative amendment to create an offence and prescribe a modified penalty / court proceedings.

7.3 ADVOCACY FOR EXPANSION OF DIFFERENTIAL RATING TO INCLUDE LONG TERM UNOCCUPIED COMMERCIAL BUILDINGS (PROPERTY ACTIVATION LEVY)

Town of Bassendean to move:

MOTION

That WALGA:

1. **Explores expanding Item 2.1.8 Differential Rates of its Advocacy Position Statement to consider inclusion of the following:**
   a. **Advocating for Local Authorities to have the ability to apply a differential rate to long term unoccupied commercial buildings; and**
   b. **Developing legislation that requires commercial property owners to demonstrate that in order to avoid the imposition of a differential rate on unoccupied commercial property the property;**
      i. **is commercially habitable with annual investment in maintenance**
      ii. **remains connected to essential services**
      iii. **is undergoing periodic compliance checks and,**
      iv. **has a plan in place to redevelop or make operational.**
   c. **Develop legislation that enables Local Government to provide exemptions to the above differential rating based on an approved periodic activation program for the vacant commercial property by the Local Government.**
2. **Distributes the draft expanded WALGA Advocacy Position for Differential Rates to counter long term unoccupied commercial buildings to all West Australian Local Authorities for comment, and that a subsequent report be made available for consideration by WALGA Zones.**

MEMBER COMMENT

The Northern Territory Government enabled Darwin to apply a "*Property Activation Levy"* to address long term vacant land or unoccupied commercial buildings, endeavouring to activate or beautify properties that generally have a negative impact the overall amenity and vibrancy of streetscapes. The Property Activation Levy incorporates the following:

- Owners of unoccupied commercial property are provided a reasonable grace period to activate their property without incurring the levy.
- Any property meeting the minimum number of listed activation options does not incur the surcharge levy applicable only to long term unoccupied commercial buildings.
- Revenue raised from the Property Activation Levy, is used on revitalisation projects of public places and land.

The purpose of the property activation levy is to encourage owners of unoccupied commercial buildings to activate and maintain their properties to improve commercial precincts with a focus on the following objectives:

- To improve the amenity of commercial precincts for residents, workers and visitors / tourists.
- Support adjoining business operators by encouraging activation of all commercial premises within precincts.
- Improve the liveability, attractiveness, safety and cultural activity of these precincts.
- Encourage the commercial precincts to thrive.

Some of the suggested activation (that must include ongoing maintenance) for unoccupied commercial premises are listed below, noting this list is not exhaustive:

- Inset graphics, art displays or other visual installations on ground level external windows and walls.
- Repaint or retile and improve ground level frontage and associated awnings over the footpath.
- Include rotating shop displays (for example Christmas, Easter, local events) or community spaces, such as for group activities, classes or study areas.
- Where setback from the road reserve exists, undertake improved landscaping.

Reference Documents:

Link to the "*Property Activation Levy*" document is below, and outlines a diverse number of suggested options for the activation and beautification of vacant land or unoccupied mixed use premises: https://treasury.nt.gov.au/__data/assets/pdf_file/0010/901495/derelict-vacant-property-levy.pdf.

SECRETARIAT COMMENT

WALGA's Advocacy Position 2.1.8 Differential Rates is below:

Position Statement	Section 6.33 of the *Local Government Act 1995* should be reviewed in contemplation of time-based differential rating, to encourage development of land.
Background	Concern at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities.

Local Government Act section 6.33(1)(b) already enables a differential rate to be levied for a purpose for which the land is held or used as determined by the Local Government e.g. Some Local Governments currently levy a differential rate for "residential improved and vacant" property. This can be extended to "commercial improved" and "commercial undeveloped".

7.4 ACTION ON ASBESTOS FOR WESTERN AUSTRALIA

Shire of Dundas to move:

MOTION

That WALGA advocates for the state and federal governments to take urgent action to assist Local Governments and their communities in safely removing asbestos, including providing targeting funding programs and support for regional areas.

IN BRIEF

- The Asbestos Safety and Eradication Agency (ASEA) has released its 2024-2030 Strategic Plan, which identifies the need to take action to save lives, as asbestos materials are degrading, increasing the risk they pose.
- The approach to asbestos is unlikely to change unless Local Governments and their communities, particularly in regional areas, are provided with additional funding and support.

MEMBER COMMENT

The Asbestos Safety and Eradication Agency (ASEA) 2024-2030 Strategic Plan identifies, more than in previous plans, the risk posed by the increasing degradation of asbestos and the need for action. State governments are currently considering the plan, but any adoption of the plan must be supported by additional funding and support from Local Governments and their communities.

There are a range of ways that asbestos management impacts Local Governments. In WALGA's Submission on the ASEA Strategic Plan, it was identified:

> *Asbestos management is an ongoing and increasing challenge for Local Government, particularly asbestos management during and following emergency events, illegal disposal of asbestos into the environment through Local Government services, and the regulation of the asbestos removal industry.*
>
> ***Local Governments in regional and remote areas face additional significant and complex challenges**, including the limited availability and cost of suitably qualified contractors, large areas of asbestos contaminated land requiring remediation and limited ability to fund asbestos removal and communities where property with asbestos is under, or not, insured.*

A whole government package of support and funding is needed to address this issue and ensure that communities are not impacted and that asbestos is removed and not just managed through legislation.

The Asbestos National Strategic Plan (ANSP) for the 2024-2030 consultation aims to address the pressing issue of asbestos-related diseases in Australia. However, the current focus of the consultation is primarily on compliance rather than actively pursuing the funding and comprehensive removal of asbestos, which is crucial for safeguarding public health.

Australia grapples with one of the highest rates of mesothelioma globally, primarily caused by asbestos exposure. Western Australia faces a higher incidence rate of mesothelioma compared to other regions, emphasising the urgency of effective asbestos management.

The ANSP endeavours to enhance asbestos awareness and promote its safe management, removal, and disposal nationwide; it is all compliance-based. It aims to eliminate asbestos-related diseases through collaboration between the Australian government, states, and territories. The plan's key objectives include eradicating asbestos-related diseases, supporting affected individuals, and advocating for a global ban on asbestos production and trade.

To implement the ANSP for 2024-2030, the Asbestos and Silica Safety and Eradication Agency (ASSEA) seeks endorsement from states and territories, including Western Australia. Should Western Australia endorse the plan, a jurisdictional action plan aligned with the ANSP would be devised to address state-specific priorities and challenges.

However, the current consultation lacks a strong emphasis on funding and actively pursuing asbestos removal to improve the ANSP and ensure a more comprehensive approach; it's imperative to advocate for increased funding and prioritise the active removal and safe disposal of asbestos across affected areas of Western Australia.

SECRETARIAT COMMENT

The ASEA Strategic Plan has identified an increasing need to take action on asbestos. As the material degrades over time there is an increasing human health risk and costs associated with removal escalate. As identified in the AGM item, WALGA's recent Submission on the ASEA Strategic Plan noted that Asbestos management is an ongoing and increasing challenge for Local Governments, particularly in regional areas, and additional focus is needed. The approach of providing targeted funding and support would assist regional Local Government to address issues such as limited availability and cost of suitably qualified contractors and ability to fund asbestos removal.

7.5 ADDRESSING THE IMPRACTICALITY OF LOCAL GOVERNMENTS FUNDING DEPARTMENT OF COMMUNITIES AND GOVERNMENT REGIONAL OFFICER HOUSING

Shire of Dundas to move:

MOTION

That WALGA advocates to the State Government for the State Government to fully fund Department of Communities (Social) and Government Regional Officer Housing.

IN BRIEF

- Housing Funding Impracticality: Local Governments face impracticalities in funding housing due to the extra budgetary constraints then placed on the Local Government.
- Financial Risk: Investment in providing housing can be risky over the long term due the volatility of the housing market (particularly in areas where mining is the predominant industry) and the constraints placed on Local Governments that are borrowing money to fund these builds.
- State Responsibility: Housing should be funded through state taxes and mining royalties, not Local Government budgets.

MEMBER COMMENT

All remote and regional Local Governments face challenges in attracting and retaining staff which is also true of State Govt Depts, such as Police and the Education Dept. The provision of good housing is critical in attracting staff to these areas. Any Local Governments that are exposed to the boom-bust cycle of mining, face significant challenges related to the funding and provision of the Department of Community and Government Regional Officers' Housing (GROH). The volatile boom and bust cycles of the mining industry creates an even more financially risky environment for Local Governments to invest in housing. Most remote and regional Local Government areas are smaller and have the least capacity to raise funding through rates due their smaller population bases. Budgets are already stretched to provide community infrastructure for these communities.

- Boom and bust cycles in resource-dependent communities: The mining industry is inherently volatile, with periods of rapid growth (booms) followed by significant downturns (busts). This cycle profoundly affects local economies and property values. When Local Governments invest in housing during a boom, they face the risk of property values plummeting during a bust. Currently, the nickel crisis is an example of how quickly and severely property values can decline, leaving Local Governments with significant financial losses and underutilized assets.
- Impractical Investment: Local Governments are not in a position to absorb the financial risks associated with building houses with a long-term, 'lease back' agreement to recover their investment. Housing investments should be stable and predictable, (which is not the case in resource-dependent communities). If smaller Local Governments are seeking to borrow funds for these builds, they are then denied an opportunity to borrow for other community infrastructure projects that may be more of a local priority.
- State Responsibility: The function to supply and maintain Department of Communities and GROH housing in remote communities is a State Govt responsibility and should be funded through state taxes and royalties.

All remote and regional Local Governments urge WALGA to advocate for the State government to fully fund construction and maintenance of Department of Communities and GROH housing. Local Governments should not bear the financial risks associated with the provision of social and State agency housing. Funding of this housing by Local Governments impacts their sustainability and ability to fund their core responsibilities for their communities such as, asset management, staff retention, and roads.

SECRETARIAT COMMENT

The GROH Program provides housing for public sector employees providing essential services in regional and remote locations to attract and retain staff. The Department of Communities uses partnerships to increase supply of GROH housing in addition to its own capital investment and refurbishment programs. Partnerships include build to lease agreements, which Local Governments are eligible to apply to. The Department of Communities also provides subsidised rental accommodation to eligible low-income households across Western Australia commonly referred to as public or social housing. Public housing is owned and managed directly by the Department of Communities. Social housing can be owned and or maintained by a third party, typically Community Housing Providers.

In a 2024 WALGA survey, 100 percent of respondents viewed housing as a major challenge in their Local Government area and 64 percent stating that the lack of Government Regional Officer Housing (GROH) housing is “very challenging” or “extremely challenging”.

Housing supply continues to be a priority issue for both the Australian and State Government. The Australian Government’s 2024-2 budget included an additional $1 billion to states and territories to deliver new housing including for connecting essential services such as water, power, sewerage and roads. This investment underpins the Federal Government commitment to increasing housing supply through the National Housing Accord, Housing Australia Future Fund and Social Housing Accelerator initiatives. The WA Government committed an additional $43.8 million to the GROH program in the 2024-25 State Budget. The State budget also included $400 million to expand the Social and Affordable Housing Investment Fund and $179 million for maintenance of existing social and GROH housing.

WALGA is advocating for the State Government to work with the Local Government sector on the delivery of these investments, including ensuring member views are considered in relation to critical housing need. WALGA’s 2025 State Election platform calls for State Government to create a comprehensive long-term strategy to address the entrenched shortage of social, affordable and key worker housing and to undertake a review of the GROH program to improve coordination and responsiveness to regional housing needs and provide Local Government’s with greater scope to invest in GROH housing.

7.6 ADVOCACY FOR ACCESSIBILITY

Town of Victoria Park to move:

MOTION

That WALGA develops an Advocacy Position calling for the WA Government to adopt the Liveable Housing Design Standards for accessibility as part of the National Construction Code, consistent with WALGA's 2020-2025 Strategic Plan Sector Vision to enable inclusive Local Governments enhancing community wellbeing and economic prosperity.

IN BRIEF

- Advocacy for adoption of National Construction Code minimum accessibility standards
- Australia should have national building standards guaranteeing new homes have access for all abilities.
- WALGA should develop a policy to reflect its organisation commitment to accessibility, including but not limited to ensuring any venues WALGA utilises for its services or events have universal accessibility entry points (and are not dependent on one accessible entry point).

MEMBER COMMENT

Advocacy for adoption of National Construction Code minimum accessibility standards:

- Several years ago, at the direction of Commonwealth and State Ministers, the Australian Building Codes Board (ABCB) undertook a rigorous consultation process with experts and stakeholders to develop minimum accessibility requirements for Class 1a buildings (houses) and Class 2 sole-occupancy units (apartments) in the National Construction Code (NCC). The objective was to ensure that housing is designed to meet the needs of the community, including those with disability and older Australians.
- In 2021, minimum accessibility provisions were introduced for residential housing and apartments into the NCC based on Liveable Housing Design Guidelines (LHDG) silver standards.
- The NCC 2022 has seven minimum standards ensuring all new homes are accessible, with modifications including step-free entrances and showers, and wider doors and corridors that can accommodate wheelchairs and walking aids.
- The 2023 Disability Royal Commission Report recommended that all states and territories should adopt the minimum LHDG standards as soon as possible.
- In 2024, the ABCB has estimated that the additional cost to implement the minimum accessible design standards is between $2,900 and $4,400 per home, depending on the type of dwelling. The features covered by the LHDG standards are not a big ask and our communities will end up with better quality housing that is future-proof.
- To date, the WA Government, along with NSW, are the only states who have not adopted the NCC minimum LHDG silver standards.

SECRETARIAT COMMENT

The National Construction Code (NCC) is a uniform set of technical provisions for the design and construction of buildings and other structures, and plumbing and drainage systems throughout Australia.

The NCC is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Commonwealth and all State and Territory government and is given legal effect through legislation at the state and territory level. The NCC is reviewed every 3 years, based on required regulatory practices, industry research, public feedback and policy directions.

The goal of the NCC is to enable the achievement of nationally consistent, minimum necessary standards of relevant safety (including structural safety and safety from fire), health, amenity and sustainability objectives efficiently. The NCC has traditionally included a part focused on access for people with a disability, setting out deemed-to-comply solutions and general building requirements for buildings based on their classification, for class 2-9 buildings. For the 2022 edition of the NCC new requirements titled the 'livable housing design' requirements, based on the Livable Housing Design Guidelines (silver level), were incorporated into both volumes of the NCC.

These requirements apply to all dwelling types, including new Class 1a (single house) buildings. The purpose of these changes was to help increase the stock of housing that is adaptable and better able to meet the needs of older people and people with mobility limitations. The Deemed-to-Comply provision of the new requirements, called the ABCB Livable Housing Design Standard, covers:

- Providing step-free access to the home.
- Making doorways and hallways easier to use for people with reduced mobility.
- Providing extra space in the bathroom and toilet.
- Wall reinforcing in the bathroom and toilet, to make it easier to install grabrails if needed in the future.

The NCC is implemented into Western Australia's building regulatory system through amendments to the Building Regulations 2012, with the NCC 2022 commencing operation in WA on 1 May 2023, following a 12-month transition period. In announcing the implementation of the NCC 2022, the State Government indicated that it had considered the current challenges facing the building and construction industry and as a result decided that some provisions, including energy efficiency, would have a longer transitional period and that the mandatory liveable (accessible) housing provisions would not be applied in Western Australia. In making this determination the Government indicated it would continue to monitor the situation in the building industry and the housing market. New South Wales and South Australia also determined to not support the new requirements. There is no indication, at time of writing, that the State Government has progressed in its consideration of the livable housing design requirements.

WALGA's Building Act and Regulations Advocacy Position

Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth.

The Association has the following endorsed positions:

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the *Building Act 2011*.
2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.
3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
    a. Quality buildings that are cost efficient.
    b. Functional, safe and environmentally friendly buildings.
    c. Good decision making in all aspects of building.
    d. Efficiency and effectiveness in building management, administration and regulation.
    e. Openness and accountability with respect to all building matters.
    f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.
6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

8 CLOSURE

Western Australian Local Government Association
AGM Standing Orders

1. INTERPRETATIONS

For the purposes of these Standing Orders, if not inconsistent with the context, the following words shall have the following meanings:

1.1 ***"Absolute Majority"*** means:
a majority of delegates of the Association whether present and voting or not.

1.2 ***"Association"*** means:
all or any part of the Western Australian Local Government Association.

1.3 ***"Delegate or Deputy Delegate"*** means: those persons duly nominated, from time to time, to represent a Member Local Government at a meeting of the Association.

1.4 ***"Deputy President"*** means:
the Deputy President for the time being of the Association.

1.5 ***"Meeting"*** means:
an Annual or Special General Meeting of the Association.

1.6 ***"Member Local Government"*** means: a Local Government admitted to ordinary membership of the Association in accordance with the provisions of the Constitution.

1.7 ***"President"*** means:
the President for the time being of the Association.

1.8 ***"Simple Majority"*** means:
a majority of the delegates from the Association that are present and voting.

2. CONDUCT OF MEETINGS

The proceedings and business of meetings of the Association shall be conducted according to these Standing Orders.

3. NOTICE OF MEETING

3.1 Annual General Meeting

The Chief Executive Officer of the Association shall give at least ninety (90) days' notice of an Annual General Meeting to all Member Local Governments, advising of the closing date for submission of motions for inclusion on the agenda.

3.2 Special General Meeting

A Special General Meeting of the Association is to be held if a request is received by the Association President, in accordance with the requirements of the Association's Constitution. No business shall be transacted at a Special General Meeting other than that for which the Special General Meeting was called.

3.3 Notice shall be given at the destinations appearing in the records of the Association. Notice will be deemed to have been delivered immediately if transmitted electronically or on the second working day after posting.

4. QUORUM

4.1 The Association shall not conduct business at a meeting unless a quorum is present.

4.2 At any meeting of the Association greater than one half of the delegates who are eligible to vote must be present to form a quorum.

4.3 The Association is not to transact business at a meeting unless a quorum is present.

4.4 If a quorum has not been established within the 30 minutes after a meeting is due to begin then the Association can be adjourned –

(a) by the President or if the President is not present at the meeting, by the Deputy President;

(b) if neither the President nor Deputy President is present at the meeting, by a majority of delegates present;

(c) if only one delegate is present, by that delegate; or
(d) if no delegate is present, by the Chief Executive Officer or a person authorised by the Chief Executive Officer.

4.5 If at any time during a meeting a quorum is not present, the President shall thereupon suspend the proceedings of the meeting for a period of five (5) minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been adjourned and the person presiding is to reschedule it for some future time.

4.6 Notice of a meeting adjourned because of absence of a quorum is to be given to all Member Local Governments.

5. MEETINGS OPEN TO THE PUBLIC

The business of the Association shall be open to the public except upon such occasions as the Association may by resolution otherwise decide.

6. ORDER OF BUSINESS

Unless the Association should decide otherwise, the order of business at meetings of the Association, with the exception of special
meetings or an adjourned meeting, shall be as follows:

(a) Record of attendance and apologies;
(b) Announcements;
(c) Confirmation of minutes of previous meetings;
(d) President's report;
(e) Financial report for the financial year; and
(f) Consideration of Executive and Member Motions.

7. VOTING ENTITLEMENTS

7.1 Each Member Local Government shall be entitled to be represented at any meeting of the Association.

7.2 Only eligible and registered delegates may vote.

7.3 A delegate shall be entitled to exercise one vote on each matter to be decided. Votes are to be exercised in person.

7.4 A delegate unable to attend any meeting of the Association shall be entitled to cast a vote by proxy.

7.5 A proxy shall be in writing and shall nominate the person in whose favour the proxy is given, which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer of the Association before the commencement of the meeting at which the proxy is to be exercised and shall be signed by the delegate or by the Chief Executive Officer of the Member Local Government that nominated the delegate.

8. SPECIAL URGENT BUSINESS

At any time during a meeting a delegate may, with the approval of an absolute majority, introduce a motion relating to special urgent business that calls for an expression of opinion from the meeting.

In presenting an item of special urgent business, a delegate shall have sufficient copies of the motion in writing for distribution to all delegates present at the meeting and, where practicable, give prior notice to the President of such intention.

9. PRESIDENT

In the construction of these Standing Orders unless the context requires otherwise, the word *"President"* shall in the absence of the President include the Deputy President or the delegate chosen by resolution to preside at any meeting of the Association.

10. DELEGATE AND DEPUTY DELEGATE

10.1 In the construction of these Standing Orders unless the context requires otherwise, the word "delegate" shall in the absence of the delegate include the deputy delegate.

10.2 A deputy delegate acting in the capacity of a delegate unable to attend a meeting of the Association shall exercise all rights of that delegate.

11. PRESIDENT TO PRESIDE

11.1 The President shall preside at all meetings of the Association, but in absence of the President, the Deputy President shall preside.

11.2 In the absence of the President and the Deputy President, the delegates shall choose by resolution, a delegate present to preside at the meeting.

12. SPEAKING PROTOCOL

12.1 Only registered delegates and members of the Association's State Council shall be entitled to speak at meetings of the Association.

12.2 The first person that is entitled to speak at a meeting who attracts the attention of the

person presiding shall have precedence in speaking.

12.3 Speakers are to use the microphones supplied.

12.4 When addressing a meeting, speakers are to:

(a) rise and remain standing unless unable to do so by reason of sickness or disability;

(b) address the meeting through the person presiding;

(c) state their name and Local Government before otherwise speaking;

(d) refrain from reading comment printed in the agenda paper in support of a motion, but may identify key points or make additional comment; and

(e) refrain from using provoking or discourteous expressions that are calculated to disturb the peaceful current of debate.

12.5 Mobile phones shall not be switched on while the meeting is in session.

13. DEBATE PROCEDURES

13.1 A delegate moving a substantive motion may speak for –

(a) 5 minutes in his or her opening address; and

(b) 3 minutes in exercising the right of reply.

13.2 Other speeches for or against motions are to be limited to 3 minutes unless consent of the meeting is obtained which shall be signified without debate.

13.3 No delegate, except the mover of a motion in reply, is to speak more than once on the same motion except by way of personal explanation.

13.4 As soon as the right of reply has been exercised, the motion is to be forthwith put to the vote without further comment.

13.5 No discussion shall take place on any motion unless it is moved and seconded. Only one amendment on any one motion shall be received at a time, and such amendment shall be disposed of before any further amendment can be received. Any number of amendments may be proposed.

13.6 The provisions of these Standing Orders applicable to motions apply mutatis mutandis to amendments, except that the mover of an amendment shall have no right of reply.

13.7 When a motion has been moved and seconded, the person presiding shall at once proceed to take a vote thereon unless a delegate opposes it or an amendment is proposed.

13.8 No more than two delegates shall speak in succession on one side, either for or against the question before the meeting, and if at the conclusion of the second speaker's remarks, no delegate speaks on the other side, the motion or amendment may be put to the vote.

13.9 Notwithstanding clause 13.7, where a composite motion is moved which embodies the core aspects of subsequent motions listed on the agenda, a delegate whose motion has been superseded shall have the opportunity to speak on the question of the composite motion before it is put.

Once a composite motion has been carried, no further debate shall be permitted in respect of the superseded motions.

13.10 At any time during a debate, but after the conclusion of a delegate's comments, a delegate who has not spoken during the debate may move, without discussion, "that the question be now put". If that motion is seconded and carried by a majority, the question shall be submitted at once to the meeting, after the mover has replied.

14. QUESTIONS

Any delegate seeking to ask a question at any meeting of the Association shall direct the question to the President.

15. POINT OF ORDER

A delegate who is addressing the President shall not be interrupted except on a point of order, in which event the delegate shall wait until the delegate raising the point of order has been heard and the question of order has been disposed of, whereupon the delegate so interrupted may, if permitted, continue.

16. MOTION - SUBSTANCE TO BE STATED

A delegate seeking to propose an original motion or amendment shall state its substance before addressing the meeting thereon and, if so required by the President, shall put the motion or amendment in writing.

17. PRIORITY OF SPEAKERS

If two or more delegates wish to speak at the same time, the President shall decide who is entitled to priority.

18. PRESIDENT TO BE HEARD

Whenever the President signifies a desire to speak during a debate, any delegate speaking or offering to speak is to be silent, so that the President may be heard without interruption.

19. WITHDRAWAL OF MOTION

A motion or amendment may be withdrawn by the mover with the consent of the meeting, which shall be signified without debate, and it shall not be competent for any delegate to speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

20. PRESIDENT MAY CALL TO ORDER

The President shall preserve order, and may call any delegate to order when holding an opinion that there shall be cause for so doing.

21. RULING BY PRESIDENT

The President shall decide all questions of order or practice. The decision shall be final and be accepted by the meeting without argument or comment unless in any particular case the meeting resolves that a different ruling shall be substituted for the ruling given by the President. Discussions shall be permitted on any such motion.

22. RESOLUTIONS

22.1 Except as otherwise provided in the Association Constitution and these Standing Orders, all motions concerning the affairs of the Association shall be passed by a simple majority.

22.2 Any matter considered by the Association at a Special Meeting shall not be passed unless having received an absolute majority.

23. NO DISCUSSION

Where there is no discussion on a motion, the President may deem the motion to be passed unless the meeting resolves otherwise.

24. PERMISSIBLE MOTIONS DURING DEBATE

24.1 When a motion is under debate, no further motion shall be moved except the following:

(a) that the motion be amended;
(b) that the meeting be adjourned;
(c) that the debate be adjourned;
(d) that the question be now put;
(e) that the meeting proceed with the next item of business; or
(f) that the meeting sits behind closed doors.

24.2 Any delegate who has not already spoken on the subject of a motion at the close of the speech of any other delegate, may move without notice any one of the motions listed in clause 24.1 (b)-(f) and, if the motion is seconded, it shall be put forthwith.

24.3 When a debate is adjourned, the delegate who moves the adjournment shall be the first to speak on the motion when the debate is resumed unless the delegate advises of no desire to speak on the motion. Where this occurs, the President shall then call for further speakers, with the exception of those delegates who have previously spoken (unless the meeting otherwise agrees).

25. RESCISSION OF RESOLUTION

25.1 At the same meeting

Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may, by simple majority at the same meeting at which it is passed, rescind or alter a resolution if all delegates who were present at the time when the original resolution was passed are present.

25.2 At a Future Meeting

Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may rescind or alter a resolution made at an earlier meeting:

(a) by simple majority, where the delegate intending to move the motion has, through the Chief Executive Officer, given written notice of the intended motion to each delegate at least seven (7) days prior to the meeting; or
(b) by absolute majority, in any other case.

26. METHOD OF TAKING VOTES

The President shall, in taking a vote on any motion or amendment, put the question first in the affirmative, and then in the negative and may do so as often as is necessary to enable formation and declaration of an opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands or by an electronic key pad voting system.

27. DIVISION

The result of voting openly is determined on the count of official voting cards and, immediately upon a vote being taken, a delegate may call for a division.

28. ALL DELEGATES TO VOTE

28.1 At meetings of the Association, a delegate present at the meeting when a question is put shall vote on the question.

28.2 Each delegate shall be entitled to exercise one deliberative vote on any matter considered.

29. PRESIDENT'S RIGHT TO VOTE

The President shall have a casting vote only.

30. SUSPENSION OF STANDING ORDERS

30.1 In cases of urgent necessity or whilst the Association is sitting behind closed doors, any of these Standing Orders may be suspended on a motion duly made and seconded, but that motion shall not be declared carried unless a simple majority of the delegates voting on the question have voted in favour of the motion.

30.2 Any delegates moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place.

31. NO ADVERSE REFLECTION ON ASSOCIATION

A delegate shall not reflect adversely upon a resolution of the Association, except on a motion that the resolution be rescinded.

32. NO ADVERSE REFLECTION ON DELEGATE

A delegate of the Association shall not reflect adversely upon the character or actions of another delegate nor impute any motive to a delegate unless the Association resolves, without debate, that the question then before the Association cannot otherwise be adequately considered.

33. MINUTES

33.1 The Chief Executive Officer of the Association is to cause minutes of the meeting to be kept and preserved.

33.2 The minutes of a meeting are to be submitted to the next Annual or Special General Meeting for confirmation.

33.3 Copies of the minutes will be supplied to all delegates prior to the meeting.

WALGA Annual General Meeting

Minutes

Monday, 18 September 2023

Crown Perth

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Order of Proceedings

2:00pm **Opening and welcome – WALGA President, Cr Karen Chappel AM JP**

2:05pm **LGIS Address – Chief Executive Officer, Mr James Sheridan**

2:15pm **Award Presentations**

2:45pm **Commencement of Annual General Meeting (to follow formal Agenda)**

5:00pm **Close of Annual General Meeting**

1. Apologies and Announcements

*The Chair declared the meeting open at **2:45pm**.*

1.1 Record of Apologies

- Shire of Dowerin
- Town of Mosman Park
- Shire of Williams

1.2 Announcements

Nil

2. Adoption of AGM Association Standing Orders

The Annual General Meeting Association Standing Orders were contained within the Agenda

RESOLUTION

Moved: **Cr Paul Kelly, Town of Claremont**
Seconded: **President Cr Tony Dean, Shire of Nannup**

That the Annual General Meeting Association Standing Orders be adopted.

CARRIED

3. Confirmation of Previous Minutes

The Minutes of the 2022 WALGA Annual General Meeting were contained within the Agenda, along with a report on the action taken on the 2022 AGM resolutions.

RESOLUTION

Moved: **President Cr Michelle Rich**
Seconded: **Mayor Deb Hamblin, City of Rockingham**

That the Minutes of the 2022 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings.

CARRIED

4. Adoption of Annual Report

The 2022-2023 Annual Report, including the 2022-2023 Audited Financial Statements, was distributed to Members separately.

RESOLUTION

Moved: **Cr Paul Kelly, Town of Claremont**
Seconded: **President Cr Moira Girando, Shire of Coorow**

That the 2022-2023 Annual Report, including the 2022-2023 Audited Financial Statements, be received.

CARRIED

5. Consideration of Executive and Member Motions

5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district

Shire of York

RESOLUTION

Moved: **President Cr Denese Smythe, Shire of York**
Seconded: **President Cr Rosemary Madacsi, Shire of Toodyay**

That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.

CARRIED

MEMBER COMMENT

The Shire of York acknowledges WALGA's current position on Third Party Appeal rights for decisions made by Development Assessment Panels (DAPs). However, the Shire submits this motion requesting WALGA lobby for legislative change to enable local governments the right to be included as a Party at State Administrative Tribunal (SAT) proceedings relating to planning matters within their districts, even where the relevant DAP has been the responsible authority for considering the matter.

The Great Southern Landfill - Allawuna Farm development proposal is a key case in point. The original planning application for the landfill proposal was considered by the Joint DAP (JDAP) as required due to the cost of the development in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011.*

While the landfill proposal has been a matter of consideration since around 2011, most recently the JDAP refused the applicant's request for an extension of time for the development to occur. The applicant subsequently applied to the SAT for a review of the JDAP's decision.

The *Planning and Development (Development Assessment Panels) Regulations 2011* and the *State Administrative Tribunal Act 2004* do not currently enable local governments the automatic right to be included as a Party to the SAT proceedings.

Hence, although the development proposal is within the district of the Shire of York, and there are substantial impacts to the community and infrastructure should the proposal be approved, the Shire of York is currently unable to be represented at the SAT as it is not recognised as a Party. This significantly impacts the Shire's ability to provide viewpoints on the development proposal, and the ability for the Shire to appropriately represent and act on behalf of its community. It is clear the current planning system has woeful neglect of the community in planning matters.

Local governments have an intimate knowledge of their communities and relevant planning schemes hence it is considered appropriate that local governments should have the statutory right to 'opt out' of such representation, as opposed to having to make special request to the SAT for inclusion as an Intervener or Joinder under Section 36 of the *State Administrative Tribunal Act 2004*.

Making such an application under Section 36 to the SAT can be at considerable cost to the local government, and while larger local governments may have legal teams on staff, small local governments rarely have the skill set within the organisation. Adherence to procurement policies and working within budget constraints may prohibit smaller local governments from participating in the SAT process, which could be of significant detriment of their communities. This is particularly important where there may be a range of short and long term environmental, bushfire, social and safety risks applicable to the development proposal the SAT is determining. In some circumstances these risks may be considered unacceptable for the community and locality.

Relying on the JDAP to appoint appropriate legal representation may jeopardise a local governments' standpoint being given proper consideration at the SAT proceedings. Enabling local governments the statutory right to be included as a Party would reduce that risk.

This scenario is not considered to be unique to the Shire of York and could affect many other local governments throughout the State, hence this Notice of Motion is presented to WALGA's AGM for consideration.

It is noted the State Government is about to undertake changes to the DAP Regulations as part of its Planning Reform Agenda. The Shire of York considers this timely as any further suggestions on other changes to the system could be incorporated into WALGA's advocacy position on the Government's reforms.

SECRETARIAT COMMENT

Local Government has several responsibilities and functions under the current Development Assessment Panel (DAP) system. This includes receipting the application, undertaking the technical assessment of the proposal, writing the responsible authority report to be presented to the Panel with recommendations, and ensuring compliance of any proposal for the life of the development. Further, two Local Government Elected Members sit on all DAPs and vote on all matters.

Where the DAP makes a decision that is unsatisfactory to the proponent and they appeal the matter to the State Administrative Tribunal (SAT), the matter is managed by the Department of Planning, Lands and Heritage and the State Solicitors Office, as the DAP is a creature of the State.

Local Governments often seek to participate in such SAT matters as an interested third party. There is a strong argument for Local Government participation in such matters, as involvement of assessing officers and their understanding of the proposal and local planning framework can aid the SAT in their decision making.

The motion aligns with the intent of WALGA's planning advocacy positions *6.3 Third Party Appeal rights* and *6.4 Development Assessment Panels* in relation to both Third Party Appeal Rights and DAPs. While WALGA does not support the ongoing existence of DAPs, the advocacy position provides a number of recommended changes to the system that seek to address Local Government concerns and increase community involvement and transparency.

5.2 Land Use Policy

Shire of Moora

RESOLUTION

Moved: **President Cr Tracy Lefroy, Shire of Moora**
Seconded: **Cr Denise Clydesdale-Gebert, Shire of Moora**

That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.

CARRIED

MEMBER COMMENT

The future of the Australian agriculture sector holds tremendous potential, with the United Nations Food and Agriculture Organization (FAO) projecting a global population exceeding 9 billion by 2050, accompanied by a 75% increase in food demand compared to 2012. Expanding populations, especially in countries like China, Indonesia, and India, offer significant opportunities for Australia's agricultural exports.

To harness this potential, it is vital to ensure that our agricultural sector can access the necessary land and water resources. Currently, agriculture remains the dominant land use in Australia, but its share has been declining over the years. Urbanisation, lifestyle living, mining, gas activities, and renewable technology expansion have all contributed to the reduction of productive agricultural land.

The decisions made by governments at all levels can profoundly impact the success of the agriculture sector. We must address the challenges posed by the conversion of agricultural land to other uses, such as carbon sequestration, which may hinder innovative farming practices and compromise agricultural output.

Therefore, WALGA's commitment to preserving existing agricultural land and actively engaging in strategic land use planning is crucial. We should advocate for cohesive planning frameworks that prioritize the value of agricultural land for agricultural purposes.

Background

In 2005/06, approximately 59% of Australia's land was used for agriculture, covering around 456 million hectares. However, this proportion has been declining, with about a 4% reduction between 1992-93 and 2005-06. Recent data suggests that the decline has accelerated since 2006.

Changes in land use at regional and local levels can significantly impact the agriculture sector, such as displacing agriculture entirely, reducing net productivity, limiting farming practices, and risking essential natural resources like water. This situation is further exacerbated by land conversion to carbon sequestration areas and other non-agricultural uses.

Issue

The Shire of Moora notes the alarming loss of Wheatbelt agricultural land due to its conversion for carbon sequestration purposes. This conversion locks significant parcels of land away for extended periods, hindering innovative farming practices and shorter-term restorative initiatives. As such, the Shire urges WALGA to commit to a comprehensive strategic approach that actively preserves existing agricultural land from further loss to unproductive uses.

Local, state and federal governments each have responsibilities and decision-making powers that influence access to land for the agriculture sector. The responsibilities and powers are largely enshrined in planning and environmental protection laws.

The Shire of Moora urges WALGA to commit to an active policy of preserving the existing agricultural land mass from further loss to unproductive uses. The Shire encourages WALGA to actively engage in a comprehensive strategic approach that promotes the value of agricultural land in land use planning and establishes cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

Call-to-Action
The Shire of Moora urges WALGA to adopt a policy that actively preserves the existing agricultural land mass from further loss to unproductive uses. Additionally, WALGA should engage in a comprehensive strategic approach to promote the value of agricultural land in land use planning and establish cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

By incorporating these suggested edits, your policy motion will become more focused, specific, and persuasive. It will provide a clearer picture of the issue at hand and the actions necessary to address it effectively. Feel free to make further adjustments as needed to align with your local government's preferences and requirements.

SECRETARIAT COMMENT

Land use planning in Western Australia relies on an interaction between the state planning framework and the local planning framework of each Local Government. The planning framework operates on the principle of 'higher law' where local planning frameworks will only be approved by the State where they are consistent with the objectives, principles and policy measures of the relevant state framework. Policy direction at the state level is generally broader, with the local planning framework expected to deliver state policy measures in more detail in a manner supported by community and in line with local context.

State Planning Policy 2.5 Rural Planning (SPP2.5) provides the basis for planning and decision-making for rural and rural living land across Western Australia. The current state planning framework supports protecting prime agricultural land. The first objective of SPP2.5 is:

> *to support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*

Further, policy measure 5.1b of SPP2.5 states:

> *The WAPC will seek to protect rural land as a state resource by retaining land identified as priority agricultural land in a planning strategy or scheme for that purpose;*

The implementation of these state-wide principles occurs through the local planning framework, including the Local Planning Strategy, Local Planning Scheme and Local Planning Policies.

SPP2.5 encourages Local Governments to identify priority agricultural land in their Local Planning Strategy and, with their community, set objectives and preferred development outcomes for such locations. Such a designation would then flow into a priority agriculture zone in a Local Planning Scheme, with land use permissibility and statutory provisions in line with the principles outlined in the Local Planning Strategy. Following this, a Local Government can develop Local Planning Policies to guide discretionary decision making for proposals on priority agricultural land.

WALGA advocacy positions *6.1 Planning Principles* and *6.2 Planning Reform* support the ability of Local Governments to retain the ability to respond to local context and characteristics through Local Planning Frameworks.

5.3 Transparency – Management Order Determinations

Shire of Carnarvon

RESOLUTION

Moved: **President Cr Eddie Smith, Shire of Carnarvon**
Seconded: **President Cr Cheryl Cowell, Shire of Shark Bay**

That WALGA:

1. **Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;**
2. **Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and**
3. **Calls for proactive consultation and advice to Local Government management bodies.**

CARRIED

MEMBER COMMENT

The Shire of Carnarvon, like most Local Governments across the State, have many reserves it manages on behalf of the State Government. The reserve is a form of tenure over Crown Land.

The reserve is usually created for the care of land that is used for community benefit or in the delivery of government services, and local governments have accepted management orders for reserves which comes with the responsibility for the care and control of the reserve, a responsibility that comes at a cost, sometimes a significant cost to the local government.

An extract from the Department of Planning, Lands and Heritage (DPLH) website states:

> *"Reserves are not usually granted for long-term economic development or for a commercial purpose or benefit."*[1]

The use of the word "usually" is ambiguous and subject to interpretation. The question therefore becomes, in what circumstance are leases on reserved land appropriate for a management body to be the lessor? The Shire of Carnarvon is seeking greater transparency on when and how this clause should be applied.

The Shire of Carnarvon has had several examples where an opportunity to recoup reserve management costs via a commercial lease has been offered, but not been able to be progressed due to the stipulation that the local government cannot enter into a commercial leases for a reserve; instead the Shire has been required to relinquish the reserve, or a portion of the reserve, so that the area can be leased direct by the State to the lessee so that the State benefits financially from the lease.

The Shire of Carnarvon is seeking support for a review of that considers the cost to local government for maintaining reserves on behalf of the State and considers and provides transparency for how and

[1] DPLH, (August, 2023) *Crown Land Reserves.* https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/crown-land-reserves

when commercial leasing could be considered to allow local governments an opportunity to realise a financial return to reinvest into community facilities.

SECRETARIAT COMMENT

A number of Local Governments have recently requested WALGA advocate for the State Government to review Management Order administration, specifically management body leasing approvals.

There have been examples of DPLH delays in resolving matters that enable new, variations to or revocation of Management Orders. The Departments website provides only limited information/guidance and does not provide management bodies (Local Governments) with access to the policies, decision making criteria, procedures and guidelines applied to the administration of Management Orders.

WALGA has been informed that DPLH, under delegated authority, is refusing some Local Government requests for new or renewed leasing of Crown Land subject to Management Orders.

5.4 Regional and Remote Housing

Shire of East Pilbara

RESOLUTION

Moved: **President Cr Anthony Middleton, Shire of East Pilbara**
Seconded: **Cr Wendy McWhirter-Brooks, Shire of East Pilbara**

That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.

CARRIED

MEMBER COMMENT

A lack of affordable key worker housing continues to limit small business expansion and attract key workers and their families to remote and regional areas of WA.

Government does a good job addressing the supply of social housing but more investment is needed to provide housing for key workers in remote and regional areas.

Businesses and families should be encouraged to invest in our regional towns and a key part of the solution is addressing shortages in the cost of housing for workers.

SECRETARIAT COMMENT

A lack of affordable key worker housing is a significant barrier to economic development in many regional areas of the state. This issue was a key finding of research undertaken by WALGA last year to review WALGA's Economic Development Framework and gain contemporary information about how Local Governments in Western Australia support economic development which involved a survey of Local Governments and a series of focus group discussions which also identified barriers and challenges for the sector.

The State Government allocated $61.6 million in additional funding for the Government Regional Officer Housing (GROH) Program in the 2023-24 State Budget to add new supply and refurbish existing homes to assist with the attraction and retention of key workers in regional areas. WALGA is advocating for the State Government to work with Local Governments on the delivery of this investment to ensure it does not further tighten the housing market in regional WA. The Department of Communities will also spend $1.1 million to undertake a comprehensive review and reform of the GROH program.

In recent months, State Council approved WALGA's 2023-24 Budget, which included an additional resource to progress the economic development policy agenda. Issues related to housing will be a priority for this new role. The new role is expected to commence in October 2023.

5.5 Proposed New WALGA Constitution

Executive Motion

VOTING REQUIREMENT: SPECIAL MAJORITY

Amendments to the Constitution require endorsement by a Special (75 percent) Majority of Members at a General Meeting, whether present and voting or not.

MOTION

Moved: **Mayor Rhys Williams, City of Mandurah**
Seconded: **President Cr Stephen Strange, Shire of Bruce Rock**

That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached.

LOST

Executive Summary

- On 5 July, a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
  1. To consider a new Constitution to give effect to an alternate governance model; and
  2. To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the first item, which considers a new Constitution to give effect to an alternate governance model for WALGA as per the Best Practice Governance Review Final Report.
- The alternate governance model would establish a new Board above the existing State Council and Zone structure.
- Membership of the Board would be drawn from State Council representatives, as well as the option to appoint up to 3 'independent' Members.
- The Board would be responsible for the overall governance of WALGA, including financial oversight and strategic direction.
- The role of State Council under the new model would primarily be focused on policy development and advocacy priorities.

Attachment

- Proposed New WALGA Constitution

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the 2022 Annual General Meeting (AGM), the Steering Committee put forward a Consultation Paper for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its Final Report and recommendation to State Council in February 2023.

At the meeting on 1 March this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on 3 May. At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

a. Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and

b. Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the Best Practice Governance Review Final Report; and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council resolved by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending a new Constitution to give effect to the alternate model) will be presented first, as only one version of the Constitution can be endorsed. If this item does not receive 75 percent approval from Members, the next item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will be presented.

If this item (for a new Constitution) is successfully passed by a special majority of Members, the second item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

Assistance was provided by legal firm, Jackson McDonald, in preparing the new constitution for the alternate model.

The following provides a summary of the governance structure under the alternate model, as established by the proposed new WALGA Constitution:

Body	Composition and Term	Role
Board	Minimum of 8 up to a maximum of 11 Board members: • President of State Council • Deputy President of State Council • 6 members elected from and by State Council members (3 from Metropolitan; 3 from Country) • Up to 3 'independent' members appointed by the Board for their skills which can include Elected Members. State Council members are not eligible. Board members elected for a 2 year term; maximum Board Tenure Limit is 8 years (4 terms). The President and Deputy President is limited to 2 terms, maximum limit of 4 years. This maximum is in addition to the Board Tenure Limit, which means a person serving as President or Deputy President (or both) could be a Board member for up to 16 years.	The President is the Chair and the Deputy President is the Deputy Chair. The Board is responsible for the overall governance of WALGA, strategic direction, financial oversight, approving the annual budget, appointing the CEO etc. The Board must consult with State Council before changing boundaries of the Constituencies and/or allocating Ordinary Members to Zones and Constituencies. All Board members have a deliberative vote and it makes decisions by simple majority vote, except to change the powers of the Association, or representation or voting rights on State Council or the number of Zones, which requires an Absolute Majority decision of both the Board and State Council. Amending the Constitution requires a Special Majority decision of the Board, before being put to Members. The Board will meet at least 6 times per year.
State Council	26 State Council members: • The President elected from and by the 24 State Council Representatives (Ex officio). • 12 elected by and from Metropolitan Zones • 12 elected by and from Country Zones • The President of Local Government Professionals Australia WA (Ex-officio) – does not have a right to vote. The Deputy President is elected from amongst and by the 24 State Council members from the alternative constituency to the President. (That is, if the President is from a Metropolitan Zone, the Deputy will be elected from the 12 Country Zone representatives). Once the President is elected, the Zone that they were elected to represent, appoints a replacement to State Council. The primary State Council members elected by the Zones are the primary State Council members, the deputies may attend the State Council meetings and vote if the primary representative is unable to attend. Only primary State Council members are eligible to be elected to the Board.	The President chairs State Council meetings but does not have a deliberative vote (has a casting vote). State Council elects the President, Deputy President and members to the Board. State Council considers matters referred to it by the Board for consultation or approval. State Council decisions are made by voting as per the current process. State Council will meet at least 3 times per year. State Council and the Board composition is based upon the principle that there should be equal representation from both Constituencies.

	State Council members are not eligible to be appointed as an independent Board member. State Council members are elected for a two year term. There is no tenure limit for State Council members.	
Zones	There are: • 5 Metropolitan Zones; and • 12 Country Zones. The boundaries of the Zones (i.e. Metropolitan v Country) are determined by the Board (in consultation with State Council) and documented in the Corporate Governance Charter. The Zones comprise of representatives from Ordinary Members as determined by the Board (in consultation with State Council). The number of Zones and the number of representatives that may be elected by a Zone to State Council are determined by an Absolute Majority decision of both the Board and State Council.	The Zones elect members to State Council, as follows: • Each Country Zone elects one primary representative and one deputy representative to State Council. • In the Metropolitan constituency: ○ The North Zone elects 3 primary representatives and a deputy for each to State Council. ○ The South Zone elects 3 primary representatives and a deputy for each to State Council. ○ The other 3 Zones each elect 2 primary representatives and a deputy for each to State Council.

5.6 Proposed Amendments to WALGA's Constitution

Executive Motion

VOTING REQUIREMENT: SPECIAL MAJORITY

Amendments to the Constitution require endorsement by a Special (75 percent) Majority of Members at a General Meeting, whether present and voting or not.

MOTION

Moved: **President Cr Phil Blight, Shire of Wagin**
Seconded: **Cr Chris Mitchell, Shire of Broome**

That the WALGA Constitution be amended to retain the current governance model but with necessary changes, as per the attached mark-up.

LOST FOR LACK OF A SPECIAL MAJORITY

Executive Summary

- On 5 July, a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
  1. To consider a new Constitution to give effect to an alternate governance model; and
  2. To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the second item, which proposes amendments to the existing Constitution to make some necessary changes whilst still retaining the current governance model.
- The proposed changes are intended to address inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted by WALGA in 2001.

Attachment

- WALGA Constitution – Proposed Amendments Mark-Up

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the 2022 Annual General Meeting (AGM), the Steering Committee put forward a Consultation Paper for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its Final Report and recommendation to State Council in February 2023.

At the meeting on 1 March this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on 3 May. At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

a. Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and

b. Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the Best Practice Governance Review Final Report; and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council resolved by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will only be presented to Members if the first item (recommending a new Constitution to give effect to the alternate model) does not receive 75 percent approval from Members.

If the first item (for a new Constitution) is successfully passed by a special majority of Members, this item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

The proposed amendments to the Constitution under this item will provide necessary changes, but otherwise retain the current governance model. The proposed changes are intended to fix inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted in 2001, as well as to address some potential issues that have been raised by State Council.

- There are several proposed amendments to the definitions contained in clause 2 Interpretation. In particular:
  - the inclusion of new definitions for "General Meeting", "Ordinary Meeting" and "Special Meeting"; and

- the refinement of the current definitions for “Constituency”, “Country Constituency” and “Metropolitan Constituency” to move away from defining boundaries by way of the Metropolitan Region Planning Scheme.

- The deletion of clause 9(2) in light of clause 12(2)(b), which empowers State Council to decide the “allocation or change in allocation of any representation or voting rights on the State Council”, rather than Members. Similarly, clause 14(3) to be amended to again empower State Council to decide the number of Zones, rather than the Members at a General Meeting.
- A new reason for disqualification has been included in clause 22(k) that refers to a State Councillor, Deputy State Councillor, President or Deputy President vacating their office once they become a candidate for election to a State or Federal Parliament “on or after the date the election writ is issued”. This addition was prompted by State Council discussions in September 2021 which resulted in similar changes to the Corporate Governance Charter.
- The deletion of clause 33(1)(c) as it deals with a non-Constitutional topic.
- In Schedule One, the meaning of subclause (f) was unclear and so has been deleted.
- The Register of Delegate Powers, Authorities, Discretions and Duties in Schedule Two has been amended to only include those powers as referred to in the Constitution, with those other powers to be captured in the Corporate Governance Charter.
- Finally, there has been a general tidy up of defined terms throughout the Constitution (that is, terms that are defined in clause 2 and require capitalisation).

6. Closure

*Upon the completion of business, the Chair declared the meeting closed **3:24pm**.*

Attachment 3: Action Taken on Resolutions of the 2023 Annual General Meeting

Resolution	Comment/Update
5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district **That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.**	The Environment Policy Team met on 16 February 2024 and resolved to: 1. Note the 2023 AGM resolution, that WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district. 2. Note that the resolution is consistent with the intent of WALGA Advocacy Position *6.3 Third Party Appeal Rights* and *6.4 Development Assessment Panels*. 3. Request that WALGA continue to pursue advocacy consistent with these positions as part of the Planning reform process. The right for Local Governments to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district is supported in principle by the WALGA Secretariat. This will be considered as part of the review of the DAP Advocacy Position commencing in September 2024.
5.2 Land Use Policy **That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.**	This resolution was referred to the WALGA People and Place Policy Team in December 2023. A suite of three related policy positions were considered by a joint meeting of the WALGA Environment and Infrastructure Policy Teams on 10 July 2024. State Council endorsed the following positions on 4 September 2024 (Agenda Items 8.2, 8.3 and 8.4): ***Energy Transition Engagement and Community Benefit Framework*** *It is essential that the energy transition currently underway delivers economic opportunities, ensures reliable and affordable electricity, and the greatest possible benefits for the community.*

	WALGA calls on the State Government to develop a comprehensive framework to manage the impact of the energy transition that includes local engagement and the realisation of local community benefits from energy transition projects as a priority. ***Renewable Energy Facilities*** *The growth in the number, size, and complexity of renewable energy facilities across Western Australia is expected to continue as energy generation and other traditional industries de-carbonise their facilities and operations. The renewable energy state planning framework requires changes to ensure it is fit for purpose to guide the ongoing development of this sector.* *WALGA calls on the State Government to:* *1. Adopt a new State Planning Policy for renewable energy facilities, to replace the existing Position Statement: Renewable energy facilities, that:* *a. Facilitates the orderly development of renewable energy facilities across Western Australia;* *b. Outlines the key planning and environmental considerations, for the location, siting, design and operation of renewable energy facilities and their associated infrastructure;* *c. Provides a framework that clearly stipulates the minimum required documentation and technical reports that need to be submitted with proposals for renewable energy facilities;* *d. Supports the development of Local Planning Policies by Local Governments to further guide locally appropriate planning consideration of renewable energy facilities;* *e. Provides a clear relationship with:* *i. State Planning Policy 2.5 - Rural planning and Development Control Policy 3.4 - Subdivision of rural land, to ensure planning decisions adequately balance the need to protect and*

	preserve rural land for rural purposes; *ii. State Planning Policy 2.4 - Planning for Basic Raw Materials to ensure proposals for renewable energy facilities consider their impact on basic raw material supply at the earliest stage of the planning process; and* *iii. iii. State Planning Policy 2.9 - Planning for Water to ensure water resources impacted by renewable energy facilities are identified and adequately managed.* *f. Includes policy measures to address:* *i. possible negative impacts on or alienation of productive agricultural land;* *ii. their proximity to lot boundaries with particular attention to potential negative, impact on town sites and sensitive land uses;* *iii. potential negative impacts on airport operations;* *iv. their appropriateness in the 'General Industry' zone and impacts and suitable location on heavy industry sites;* *v. the need for local engagement and the realisation of community benefits from the development of renewable energy facilities.* *2. Review the definition of 'renewable energy facility' considering the increasing size and scope of facilities and consider creating definitions based on the scale of the facility (Utility-scale and other), and the form of facility (solar energy and wind energy).* *3. Provide guidance to Local Governments on the consideration of green hydrogen production facilities on rural land where it is an incidental use to a renewable energy facility.* WALGA is advocating to State Government ***Priority Agriculture***

	WALGA calls on the State Government to: *1. Amend the Planning and Development (Local Planning Schemes) Regulations 2015 to:* *a. Create a new model zone under Schedule 1, Part 3, Clause 16 for land identified as high quality agricultural land known as the 'Priority Agriculture' zone, with the following objectives:* *i. to retain priority agricultural land for agricultural purposes; and* *ii. limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.* *b. Define 'Priority Agriculture' zone under Schedule 2, Part 1, Clause 1 to align with the definition provided in State Planning Policy 2.5 – Rural planning.* *2. Review the areas which have been identified by the Department of Primary Industries and Regional Development as high quality agricultural land and expand the extent of mapping to address the whole of Western Australia.* *3. Undertake a 'health check' of State Planning Policy 2.5 - Rural planning and Development Control Policy 3.4 - Subdivision of rural land, in consultation with relevant stakeholders.* These positions are included in WALGA's 2025 State Election Priorities Platform and have been raised in meetings with the Minister for Energy and the Premier.
5.3 Transparency – Management Order Determinations **That WALGA:** **1. Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and**	This item was considered by State Council at its December 2023 meeting (Agenda item 7.2). The following Advocacy Position was endorsed:

procedures associated with the administration of management orders; **2. Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and** **3. Calls for proactive consultation and advice to Local Government management bodies.**	***Crown Land and Management Order Administration - Land Administration Act 1997*** *WALGA advocates to the Department of Planning, Lands and Heritage (DPLH) to:* *1. Apply the following principles when dealing with matters affecting Local Government's role in managing Crown land:* *a. Local Government is an equal partner with State Government in managing, developing and administration of Crown land for community benefit.* *b. Local Government should be provided timely advice and consulted where State Government proposals impact management of or investment in Crown land.* *c. Ensure timely communication with Local Government where DPLH intends to challenge an intention to levy leasing or land use revenues under a power to lease arrangement.* *d. Decision-making criteria, policy and procedure transparency contributes to whole of government efficiency, effectiveness and accountability.* *2. Publish the policies and procedures that underpin decision making regarding:* *a. Establishing, varying or revoking management orders.* *b. Leasing Crown land or facilities, subject to a management order.* *c. Decision review where a management body or proponent lessee is dissatisfied with a decision or process.*
5.4 Regional and Remote Housing **That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.**	WALGA continues to advocate for State Government to address the critical shortage of housing in Western Australia, especially for regional and remote locations. This issue is identified as a priority in the WALGA 2025 Election Platform. Following WALGA advocacy and feedback from State Council to the Department of Communities Deputy Director General, Housing and Assets at the 10 July 2024

	State Council Strategic Forum, the Department of Communities has: • undertaken to conduct a workshop to discuss options to introduce flexibility to the Government Regional Officer Housing Program parameters, • asked for Local Government feedback on opportunities to optimise partnership opportunities with Local Government that make capital investment in housing supply viable, and • opened a Local Government Call for Submissions for social and affordable housing and key worker accommodation on Monday 2 September. The Director of the Housing Supply Unit within the Treasury presented at the September 2024 Strategic Forum and acknowledged the challenges faced by regional Local Governments including demand for GROH housing and challenges with headworks.

6 SUBJECT: Financial Report July 2024
DIRECTOR: Business Services
MEETING: Council Meeting
MEETING DATE: 24 September 2024

Summary

The Financial Report for July 2024 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Councils consideration. Council is now requested to receive the Financial Report July 2024 (Attachment 6.1) and the Schedule of Accounts (Electronic Attachment 6.2).

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.24/7/23 25/07/2023 Budget Adoption 2024/2025

Background

Nil

Comment

Financial Summary

The Financial Report for July 2024 shows an actual surplus for this period of $121.2 million. This is considered a reasonable surplus at the current point in time and is sufficient to meet the City's obligations up to 30 June 2025. It is expected that the majority of the opening surplus of $8.1 million will be requested to be carried forward once the final invoices for 2023/24 Financial Year have been received. The carried forward amount is required as a result of works and services not being completed at the 30 June 2024, however are committed to complete the works and services that have commenced.

In the month of July, the City issues invoices for Rates and Refuse, leading to a substantial surplus at the beginning of the financial year. However, as the year progresses, this surplus gradually diminishes due to the City's budgetary expenditures.

A summary of the financial position for July 2024 is detailed in the table below:

	Current Budget	YTD Budget (a)	YTD Actual (b)	Var. (b)-(a)	Var.% (b)-(a)/(a)
	$ 000s	$ 000s	$ 000s	$ 000s	%
Opening Funding Surplus / (Deficit)	**600**	**600**	**8,053**	**7,453**	**1242%**
Revenue					
Revenue from operating activities	144,020	116,961	116,225	(736)	-1%
Capital revenue, grants and Contribution	23,747	1,979	219	(1,759)	-89%
	167,767	**118,940**	**116,444**	**(2,496)**	

Expenditure					
Operating Expenditure	(165,127)	(12,598)	(8,879)	3,719	-30%
Capital Expenditure	(52,782)	(6,169)	(2,570)	3,598	-58%
	(217,909)	**(18,767)**	**(11,450)**	**7,317**	
Non-cash amounts excluded from operating activities	35,443	2,954	2,916	(38)	-1%
Non-cash amounts excluded from investing activities	500	500	26	(474)	-95%
Other Capital Movements	13,149	7,280	5,193	(2,086)	-29%
Closing Funding Surplus / (Deficit)	**(449)**	**111,506**	**121,183**	**9,677**	**9%**

The following table highlights the status of the City's key capital projects for the 2024/2025 financial year:

Project	2024/25 Actuals Incl. CMT $`000s	2024/25 Annual Budget $`000s	On Time / On Budget	Asset Classification	Comment
Waterfront Project	8,660	10,285	The project remains within the budget allocated. Completion date is expected to be mid-2025.	*Parks*	Project status: **Estuary Pool** Completed December 2022 **Eastern Foreshore South – Reserve Area** Completed mid 2022 **Eastern Foreshore North and Central Precinct** Demolition works are close to completion with underground services progressing well. Concrete pours and preparation of the car park at the northern end of the site have commenced. **Toilet Block** The toilet block and surrounds were completed and opened in March 2024. **Toilet Block Public Art** Artist selection currently in process. Smart Street/ Eastern Foreshore South Connection To be commenced after Crabfest 2025, following the completion of the Eastern Foreshore North and Central Precinct.

Dawesville Channel SE Foreshore Upgrade	63	1,948	The project remains within the budget allocated. The completion date is expected to be the 2024/2025 financial year.	*Parks*	Project status: Procurement for planting and playground has commenced. On schedule for construction to commence in March/April 2025.
Coodanup Foreshore	152	1,138	Stage 1 and 2 are complete. Stage 3 - The project remains within the budget allocated. The completion date is expected to be the 2024/2025 financial year.	*Parks*	Project status: Stages 1 and 2 were completed in December 2023. Stage 3 - Community feedback has been received and the concept design has been reviewed and has been published on the Mandurah Matters website. Procurement of furniture, public artwork and boardwalks has commenced. On schedule for construction commencement in February/March 2025.
RC Peel Street Stage 4	1,176	1,600	The project commencement date was expected to be the end of August 2024 and has now been revised to early November 2024.	*Roads*	Project status: Minor delays have occurred due to unexpected service works and adverse weather conditions. The road is now expected to be re-opened to traffic in early September 2024, with minor finishing works and landscape planting to be completed subsequently.
Dawesville Community Centre	5,729	7,001	Project is on track to be completed in mid-2025.	*Buildings*	Project status: Construction of the rammed earth feature wall is complete. Minor works brick work underway. Structural steelwork is expected to commence in September 2024.
Pinjarra Road (Foulkes Pl to Sutton St)	106	3,168	Project to commence September 2024.	*Roads*	Project status: On schedule for works to commence in September 2024.
Halls Head Coastal Shared Path	136	0	The relocation of the Western Power stay poles remains outstanding.	*Roads*	Project status: Western Power to program the relocation of stay poles.

Yalgorup National Park	112	1,991	The Yalgorup National Park project is a 10-year economic and tourism initiative. The next stage, the Quail Road extension, has been delayed pending design and environmental approvals, however, is planned for delivery in 2024/2025 year.	*Roads*	Project status: The concept plan for northern access road (Quail Road extension), as detailed in the Yalgorup National Park Master Concept plan, has been developed and circulated to key stakeholders for comments and feedback. An Advocacy Plan to seek funding for Stage 2 is currently being developed. A project team being led by DBCA has been established to guide the replacement of the Thrombolites boardwalk.

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 6.1.

Risk Analysis

Nil

Strategic Implications

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

Leadership:
- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs and services

Conclusion

The City strives to manage its finances adequately and maintain expenditure within budget to ensure services that have been approved through the budget process are fully funded.

It is recommended that Council receive the Monthly Financial Report and the Schedule of Accounts.

NOTE:

- Refer ***Attachment 6.1*** ***Monthly Financial Report***
  Attachment 6.2 ***Schedule of Accounts (electronic only)***

RECOMMENDATION

That Council:

1 Receives the Financial Report for July 2024 as detailed in Attachment 6.1 of the report.

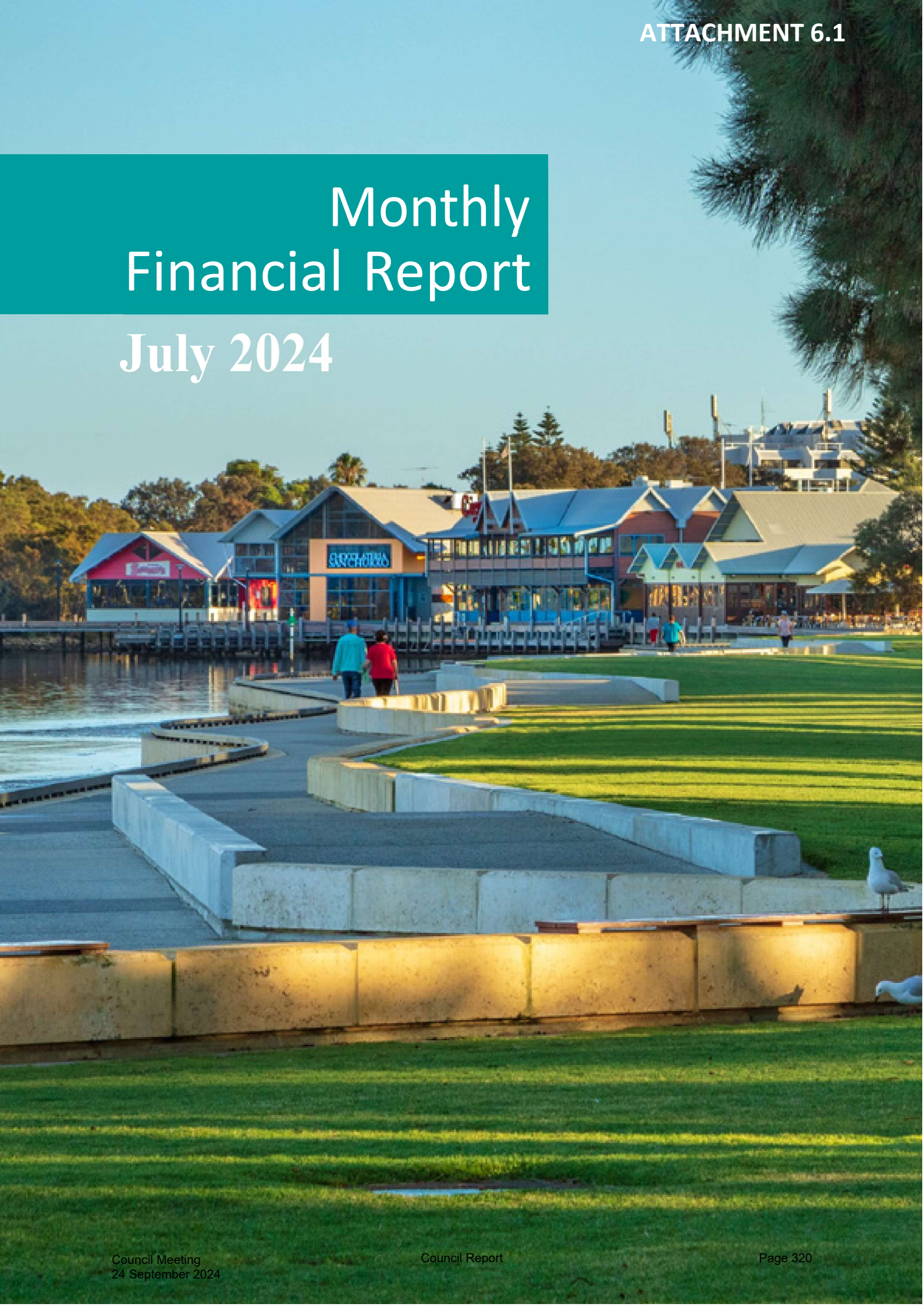
2 Receives the Schedule of Accounts for the following amounts as detailed in Attachment 6.2 of the report:

Total Municipal Fund	**$**	**8,813,496.14**
Total Trust Fund	**$**	**0.00**
	$	**8,813,496.14**

****ABSOLUTE MAJORITY REQUIRED****

Monthly Financial Report

July 2024



City of Mandurah
July 2024

$449K ▼

Estimated surplus/deficit at 30 June 2025 with proposed budget amendments

$121.2M ▼

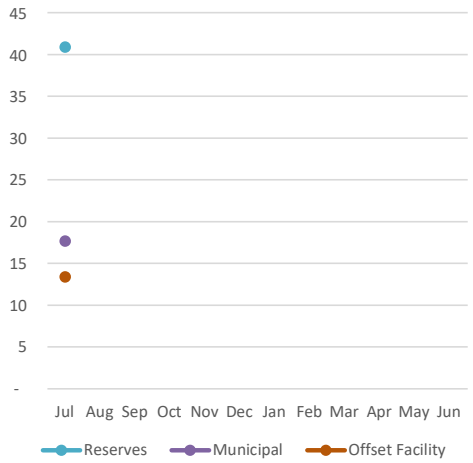
Year to Date Actual Surplus

Executive Summary

- Actual Rates Raised $97.2M
- Actual Rates Received $2.9M (2.9% collected)
- Actual Operating Revenue $116.2M
- Actual Capital Revenue $0M
- Actual Operating Expenditure $8.9M
- Actual Capital Expenditure $2.6M
- Actual Proceeds from Sale of Assets $219K

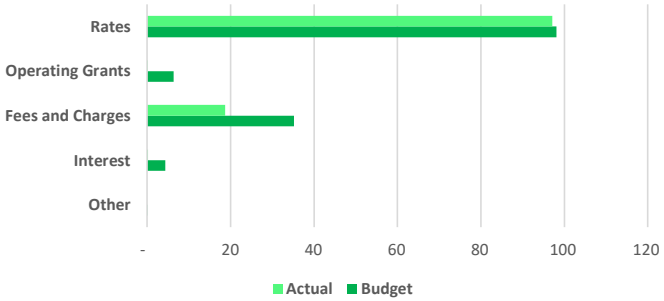
Investments

$ Millions



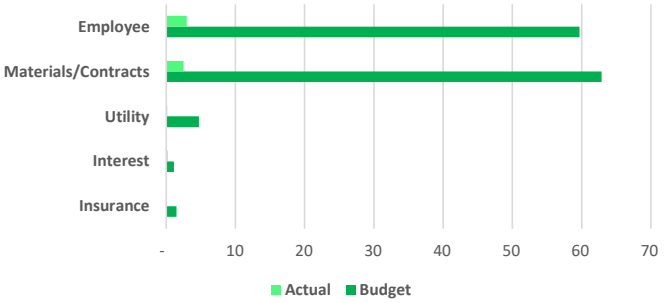
Year to Date Revenue Actuals Compared to Annual Budget

$ Millions

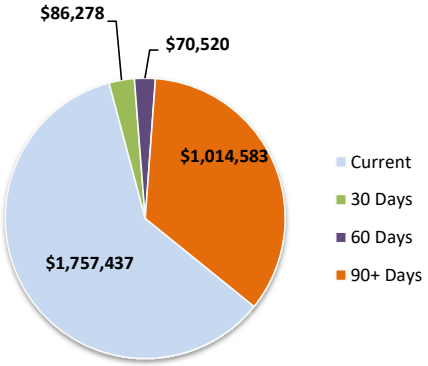


Year to Date Expenditure Actuals Compared to Annual Budget

$ Millions



Sundry Debtors Outstanding



Rates Outstanding

388	Properties with >$10K outstanding	=
3662	Properties $3K to $10K outstanding	▲
0	Properties commenced legal action in 24/2	=
$2.24M	Rates Exemptions	=

Grants Received in 24/25 year

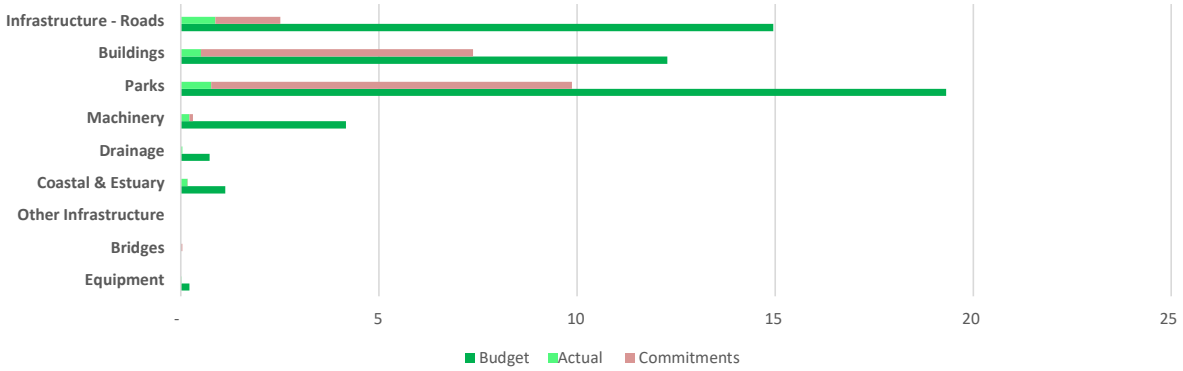
0.42% Grants received - Accrual Basis

Tenders - July 2024

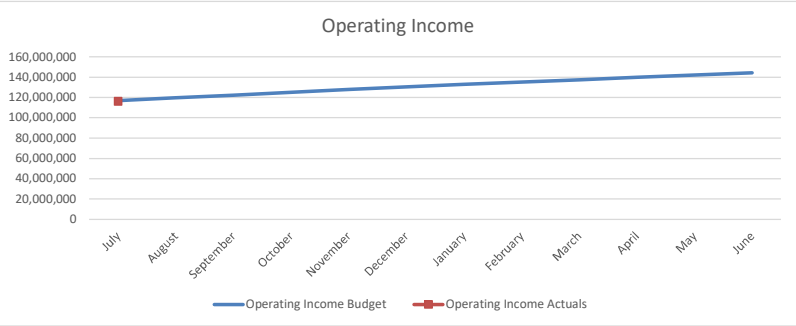
3 Tenders accepted/rejected during the month through CEO delegation

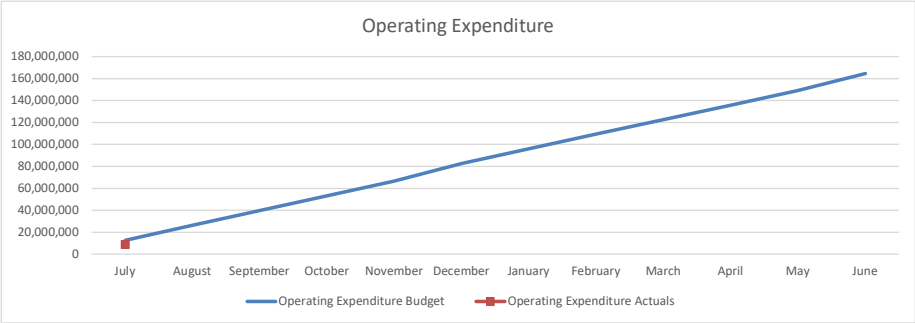
Year to Date Capital Actuals Compared to Annual Budget*

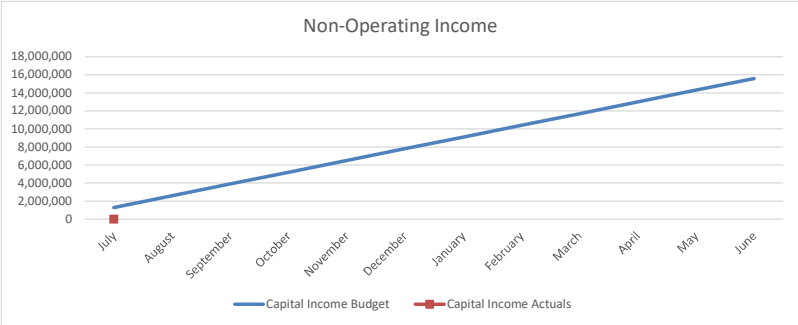
$ Millions

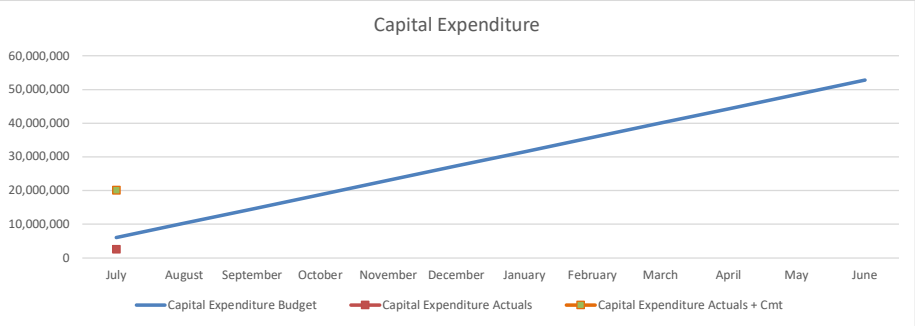


*Commitments are raised based on contract amounts. Contracts may span multiple financial years causing commitments to display over the total budget for the year.


Operating Income
160,000,000
140,000,000
120,000,000
100,000,000
80,000,000
60,000,000
40,000,000
20,000,000
0
July
August
September
October
November
December
January
February
March
April
May
June
Operating Income Budget
Operating Income Actuals


Operating Expenditure
180,000,000
160,000,000
140,000,000
120,000,000
100,000,000
80,000,000
60,000,000
40,000,000
20,000,000
0
July
August
September
October
November
December
January
February
March
April
May
June
Operating Expenditure Budget
Operating Expenditure Actuals


Non-Operating Income
18,000,000
16,000,000
14,000,000
12,000,000
10,000,000
8,000,000
6,000,000
4,000,000
2,000,000
0
July
August
September
October
November
December
January
February
March
April
May
June
Capital Income Budget
Capital Income Actuals


Capital Expenditure
60,000,000
50,000,000
40,000,000
30,000,000
20,000,000
10,000,000
0
July
August
September
October
November
December
January
February
March
April
May
June
Capital Expenditure Budget
Capital Expenditure Actuals
Capital Expenditure Actuals + Cmt

CITY OF MANDURAH

MONTHLY FINANCIAL REPORT
For the Period Ended 31 July 2024

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STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2024

BY NATURE OR TYPE

	Ref Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		$	$	$	$	%	
Opening Funding Surplus / (Deficit)		600,000	600,000	**8,052,888**	7,452,888	1242.15%	
Revenue from operating activities							
Rates		98,083,897	97,258,897	**97,156,363**	(102,534)	(0.11%)	
Operating grants, subsidies and contributions		6,363,575	536,472	**92,193**	(444,279)	(82.81%)	▼
Fees and charges		35,192,243	18,800,616	**18,718,417**	(82,199)	(0.44%)	
Interest earnings		4,301,430	358,452	**223,652**	(134,800)	(37.61%)	▼
Other revenue		79,170	6,597	**-**	(6,597)	(100.00%)	▼
Profit on disposal of assets		-	-	**34,278**	34,278	100.00%	▲
		144,020,315	**116,961,034**	**116,224,903**	(736,131)	-0.63%	
Expenditure from operating activities							
Employee costs		(59,696,632)	(3,078,428)	**(2,975,159)**	103,269	3.35%	
Materials and contracts		(62,885,109)	(5,974,393)	**(2,507,506)**	3,466,887	58.03%	▲
Utility charges		(4,740,088)	(395,007)	**(167,364)**	227,643	57.63%	▲
Depreciation on non-current assets		(35,205,988)	(2,933,832)	**(2,905,237)**	28,595	0.97%	
Interest expenses		(1,122,702)	(93,558)	**(195,895)**	(102,337)	(109.38%)	▼
Insurance expenses		(1,476,656)	(123,055)	**(113,675)**	9,380	7.62%	
Other expenditure		-	-	**(9,768)**	(9,768)	100.00%	▼
Loss on disposal of assets	1(a) & 4	-	-	**(4,603)**	(4,603)	100.00%	▼
		(165,127,175)	**(12,598,273)**	**(8,879,207)**	3,719,066	29.52%	
Non-cash amounts excluded from operating activities	1(a)	35,443,133	2,953,594	**2,916,047**	(37,547)	(1.27%)	
Amount attributable to operating activities		**14,336,273**	**107,316,355**	**110,261,743**	2,945,388	(2.74%)	
Investing activities							
Non-operating grants, subsidies and contributions		15,590,654	1,299,221	**-**	(1,299,221)	(100.00%)	▼
Proceeds from disposal of assets	4	8,156,031	679,669	**219,464**	(460,205)	(67.71%)	▼
Payments for property, plant and equipment	6	(52,781,503)	(6,168,664)	**(2,570,341)**	3,598,322	58.33%	▲
Amount attributable to investing activities		**(29,034,818)**	**(4,189,773)**	**(2,350,877)**	1,838,896	43.89%	
Non-cash amounts excluded from investing activities	1(b)	500,000	500,000	**26,080**	(473,920)	(94.78%)	
Amount attributable to investing activities		**(28,534,818)**	**(3,689,773)**	**(2,324,797)**	1,364,976	36.99%	
Financing Activities							
Proceeds from new debentures	7	4,650,000	-	**-**	0	0.00%	
Unspent Loans Utilised		1,847,554	1,847,554	**-**	(1,847,554)	100.00%	▼
Repayment of debentures	7	(4,332,703)	(361,059)	**(405,257)**	(44,198)	(12.24%)	▼
Payment of lease liability		(576,642)	(48,053)	**(58,599)**	(10,546)	(21.95%)	▼
Proceeds from new interest earning liability		461,000	38,417	**-**	(38,417)	(100.00%)	▼
Principal elements of interest earning liability		(949,701)	(79,142)	**(224,761)**	(145,619)	(184.00%)	▼
Transfer from reserves	8	19,716,040	6,127,992	**6,127,992**	0	0.00%	
Transfer to reserves	8	(7,666,347)	(245,879)	**(245,879)**	0	0.00%	
Amount attributable to financing activities		**13,149,201**	**7,279,830**	**5,193,496**	(2,086,334)	28.66%	
Closing Funding Surplus / (Deficit)	1(d)	**(449,344)**	**111,506,412**	**121,183,329**	9,676,917	8.68%	

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.

NOTE 1
STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Local Government (Financial Management) Regulation 1996.

Non-cash items excluded from operating activities	Notes	Annual Budget	YTD Budget (a)	YTD Actual (b)
		$	$	$
Adjustments to operating activities				
Less: Profit on asset disposals		-	-	(34,278)
Movement in liabilities associated with restricted cash		237,145	19,762	15,645
Movement in employee benefit provisions (non-current)		-	-	24,840
Add: Loss on asset disposals	4	-	-	4,603
Add: Depreciation on assets		35,205,988	2,933,832	2,905,237
Total non-cash items excluded from operating activities		**35,443,133**	**2,953,594**	**2,916,047**

(b) Non-cash items excluded from investing activities

The following non-cash revenue and expenditure has been excluded from investing activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

Adjustments to investing activities				
Movement in non current liabilities for transfers to acquire or construct non-financial assets to be controlled by the entity				
Movement in current liabilities for transfers to acquire or construct non-financial assets to be controlled by the entity associated with restricted cash		500,000	500,000	26,080
Total non-cash amounts excluded from investing activities		**500,000**	**500,000**	**26,080**

(c) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with regulation 32 of the Local Government (Financial Management) Regulations 1996 to agree to the surplus/(deficit) after imposition of general rates.

		Budget Closing 30 Jun 2024	Budget Closing 30 Jun 2025	Year to Date 31 Jul 2024
Adjustments to net current assets				
Less: Reserves - restricted cash		(50,429,303)	(62,300,778)	(51,268,746)
Less: Unspent loans		(310,134)	(2,124,066)	(2,224,772)
Less: Other receivables		(0)	-	(0)
Less: Clearing accounts		-	-	25,010
Add: Borrowings	7	4,709,990	4,082,703	5,076,553
Add: Other liabilities		1,115,424	1,115,424	6,066,235
Add: Lease liability		1,034,492	1,731,395	195,914
Add: Provisions - employee		5,020,443	1,818,111	4,340,297
Add: Loan Facility offset		-	-	13,400,000
Total adjustments to net current assets		**(38,859,088)**	**(55,677,212)**	**(24,389,509)**

(d) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	2	69,854,029	84,324,753	57,887,553
Rates receivables	3	3,598,072	2,368,839	112,650,271
Receivables	3	493,585	2,025,523	11,200,262
Other current assets		1,638,336	1,690,059	3,039,928
Less: Current liabilities				
Payables		(17,243,936)	(12,037,496)	(18,002,856)
Borrowings	7	(4,709,990)	(4,082,703)	(5,076,553)
Interest earning liabilities		-	-	(695,257)
Unspent non-operating grant, subsidies and contributions liability		-	(7,823,334)	(5,551,891)
Lease liabilities		(1,034,492)	(1,731,395)	(195,914)
Provisions		(13,736,516)	(9,506,379)	(9,682,704)
Less: Total adjustments to net current assets	1(c)	(38,859,088)	(55,677,212)	(24,389,509)
Closing Funding Surplus / (Deficit)		**0**	**(449,344)**	**121,183,329**

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.

OPERATING ACTIVITIES
NOTE 2
CASH AND INVESTMENTS

	Total Amount	Interest rate	Total Interest Earnings at Maturity Date	Institution	S&P rating	Deposit Date	Maturity Date	Term days
	$	$	$	$				
Cash on hand								
Westpac Municipal Bank Account (inc. Bonds Investments & Notice Savers)	11,445,214	Variable		Westpac	AA-	NA	NA	
	11,445,214							
Municipal Investments								
Muni TD WBC 5	3,155,213	5.06%	39,735	Westpac	AA-	22/05/2024	22/08/2024	92
Muni TD WBC 13	3,075,710	5.00%	38,280	Westpac	AA-	12/05/2024	12/08/2024	92
	6,230,923							
Reserve Investments								
Muni 10 (reclassified)	31,340	3.50%	274	ANZ	AA-	1/07/2024	1/10/2024	92
Muni 42 (reclassified)	6,563,823	5.00%	80,816	NAB	AA-	13/05/2024	12/08/2024	90
Muni 49 (reclassified)	3,275,891	4.95%	39,935	NAB	AA-	20/05/2024	19/08/2024	91
Reserve 42 - 36-976-7906	3,368,289	5.10%	83,979	NAB	AA-	17/06/2024	17/12/2024	183
Reserve 44 - 70-586-3025	3,314,575	5.00%	41,253	NAB	AA-	24/06/2024	24/09/2024	92
Reserve 45 - 70-568-6989	3,309,818	5.05%	81,732	NAB	AA-	25/03/2024	24/09/2024	183
Reserve 47 - B33713404.106	4,410,974	4.78%	51,948	CBA	AA-	15/07/2024	14/10/2024	91
Reserve 48 - B33713404.106	6,595,075	4.78%	77,670	CBA	AA-	15/07/2024	14/10/2024	91
Reserve TD WBC 1 - 032-108 267862	3,538,462	5.18%	45,604	Westpac	AA-	18/07/2024	18/10/2024	92
Reserve TD WBC 2 - 032-108 267897	3,233,875	5.18%	41,679	Westpac	AA-	18/07/2024	18/10/2024	92
Reserve TD WBC 3 - 032-108 267926	3,233,875	5.18%	41,679	Westpac	AA-	18/07/2024	18/10/2024	92
	40,875,998							
Total Municipal and Reserve Funds	**58,552,136**		**664,583.16**					

Interest revenue	
Investment Interest Accrued	312,587
Investment Interest Matured	(106,119)
Rates Interest	17,184
	223,652

Interest Earned
$223,652

Loan Offset Facility	Amount	Interest rate on loans	Interest Saved	YTD Interest Saved
Westpac	13,400,000	6.09%	15,737	15,737

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
$71.95 M	**$31.08 M**

OPERATING ACTIVITIES
NOTE 3
RECEIVABLES

Rates Receivable	30-Jun-24	31-Jul-23	31 Jul 24
	$		$
Opening Arrears Previous Years	1,925,935	1,925,935	3,721,461
Rates levied	93,175,787	92,350,699	97,156,363
Less - Collections to date	(91,380,262)	(5,502,520)	(2,878,582)
Equals Current Outstanding	**3,721,461**	**88,774,115**	**97,999,241**
Net Rates Collectable	**3,721,461**	**88,774,115**	**97,999,241**
% Collected	96.1%	5.8%	2.9%

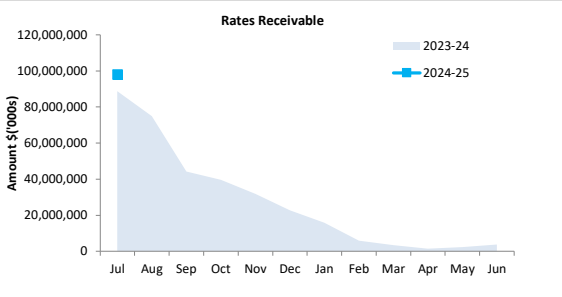
	31 Jul 23	31 Jul 24
- No. of Legal Proceedings Commenced for the financial year	0	0
- No. of properties > $10,000 outstanding	375	388
- No. of properties between $3,000 and $10,000 outstanding	2559	3662
- Value of Rates Concession	47,360	49,247
- Estimated Value of Rates Exemptions	2,222,551	2,243,551

Receivables - General	31-Jul-23	Current	30 Days	60 Days	90+ Days	31 Jul 24
	$	$	$	$	$	$
Balance per Trial Balance						
Sundry receivable	930,183	1,153,897	42,591	27,964	178,748	1,403,200
Recreation Centres	197,441	69	1	2	33	105
Mandurah Ocean Marina	(122,786)	0	0	0	1	1
GST receivable	632,646	586,721	0	0	0	586,721
Allowance for impairment of receivables	(210,870)	0	0	0	(192,969)	(192,969)
Infringements	860,456	16,750	43,686	42,554	1,028,770	1,131,760
Total Receivables General Outstanding	**2,287,071**	**1,757,437**	**86,278**	**70,520**	**1,014,583**	**2,928,818**
Percentage		60%	2.9%	2.4%	34.6%	

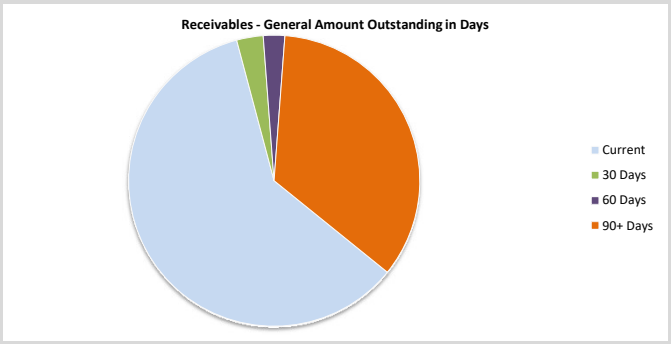
Other Receivables	31-Jul-23	Current	30 Days	60 Days	90+ Days	31 Jul 24
	$	$	$	$	$	$
Balance per Trial Balance						
Pensioners rates and ESL deferred	8,470,510	0	0	0	8,649,773	8,649,773
Other Receivables	21,283,866	0	0	0	14,651,030	14,651,030
Total Other Receivables Outstanding	**29,754,376**	**0**	**0**	**0**	**23,300,803**	**23,300,803**
Percentage		0%	0%	0%	100%	

KEY INFORMATION

Rates and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of rates and other receivables is reviewed on an ongoing basis. Other receivables that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



Collected	Rates Due
2.9%	$97,999,241



Debtors Due
$2,928,818

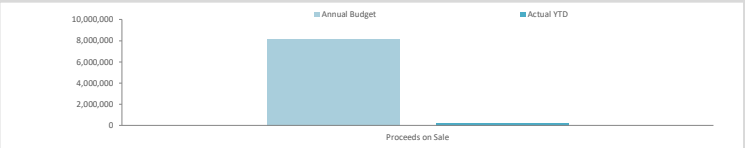
Over 30 Days
40%

Over 90 Days
35%

OPERATING ACTIVITIES
NOTE 4
DISPOSAL OF ASSETS

			Budget				YTD Actual			
Asset	Asset ID	Asset Owner	Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
			$	$	$	$	$	$	$	$
Land										
Land			7,000,000	7,000,000	0	0	0	0	0	0
					0	0	0	0		
Light Passenger Vehicles - Replacement										
MH1502B - SUBARU XV 2.0I-L	C01420		0	0	0	0	11,752	16,396	4,644	0
MH7641A - HYUNDAI SANTE FE SANT	C01718		0	0	0	0	15,836	14,123	0	(1,713)
MH9326A - TOYOTA RAV4 CV	C06818		0	0	0	0	14,285	18,896	4,611	0
MH0363B - SUBARU XV 2.0I-L	C08019		0	0	0	0	14,241	15,259	1,018	0
MH1224B - KIA SPORTAGE	C05619		0	0	0	0	12,118	14,578	2,460	0
MH1056B - HYUNDAI TUSCON	C07919		0	0	0	0	12,335	12,305	0	(30)
MH1084B - TOYOTA RAV4	C04419		0	0	0	0	12,078	20,487	8,409	0
Light Commercial Vehicles - Replacement					45,491	45,583				
MH2485B - FORD RANGER CC XL	3,233,875.40		0	0	45,491	45,583	19,415	25,941	6,526	0
MH0619B - FORD RANGER PU MK11	3,233,875.40		0	0	45,491	45,583	21,555	21,169	0	(386)
MH2014B - FORD RANGER PU XL	U08120		0	0	0	0	21,585	23,222	1,637	0
Trucks & Buses Replacements										
MITSUBISHI CANTER MH380Y	T017	Parks Central	26,320	26,320	0	0	0	0	0	0
HINO 917 MH958Y	T036	Parks North	29,606	29,606	0	0	0	0	0	0
ISUZU FVR 1000 MH954Y	T009	Civil Construction	65,907	65,907	0	0	0	0	0	0
HINO 1426 MH200W	T022	Civil Maintenance	36,504	36,504	0	0	0	0	0	0
HINO GH1728 MH637Y	T038	Civil Construction	68,383	68,383	0	0	0	0	0	0
TOYOTA HIACE MH381Z	T042	Youth Development	12,699	12,699	0	0	0	0	0	0
MITSUBISHI ROSA MH319W	T046	Place & Community	49,655	49,655	0	0	0	0	0	0
Trailers										
PARK BODY BOXTOP MH76936	V039	Parks Central	2,876	2,876	0	0	0	0	0	0
SOUTHWEST MOWING MH74395	V007	Parks Central	784	784	0	0	0	0	0	0
BARTCO VMS TRAILER	V102	City traffic	4,910	4,910	0	0	0	0	0	0
Parks & Mowers										
NEW HOLLAND 3050 TRACTOR MH761X	P602	Parks Assets	17,116	17,116	0	0	0	0	0	0
KUBOTA TRACTOR L5740 MH403Y	P603	Parks South	25,461	25,461	0	0	0	0	0	0
KUBOTA RTV UTILITY MH0708B	U10519	Parks South	5,010	5,010	0	0	0	0	0	0
KUBOTA RTV UTILITY MH0709B	U10619	Parks Assets	5,010	5,010	0	0	0	0	0	0
MH9854A - KUBOTA -OUTFRONT MOWER	M01019		0	0	0	0	9,295	7,617	0	(1,678)
MH8763A KUBOTA-OUTFRONT MOWER 72	M02118		0	0	0	0	8,000	9,821	1,821	0
MH8762A KUBOTA OUTFRONT MOWER 60	M03018		0	0	0	0	8,000	11,151	3,151	0
MH9813A KUBOTA OUTFRONT MOWER 60	M03119		0	0	0	0	9,295	8,499	0	(796)
Minor Equipment >$5000										
Miscellaneous Equipment										
GENELITE GENERATOR PLG-CM550S	P63820	Recreation Services	91,287	91,287	0	0	0	0	0	0
COLUMBUS ARA66	P63218	Recreation Services	8,040	8,040	0	0	0	0	0	0
Carryovers										
Carryovers from 22/23 and 23/24			2,248,672	706,464	0	(1,542,208)	0	0	0	0
			9,698,239	**8,156,031**	**136,473**	**(1,405,459)**	**189,790**	**219,464**	**34,278**	**(4,603)**

KEY INFORMATION



Proceeds on Sale		
Annual Budget	YTD Actual	%
$8,156,031	$219,464	3%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2024

NOTE 5
TENDERS/QUOTES AWARDED FOR THE MONTH

CEO delegation – accepted/rejected tenders during the month
Awarded under Financial Authorisation $250,000 and above

Tender code	Tender Description	Company Awarded to	Contract Term	Contract Amount
T06-2024	Provision of Programmed and Reactive Maintenance of Automatic Doors, Roller Doors, Gates and Related Assets	Go Doors Pty Ltd t/as Go Doors	Two (2) years with one (1) option to extend for an additional two (2) years	$346,088.80
T04-2024	Online Booking Systems for City Facilities and Spaces	Amckl Pty Ltd & Tjenm Pty Ltd T/A Attekus	Two years with One option to extend at the Principal's discretion for an additional Two years, to a total possible term of Four years	$219,070.00
RFQ11-2024	Library Self-Services Solution	F E Technologies Pty Ltd	Five years with Three options to extend at the Principal's discretion for an additional One year each to a total possible term of Eight years	$366,324.00

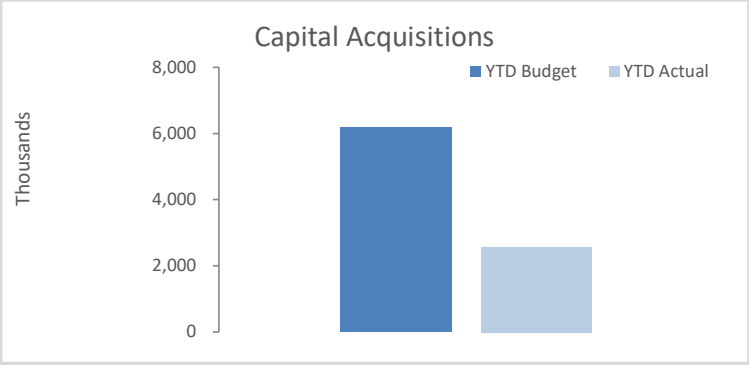
INVESTING ACTIVITIES
NOTE 6
CAPITAL ACQUISITIONS

Capital Acquisitions	Adopted Budget	Annual Budget	YTD Budget	YTD Actual	YTD Actual Variance
	$		$	$	$
Buildings	9,903,028	12,284,001	1,460,823	506,531	(954,293)
Equipment	200,500	209,666	25,874	9,166	(16,708)
Machinery	1,800,631	4,165,801	376,028	219,142	(156,886)
Infrastructure - Roads	10,659,968	14,955,638	1,810,443	864,187	(946,256)
Parks	13,663,708	19,320,671	2,155,138	764,169	(1,390,969)
Drainage	675,720	725,939	88,195	33,859	(54,336)
Coastal & Estuary	946,500	1,119,788	252,163	173,288	(78,875)
Capital Expenditure Totals	**37,850,055**	**52,781,503**	**6,168,664**	**2,570,341**	**(3,598,322)**
Capital Acquisitions Funded By:					
	$		$	$	$
City of Mandurah Contribution	**12,978,686**	**18,216,938**	**4,773,107**	**4,348,470**	(424,637)
Capital grants and contributions	**14,108,173**	**15,590,654**	**1,299,221**	**(9,723)**	(1,308,944)
Borrowings	**4,650,000**	**6,497,554**	-	-	-
Other (Disposals & C/Fwd)	**449,567**	**1,156,210**	**96,336**	**219,464**	123,128
Cash Backed Reserves					
Asset Management Reserve	**5,083,629**	**8,831,838**	-	-	-
Sanitation Reserve	**580,000**	**946,100**	-	-	-
Unspent Grants & Contributions Reserve	-	-	-	**(3,530,079)**	(3,530,079)
Plant Reserve	-	**1,542,209**	-	**1,542,209**	1,542,209
Capital Funding Total	**37,850,055**	**52,781,503**	**6,168,664**	**2,570,341**	**(5,140,531)**

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



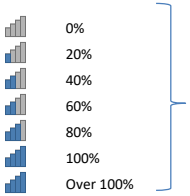
Acquisitions	Annual Budget	YTD Actual	% Spent
	$52.78 M	$2.57 M	5%

Capital Grant	Annual Budget	YTD Actual	% Received
	$15.59 M	-$.01 M	0%

INVESTING ACTIVITIES
NOTE 6
CAPITAL ACQUISITIONS (CONTINUED)

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
	Land						
	Buildings						
750695	Waste Management Centre Upgrade Fire Fighting Infrastructure	375,000	520,529	62,195	20,529	500,000	Construction to commence Q2
750660	Waste Management Centre Tipping Shed	155,000	319,994	44,994	19,994	300,000	Construction to commence Q4
750761	Administration Centre Facade Renewal	250,000	281,922	52,756	31,922	250,000	Construction to commence Q2
750762	Administration Centre Refurbishment	50,000	61,677	15,844	0	61,677	Design Only
750763	Asbestos Removal Program	30,000	31,298	3,798	1,298	30,000	Construction to commence Q3
750741	Avalon Foreshore Ablution Renewal	500,000	535,750	77,417	35,750	500,000	Construction to commence Q2
750764	Billy Dower Youth Centre Grandstand Stair Demolition	100,000	112,782	21,116	12,782	100,000	Construction to commence Q3
750765	EMCC Pottery Place Ceiling Renewal	60,000	68,972	13,972	8,972	60,000	Construction to commence Q1
750643	Falcon Family Centre Upgrade	50,000	68,159	22,326	18,159	50,000	Construction to commence Q3
750766	Falcon Pavilion Storage Upgrade	20,000	38,159	19,826	18,159	20,000	Construction to commence Q3
750767	Mandurah Seniors Dining Kitchen Separation Wall New	30,000	37,058	9,558	7,058	30,000	Construction to commence Q2
750768	Merlin Street Reserve Shed Demolition	30,000	31,316	3,816	1,316	30,000	Construction to commence Q2
750769	MPAC Access and Operational Safety Upgrades	240,000	275,768	55,768	35,768	240,000	Construction to commence Q3
750770	MPAC Entry Door Renewal	25,000	32,849	9,933	7,849	25,000	Design Only
750771	MPAC Fire Detection and Protection System Upgrade	350,000	401,153	80,319	51,153	350,000	Construction to commence Q3
750772	MPAC Roof & External Cladding Renewal	150,000	164,278	26,778	14,278	150,000	Construction to commence Q3
750773	Rushton Park Kiosk Lower Level Tiling Repairs	50,000	62,800	16,967	12,800	50,000	Construction to commence Q3
750774	Thomson Street Pavillion Office Upgrades	25,000	26,316	3,400	1,316	25,000	Construction to commence Q3
750733	Cinema HVAC Renewal	1,300,000	1,331,922	140,256	36,752	1,295,170	Construction to commence Q2
750732	Dawesville Community Centre	5,307,198	7,001,282	638,448	68,339	6,932,943	Refer to Financial Report, Key Capital Projects table
750775	Sporting Reserve Changerooms Enhancements	100,000	100,193	8,527	193	100,000	Design Only
750687	LED Buildings Plan	57,500	64,558	11,850	7,058	57,500	Construction to Commence Q2
750776	Minor City Maintenance Capital Renewals	98,330	99,646	9,510	1,316	98,330	Ongoing Program
750736	Operations Centre Redevelopment	200,000	264,300	80,966	64,300	200,000	Design Only
750753	Facilities Switchboard Renewal Program	50,000	51,316	5,483	1,316	50,000	Construction to commence Q2
750689	Works & Services Building Refurb	300,000	300,000	25,000	1,870	298,130	Design Only
750712	Refurbishment of Billy Dower Youth Centre	0	0	0	11,602	(11,602)	Construction 80% complete
750754	23-24 Administration Centre - HVAC Renewal Design	0	0	0	11,677	(11,677)	Design Only
750681	MARC Roof Repairs	0	0	0	1,500	(1,500)	Construction complete. Finances to be finalised
750756	23-24 MPAC HVAC Renewal (Design)	0	0	0	1,500	(1,500)	Design Only

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
	Bridges							
	880012	Lakelands-Madora Bay Pedestrian Bridge	0	0	0	0	0	Design Only
	Parks							
	700478	Meadow Springs Golf Course Fence	0	18,332	1,528	0	18,332	Construction 20% complete
	700577	23-24 Merlin Street Activation Plan - Implementation	0	359,589	29,966	39,802	319,787	Construction to commence Q2
	700589	23-24 FR Rushton Park - Tennis Centre	0	90,000	7,500	0	90,000	Construction to commence Q2
	700619	Dawesville SE Foreshore	1,023,685	1,807,851	201,026	54,951	1,752,900	Refer to Financial Report, Key Capital Projects table
	700582	Bin Enclosure Renewals	50,000	53,431	7,598	3,431	50,000	Construction to commence Q2
	700626	Lavender Gardens BMX Pump Track Renewal	138,849	154,030	26,751	15,180	138,849	Construction to commence Q1
	700627	Roy Tuckey Reserve BMX Pump Track Renewal	10,000	17,242	8,075	7,242	10,000	Design Only
	700628	Boardwalk and Beach Access Renewal Program	667,000	726,410	114,994	59,410	667,000	Construction to commence Q1
	700629	Eastern Foreshore Boardwalk Renewal	200,000	270,377	87,044	70,377	200,000	Design Only
	700586	Warrungup Spring Reserve Boardwalk Renewal	650,000	717,676	121,842	67,676	650,000	Refer to Financial Report, Key Capital Projects table
	930044	CSRFF Small Grants Program	150,000	150,193	12,693	193	150,000	Ongoing Program
	700575	Coodanup Foreshore Park Upgrade	862,178	1,137,812	164,150	75,635	1,062,177	Refer to Financial Report, Key Capital Projects table
	700630	Hexham Close and Bells Block Natural Areas Fencing Renewal	54,178	55,956	6,293	1,778	54,178	Construction to commence Q1
	700631	Mandurah to Madora Bay Coastal Fencing Renewal	90,678	92,711	9,589	2,033	90,678	Construction to commence Q3
	700632	Minor Fencing Renewal Program	115,014	118,062	12,633	3,048	115,014	Construction to commence Q3
	930045	Major Public Artworks Major Public Artworks	90,000	90,193	7,693	193	90,000	Ongoing Program
	700633	MARC Outdoor Shade Structures New	75,000	75,193	6,443	193	75,000	Construction to commence Q3
	700634	MARC Double Sided Digital Sign Renewal	140,000	156,779	28,445	16,779	140,000	Construction to commence Q2
	700583	North Mandurah Irrigation Water Supply	165,000	268,477	41,846	21,243	247,234	Construction to commence Q2
	700635	Norwich Reserve Upgrade	10,000	17,181	8,014	7,181	10,000	Design Only
	700613	Parks and Reserves Signage New Program	40,000	45,908	9,242	6,389	39,520	Construction to commence Q2
	700593	Irrigation Renewal Program	43,521	45,299	5,405	1,778	43,521	Construction to commence Q4
	700636	Parks Facilities Renewal Program	159,925	189,334	42,737	29,409	159,925	Construction to commence Q2
	700637	Shade Structures Renewal Program	108,171	113,825	14,668	5,654	108,171	Construction to commence Q1
	700638	Synthetic Turf Cricket Wicket Renewal Program	59,178	62,226	7,980	3,048	59,178	Construction to commence Q2
	700640	Playground Renewal Program	355,342	393,961	68,230	38,618	355,342	Construction to commence Q2
	700614	Reserve Meter Renewal Program	50,000	53,048	7,215	3,048	50,000	Construction to commence Q3
	700623	Thomson Street Netball Courts Repairs	200,000	201,460	18,127	1,460	200,000	Construction to commence Q3
	700641	Peter Street Reserve Shade Sails New	40,000	44,066	7,400	4,066	40,000	Construction to commence Q1
	700642	Signage Renewal Program	40,000	46,224	9,557	6,224	40,000	Construction to commence Q2
	700643	Playground Rubber Softfall Renewal Program	54,342	62,154	12,340	7,811	54,342	Construction to commence Q2
	700625	EV Charging Stations	0	0	0	21,011	(21,011)	Construction to commence Q2
	700599	23-24 PR Rushton Park	0	0	0	0	0	Construction to commence Q2
	700514	Bortolo Fire Track Water Infrastructure	0	0	0	0	0	Construction to commence Q1
	700580	23-24 Blythwood Reserve	0	0	0	5,062	(5,062)	Construction complete. Finances to be finalised
	700581	23-24 Wilderness Reserve	0	0	0	3,531	(3,531)	Construction complete. Finances to be finalised
	700646	Dawesville Foreshore Reserve Bollards	0	0	0	0	0	
	Roads							
	501131	Dawesville Channel SE Foreshore Upgrade	0	139,650	11,638	0	139,650	Refer to Financial Report, Key Capital Projects table
	501129	Trails Project	350,000	443,738	37,084	116	443,622	
	500016	Smart Street Mall Upgrade	0	591,166	49,264	0	591,166	Refer to Financial Report, Key Capital Projects table
	501193	23-24 TM Clarice St	0	214,913	17,909	0	214,913	Construction to commence Q4
	501194	23-24 TM Mandurah Tce/Adonis Rd	0	68,531	5,711	0	68,531	Construction to commence Q1
	501196	23-24 TM Wanjeep St	0	387,102	32,258	0	387,102	Construction to commence Q3
	501199	23-24 RR Guillardon Tce/Karringa Rd	0	399,999	33,333	41,630	358,369	Construction 90% complete

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
	501235	23-24 RC Peel Street Stage 4	0	1,599,999	133,333	172,630	1,427,369	Refer to Financial Report, Key Capital Projects table
	501239	23-24 SP Guillardon Tce/Karinga Rd	0	21,999	1,833	0	21,999	Construction 90% complete
	501258	23-24 Tims Thicket Waste Facility - Upgrade CCTV	0	11,100	925	0	11,100	Construction 90% complete
	501260	Mewburn Centre Carpark Upgrade	17,000	42,794	27,211	25,794	17,000	Design Only
	501192	Falcon Coastal Shared Path	60,000	86,273	31,273	26,273	60,000	Design Only
	501263	Lake Valley Drive and Badgerup Avenue Blackspot	15,000	42,498	28,748	27,498	15,000	Design Only
	501264	Lakes Road - Murdoch Drive Blackspot	15,000	43,133	29,383	28,133	15,000	Design Only
	501265	Lynda Street and Baroy Street Blackspot	20,000	38,555	20,221	18,555	20,000	Design Only
	501266	Mercedes Avenue Blackspot	18,000	43,955	27,455	25,955	18,000	Design Only
	501267	Wanjeep Street Blackspot	15,000	40,955	27,205	25,955	15,000	Design Only
	501268	Yindana Blvd and Lake Valley Drive Blackspot	15,000	41,272	27,522	26,272	15,000	Design Only
	501269	Merlin Activation Plan	350,000	389,802	68,969	0	389,802	
	501296	Caddadup Reserve Lookout Renewal	34,955	48,487	16,445	13,532	34,955	Construction to commence Q2
	501272	Tarragon Way Road Renewal	496,262	502,303	47,396	6,041	496,262	Construction to commence Q2
	501273	Banyon Close Road Resurface	67,000	72,023	10,607	5,623	66,400	Construction to commence Q2
	501274	Bolton Street Road Resurface	67,000	72,023	10,607	5,023	67,000	Construction to commence Q3
	501217	Everlasting Retreat Road Resurface	235,000	240,023	24,607	5,703	234,320	Construction to commence Q2
	501275	Gamol Place Road Resurface	138,000	143,023	16,523	5,023	138,000	Construction to commence Q2
	501276	Haze Road Road Resurface	117,000	122,023	14,773	8,293	113,730	Construction to commence Q2
	501277	Hennessey Place Road Resurface	234,000	239,023	24,523	5,023	234,000	Construction to commence Q3
	501220	Hibiscuss Rise Road Resurface	52,000	57,023	9,357	5,023	52,000	Construction to commence Q2
	501223	Maria Place Road Resurface	120,000	125,023	15,023	5,023	120,000	Construction to commence Q2
	501278	Misty Meander Road Resurface	295,000	300,023	29,607	5,023	295,000	Construction to commence Q3
	501279	Moat Street Road Resurface	45,000	50,023	8,773	5,023	45,000	Construction to Commence Q2
	501280	Monang Street Road Resurface	84,000	89,023	12,023	5,023	84,000	Construction to commence Q2
	501281	Olive Road Road Resurface	250,000	255,023	25,857	5,023	250,000	Construction to commence Q3
	501282	Ormsby Terrace Road Resurface	130,000	135,023	15,857	5,023	130,000	Construction to commence Q2
	501201	Quarry Way Road Resurface	251,000	255,097	25,014	4,097	251,000	Construction to commence Q3
	501226	Rakoa Street Road Resurface	182,000	186,097	19,264	9,360	176,737	Construction to commence Q2
	501283	Renison Drive Road Resurface	135,000	140,023	16,273	5,023	135,000	Construction to commence Q3
	501227	Rouse Rd Road Resurface	160,000	165,023	18,357	5,023	160,000	Construction to commence Q4
	501284	Soldiers Cove Terrace Resurface	90,000	95,023	12,523	5,023	90,000	Construction to commence Q2
	600014	Spinaway Parade Road Resurface	30,000	34,097	6,597	4,097	30,000	Construction to commence Q2
	501285	Stirling Grove Road Resurface	70,000	75,023	10,857	5,023	70,000	Construction to commence Q3
	501233	Thomson St Road Resurface	273,000	278,023	27,773	5,023	273,000	Construction to commence Q3
	501286	Touchstone Drive Road Resurface	670,000	675,889	61,722	32,741	643,148	Construction 10% complete
	501287	Wattle Bird Way Road Resurface	340,000	345,191	33,525	5,191	340,000	Construction to commence Q3
	501288	Yukon Close Road Resurface	50,000	55,023	9,190	5,023	50,000	Construction to commence Q2
	501289	Pinjarra Road Upgrade Stage 5	1,485,646	1,528,742	166,899	0	1,528,742	Refer to Financial Report, Key Capital Projects table
	501290	Pinjarra Road Upgrade Stage 6	1,485,646	1,528,742	166,899	0	1,528,742	Refer to Financial Report, Key Capital Projects table
	501291	Pinjarra Road Upgrade Stage 8 & 9	90,000	110,218	27,718	106,409	3,809	Refer to Financial Report, Key Capital Projects table
	501292	New Street Furniture and Minor Works	50,000	55,049	9,216	5,049	50,000	Construction to Commence Q2
	501293	Shared Path Renewal Program	703,505	725,908	81,028	22,403	703,505	Construction to commence Q3
	501241	New Street Lighting Program	75,000	79,715	10,965	7,045	72,670	Ongoing Program
	501249	23-24 SP Caspar Road	100,000	252,280	21,130	5,471	246,809	Construction 10% complete
	501294	Decorative Streetlighting Renewal Project Design	250,000	279,128	49,961	29,128	250,000	Design Only
	501248	Sutton Farm Carpark City Contribution	770,000	772,863	67,030	2,863	770,000	Construction to commence Q4
	501175	Traffic Management Minor Works	148,953	161,801	25,261	12,848	148,953	Construction to commence Q3
	501295	Western Foreshore Skatepark Carpark New	10,000	59,157	49,990	49,157	10,000	Design Only
	700516	Yalgorup National Park	1,635,646	1,991,404	165,950	51,006	1,940,398	Refer to Financial Report, Key Capital Projects table

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
	501197	23-24 TM White Hill Road	0	0	0	0	0	Construction to commence Q1
	501113	SP Halls Head PSP	0	0	0	28,707	(28,707)	Refer to Financial Report, Key Capital Projects table
	501242	23-24 SL Street Lighting Renewal Program	0	0	0	212	(212)	Construction complete. Finances to be finalised
	501240	23-24 Signage Renewal Program	0	0	0	1,034	(1,034)	Construction complete. Finances to be finalised
	Drainage							
	600195	DR Hopetoun Bend Drainage Upgrade	0	20,000	1,667	0	20,000	Construction to commence Q1
	600199	Drainage Minor Works	49,402	58,886	13,601	9,484	49,402	Construction to commence Q3
	600200	Harvey View Drive Drainage Upgrade	124,103	132,043	18,282	7,940	124,103	Construction to commence Q2
	600198	Mary Street Drainage Renewal	353,113	359,509	35,823	6,397	353,113	Construction to commence Q2
	600201	Oversby Street Drainage Upgrade	149,103	155,500	18,822	6,397	149,103	Construction to commence Q3
	600192	DR Cervantes Drive	0	0	0	3,641	(3,641)	Construction complete. Finances to be finalised
	600189	DR 130 Mandurah Terrace	0	0	0	0	0	
	Coastal & Estuary							
	911011	Sutton Farm Public Jetty New	364,000	364,116	30,449	116	364,000	Construction to commence Q4
	911006	Administration Bay Entrance Seawall Renewal	107,000	125,290	27,207	18,290	107,000	Construction to commence Q2
	911007	Donnelly Gardens Seawall Repair	215,000	277,650	80,566	62,650	215,000	Construction to commence Q3
	911008	Mandurah Quay Seawall Repair	150,000	215,848	78,348	65,848	150,000	Design Only
	911009	Novara Foreshore Boat Ramp Apron Renewal	55,000	68,200	17,784	13,200	55,000	Construction to commence Q4
	911010	Novara Foreshore Erosion Protection	55,500	68,683	17,808	13,183	55,500	Construction to commence Q2
	Equipment							
	930043	Christmas Decorations Program	150,000	150,193	12,693	193	150,000	Ongoing Program 2024/25
	820195	Furniture & Equipment	50,500	59,472	13,181	8,972	50,500	Ongoing Program 2024/25
	Plant & Machinery							
	770001	Replacement Light Passenger Vehicles	0	324,813	27,068	31,749	293,064	Ongoing Program 2024/25
	770002	Replacement Light Commercial Vehicles	0	155,832	12,986	155,890	(58)	Ongoing Program 2024/25
	770006	Trucks and Buses	1,099,631	2,552,072	241,039	30,945	2,521,126	Ongoing Program 2024/25
	770009	Parks and Mowers	168,800	515,443	43,060	116	515,328	Ongoing Program 2024/25
	770010	New - Heavy Vehicles Plant and Equipment	0	0	0	0	0	Ongoing Program 2024/25
	770020	Tim's Thicket Weighbridge	0	84,999	7,083	0	84,999	Construction 80% complete
	770011	Miscellaneous Equipment	293,000	293,143	24,560	143	293,000	Ongoing Program 2024/25
	770007	Trailers	80,200	80,316	6,799	116	80,200	Ongoing Program 2024/25
	770012	New - Vehicle and Small Plant Program	159,000	159,183	13,433	183	159,000	Ongoing Program 2024/25
	Other Infrastructure							
	700053	Lakelands DOS Sports Specific Infrastructure	0	0	0	33,975	(33,975)	Construction complete. Finances to be finalised
	700055	Eastern Foreshore South Precinct	0	1,192,386	99,366	95,731	1,096,655	Refer to Financial Report, Key Capital Projects table
	700056	Western Foreshore Recreation Precinct	0	2,034,815	169,568	0	2,034,815	Refer to Financial Report, Key Capital Projects table
	700576	Eastern Foreshore North and Centeral Waterfront Project	6,386,000	6,467,064	613,231	0	6,467,064	Refer to Financial Report, Key Capital Projects table
	Grand Total		**37,850,056**	**52,781,503**	**6,168,664**	**2,570,341**	**50,211,162**	

Repayments - Borrowings

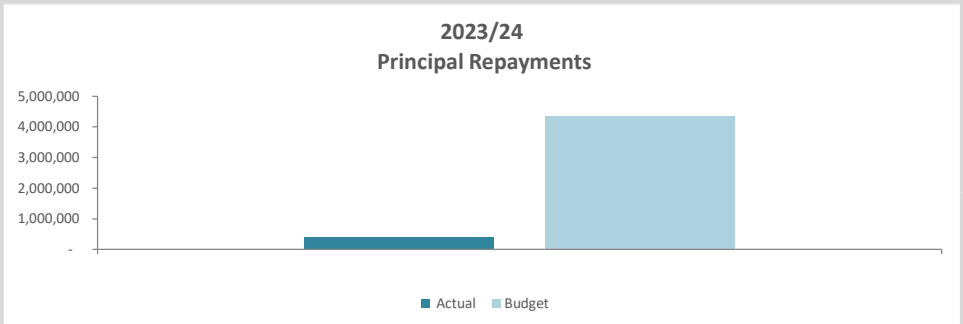
Information on Borrowings		New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	1 July 2024	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	$	$	$	$	$	$	$	$	$
Law, order, public safety									
Bortolo Fire Track Water Infrastructure	37,191	-	-	379	685	36,812	38,651	69	1,764
Community amenities					-	0	-		0
Compactor Waste Trailers and Dolly [336]	4,515	-	-	4,515	-	0	-	19	0
Waste Water Reuse [349]	57,020	-	-	1,828	18,053	55,192	42,504	307	2,845
Halls Head Ablution Block [350]	38,058	-	-	1,218	12,027	36,840	28,387	205	1,898
Halls Head Recycled Water 2019/20	132,570	-	-	1,440	10,431	131,130	126,015	719	5,726
Ablutions 2020/21	-	-	-	-	-	0		-	
Ablutions 2021/22	203,103	-	-	2,370	29,885	200,732	169,088	459	1,388
Recreation and culture					-	0	-		0
Rushton Park Redevelopment [318(ii)]	-0	-	-	-	-	-0	(0)	0	0
Meadow Springs Recreation Facility [318(iii)]	-0	-	-	-	-	-0	(0)	0	0
Mandurah Football & Sporting Club [324]	-0	-	-	-	-	-0	-	0	0
Mandurah Rugby Club [325]	-0	-	-	-	-	-0	-	0	0
Halls Head Bowling Club upgrade [331]	169,574	-	-	3,465	26,369	166,108	149,379	462	7,646
Parks - Falcon Bay Reserve [333(i)]	-0	-	-	-	-	-0	-	0	0
MARC Redevelopment [338]	102,920	-	-	13,693	112,912	89,227	0	582	4,823
MARC Redevelopment Stage 1 [340]	179,255	-	-	7,452	70,416	171,803	116,348	509	9,144
MARC Redevelopment Stage 2 [341]	392,054	-	-	18,557	178,583	373,497	239,807	967	20,944
Eastern Foreshore Wall [344]	273,833	-	-	11,853	113,550	261,980	178,274	789	14,345
MARC Stage 2 [345]	412,420	-	-	17,335	161,425	395,084	277,756	852	21,363
Falcon Bay Seawall [351]	95,681	-	-	3,281	30,140	92,399	71,479	288	4,771
MARC Solar Plan [353]	95,664	-	-	1,916	14,800	93,747	83,959	290	4,296
Novara Foreshore Development [355]	186,152	-	-	4,170	39,545	181,982	148,505	329	5,198
Falcon Bay Foreshore Upgrades [356]	191,235	-	-	4,248	30,592	186,988	165,876	260	8,579
Mandjar Square Development [358]	233,241	-	-	5,119	40,867	228,122	198,908	350	9,098
Lakelands DOS [360]	1,120,403	-	-	26,310	205,103	1,094,093	977,492	1,728	49,387
Mandjar Square Stage 3 and 4	291,739	-	-	3,875	31,005	287,864	266,434	1,580	12,686
Falcon Seawall	545,397	-	-	9,405	58,787	535,993	503,257	903	23,969
Novara Foreshore Stage 3	117,823	-	-	1,564	22,671	116,259	87,249	638	5,061
Smart Street Mall Upgrade 2019/20	293,040	-	-	3,570	54,724	289,470	240,706	1,588	2,622
Falcon Bay Foreshore Stage 3 of 4	187,265	-	-	2,208	34,446	185,057	150,122	1,015	1,461
Mandjar Square Final Stage	188,384	-	-	2,205	32,386	186,180	154,229	1,021	2,246
Falcon Skate Park Upgrade	76,034	-	-	852	6,475	75,181	73,174	412	3,233
Westbury Way North side POS Stage 3	132,586	-	-	1,438	10,411	131,148	126,069	719	5,726
Eastern/ Western Foreshore 2020/21	792,747	-	-	11,094	133,183	781,653	646,385	971	3,854
Smart Street Mall 2020/21	799,967	-	-	10,797	130,320	789,170	644,793	1,147	4,319
Novara Foreshore Stage 4	76,766	-	-	691	6,426	76,075	71,699	417	2,518
Bortolo Reserve - Shared Use Parking and Fire Track Facility	217,117	-	-	2,783	35,624	214,334	177,140	494	1,233
Falcon Bay Upgrade - Stage 4 of 5	202,305	-	-	2,718	32,367	199,587	166,746	277	1,240
Enclosed Dog Park	15,822	-	-	138	861	15,684	15,343	86	672
South Harbour Paving Upgrade Stage 2	38,913	-	-	343	2,494	38,571	37,299	211	1,530
Falcon Skate Park Upgrade 2020/21	58,055	-	-	517	3,621	57,538	55,835	315	2,347
Eastern/ Western Foreshore 2021/22	1,218,066	-	-	15,570	186,611	1,202,496	1,004,577	1,482	6,016
Smart Street Mall 2021/22	502,703	-	-	6,294	75,913	496,409	416,298	737	2,858
Enclosed Dog Park 2021/22	147,130	-	-	1,668	21,262	145,462	123,204	376	1,121
Novara Foreshore Stage 4 2021/22	186,217	-	-	2,224	27,195	183,993	155,655	358	1,308
Falcon Bay Upgrade - Stage 4 of 5 2021/22	58,893	-	-	718	7,802	58,175	50,584	100	708
Parks and Reserves Upgrades 2021/22	395,567	-	-	4,925	59,391	390,642	328,001	600	2,343
Mandurah Library Re Roofing Project	94,194	-	-	997	13,630	93,197	79,004	312	709
Falcon Reserve Activation Plan Stage 3	348,823	-	-	3,926	49,565	344,897	301,080	552	1,568
Pleasant Grove Foreshore	51,623	-	-	557	6,162	51,066	46,708	104	914
Kangaroo Paw Park	268,553	-	-	3,114	37,287	265,439	232,997	327	1,506
Falcon Bay Stage 5 of 5	126,597	-	-	1,377	17,734	125,220	109,609	246	655
2022/23 South Harbour Upgrades	89,027	-	-	864	12,435	88,163	77,183	278	477
Upgrade of Playing Surface Peelwood Parade	-	-	-		-	0	-	-	0
Bruce Cresswell Reserve	171,169	-	-	1,938	23,914	169,232	148,275	256	908
Seascapes Boardwalk	174,495	-	-	1,963	24,616	172,532	150,873	276	9,118
Mandurah Community Museum Roof and Gutters	113,391	-	-	1,289	16,077	112,102	97,914	167	524
Stage 2 of Upgrades to Peelwood Reserve	-	-	-	-	-	0	-	-	0
Smart Street Mall Upgrade	51,356	-	-	555	6,951	50,801	44,846	103	355
Eastern Foreshore South Precinct	-	-	-	-	-	0	-	-	0
Western Foreshore Recreation Precinct	-	-	-	-	-	0	-	-	0
2022/23 Parks and Reserves Upgrades	340,175	-	-	3,866	48,206	336,309	293,794	500	1,574
Parks & Reserves Program	3,440,409	-	1,080,000	19,938	366,102	3,420,471	4,163,395	17,628	84,716
Transport					-	0	-		0

Repayments - Borrowings

Information on Borrowings		New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	1 July 2024	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
Drainage [318(iv)]	-0	-	-	-	-	-0	-	0	0
Road Construction [318(v)]	-0	-	-	-	-	-0	-	0	0
Road Construction [333(ii)]	-0	-	-	-	-	-0	-	0	0
New Pedestrian Bridge Construction [335]	3,026	-	-	3,026	-	0	-	13	0
New Road Construction [339]	89,978	-	-	9,655	97,843	80,323	(0)	513	4,373
New Road Construction [342]	219,081	-	-	9,453	88,802	209,628	142,653	495	11,356
WMC Tims Thicket [343]	37,154	-	-	1,415	14,266	35,738	23,581	200	1,854
Road Construction [346]	149,996	-	-	5,268	47,540	144,728	111,781	353	7,487
MARC Carpark [347]	113,993	-	-	3,883	36,109	110,110	84,969	387	5,689
MPAC Forecourt [348]	47,545	-	-	1,523	15,039	46,022	35,453	256	2,372
Mandurah Marina [352]	95,655	-	-	1,919	14,832	93,736	83,889	290	4,296
MARC Carpark [354]	143,480	-	-	2,993	22,247	140,488	125,832	320	6,443
Mandurah Foreshore Boardwalk Renewal [357]	212,282	-	-	4,695	36,875	207,587	180,644	328	8,532
New Road Construction [359]	589,350	-	-	13,260	103,169	576,090	517,627	909	25,138
Smoke Bush Retreat Footpath [361]	47,828	-	-	844	7,400	46,984	41,976	259	2,148
New Boardwalks 18/19	294,025	-	-	3,894	41,307	290,131	248,148	1,593	12,717
Coodanup Drive - Road Rehabilitation	58,862	-	-	781	16,402	58,081	33,516	319	2,501
Pinjarra Road Carpark	117,823	-	-	1,564	22,671	116,259	87,249	638	5,061
New Road Construction 2018/19	901,894	-	-	15,800	97,166	886,094	831,922	1,238	39,622
New Road Construction 2019/20	499,226	-	-	8,231	101,251	490,995	401,623	881	3,043
South Harbour Upgrade 2019/20	152,580	-	-	1,657	32,291	150,922	104,741	827	6,480
New Roads 2020/21	420,334	-	-	5,683	67,411	414,651	347,136	684	3,120
Carryover Roads 2020/21	405,571	-	-	4,990	61,213	400,581	334,653	660	2,200
Roads 2021/22	204,309	-	-	2,372	30,244	201,937	169,126	466	1,287
SP Halls Head PSP	174,495	-	-	1,963	24,616	172,532	150,873	276	847
Carparks 2021/22	135,191	-	-	1,576	19,707	133,614	113,020	305	977
RC Peel Street	96,920	-	-	918	13,597	96,002	83,864	325	496
Cambria Island Abutment Wall	48,598	-	-	586	7,019	48,012	40,912	89	366
Senior Citizens Carpark	11,154	-	-	68	213	11,086	11,580	67	529
Torcello Mews Canal PAW Renewal	87,331	-	-	852	12,223	86,479	75,606	268	457
MARC Carpark Additional and overflow	-	-	-	-	-	0	-	0	0
Halls Head Parade Car Park Stage 2a	45,343	-	-	493	2,484	44,850	45,058	67	1,593
RC Pinjarra Road Stage 4	436,464	-	-	5,033	61,129	431,430	378,006	564	2,269
Cambria Island Abutment Walls Repair	233,947	-	-	2,629	33,473	231,318	201,593	376	973
RC Pinjarra Road Stage 3	436,450	-	-	5,033	61,129	431,416	378,006	564	2,269
Halls Head Pde Beach Central CP Stage 2	85,207	-	-	834	11,173	84,373	74,915	255	712
Cambria Island Abutment Walls Repair	-	-	-	-	-	0	-	-	0
Roads & Drainage Program	2,365,222	-	2,700,000	13,707	234,993	2,351,515	4,819,781	12,119	58,241
Economic services					-	0	-	-	0
Mandurah Ocean Marina Chalets Refurbishment	121,889	-	-	1,475	18,123	120,414	101,464	225	769
Other property and services					-	0	-		0
IT Communications Equipment [318(i)]	-0	-	-	-	-	-0	-	0	0
Civic Building - Tuckey Room Extension	293,582	-	-	3,890	41,270	289,692	247,803	1,590	12,700
Building Renewal & Upgrades Program	1,408,979	-	720,000	8,166	145,438	1,400,813	1,982,768	7,219	34,695
Mandurah Quay Seawall Repair	0	-	150,000	-	-	0	150,000	0	0
	26,522,000	0	4,650,000	405,257	4,332,703	26,116,742	27,014,667	81,314	638,922
Total	26,522,000	0	4,650,000	405,257	4,332,703	26,116,742	27,014,667	81,314	638,922
Current borrowings	4,332,703		4,650,000	405,257	4,332,703	5,076,553	4,332,703	81,314	638,922
Non-current borrowings	22,189,297					21,040,189	22,681,964		
	26,522,000					26,116,742	27,014,667		

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.



Principal Repayments
$405,257

Interest Expense
$81,314

Loans Due
$26.12 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2024

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	1,512,891	0	0	7,000,000	0	0	0	8,512,891	1,512,891
Parking	503,320	0	0	0	0	0	0	503,320	503,320
Asset Management	32,076,141	0	0	0	0	(9,031,814)	0	23,044,327	32,076,141
Cultural Centre	2,480	0	0	0	0	0	0	2,480	2,480
Sustainability	282,900	0	0	0	0	0	0	282,900	282,900
Waste Facilities Reserve Fund	7,936,741	0	0	0	0	(3,395,736)	0	4,541,005	7,936,741
Interest Free Loans	191,704	0	0	0	0	0	0	191,704	191,704
CLAG	20,974	0	0	0	0	0	0	20,974	20,974
Mandurah Ocean Marina	186,087	0	0	0	0	0	0	186,087	186,087
Waterways	941,563	0	0	0	0	0	0	941,563	941,563
Port Mandurah Canals Stage 2 Maintenance	97,344	0	0	0	0	0	0	97,344	97,344
Mariners Cove Canals	88,693	0	0	0	0	0	0	88,693	88,693
Port Bouvard Canal Maintenance Contributions	279,167	0	0	0	0	0	0	279,167	279,167
Unspent Grants & Contributions	6,044,887	0	0	0	0	(3,530,079)	(3,530,079)	2,514,808	2,514,808
Long Service Leave	2,297,295	0	0	420,468	0	(1,160,498)	0	1,557,265	2,297,295
Bushland and Environmental Protection	1,776,093	0	0	0	0	0	0	1,776,093	1,776,093
Coastal Storm Contingency	270,242	0	0	0	0	0	0	270,242	270,242
Digital Futures	59,455	0	0	0	0	0	0	59,455	59,455
Decked Carparking	1,054,465	0	0	0	0	0	0	1,054,465	1,054,465
Specified Area Rates - Waterside Canals	112,732	0	0	0	0	(2,942)	(2,942)	109,790	109,790
Specified Area Rates - Port Mandurah Canals	145,661	0	0	64,900	64,900	(1,860)	(1,860)	208,701	208,701
Specified Area Rates - Mandurah Quay Canals	271,632	0	0	26,861	26,861	0	0	298,493	298,493
Specified Area Rates - Mandurah Ocean Marina	892,459	0	0	149,147	149,147	0	0	1,041,606	1,041,606
Specified Area Rate - Port Bouvard Canals	156,606	0	0	4,118	4,118	0	0	160,724	160,724
Specified Area Rate - Mariners Cove	5,715	0	0	0	0	0	0	5,715	5,715
Specified Area Rate - Eastport	54,494	0	0	853	853	0	0	55,347	55,347
Sportclubs Maintenance Levy	322,802	0	0	0	0	0	0	322,802	322,802
City Centre Land Acquisition Reserve	1,074,940	0	0	0	0	0	0	1,074,940	1,074,940
Lakelands Community Infrastructure Reserve	1,152,215	0	0	0	0	0	0	1,152,215	1,152,215
Plant Reserve	487,561	0	0	0	0	(1,542,209)	(1,542,209)	(1,054,648)	(1,054,648)
Workers Compensation Reserve	567,334	0	0	0	0	0	0	567,334	567,334
Restricted Cash Reserve	2,822,955	0	0	0	0	(1,050,902)	(1,050,902)	1,772,053	1,772,053
Transform Mandurah Funding Program Reserve	925,969	0	0	0	0	0	0	925,969	925,969
Community Safety	510,653	0	0	0	0	0	0	510,653	510,653
Public Art Reserve	311,498	0	0	0	0	0	0	311,498	311,498
	65,437,670	**0**	**0**	**7,666,347**	**245,879**	**(19,716,040)**	**(6,127,992)**	**53,387,977**	**59,555,557**

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2024

NOTE 11
PROPOSED BUDGET VARIATIONS FOR COUNCIL APPROVAL

The following are for consideration for Council to approve as budget variations

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				$	$	$	$
							(449,344)
				0	0	0	

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2024

NOTE 12
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
				$	$	$	$
							(449,343)
	Operating Carryovers - Increase in Materials		Operating Expenses			(1,394,672)	(1,844,015)
	Operating Carryovers - Restricted Cash Reserve		Other: Transfer Out of Reserve		1,050,902		(793,113)
	Operating Carryovers - Unspent Grant Reserve		Other: Transfer Out of Reserve		273,770		(519,343)
	Operating Carryovers - Increase in Operating Revenue		Operating Revenue		70,000		(449,343)
	Capital Carryover - Capital adjustment		Capital Expenses			(12,949,325)	(13,398,668)
	Capital Carryover - Loan adjustment		Other: Unutilised Loans		1,847,554		(11,551,114)
	Capital Carryover - Reserve adjustment		Other: Transfer into Reserve		3,622,819		(7,928,295)
	Capital Carryover - Proceeds adjustment		Capital Revenue		706,464		(7,221,831)
	Capital Carryover - Transfer from reserve		Other: Transfer Out of Reserve		2,033,698		(5,188,133)
	Capital Carryover - Grants adjustments		Capital Revenue		1,482,481		(3,705,652)
	Capital Carryover - Grants and contributions adjustments		Other: Transfer into Reserve		3,256,309		(449,343)
163046-4000-1263-61001	Place and Community Projects					(2,000)	(451,343)
XXX	New Group Start Up Fund				2,000		(449,343)
163046-4000-1263-61001	Place and Community Projects					(2,000)	(451,343)
XXX	Milestone Celebration Fund				2,000		(449,343)
750782-6100-1001-61001	CASM Front Counter		Capital Expenses			(10,000)	(459,343)
102711-4200-1263-61001	CASM - Cultural Development		Operating Expenses		10,000		(449,343)
				0	**14,357,997**	**(14,357,997)**	**(449,343)**

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 31 JULY 2024

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 2024-25 year is 10.00%

Reporting Program	Var. $	Var. %		Timing/ Permanent	Explanation of Variance
	$	%			
Revenue from operating activities					
Operating grants, subsidies and contributions	(444,279)	(82.81%)	▼	Timing	Variance primarily due to budgeted grants/contributions not yet received. Will be monitored throughout the remainder of the year.
Interest earnings	(134,800)	(37.61%)	▼	Timing	Investment interest lower in July due to rates being raised in August. Will increase as rates receipts are invested
Other revenue	(6,597)	(100.00%)	▼	Timing	Variance primarily due to reimbursements not yet received, to be monitored as year progresses.
Profit on disposal of assets	34,278	100.00%	▲	Permanent	Favourable non-cash variance due to asset disposals. Refer to note 4 for the asset disposals.
Expenditure from operating activities					
Materials and contracts	3,466,887	58.03%	▲	Timing	Variance in expenditure due to timing of projects
Utility charges	227,643	57.63%	▲	Timing	Variance mainly for Street Lighting Maintenance, subject to invoice for June 2024 not yet received.
Interest expenses	(102,337)	(109.38%)	▼	Timing	Variance mainly for interest on leases recognised for the July quarter
Other expenditure	(9,768)	100.00%	▼	Permanent	Variance is primarily due to return of funds claimed for BSP Old Coast Road.
Loss on disposal of assets	(4,603)	100.00%	▼	Permanent	Non-cash variance due to assets sales. Process usually performed as part of the year end financials preparation. Refer to note 4 for details.
Investing Activities					
Non-operating Grants, Subsidies and Contributions	(1,299,221)	(100.00%)	▼	Timing	Capital grants are recognised in line with capital expenditure.
Proceeds from Disposal of Assets	(460,205)	(67.71%)	▼	Timing	Refer to note 4.
Capital Acquisitions	3,598,322	58.33%	▲	Timing	Adjustment proposed as part of the budget variations request in the June 2024 Council Meeting. Refer to note 6.
Financing Activities					
Unspent Loans	(1,847,554)	100.00%	▼	Timing	Will be accounted for as part of year end financial process.
Payment of lease liability	(10,546)	(21.95%)	▼	Timing	Varying repayment terms on lease agreements. Will be monitored throughout the remainder of the year.
Proceeds from new interest earning liability	(38,417)	(100.00%)	▼	Timing	Proceeds received from leasing company as dependent on timing of new lease take ups.
Principal elements of interest earning liability	(145,619)	(184.00%)	▼	Timing	Timing of take up of new liability agreements with leasing company.
Repayment of debentures	(44,198)	(12.24%)	▼	Timing	Will be monitored throughout the year.

7	**SUBJECT:**	Financial Report August 2024
	DIRECTOR:	Business Services
	MEETING:	Council Meeting
	MEETING DATE:	24 September 2024

Summary

The Financial Report for August 2024 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Council consideration. Council is now requested to receive the Financial Report August 2024 (Attachment 7.1) and Schedule of Accounts (Electronic Attachment 7.2).

Following the end of the financial year processes, a reconciliation has now been prepared based on year-end actual expenditure for operating and capital budgets. Council is now requested to approve the Operating Carryovers (Attachment 7.3) and Capital Works Carryovers (Attachment 7.4).

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.5/6/24 25/06/2024 Budget Adoption 2024/2025

Background

Nil

Comment

Financial Summary

The Financial Report for August 2024 shows an actual surplus for this period of $117.2 million. This is considered a reasonable surplus at the current point in time and is sufficient to meet the City's obligations up to 30 June 2025. Part of the actual surplus includes the closing surplus as at 30 June 2024. The final closing surplus at 30 June 2024 will be closely monitored by City officers and presented to Council around November/December 2024 after the conclusion of the Annual Financial Statements audit (carried out by the Office of the Auditor General). It is expected that the majority closing surplus will be accounted for through end of year adjustments and carry over projects into the 2024/2025 financial year.

In the month of July, the City issues invoices for Rates and Refuse, leading to a substantial surplus at the beginning of the financial year. However, as the year progresses, this surplus gradually diminishes due to the City's budgetary expenditures.

A summary of the financial position for August 2024 is detailed in the table below:

	Current Budget	YTD Budget (a)	YTD Actual (b)	Var. (b)-(a)	Var.% (b)-(a)/(a)
	$ 000s	$ 000s	$ 000s	$ 000s	%
Opening Funding Surplus / (Deficit)	**600**	**600**	**13,244**	**12,644**	**2107%**

Revenue					
Revenue from operating activities	144,020	119,598	119,832	235	0%
Capital revenue, grants and Contribution	23,747	3,958	1,682	(2,276)	-58%
	167,767	**123,555**	**121,514**	**(2,041)**	
Expenditure					
Operating Expenditure	(165,117)	(26,210)	(21,990)	4,220	-16%
Capital Expenditure	(52,792)	(10,287)	(4,964)	5,323	-52%
	(217,909)	**(36,497)**	**(26,954)**	**9,543**	
Non-cash amounts excluded from operating activities	35,443	5,907	5,831	(76)	-1%
Non-cash amounts excluded from investing activities	500	500	(1,229)	(1,729)	-346%
Other Capital Movements	13,149	6,830	4,758	(2,072)	-30%
Closing Funding Surplus / (Deficit)	**(449)**	**100,896**	**117,163**	**16,268**	**16%**

The following table highlights the status of the City's key capital projects for the 2024/2025 financial year:

Project	2024/25 Actuals Incl. CMT $`000s	2024/25 Annual Budget $`000s	On Time / On Budget	Asset Classification	Comment
Waterfront Project	8,672	10,285	The project remains within the budget allocated. The project completion date is expected to be March 2025.	*Parks*	Project status: **Estuary Pool** Completed December 2021 **Eastern Foreshore South – Reserve Area** Completed mid 2022 **Eastern Foreshore North and Central Precinct** Works commenced on 4 June 2024 and are expected to be completed by March 2025. Underground services progressing well. Concrete pours and preparation of the car park at the northern end of the site are significantly progressed. **Toilet Block** The toilet block and surrounds were completed and opened in March 2024. **Toilet Block Public Art** Artist selection currently in process. **Smart Street / Eastern Foreshore South Connection** To be commenced after Crabfest 2025, following the completion of the Eastern Foreshore North and Central Precinct.

Dawesville Channel SE Foreshore Upgrade	64	1,948	The project is expected to commence in November.	*Parks*	Project status: Design completed. Construction planning underway. The project is expected to commence in November.
Coodanup Foreshore	225	1,138	Stages 1 and 2 are complete. Stage 3 completion is expected to commence in March 2025. Current budget is sufficient for project deliverables.	*Parks*	Project status: Stages 1 and 2 were completed in December 2023. Stage 3 -Traditional owner's approval has been granted for works along the foreshore. Landscape construction works expected to commence in March 2025.
RC Peel Street Stage 4	1,620	1,600	The project commencement date was expected to be the end of August 2024 and has now been revised to early November 2024 with completion late this financial year. The project is tracking on budget.	*Roads*	Project status: Minor delays have occurred due to unexpected service works and adverse weather conditions. The road is now expected to be re-opened to traffic in early September 2024, with minor finishing works and landscape planting to be completed subsequently.
Dawesville Community Centre	5,810	7,001	The project completion date is expected to be mid-2025.	*Buildings*	Project status: Concrete slab is complete and steel work fabrication is progressing. Structural steelwork is expected to commence in September 2024. The expected project completion date is mid-2025.
Pinjarra Road (Foulkes Pl to Sutton St)	107	3,168	The project is expected to commence late September.	*Roads*	Project status: Project planning and design are completed, and construction to commence in late September

Yalgorup National Park	112	1,991	The Yalgorup National Park project is a 10-year economic and tourism initiative. The next stage, the Quail Road extension, has been delayed pending design and environmental approvals, however, is planned for delivery in 2024/2025 year.	*Roads*	Project status: The concept plan for northern access road (Quail Road extension), as detailed in the Yalgorup National Park Master Concept plan, has been developed and circulated to key stakeholders for comments and feedback. Project is advancing, main concerns around the time extension are addressed through the contract variation request. This will be formalised once road design is confirmed.

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 7.1.

Economic Implications

Nil

Environmental Implications

Nil

Risk Analysis

Nil

Strategic Implications

The following community outcomes from the City of Mandurah Strategic Community Plan 2024 – 2044 is relevant to this report:

Leadership:
- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs and services

Budget Variations

Operating Carryovers

2023/24 Budget Reconciliation

In the May 2024 Monthly Financial Report, Council approved the 2023/24 Operating Carryovers which were estimated to be $1,394,672. As part of this process in identifying the carryover projects, City officers estimated the forecasted expenditure of the incomplete projects based on the expected stage of completion as at 30 June 2024. The 2023/24 Budget was then adjusted to reflect this forecasted spend.

A reconciliation has now been prepared based on year-end actual expenditure resulting in an additional $14,277 to be carried over to the 2024/25 financial year. A detailed final list of the carryover projects including the adjustments from the May 2024 Monthly Financial Report list is shown in Attachment 7.3.

The reconciliation process also included a review of the funding sources for the carryover projects. The table below shows the carryover amount and funding sources that was adopted by Council in the May 2024 Monthly Financial Report ('A'), the reconciled final carryover figures ('B') and the proposed variation amount ('C') for Council to adopt in this financial report for the 2023/2024 financial year.

	Current Budget (May Financial Report) ('A')	**Proposed Budget amount (final) ('B')**	**Proposed variation for Council Adoption for 2023/2024 financial year ('C')**
Decrease in Materials and Contracts	($1,394,672)	($1,408,949)	($14,277)
Funded from:			
Transfer to the Restricted Cash Reserve	$1,050,902	$1,223,547	$172,645
Transfer to the Unspent Grants Reserve	$273,770	$143,402	($130,368)
Operating Grants	$70,000	$42,000	($28,000)
Net Budget Impact	**$0**	**$0**	**$0**

Further to the above, it is proposed that the City decrease operating grants for 2023/24 financial year by $153,617 to account for the grants received in 2023/24 but not spent in that year for these carryover projects. This is in accordance with the AASB Accounting Standards for Accounting for Revenue whereby income can only be recognised if the expenditure has occurred. As the operating grants of $153,617 are not spent, it will be transferred into the Contract Liability account.

2024/25 Budget Reconciliation

In the June 2024 Financial Report, Council approved the addition of the carryover projects into the 2024/25 Budget. At this time the budgets were based on the May 2024 Monthly Financial Report estimated carryover figures that were carried forward. As stated above in the 2023/24 budget variations for the operating carryovers, a reconciliation has now been prepared to review the actual expenditure as at 30 June 2024 and to carry that amount forward into the 2024/25 budget. These projects are shown in Attachment 7.3.

Council is requested to adopt the adjustment to the carryover projects for the 2024/25 budget which is using funds that have been transferred as part of the carryovers (refer to section above titled Operating Carryovers 2023/24 Budget Reconciliation) and increasing materials and contracts. This is shown in the table below:

	Current Budget (May Financial Report) ('A')	**Proposed Budget amount (final) ('B')**	**Proposed variation ('C') for 2024/2025 financial year**
Increase in Materials and Contracts	$1,394,672	$1,408,949	$14,277
Funded from:			
Transfer from the Restricted Cash Reserve	($1,050,902)	($1,223,547)	($172,645)
Transfer from the Unspent Grants Reserve	($273,770)	($143,402)	$130,368
Decrease in Operating Grants	($70,000)	($42,000)	$28,000
Net Budget Impact	**$0**	**$0**	**$0**

Further to the above, it is proposed that the City increase operating grants for 2024/25 financial year by $153,617 to account for the grants received in 2023/24 but not spent in that year for these carryover projects. This is in accordance with the AASB accounting standards for Accounting for Revenue whereby income can only be recognised if the expenditure has occurred. As the operating grants of $153,617 are not spent, it will be transferred from the Contract Liability account.

Capital Carryovers

2023/24 Budget Reconciliation

In the May 2024 Financial Report, Council approved the 2023/24 Capital Works Carryovers which were estimated to be $12,949,325. As part of this process in identifying the capital carryover projects, City officers estimated the forecasted expenditure of the incomplete projects based on the expected stage of completion at 30 June 2024. The 2023/24 Budget was then adjusted to reflect this forecasted spend.

A reconciliation has now been prepared based on the year-end actual resulting in an additional $1,505,859 to be carried over to the 2024/25 financial year. A detailed list of the carryover projects including the adjustments from the May 2024 Financial Report list is shown in Attachment 7.4.

Of the $1,505,859 in additional carryover projects:

- $243,072 relates to the increase in carryover projects included in the May 2024 Financial Report due to the estimated expenditure amount in May being lower than the actual expenditure to 30 June 2024.

- The remaining $1,262,787, relates to capital projects that were expected to be delivered in 2023/24 but could not be completed by 30 June 2024. These projects are in addition to the list presented to Council in the May 2024 Financial Report and are listed below:

Project Name	2023/2024 Current Budget	Amount to Carryover	2023/2024 Proposed Budget
Electric Vehicle Charging Stations	175,000	175,000	0
Central Irrigation Management System Renewal	270,435	110,000	160,435
Lakelands Open Space Sports Specific Infrastructure	219,317	108,293	111,024
23-24 Rushton Park	105,313	65,668	39,645
23-24 Traffic Management White Hill Road	857,409	112,562	744,847
Bortolo Fire Track Water Infrastructure	48,149	41,681	6,468
Lakelands-Madora Bay Pedestrian Bridge	74,415	46,838	27,577
Refurbishment of Billy Dower Youth Centre	46,500	12,000	34,500
2023-24 Administration Centre - Project	112,421	71,400	41,021
23-24 Mandurah Performing Arts Minor Renewal & Upgrade Works	712,560	160,000	552,560
MARC Roof	6,094,628	22,060	6,072,568
Mandurah Performing Arts Heating, Ventilation and Air Conditioning (HVAC)	56,000	31,290	24,710
Shared Path Halls Head	1,752,176	154,382	1,597,794
22-23 Drainage Cervantes Drive	42,281	28,005	14,276
Mandurah Terrace Drainage	11,879	10,500	1,379
23-24 Blythwood Reserve	332,257	3,375	328,882
23-24 Wilderness Reserve	507,192	3,531	503,661
Dawesville Foreshore Reserve Bollard	25,000	25,000	0
23-24 Street Lighting Renewal Program	107,762	10,884	96,878
23-24 Signage Renewal Program	40,808	1,034	39,774
Dawesville Community Centre	129,188	69,283	59,905
TOTAL	11,720,690	1,262,787	10,457,904

The reconciliation also reviewed the funding sources for the carryover projects. The table below shows the carryover amount and funding sources that was adopted by Council in the May 2024 Financial Report ('A'), the reconciled final carryover figures ('B') and the proposed variation amount ('C') that Council is requested to adopt in this financial report for the 2023/2024 financial year.

	Current Budget (May Financial Report) ('A')	**Proposed Budget amount (final) ('B')**	**Proposed variation for Council Adoption for 2023/2024 financial year ('C')**
Decrease in Capital Expenditure	($12,949,325)	($14,455,184)	($1,505,858)
Funded from:			
Unspent Loans Utilised	$1,847,554	$1,749,059	($98,495)
Fleet Sale Proceeds	$706,464	$408,824	($297,640)
Capital Grant Revenue	$1,482,481	$1,988,229	$505,748
Capital Contribution Revenue	$0	($1,303,499)	($1,303,499)
Transfer to Asset Management Reserve	$2,033,698	$6,103,868	$4,070,170
Transfer to Building Reserve	$0	$186,995	$186,995
Transfer to Waste Reserve	$0	$392,141	$392,141
Transfer to Plant Reserve	$0	$665,537	$665,537
Transfer to Asset Management Reserve (Municipal funding)	$3,622,819	$2,002,682	($1,620,137)
Transfer to Unspent Grants Reserve	$3,256,309	$2,261,347	($994,962)
Net Budget Impact	**$0**	**$0**	**$0**

Further to the above, it is proposed that the City decrease capital grants by $2,261,347 and capital contributions by $411,012 to account for the grants received in 2023/24 but not spent in that year for these carryover projects. This is in accordance with the AASB Accounting Standards for Accounting for Revenue whereby income can only be recognised if the expenditure has occurred. As the capital grants and capital contributions are not spent, it is recommended that the capital grants $2,261,347 be transferred to Contact Liability account and the capital contributions of $411,012 be transferred to Public Open Space Cash in Lieu.

2024/25 Budget Reconciliation

In the June 2024 Financial Report, Council approved the addition of the capital carryover projects into the 2024/25 Budget. At this time the budgets were based on the May 2024 Financial Report carryover estimate figures that were not going to be completed in the 2023/24 budget. As stated above in the 2023/24 budget variations for the capital carryovers, a reconciliation has now been prepared to review the actual expenditure as at 30 June 2024 and to carry that amount forward into the 2024/25 budget. The final list of these projects are shown in Attachment 7.4.

Council is requested to adopt the adjustment to the carryover projects for the 2024/25 budget which is using funds that have been transferred as part of the carryovers (refer to section above titled Capital Carryovers 2023/24 Budget Reconciliation). This is shown in the table below:

	Current Budget (May Financial Report) ('A')	Proposed Budget amount (final) ('B')	Proposed variation for Council Adoption for 2024/2025 financial year ('C')
Increase in Capital Expenditure	$12,949,325	$14,455,183	($1,505,858)
Funded from:			
Unspent Loans Utilised	($1,847,554)	($1,749,059)	($98,495)
Fleet Sale Proceeds	($706,464)	($408,824)	($297,640)
Capital Grant Revenue	($1,482,481)	($1,644,739)	$162,258
Transfer from Asset Management Reserve	($2,033,698)	($5,471,024)	$3,437,326
Transfer from Waste Reserve	$0	($392,141)	$392,141
Transfer from Plant Reserve	$0	($665,537)	$665,537
Transfer from Asset Management Reserve (2024 Municipal funding)	($3,622,819)	($1,862,512)	($1,760,307)
Transfer from Unspent Grants Reserve	($3,256,309)	($2,261,347)	($994,962)
Net Budget Impact	**$0**	**$0**	**$0**

Further to the above, it is proposed that the City increase capital grants by $2,261,347 and capital contributions by $411,012 to account for the grants received in 2023/24 but not spent in that year for these carryover projects. This is in accordance with the AASB accounting standards for Accounting for Revenue whereby income can only be recognised if the expenditure has occurred. As the capital grants and capital contributions are not spent, it is recommended that the capital grants $2,261,347 be transferred from Contact Liability account and the capital contributions of $411,012 be transferred from Public Open Space Cash in Lieu.

2024/25 Budget Variations

Dawesville Community Centre

As part of the grant agreement with LotteryWest, the City was due to receive $640,000 in the 2025/26 financial year. This funding will now be utilised in the current financial year on the Capital project for the Dawesville Community Centre.

It is proposed that expenditure for the Dawesville Community Centre project increase by $640,000 and is funded from the LotteryWest capital grant revenue.

Conclusion

The City strives to manage its finances adequately and maintain expenditure within budget to ensure services that have been approved through the budget process are fully funded.

It is recommended that Council receive the Monthly Financial Report and the Schedule of Accounts.

NOTE:

- Refer ***Attachment 7.1 Monthly Financial Report***
  Attachment 7.2 Schedule of Accounts (electronic only)
  Attachment 7.3 Operating Carryovers
  Attachment 7.4 Capital Works Carryovers

RECOMMENDATION

That Council:

1 Receives the Financial Report for August 2024 as detailed in Attachment 7.1 of the report.

2 Receives the Schedule of Accounts for the following amounts as detailed in Attachment 7.2 of the report:

Total Municipal Fund	**$**	**10,238,943.81**
Total Trust Fund	**$**	**0.00**
	$	**10,238,943.81**

3 Approves the following budget variations for Operating Carryovers that were scheduled in 2023/24:

3.1 Decrease in Materials and Contracts of $14,277* for the 2023/24 operating projects carried over to 2024/25.
3.2 Increase in transfer to the Restricted Cash Reserve of $172,645*
3.3 Decrease in transfer to the Unspent Grants Reserve of $130,368*
3.4 Decrease in Operating Grants of $28,000*

4 Approves the following budget variations for the 2023/24 Operating Budget:

4.1 Increase in Contract Liabilities of $153,617*
4.2 Decrease in Operating Grants of $153,617*

5 Approves the following budget variations for Operating Carryovers in 2024/25:

5.1 Increase in Materials and Contracts of $14,277* for the 2023/24 operating projects carried over to 2024/25.
5.2 Increase in transfer from the Restricted Cash Reserve of $172,645*
5.3 Decrease in transfer from the Unspent Grants Reserve of $130,368*
5.4 Increase in Operating Grants of $28,000*

6 Approves the following budget variations for the 2024/25 Operating Budget:

6.1 Decrease in Contract Liabilities of $153,617*
6.2 Increase in Operating Grants of $153,617*

7 Approves the following budget variations for Capital Works Carryovers for 2023/24 year:

7.1 Decrease in capital expenditure of $1,505,858
7.2 Decrease in unspent loans utilised of $98,495*
7.3 Decrease in fleet proceeds of $297,640*
7.4 Decrease in capital grant revenue of $505,748*7.5 Increase in capital contribution revenue of $1,303,499*
7.6 Net movement of transfer to reserves of $2,699,744* made up of
7.6.1 Decrease in transfer from Unspent Grants Reserve $994,962*
7.6.2 Increase in transfer to Asset Management Reserves of $2,450,033*
7.6.3 Increase in transfer to Building Reserves of $186,995*
7.6.4 Increase in transfer to Waste Reserves of $392,141*
7.6.5 Increase in transfer to Plant Reserves of $665,537*

8 Approves the following budget variations for the 2023/24 Capital Budget:

8.1 Increase in Contract Liabilities $2,261,347*
8.2 Decrease in capital grant revenue of $2,261,347*
8.3 Increase in Public OpenSpace Cash In Lieu of $411,012*
8.4 Decrease in contribution revenue of $411,012*

9 Approves the following budget variations for Capital Works Carryovers for 2024/25 year:

9.1 Increase in capital expenditure of $1,505,858*
9.2 Decrease in unspent loans utilised of $98,495*
9.3 Decrease in fleet proceeds of $297,640*
9.4 Increase in capital grant revenue of $162,258*
9.5 Net movement of transfer to reserves of $1,739,735* made up of
9.5.1 Decrease in transfer from Unspent Grants Reserve $994,962*
9.5.2 Increase in transfer from Asset Management Reserves of $1,677,019*
9.5.3 Increase in transfer from Waste Reserves of $392,141*
9.5.4 Increase in transfer from Plant Reserves of $665,537*

10 Approves the following budget variations for the 2024/25 Capital Budget:

10.1 Decrease in Contract Liabilities $2,261,347*
10.2 Increase in capital grant revenue of $2,261,347*
10.3 Decrease in Public Open Space Cash In Lieu of $411,012*
10.4 Increase in contribution revenue of $411,012*

11 Approves the following budget variations for the 2024/25 annual budget:

11.1 Unbudgeted capital expenditure of $640,000* for Dawesville Community Centre
- **To be funded from new capital grant revenue from LotteryWest $640,000*.**

ABSOLUTE MJORITY REQUIRED

Monthly Financial Report

August 2024



City of Mandurah
August 2024

$449K ▼

Estimated surplus/deficit at 30 June 2025 with proposed budget amendments

$117.2M ▼

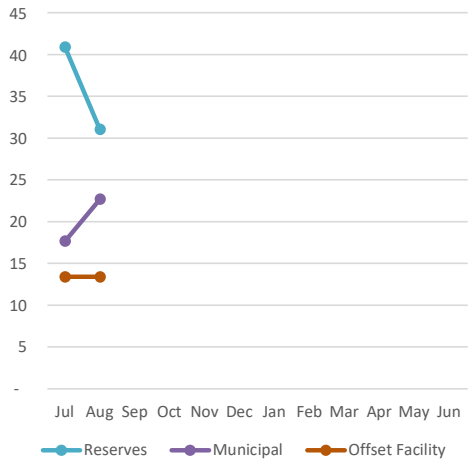
Year to Date Actual Surplus

Executive Summary

- Actual Rates Raised $97.2M
- Actual Rates Received $5.2M (5.2% collected)
- Actual Operating Revenue $119.8M
- Actual Capital Revenue $1.3M
- Actual Operating Expenditure $22M
- Actual Capital Expenditure $5M
- Actual Proceeds from Sale of Assets $354K

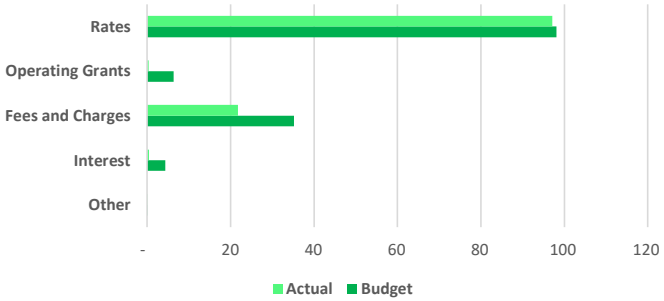
Investments

$ Millions



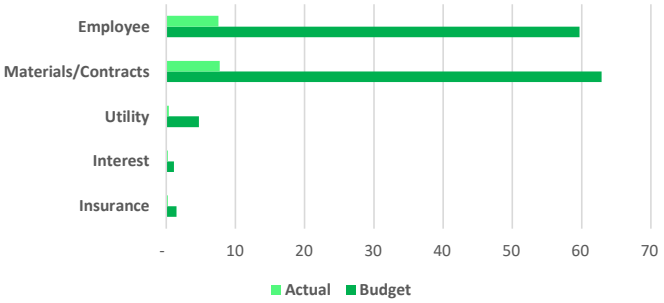
Year to Date Revenue Actuals Compared to Annual Budget

$ Millions

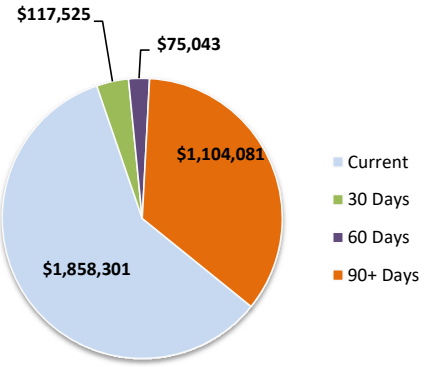


Year to Date Expenditure Actuals Compared to Annual Budget

$ Millions



Sundry Debtors Outstanding



Rates Outstanding

384	Properties with >$10K outstanding ▼
3539	Properties $3K to $10K outstanding ▼
0	Properties commenced legal action in 24/25 =
$2.24M	Estimated Value of Rates Exemptions =

Grants Received in 24/25 year

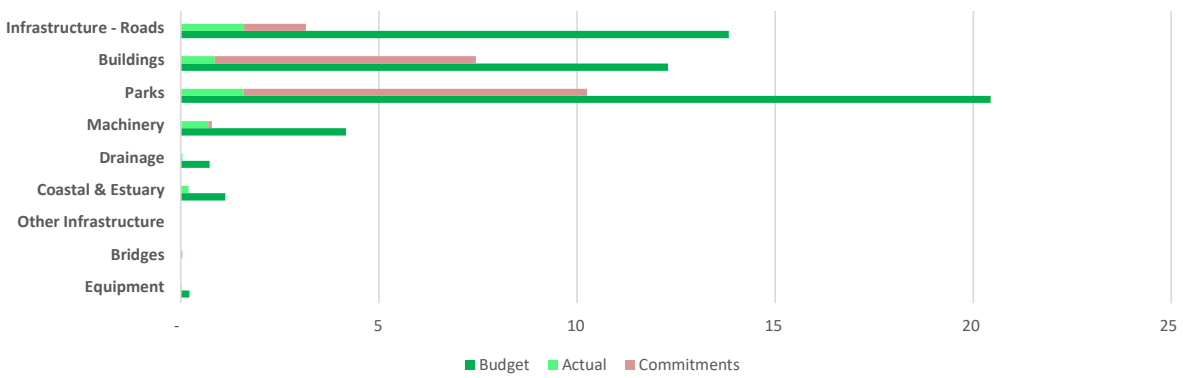
7.72% Grants received - Accrual Basis

Tenders - August 2024

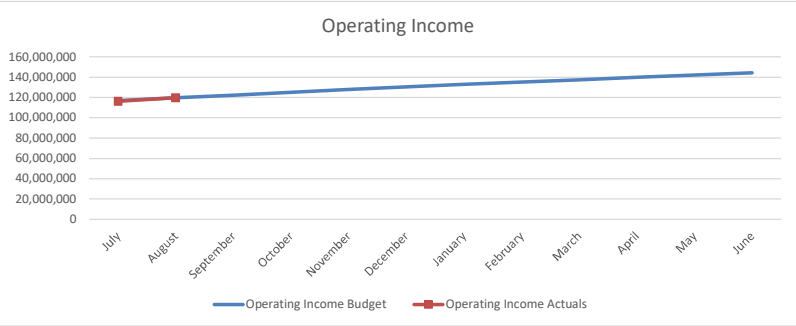
1 Tenders accepted/rejected during the month through CEO delegation

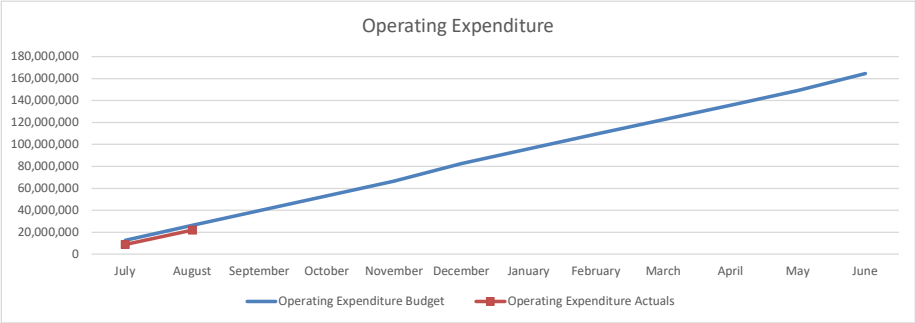
Year to Date Capital Actuals Compared to Annual Budget*

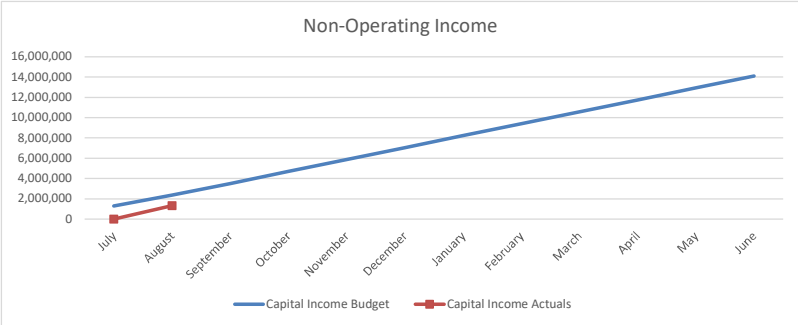
$ Millions

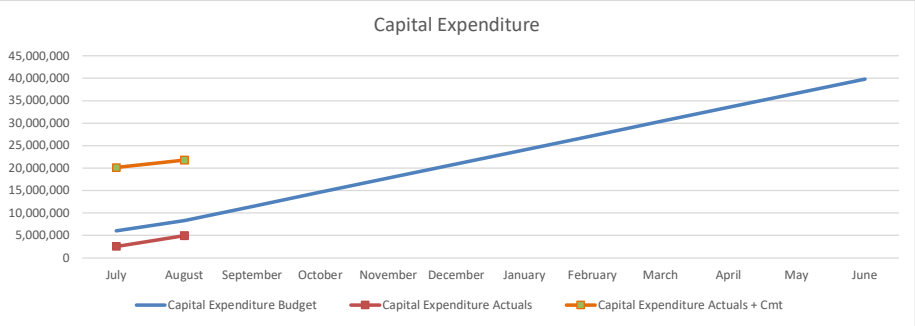


*Commitments are raised based on contract amounts. Contracts may span multiple financial years causing commitments to display over the total budget for the year.


Operating Income
160,000,000
140,000,000
120,000,000
100,000,000
80,000,000
60,000,000
40,000,000
20,000,000
0
July
August
September
October
November
December
January
February
March
April
May
June
Operating Income Budget
Operating Income Actuals


Operating Expenditure
180,000,000
160,000,000
140,000,000
120,000,000
100,000,000
80,000,000
60,000,000
40,000,000
20,000,000
0
July
August
September
October
November
December
January
February
March
April
May
June
Operating Expenditure Budget
Operating Expenditure Actuals


Non-Operating Income
16,000,000
14,000,000
12,000,000
10,000,000
8,000,000
6,000,000
4,000,000
2,000,000
0
July
August
September
October
November
December
January
February
March
April
May
June
Capital Income Budget
Capital Income Actuals


Capital Expenditure
45,000,000
40,000,000
35,000,000
30,000,000
25,000,000
20,000,000
15,000,000
10,000,000
5,000,000
0
July
August
September
October
November
December
January
February
March
April
May
June
Capital Expenditure Budget
Capital Expenditure Actuals
Capital Expenditure Actuals + Cmt

CITY OF MANDURAH

MONTHLY FINANCIAL REPORT
For the Period Ended 31 August 2024

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STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2024

BY NATURE OR TYPE

	Ref Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		$	$	$	$	%	
Opening Funding Surplus / (Deficit)		600,000	600,000	**13,244,034**	12,644,034	2107.34%	
Revenue from operating activities							
Rates		98,083,897	97,333,897	**97,150,105**	(183,792)	(0.19%)	
Operating grants, subsidies and contributions		6,363,575	1,060,944	**365,946**	(694,998)	(65.51%)	▼
Fees and charges		35,192,243	20,472,560	**21,739,882**	1,267,322	6.19%	
Interest earnings		4,301,430	716,905	**481,381**	(235,524)	(32.85%)	▼
Other revenue		79,170	13,195	**16,810**	3,615	27.40%	▲
Profit on disposal of assets		-	-	**78,289**	78,289	100.00%	▲
		144,020,315	**119,597,501**	**119,832,413**	234,912	0.20%	
Expenditure from operating activities							
Employee costs		(59,696,632)	(7,829,286)	**(7,561,639)**	267,647	3.42%	
Materials and contracts		(62,875,109)	(11,289,912)	**(7,735,919)**	3,553,993	31.48%	▲
Utility charges		(4,740,088)	(790,014)	**(385,540)**	404,474	51.20%	▲
Depreciation on non-current assets		(35,205,988)	(5,867,665)	**(5,809,883)**	57,782	0.98%	
Interest expenses		(1,122,702)	(187,117)	**(261,898)**	(74,781)	(39.96%)	▼
Insurance expenses		(1,476,656)	(246,109)	**(227,350)**	18,759	7.62%	
Loss on disposal of assets	1(a) & 4	-	-	**(7,807)**	(7,807)	100.00%	▼
		(165,117,175)	**(26,210,103)**	**(21,990,036)**	4,220,067	16.10%	
Non-cash amounts excluded from operating activities	1(a)	35,443,133	5,907,189	**5,831,173**	(76,016)	(1.29%)	
Amount attributable to operating activities		**14,346,273**	**99,294,587**	**103,673,551**	4,378,963	(4.41%)	
Investing activities							
Non-operating grants, subsidies and contributions		15,590,654	2,598,442	**1,327,963**	(1,270,479)	(48.89%)	▼
Proceeds from disposal of assets	4	8,156,031	1,359,338	**353,578**	(1,005,760)	(73.99%)	▼
Payments for property, plant and equipment	6	(52,791,503)	(10,286,803)	**(4,964,197)**	5,322,606	51.74%	▲
Amount attributable to investing activities		**(29,044,818)**	**(6,329,022)**	**(3,282,656)**	3,046,366	48.13%	
Non-cash amounts excluded from investing activities	1(b)	500,000	500,000	**(1,229,104)**	(1,729,104)	(345.82%)	
Amount attributable to investing activities		**(28,544,818)**	**(5,829,022)**	**(4,511,760)**	1,317,262	22.60%	
Financing Activities							
Proceeds from new debentures	7	4,650,000	-	-	0	0.00%	
Unspent Loans Utilised		1,847,554	-	-	0	0.00%	
Repayment of debentures	7	(4,332,703)	(722,117)	**(819,902)**	(97,785)	(13.54%)	▼
Payment of lease liability		(576,642)	(96,107)	**(79,844)**	16,263	16.92%	▲
Proceeds from new interest earning liability		461,000	76,833	-	(76,833)	(100.00%)	▼
Principal elements of interest earning liability		(949,701)	(158,284)	**(224,761)**	(66,477)	(42.00%)	▼
Transfer from reserves	8	19,716,040	6,127,992	**6,127,992**	0	0.00%	
Transfer to reserves	8	(7,666,347)	(245,879)	**(245,879)**	0	0.00%	
Amount attributable to financing activities		**13,149,201**	**4,982,439**	**4,757,606**	(224,833)	4.51%	
Closing Funding Surplus / (Deficit)	1(d)	**(449,344)**	**99,048,004**	**117,163,430**	18,115,426	18.29%	

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.

NOTE 1
STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Local Government (Financial Management) Regulation 1996.

Non-cash items excluded from operating activities	Notes	Annual Budget	YTD Budget (a)	YTD Actual (b)
		$	$	$
Adjustments to operating activities				
Less: Profit on asset disposals		-	-	(78,289)
Movement in liabilities associated with restricted cash		237,145	39,524	15,000
Movement in employee benefit provisions (non-current)		-	-	76,773
Add: Loss on asset disposals	4	-	-	7,807
Add: Depreciation on assets		35,205,988	5,867,665	5,809,883
Total non-cash items excluded from operating activities		**35,443,133**	**5,907,189**	**5,831,173**

(b) Non-cash items excluded from investing activities

The following non-cash revenue and expenditure has been excluded from investing activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

Adjustments to investing activities				
Movement in non current liabilities for transfers to acquire or construct non-financial assets to be controlled by the entity				
Movement in current liabilities for transfers to acquire or construct non-financial assets to be controlled by the entity associated with restricted cash		500,000	500,000	(1,229,104)
Total non-cash amounts excluded from investing activities		**500,000**	**500,000**	**(1,229,104)**

(c) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with regulation 32 of the Local Government (Financial Management) Regulations 1996 to agree to the surplus/(deficit) after imposition of general rates.

		Budget Closing 30 Jun 2024	Budget Closing 30 Jun 2025	Year to Date 31 Aug 2024
Adjustments to net current assets				
Less: Reserves - restricted cash		(50,429,303)	(62,300,778)	(51,268,746)
Less: Unspent loans		(310,134)	(2,124,066)	(2,224,772)
Less: Other receivables		(0)	-	(0)
Less: Clearing accounts		-	-	18,618
Add: Borrowings	7	4,709,990	4,082,703	4,911,958
Add: Other liabilities		1,115,424	1,115,424	4,486,119
Add: Lease liability		1,034,492	1,731,395	174,670
Add: Provisions - employee		5,020,443	1,818,111	4,289,427
Add: Loan Facility offset		-	-	13,400,000
Total adjustments to net current assets		**(38,859,088)**	**(55,677,212)**	**(26,212,727)**

(d) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	2	69,854,029	84,324,753	53,146,770
Rates receivables	3	3,598,072	2,368,839	109,961,665
Receivables	3	493,585	2,025,523	11,741,171
Other current assets		1,638,336	1,690,059	4,360,308
Less: Current liabilities				
Payables		(17,243,936)	(12,037,496)	(16,392,067)
Borrowings	7	(4,709,990)	(4,082,703)	(4,911,958)
Interest earning liabilities		-	-	(695,257)
Unspent non-operating grant, subsidies and contributions liability		-	(7,823,334)	(3,916,887)
Lease liabilities		(1,034,492)	(1,731,395)	(174,670)
Provisions		(13,736,516)	(9,506,379)	(9,742,919)
Less: Total adjustments to net current assets	1(c)	(38,859,088)	(55,677,212)	(26,212,727)
Closing Funding Surplus / (Deficit)		**0**	**(449,344)**	**117,163,430**

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.

OPERATING ACTIVITIES
NOTE 2
CASH AND INVESTMENTS

	Total Amount	Interest rate	Total Interest Earnings at Maturity Date	Institution	S&P rating	Deposit Date	Maturity Date	Term days
	$	$	$	$				
Cash on hand								
Westpac Municipal Bank Account (inc. Bonds Investments & Notice Savers)	13,576,304	Variable		Westpac	AA-	NA	NA	
	13,576,304							
Municipal Investments								
WBC TD 100	3,038,867	5.14%	38,867	Westpac	AA-	21/08/2024	21/11/2024	92
WBC TD 101	3,038,867	5.14%	38,867	Westpac	AA-	21/08/2024	21/11/2024	92
WBC TD 102	3,038,867	5.14%	38,867	Westpac	AA-	21/08/2024	21/11/2024	92
	9,116,601							
Reserve Investments								
Muni 10 (reclassified)	31,340	3.50%	274	ANZ	AA-	1/07/2024	1/10/2024	92
Reserve 42 - 36-976-7906	3,368,289	5.10%	83,979	NAB	AA-	17/06/2024	17/12/2024	183
Reserve 44 - 70-586-3025	3,314,575	5.00%	41,253	NAB	AA-	24/06/2024	24/09/2024	92
Reserve 45 - 70-568-6989	3,309,818	5.05%	81,732	NAB	AA-	25/03/2024	24/09/2024	183
Reserve 47 - B33713404.106	4,410,974	4.78%	51,948	CBA	AA-	15/07/2024	14/10/2024	91
Reserve 48 - B33713404.106	6,595,075	4.78%	77,670	CBA	AA-	15/07/2024	14/10/2024	91
Reserve TD WBC 1 - 032-108 267862	3,538,462	5.18%	45,604	Westpac	AA-	18/07/2024	18/10/2024	92
Reserve TD WBC 2 - 032-108 267897	3,233,875	5.18%	41,679	Westpac	AA-	18/07/2024	18/10/2024	92
Reserve TD WBC 3 - 032-108 267926	3,233,875	5.18%	41,679	Westpac	AA-	18/07/2024	18/10/2024	92
	31,036,284							
Total Municipal and Reserve Funds	**53,729,188**		**582,418.22**					

Interest revenue	
Investment Interest Accrued	277,021
Investment Interest Matured	172,547
Rates Interest	31,813
	481,381

Interest Earned
$481,381

Loan Offset Facility	Amount	Interest rate on loans	Interest Saved	YTD Interest Saved
Westpac	13,400,000	6.13%	19,905	35,642

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
$67.13 M	**$36.09 M**

OPERATING ACTIVITIES
NOTE 3
RECEIVABLES

Rates Receivable	30-Jun-24	31-Aug-23	31 Aug 24
	$		$
Opening Arrears Previous Years	1,925,935	1,925,935	3,721,461
Rates levied	93,175,787	92,523,077	97,150,105
Less - Collections to date	(91,380,262)	(19,619,254)	(5,246,386)
Equals Current Outstanding	**3,721,461**	**74,829,759**	**95,625,180**
Net Rates Collectable	**3,721,461**	**74,829,759**	**95,625,180**
% Collected	96.1%	20.8%	5.2%

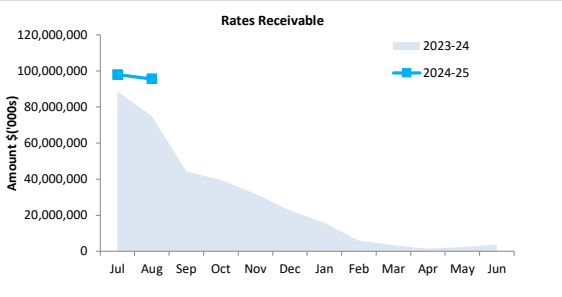
	31 Aug 23	31 Aug 24
- No. of Legal Proceedings Commenced for the financial year	0	0
- No. of properties > $10,000 outstanding	316	384
- No. of properties between $3,000 and $10,000 outstanding	2086	3539
- Value of Rates Concession	48,752	49,247
- Estimated Value of Rates Exemptions	2,222,551	2,243,551

Receivables - General	31-Aug-23	Current	30 Days	60 Days	90+ Days	31 Aug 24
	$	$	$	$	$	$
Balance per Trial Balance						
Sundry receivable	914,523	394,546	72,940	30,356	235,755	733,597
Recreation Centres	188,991	62,304	765	2,002	29,372	94,443
Mandurah Ocean Marina	(121,242)	983,238	0	0	0	983,238
GST receivable	679,709	401,412	0	0	0	401,412
Allowance for impairment of receivables	(210,870)	0	0	0	(192,969)	(192,969)
Infringements	862,666	16,801	43,820	42,685	1,031,923	1,135,229
Total Receivables General Outstanding	**2,313,778**	**1,858,301**	**117,525**	**75,043**	**1,104,081**	**3,154,950**
Percentage		58.9%	3.7%	2.4%	35%	

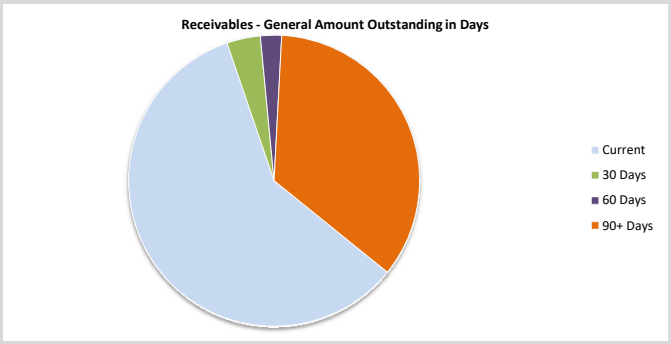
Other Receivables	31-Aug-23	Current	30 Days	60 Days	90+ Days	31 Aug 24
	$	$	$	$	$	$
Balance per Trial Balance						
Pensioners rates and ESL deferred	7,805,819	0	0	0	8,660,328	8,660,328
Other Receivables	15,927,599	0	0	0	14,336,486	14,336,486
Total Other Receivables Outstanding	**23,733,418**	**0**	**0**	**0**	**22,996,814**	**22,996,814**
Percentage		0%	0%	0%	100%	

KEY INFORMATION

Rates and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of rates and other receivables is reviewed on an ongoing basis. Other receivables that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



Collected	Rates Due
5.2%	$95,625,180



Debtors Due
$3,154,950

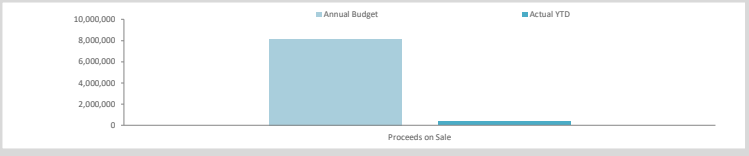
Over 30 Days
41%

Over 90 Days
35%

OPERATING ACTIVITIES
NOTE 4
DISPOSAL OF ASSETS

			Budget				YTD Actual			
Asset	Asset ID	Asset Owner	Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
			$	$	$	$	$	$	$	$
Land										
Land			7,000,000	7,000,000	0	0	0	0	0	0
					0	0	0	0		
Light Passenger Vehicles - Replacement										
MH1502B - SUBARU XV 2.0I-L	C01420		0	0	0	0	11,752	16,396	4,644	0
MH7641A - HYUNDAI SANTE FE SANT	C01718		0	0	0	0	15,836	14,123	0	(1,713)
MH9326A - TOYOTA RAV4 CV	C06818		0	0	0	0	14,285	18,896	4,611	0
MH0363B - SUBARU XV 2.0I-L	C08019		0	0	0	0	14,241	15,259	1,018	0
MH1224B - KIA SPORTAGE	C05619		0	0	0	0	12,118	14,578	2,460	0
MH1056B - HYUNDAI TUSCON	C07919		0	0	0	0	12,335	12,305	0	(30)
MH1084B - TOYOTA RAV4	C04419		0	0	0	0	12,078	20,487	8,409	0
Light Commercial Vehicles - Replacement										
MH2485B - FORD RANGER CC XL	3,233,875.40		0	0	0	0	19,415	25,941	6,526	0
MH0619B - FORD RANGER PU MK11	3,233,875.40		0	0	0	0	21,555	21,169	0	(386)
MH2014B - FORD RANGER PU XL	U08120		0	0	0	0	21,585	23,222	1,637	0
MH8958A - HOLDEN COLORADO LS	U04018		0	0	0	0	14,877	17,574	2,697	0
Trucks & Buses Replacements										
MITSUBISHI CANTER MH380Y	T017	Parks Central	26,320	26,320	0	0	0	0	0	0
HINO 917 MH958Y	T036	Parks North	29,606	29,606	0	0	0	0	0	0
ISUZU FVR 1000 MH954Y	T009	Civil Construction	65,907	65,907	0	0	0	0	0	0
HINO 1426 MH200W	T022	Civil Maintenance	36,504	36,504	0	0	0	0	0	0
HINO GH1728 MH637Y	T038	Civil Construction	68,383	68,383	0	0	0	0	0	0
TOYOTA HIACE MH381Z	T042	Youth Development	12,699	12,699	0	0	0	0	0	0
MITSUBISHI ROSA MH319W	T046	Place & Community	49,655	49,655	0	0	0	0	0	0
Trailers										
PARK BODY BOXTOP MH76936	V039	Parks Central	2,876	2,876	0	0	0	0	0	0
SOUTHWEST MOWING MH74395	V007	Parks Central	784	784	0	0	0	0	0	0
BARTCO VMS TRAILER	V102	City traffic	4,910	4,910	0	0	0	0	0	0
Parks & Mowers										
NEW HOLLAND 3050 TRACTOR MH761X	P602	Parks Assets	17,116	17,116	0	0	0	0	0	0
KUBOTA TRACTOR L5740 MH403Y	P603	Parks South	25,461	25,461	0	0	0	0	0	0
KUBOTA RTV UTILITY MH0708B	U10519	Parks South	5,010	5,010	0	0	0	0	0	0
KUBOTA RTV UTILITY MH0709B	U10619	Parks Assets	5,010	5,010	0	0	0	0	0	0
MH9854A - KUBOTA -OUTFRONT MOWER	M01019		0	0	0	0	9,295	7,617	0	(1,678)
MH8763A KUBOTA-OUTFRONT MOWER 72	M02118		0	0	0	0	8,000	9,821	1,821	0
MH8762A KUBOTA OUTFRONT MOWER 60	M03018		0	0	0	0	8,000	11,151	3,151	0
MH9813A KUBOTA OUTFRONT MOWER 60	M03119		0	0	0	0	9,295	8,499	0	(796)
Minor Equipment >$5000										
Miscellaneous Equipment										
GENELITE GENERATOR PLG-CM550S	P63820	Recreation Services	91,287	91,287	0	0	0	0	0	0
COLUMBUS ARA66	P63218	Recreation Services	8,040	8,040	0	0	0	0	0	0
Carryovers - Light Passenger Vehicles										
MH9971A - SUBARU - XV	C00219		32,153	11,624	0	(20,529)	11,096	21,769	10,673	0
MH1502B - SUBARU - XV	C01420		31,713	13,862	0	(17,851)	0	0	0	0
MH7641A - HYUNDAI - SANTE FE	C01718		33,780	14,419	0	(19,360)	0	0	0	0
MH2651B - TOYOTA - COROLLA	C02320		31,713	14,261	0	(17,452)	12,840	18,951	6,111	0
MH2372B - KIA - SPORTAGE	C02620		31,713	17,166	0	(14,547)	0	0	0	0
MH1084B - TOYOTA - RAV4	C04419		33,962	12,282	0	(21,680)	0	0	0	0
MH1224B - KIA - SPORTAGE	C05619		31,713	12,882	0	(18,831)	0	0	0	0
MH1056B - HYUNDAI - TUSCON	C07919		31,713	12,440	0	(19,273)	0	0	0	0
MH0363B - SUBARU - XV	C08019		33,071	14,335	0	(18,736)	0	0	0	0
TOYOTA PRIUS-C	C07019		33,282	0	0	(33,282)	0	0		
									0	0
Carryovers - Light Commercial Vehicles									0	0
MH2737B - FORD - RANGER	U03220		42,027	24,053	0	(17,974)	21,775	18,571	0	(3,204)
MH1075B - TOYOTA - HIACE	U03919		40,141	14,882	0	(25,259)	14,904	34,951	20,047	0
MH2301B - HOLDEN - COLORADO	U06919		42,027	19,198	0	(22,829)	17,815	22,298	4,483	0
MH2017B - FORD - RANGER	U07319		31,639	20,393	0	(11,246)	0	0	0	0
									0	0
Carryovers - Trucks and Buses									0	0
MH252U - Hino - T003 - MH252U-HINO - 917 300	T003		120,000	26,912	0	(93,088)	0	0	0	0
Hino - 917 3	T008		120,000	26,674	0	(93,326)	0	0	0	0
Hino - 917 3	T021		120,000	26,912	0	(93,088)	0	0	0	0
Hino - 300-917-KEVREK-1500	T024		140,000	25,804	0	(114,196)	0	0	0	0
Hino - 917 3	T033		120,000	26,674	0	(93,326)	0	0	0	0
MERCEDES SPRINTER	C00718		63,500	45,500	0	(18,000)	0	0	0	0
HINO - FG1628 5	T006		219,975	93,731	0	(126,245)	0	0		
HINO-500-FG1628-HIAB-088	T026		301,045	93,731	0	(207,315)	0	0		
NISSAN - PK16 28	T002		216,975	93,731	0	(123,245)	0	0		
									0	0
Carryovers - Parks and Mowers									0	0
Kubota - OUTFRONT MOWER 72 F369	M00219		46,350	7,500	0	(38,850)	0	0	0	0
Kubota - OUTFRONT MOWER 72 F369	M03416		46,350	7,500	0	(38,850)	0	0	0	0
Kubota - OUTFRONT MOWER 60 F369	M01619		45,530	7,500	0	(38,030)	0	0	0	0
Toro - ZERO TURN	M02620		41,078	7,500	0	(33,578)	0	0	0	0
Kubota - OUTFRONT MOWER 60 F369	M01019		45,530	7,500	0	(38,030)	0	0	0	0
Kubota - OUTFRONT MOWER 72 F369	M02419		46,350	7,500	0	(38,850)	0	0	0	0
KUBOTA - OUTFRONT MOWER 72 CAB	M01419		75,340	0	0	(75,340)	0	0	0	0
			9,698,239	**8,156,031**	**0**	**(1,542,208)**	**283,097**	**353,578**	**78,289**	**(7,807)**

KEY INFORMATION



Proceeds on Sale		
Annual Budget	YTD Actual	%
$8,156,031	$353,578	4%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2024

NOTE 5
TENDERS/QUOTES AWARDED FOR THE MONTH

CEO delegation – accepted/rejected tenders during the month
Awarded under Financial Authorisation $250,000 and above

Tender code	Tender Description	Company Awarded to	Contract Term	Contract Amount
T10-2024	Provision of City Centre Sweeping Services	Forward Thinkers International Pty Ltd trading as Mandurah Sweep	Two years with one option to extend for a further two years	$1,389,512.00

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2024

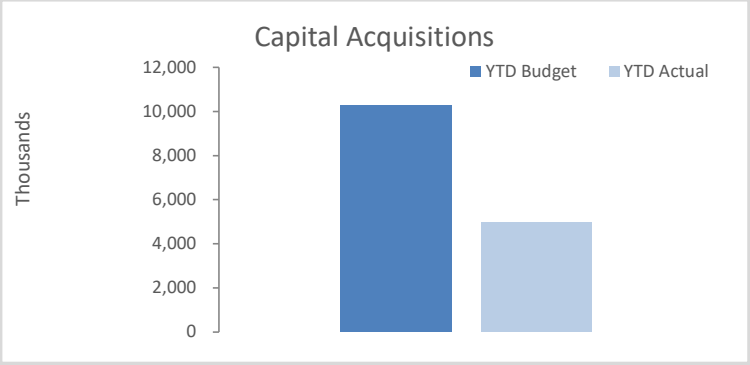
INVESTING ACTIVITIES
NOTE 6
CAPITAL ACQUISITIONS

Capital Acquisitions	Adopted Budget	Annual Budget	YTD Budget	YTD Actual	YTD Actual Variance
	$		$	$	$
Buildings	9,903,028	12,294,001	2,435,018	855,728	(1,579,289)
Equipment	200,500	209,666	42,582	9,166	(33,417)
Machinery	1,800,631	4,165,801	720,553	697,760	(22,793)
Infrastructure - Roads	10,659,968	13,835,020	2,785,522	1,599,565	(1,185,957)
Parks	13,663,708	20,441,289	3,825,919	1,582,717	(2,243,201)
Drainage	675,720	725,939	146,172	33,859	(112,313)
Coastal & Estuary	946,500	1,119,788	331,038	185,401	(145,636)
Capital Expenditure Totals	**37,850,055**	**52,791,503**	**10,286,803**	**4,964,197**	**(5,322,606)**
Capital Acquisitions Funded By:					
	$		$	$	$
City of Mandurah Contribution	**12,978,686**	**14,970,629**	**7,495,689**	**5,270,526**	(2,225,163)
Capital grants and contributions	**14,108,173**	**18,846,963**	**2,598,442**	**1,327,963**	(1,270,479)
Borrowings	**4,650,000**	**6,497,554**	-	-	-
Other (Disposals & C/Fwd)	**449,567**	**1,156,210**	**192,672**	**353,578**	160,906
Cash Backed Reserves					
Asset Management Reserve	**5,083,629**	**8,831,838**	-	-	-
Sanitation Reserve	**580,000**	**946,100**	-	-	-
Unspent Grants & Contributions Reserve	-	-	-	**(3,530,079)**	(3,530,079)
Plant Reserve	-	**1,542,209**	-	**1,542,209**	1,542,209
Capital Funding Total	**37,850,055**	**52,791,503**	**10,286,803**	**4,964,197**	**(5,322,606)**

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

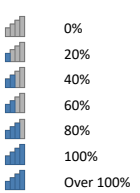


Acquisitions	Annual Budget	YTD Actual	% Spent
	$52.79 M	**$4.96 M**	**9%**

Capital Grant	Annual Budget	YTD Actual	% Received
	$18.85 M	**$1.33 M**	**7%**

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
	Land						
	Buildings						
750695	Waste Management Centre Upgrade Fire Fighting Infrastructure	375,000	520,529	103,862	24,029	496,500	Construction to commence Q2
750660	Waste Management Centre Tipping Shed	155,000	319,994	69,994	19,994	300,000	Construction to commence Q4
750761	Administration Centre Facade Renewal	250,000	281,922	73,589	31,922	250,000	Construction to commence Q3
750762	Administration Centre Refurbishment	50,000	0	0	0	0	Design Only
750763	Asbestos Removal Program	30,000	31,298	6,298	1,298	30,000	Construction to commence Q3
750741	Avalon Foreshore Ablution Renewal	500,000	535,750	119,084	35,750	500,000	Construction to commence Q3
750764	Billy Dower Youth Centre Grandstand Stair Demolition	100,000	112,782	29,449	12,782	100,000	Construction to commence Q3
750765	EMCC Pottery Place Ceiling Renewal	60,000	68,972	18,972	8,972	60,000	Construction complete. Finances to be finalised
750643	Falcon Family Centre Upgrade	50,000	68,159	26,493	18,159	50,000	Construction to commence Q3
750766	Falcon Pavilion Storage Upgrade	20,000	38,159	21,493	18,159	20,000	Construction to commence Q3
750767	Mandurah Seniors Dining Kitchen Separation Wall New	30,000	37,058	12,058	7,058	30,000	Construction to commence Q2
750768	Merlin Street Reserve Shed Demolition	30,000	31,316	6,316	1,316	30,000	Construction to commence Q2
750769	MPAC Access and Operational Safety Upgrades	240,000	275,768	75,768	35,768	240,000	Construction to commence Q3
750770	MPAC Entry Door Renewal	25,000	32,849	12,016	7,849	25,000	Design Only
750771	MPAC Fire Detection and Protection System Upgrade	350,000	401,153	109,486	51,153	350,000	Construction to commence Q3
750772	MPAC Roof & External Cladding Renewal	150,000	164,278	39,278	37,150	127,128	Design Only
750773	Rushton Park Kiosk Lower Level Tiling Repairs	50,000	62,800	21,134	12,800	50,000	Construction to commence Q3
750774	Thomson Street Pavillion Office Upgrades	25,000	26,316	5,483	1,316	25,000	Construction to commence Q3
750733	Cinema HVAC Renewal	1,300,000	1,331,922	248,589	36,752	1,295,170	Construction to commence Q2
750732	Dawesville Community Centre	5,307,198	7,001,282	1,216,888	374,299	6,626,983	Refer to Financial Report, Key Capital Projects table
750775	Sporting Reserve Changerooms Enhancements	100,000	100,193	16,860	193	100,000	Design Only
750687	LED Buildings Plan	57,500	64,558	16,642	7,058	57,500	Construction to Commence Q2
750776	Minor City Maintenance Capital Renewals	98,330	99,646	17,705	1,316	98,330	Ongoing Program
750736	Operations Centre Redevelopment	200,000	264,300	97,633	64,300	200,000	Design Only
750753	Facilities Switchboard Renewal Program	50,000	51,316	9,650	1,316	50,000	Construction to commence Q2
750689	Works & Services Building Refurb	300,000	300,000	50,000	3,475	296,525	Design Only
750712	Refurbishment of Billy Dower Youth Centre	0	0	0	11,602	(11,602)	Construction complete. Finances to be finalised
750754	Administration Centre Refurbishment	0	61,677	10,280	26,937	34,740	Design Only
750681	MARC Roof Repairs	0	0	0	1,500	(1,500)	Completed
750756	23-24 MPAC HVAC Renewal (Design)	0	0	0	1,500	(1,500)	Design
750782	CASM Front Counter	0	10,000	0	0	10,000	Construction to commence Q1

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
	Bridges							
	880012	Lakelands-Madora Bay Pedestrian Bridge	0	0	0	0	0	Design Only
	Parks							
	700478	Meadow Springs Golf Course Fence	0	18,332	3,055	0	18,332	Construction 20% complete
	700577	Merlin Street Reserve Activation Plan	0	749,391	124,899	39,802	709,589	Construction to commence Q2
	700589	23-24 FR Rushton Park - Tennis Centre	0	90,000	15,000	0	90,000	Construction to commence Q2
	700619	Dawesville SE Foreshore	1,023,685	1,947,501	370,376	54,951	1,892,550	Refer to Financial Report, Key Capital Projects table
	700582	Bin Enclosure Renewals	50,000	53,431	11,764	3,431	50,000	Construction to commence Q2
	700626	Lavender Gardens BMX Pump Track Renewal	138,849	154,030	38,322	15,180	138,849	Construction to commence Q1
	700627	Roy Tuckey Reserve BMX Pump Track Renewal	10,000	17,242	8,908	7,242	10,000	Design Only
	700628	Boardwalk and Beach Access Renewal Program	667,000	726,410	170,577	59,410	667,000	Construction to commence Q1
	700629	Eastern Foreshore Boardwalk Renewal	200,000	270,377	103,710	73,433	196,944	Design Only
	700586	Warrungup Spring Reserve Boardwalk Renewal	650,000	717,676	176,009	67,676	650,000	Construction to commence Q3
	930044	CSRFF Small Grants Program	150,000	105,453	17,737	193	105,260	Ongoing Program 2024/25
	700575	Coodanup Foreshore Park Upgrade	862,178	1,137,812	252,665	75,635	1,062,177	Refer to Financial Report, Key Capital Projects table
	700630	Hexham Close and Bells Block Natural Areas Fencing Renewal	54,178	55,956	10,808	1,778	54,178	Construction to commence Q1
	700631	Mandurah to Madora Bay Coastal Fencing Renewal	90,678	92,711	17,146	2,033	90,678	Construction to commence Q3
	700632	Minor Fencing Renewal Program	115,014	118,062	22,217	3,048	115,014	Construction to commence Q3
	930045	Major Public Artworks Major Public Artworks	90,000	90,193	15,193	18,763	71,430	Ongoing Program 2024/25
	700633	MARC Outdoor Shade Structures New	75,000	75,193	12,693	193	75,000	Construction to commence Q3
	700634	MARC Double Sided Digital Sign Renewal	140,000	156,779	40,112	16,779	140,000	Construction to commence Q2
	700583	North Mandurah Irrigation Water Supply	165,000	268,477	62,449	21,243	247,234	Construction to commence Q2
	700635	Norwich Reserve Upgrade	10,000	17,181	8,848	7,181	10,000	Design Only
	700613	Parks and Reserves Signage New Program	40,000	45,908	12,575	6,719	39,190	Construction to commence Q2
	700593	Irrigation Renewal Program	43,521	0	0	1,778	(1,778)	Construction 80% complete
	700636	Parks Facilities Renewal Program	159,925	189,334	56,064	29,409	159,925	Construction to commence Q2
	700637	Shade Structures Renewal Program	108,171	113,825	23,682	5,654	108,171	Construction to commence Q1
	700638	Synthetic Turf Cricket Wicket Renewal Program	59,178	62,226	12,911	3,048	59,178	Construction to commence Q2
	700640	Playground Renewal Program	355,342	393,961	97,842	38,618	355,342	Construction to commence Q2
	700614	Reserve Meter Renewal Program	50,000	53,048	11,382	3,048	50,000	Construction to commence Q3
	700623	Thomson Street Netball Courts Repairs	200,000	201,460	34,794	1,460	200,000	Construction to commence Q2
	700641	Peter Street Reserve Shade Sails New	40,000	44,066	10,733	4,066	40,000	Construction to commence Q1
	700642	Signage Renewal Program	40,000	46,224	12,890	6,224	40,000	Construction to commence Q2
	700643	Playground Rubber Softfall Renewal Program	54,342	62,154	16,869	7,811	54,342	Construction to commence Q2
	700625	EV Charging Stations	0	0	0	21,011	(21,011)	Construction to commence Q2
	700599	23-24 PR Rushton Park	0	0	0	0	0	Construction to commence Q2
	700514	Bortolo Fire Track Water Infrastructure	0	0	0	0	0	Construction to commence Q1
	700580	23-24 Blythwood Reserve	0	0	0	5,062	(5,062)	Construction 90% complete
	700581	23-24 Wilderness Reserve	0	0	0	3,531	(3,531)	Completed
	700646	Dawesville Foreshore Reserve Bollards	0	0	0	0	0	Construction to commence Q2
	700648	City Admin Irrigation Renewal	0	45,299	7,550	0	45,299	Construction to commence Q3
	700649	MBRC - Upgrade Indoor C Bowling Green Surface - CSRFF	0	44,740	0	0	44,740	Construction to commence Q2
	Roads							
	501131	Dawesville Channel SE Foreshore Upgrade	0	0	0	0	0	Refer to Financial Report, Key Capital Projects table
	501129	Trails Project	350,000	443,738	74,053	116	443,622	Ongoing project
	500016	Smart Street Mall Upgrade	0	0	0	0	0	Refer to Financial Report, Key Capital Projects table
	501193	23-24 TM Clarice St	0	214,913	35,819	0	214,913	Construction to commence Q4
	501194	23-24 TM Mandurah Tce/Adonis Rd	0	68,531	11,422	0	68,531	Construction to commence Q1
	501196	23-24 TM Wanjeep St	0	387,102	64,517	0	387,102	Construction to commence Q3

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
	501199	23-24 RR Guillardon Tce/Karringa Rd	0	399,999	66,667	194,915	205,084	Construction 90% complete
	501235	23-24 RC Peel Street Stage 4	0	1,599,999	266,667	542,417	1,057,582	Refer to Financial Report, Key Capital Projects table
	501239	23-24 SP Guillardon Tce/Karinga Rd	0	21,999	3,667	0	21,999	Construction complete. Finances to be finalised
	501258	23-24 Tims Thicket Waste Facility - Upgrade CCTV	0	11,100	1,850	10,509	591	Construction 90% complete
	501260	Mewburn Centre Carpark Upgrade	17,000	42,794	28,628	25,794	17,000	Design Only
	501192	Falcon Coastal Shared Path	60,000	86,273	36,273	26,273	60,000	Design Only
	501263	Lake Valley Drive and Badgerup Avenue Blackspot	15,000	42,498	29,998	27,498	15,000	Design Only
	501264	Lakes Road - Murdoch Drive Blackspot	15,000	43,133	30,633	28,133	15,000	Design Only
	501265	Lynda Street and Baroy Street Blackspot	20,000	38,555	21,888	18,555	20,000	Design Only
	501266	Mercedes Avenue Blackspot	18,000	43,955	28,955	25,955	18,000	Design Only
	501267	Wanjeep Street Blackspot	15,000	40,955	28,455	25,955	15,000	Design Only
	501268	Yindana Blvd and Lake Valley Drive Blackspot	15,000	41,272	28,772	26,272	15,000	Design Only
	501269	Merlin Activation Plan	350,000	0	0	0	0	Completed
	501296	Caddadup Reserve Lookout Renewal	34,955	48,487	19,358	13,532	34,955	Construction to commence Q2
	501272	Tarragon Way Road Renewal	496,262	502,303	88,752	6,041	496,262	Construction to commence Q2
	501273	Banyon Close Road Resurface	67,000	72,023	16,190	9,058	62,966	Construction to commence Q2
	501274	Bolton Street Road Resurface	67,000	72,023	16,190	5,023	67,000	Construction to commence Q3
	501217	Everlasting Retreat Road Resurface	235,000	240,023	44,190	14,007	226,016	Construction to commence Q2
	501275	Gamol Place Road Resurface	138,000	143,023	28,023	12,865	130,159	Construction to commence Q2
	501276	Haze Road Road Resurface	117,000	122,023	24,523	8,293	113,730	Construction to commence Q2
	501277	Hennessey Place Road Resurface	234,000	239,023	44,023	5,023	234,000	Construction to commence Q3
	501220	Hibiscuss Rise Road Resurface	52,000	57,023	13,690	5,023	52,000	Construction to commence Q2
	501223	Maria Place Road Resurface	120,000	125,023	25,023	7,826	117,198	Construction to commence Q2
	501278	Misty Meander Road Resurface	295,000	300,023	54,190	5,863	294,160	Construction to commence Q3
	501279	Moat Street Road Resurface	45,000	50,023	12,523	5,703	44,320	Construction to Commence Q2
	501280	Monang Street Road Resurface	84,000	89,023	19,023	5,023	84,000	Construction to commence Q2
	501281	Olive Road Road Resurface	250,000	255,023	46,690	5,863	249,160	Construction to commence Q3
	501282	Ormsby Terrace Road Resurface	130,000	135,023	26,690	8,064	126,959	Construction to commence Q2
	501201	Quarry Way Road Resurface	251,000	255,097	45,930	4,097	251,000	Construction to commence Q3
	501226	Rakoa Street Road Resurface	182,000	186,097	34,430	9,360	176,737	Construction to commence Q2
	501283	Renison Drive Road Resurface	135,000	140,023	27,523	5,943	134,080	Construction to commence Q3
	501227	Rouse Rd Road Resurface	160,000	165,023	31,690	5,023	160,000	Construction to commence Q4
	501284	Soldiers Cove Terrace Resurface	90,000	95,023	20,023	13,603	81,420	Construction to commence Q2
	600014	Spinaway Parade Road Resurface	30,000	34,097	9,097	4,097	30,000	Construction to commence Q2
	501285	Stirling Grove Road Resurface	70,000	75,023	16,690	5,023	70,000	Construction to commence Q3
	501233	Thomson St Road Resurface	273,000	278,023	50,523	5,023	273,000	Construction to commence Q3
	501286	Touchstone Drive Road Resurface	670,000	675,889	117,555	46,046	629,843	Construction 10% complete
	501287	Wattle Bird Way Road Resurface	340,000	345,191	61,858	5,191	340,000	Construction to commence Q3
	501288	Yukon Close Road Resurface	50,000	55,023	13,357	5,703	49,320	Construction to commence Q2
	501289	Pinjarra Road Upgrade Stage 5	1,485,646	0	0	0	0	Refer to Financial Report, Key Capital Projects table
	501290	Pinjarra Road Upgrade Stage 6	1,485,646	0	0	0	0	Refer to Financial Report, Key Capital Projects table
	501291	Pinjarra Road	90,000	3,167,702	616,624	106,409	3,061,293	Refer to Financial Report, Key Capital Projects table
	501292	New Street Furniture and Minor Works	50,000	55,049	13,382	5,049	50,000	Construction to Commence Q2
	501293	Shared Path Renewal Program	703,505	725,908	139,654	23,397	702,510	Construction to commence Q3
	501241	New Street Lighting Program	75,000	79,715	17,215	4,715	75,000	Ongoing Program
	501249	23-24 SP Caspar Road	100,000	252,280	42,143	136,897	115,383	Construction complete. Finances to be finalised
	501294	Decorative Streetlighting Renewal Project Design	250,000	279,128	70,794	29,128	250,000	Design Only
	501248	Sutton Farm Carpark City Contribution	770,000	772,863	131,196	2,863	770,000	Contribution Only
	501175	Traffic Management Minor Works	148,953	161,801	37,673	12,848	148,953	Construction to commence Q3
	501295	Western Foreshore Skatepark Carpark New	10,000	59,157	50,824	49,157	10,000	Design Only
	700516	Yalgorup National Park	1,635,646	1,991,404	331,901	51,006	1,940,398	Refer to Financial Report, Key Capital Projects table

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
	501197	23-24 TM White Hill Road	0	0	0	9,558	(9,558)	Construction to commence Q1
	501113	SP Halls Head PSP	0	0	0	28,707	(28,707)	Construction to commence Q2
	501242	23-24 SL Street Lighting Renewal Program	0	0	0	11,096	(11,096)	Completed
	501240	23-24 Signage Renewal Program	0	0	0	1,034	(1,034)	Completed
	Drainage							
	600195	DR Hopetoun Bend Drainage Upgrade	0	20,000	3,333	0	20,000	Construction to commence Q1
	600199	Drainage Minor Works	49,402	58,886	17,718	9,484	49,402	Construction to commence Q3
	600200	Harvey View Drive Drainage Upgrade	124,103	132,043	28,624	7,940	124,103	Construction to commence Q2
	600198	Mary Street Drainage Renewal	353,113	359,509	65,249	6,397	353,113	Construction to commence Q2
	600201	Oversby Street Drainage Upgrade	149,103	155,500	31,247	6,397	149,103	Construction to commence Q3
	600192	DR Cervantes Drive	0	0	0	3,641	(3,641)	Construction to commence Q4
	600189	DR 130 Mandurah Terrace	0	0	0	0	0	Construction to commence Q4
	Coastal & Estuary							
	911011	Sutton Farm Public Jetty New	364,000	364,116	60,783	116	364,000	Contribution Only
	911006	Administration Bay Entrance Seawall Renewal	107,000	125,290	36,124	18,290	107,000	Construction to commence Q2
	911007	Donnelly Gardens Seawall Repair	215,000	277,650	98,483	62,650	215,000	Construction to commence Q3
	911008	Mandurah Quay Seawall Repair	150,000	215,848	90,848	77,962	137,886	Design Only
	911009	Novara Foreshore Boat Ramp Apron Renewal	55,000	68,200	22,367	13,200	55,000	Construction to commence Q4
	911010	Novara Foreshore Erosion Protection	55,500	68,683	22,433	13,183	55,500	Construction to commence Q2
	Equipment							
	930043	Christmas Decorations Program	150,000	150,193	25,193	193	150,000	Ongoing Program 2024/25
	820195	Furniture & Equipment	50,500	59,472	17,389	8,972	50,500	Ongoing Program 2024/25
	Plant & Machinery							
	770001	Replacement Light Passenger Vehicles	0	324,813	54,135	69,144	255,669	Ongoing Program 2024/25
	770002	Replacement Light Commercial Vehicles	0	155,832	25,972	42,027	113,806	Ongoing Program 2024/25
	770006	Trucks and Buses	1,099,631	2,552,072	451,133	356,136	2,195,935	Ongoing Program 2024/25
	770009	Parks and Mowers	168,800	515,443	86,004	230,011	285,433	Ongoing Program 2024/25
	770010	New - Heavy Vehicles Plant and Equipment	0	0	0	0	0	Ongoing Program 2024/25
	770020	Tim's Thicket Weighbridge	0	84,999	14,167	0	84,999	Design 90% complete
	770011	Miscellaneous Equipment	293,000	293,143	48,976	143	293,000	Ongoing Program 2024/25
	770007	Trailers	80,200	80,316	13,483	116	80,200	Ongoing Program 2024/25
	770012	New - Vehicle and Small Plant Program	159,000	159,183	26,683	183	159,000	Ongoing Program 2024/25
	Other Infrastructure							
	700053	Lakelands DOS Sports Specific Infrastructure	0	0	0	45,413	(45,413)	Construction complete. Finances to be finalised
	700055	Waterfront Project	0	10,285,431	1,714,239	880,885	9,404,546	Refer to Financial Report, Key Capital Projects table
	700056	Western Foreshore Recreation Precinct	0	0	0	0	0	Refer to Financial Report, Key Capital Projects table
	700576	Eastern Foreshore North and Centeral Waterfront Project	6,386,000	0	0	0	0	Refer to Financial Report, Key Capital Projects table
			0	0	0	0	0	
	Grand Total		**37,850,056**	**52,791,503**	**10,286,803**	**4,964,197**	**47,827,306**	

Repayments - Borrowings

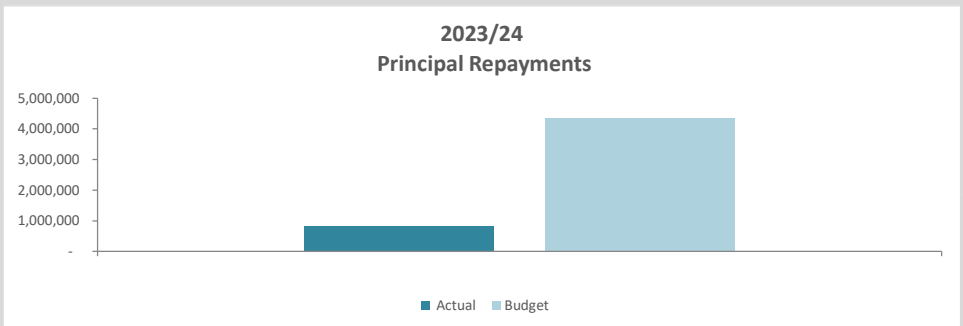
Information on Borrowings		New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	1 July 2024	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	$	$	$	$	$	$	$	$	$
Law, order, public safety									
Bortolo Fire Track Water Infrastructure	37,191	-	-	785	685	36,406	38,651	111	1,764
Community amenities					-	0	-		0
Compactor Waste Trailers and Dolly [336]	4,515	-	-	4,515	-	0	-	19	0
Waste Water Reuse [349]	57,020	-	-	3,687	18,053	53,332	42,504	583	2,845
Halls Head Ablution Block [350]	38,058	-	-	2,457	12,027	35,601	28,387	389	1,898
Halls Head Recycled Water 2019/20	132,570	-	-	2,950	10,431	129,620	126,015	1,367	5,726
Ablutions 2020/21	-	-	-	-	-	0		-	
Ablutions 2021/22	203,103	-	-	4,887	29,885	198,216	169,088	772	1,388
Recreation and culture					-	0	-		0
Rushton Park Redevelopment [318(ii)]	-0	-	-	-	-	-0	(0)	0	0
Meadow Springs Recreation Facility [318(iii)]	-0	-	-	-	-	-0	(0)	0	0
Mandurah Football & Sporting Club [324]	-0	-	-	-	-	-0	-	0	0
Mandurah Rugby Club [325]	-0	-	-	-	-	-0	-	0	0
Halls Head Bowling Club upgrade [331]	169,574	-	-	7,040	26,369	162,534	149,379	815	7,646
Parks - Falcon Bay Reserve [333(i)]	-0	-	-	-	-	-0	-	0	0
MARC Redevelopment [338]	102,920	-	-	27,508	112,912	75,412	0	1,042	4,823
MARC Redevelopment Stage 1 [340]	179,255	-	-	15,037	70,416	164,218	116,348	884	9,144
MARC Redevelopment Stage 2 [341]	392,054	-	-	37,425	178,583	354,628	239,807	1,623	20,944
Eastern Foreshore Wall [344]	273,833	-	-	23,912	113,550	249,921	178,274	1,372	14,345
MARC Stage 2 [345]	412,420	-	-	34,995	161,425	377,425	277,756	1,379	21,363
Falcon Bay Seawall [351]	95,681	-	-	6,629	30,140	89,051	71,479	509	4,771
MARC Solar Plan [353]	95,664	-	-	3,892	14,800	91,772	83,959	520	4,296
Novara Foreshore Development [355]	186,152	-	-	8,473	39,545	177,679	148,505	525	5,198
Falcon Bay Foreshore Upgrades [356]	191,235	-	-	8,633	30,592	182,603	165,876	382	8,579
Mandjar Square Development [358]	233,241	-	-	10,404	40,867	222,838	198,908	534	9,098
Lakelands DOS [360]	1,120,403	-	-	53,423	205,103	1,066,980	977,492	2,653	49,387
Mandjar Square Stage 3 and 4	291,739	-	-	7,907	31,005	283,832	266,434	3,003	12,686
Falcon Seawall	545,397	-	-	19,185	58,787	526,212	503,257	1,429	23,969
Novara Foreshore Stage 3	117,823	-	-	3,191	22,671	114,632	87,249	1,213	5,061
Smart Street Mall Upgrade 2019/20	293,040	-	-	7,296	54,724	285,744	240,706	3,019	2,622
Falcon Bay Foreshore Stage 3 of 4	187,265	-	-	4,515	34,446	182,750	150,122	1,930	1,461
Mandjar Square Final Stage	188,384	-	-	4,509	32,386	183,875	154,229	1,942	2,246
Falcon Skate Park Upgrade	76,034	-	-	1,745	6,475	74,289	73,174	784	3,233
Westbury Way North side POS Stage 3	132,586	-	-	2,947	10,411	129,640	126,069	1,367	5,726
Eastern/ Western Foreshore 2020/21	792,747	-	-	22,734	133,183	770,013	646,385	1,396	3,854
Smart Street Mall 2020/21	799,967	-	-	22,137	130,320	777,830	644,793	1,752	4,319
Novara Foreshore Stage 4	76,766	-	-	1,422	6,426	75,344	71,699	794	2,518
Bortolo Reserve - Shared Use Parking and Fire Track Facility	217,117	-	-	5,707	35,624	211,411	177,140	847	1,233
Falcon Bay Upgrade - Stage 4 of 5	202,305	-	-	5,573	32,367	196,732	166,746	415	1,240
Enclosed Dog Park	15,822	-	-	284	861	15,538	15,343	164	672
South Harbour Paving Upgrade Stage 2	38,913	-	-	706	2,494	38,208	37,299	402	1,530
Falcon Skate Park Upgrade 2020/21	58,055	-	-	1,064	3,621	56,991	55,835	600	2,347
Eastern/ Western Foreshore 2021/22	1,218,066	-	-	32,068	186,611	1,185,998	1,004,577	2,036	6,016
Smart Street Mall 2021/22	502,703	-	-	12,966	75,913	489,737	416,298	1,095	2,858
Enclosed Dog Park 2021/22	147,130	-	-	3,440	21,262	143,690	123,204	649	1,121
Novara Foreshore Stage 4 2021/22	186,217	-	-	4,584	27,195	181,633	155,655	579	1,308
Falcon Bay Upgrade - Stage 4 of 5 2021/22	58,893	-	-	1,479	7,802	57,414	50,584	156	708
Parks and Reserves Upgrades 2021/22	395,567	-	-	10,146	59,391	385,421	328,001	904	2,343
Mandurah Library Re Roofing Project	94,194	-	-	2,057	13,630	92,137	79,004	560	709
Falcon Reserve Activation Plan Stage 3	348,823	-	-	8,114	49,565	340,709	301,080	842	1,568
Pleasant Grove Foreshore	51,623	-	-	1,151	6,162	50,472	46,708	171	914
Kangaroo Paw Park	268,553	-	-	6,434	37,287	262,120	232,997	448	1,506
Falcon Bay Stage 5 of 5	126,597	-	-	2,847	17,734	123,750	109,609	399	655
2022/23 South Harbour Upgrades	89,027	-	-	1,790	12,435	87,237	77,183	494	477
Upgrade of Playing Surface Peelwood Parade	-	-	-		-	0	-	-	0
Bruce Cresswell Reserve	171,169	-	-	4,004	23,914	167,165	148,275	384	908
Seascapes Boardwalk	174,495	-	-	4,056	24,616	170,439	150,873	422	9,118
Mandurah Community Museum Roof and Gutters	113,391	-	-	2,664	16,077	110,727	97,914	248	524
Stage 2 of Upgrades to Peelwood Reserve	-	-	-	-	-	0	-	-	0
Smart Street Mall Upgrade	51,356	-	-	1,148	6,951	50,208	44,846	168	355
Eastern Foreshore South Precinct	-	-	-	-	-	0	-	-	0
Western Foreshore Recreation Precinct	-	-	-	-	-	0	-	-	0
2022/23 Parks and Reserves Upgrades	340,175	-	-	7,989	48,206	332,186	293,794	743	1,574
Parks & Reserves Program	3,440,409	-	1,080,000	41,503	366,102	3,398,906	4,163,395	33,629	84,716
Transport					-	0	-		0

Repayments - Borrowings

Information on Borrowings		New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	1 July 2024	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
Drainage [318(iv)]	-0	-	-	-	-	-0	-	0	0
Road Construction [318(v)]	-0	-	-	-	-	-0	-	0	0
Road Construction [333(ii)]	-0	-	-	-	-	-0	-	0	0
New Pedestrian Bridge Construction [335]	3,026	-	-	3,026	-	0	-	13	0
New Road Construction [339]	89,978	-	-	19,405	97,843	70,574	(0)	931	4,373
New Road Construction [342]	219,081	-	-	19,078	88,802	200,003	142,653	818	11,356
WMC Tims Thicket [343]	37,154	-	-	2,852	14,266	34,301	23,581	378	1,854
Road Construction [346]	149,996	-	-	10,647	47,540	139,349	111,781	595	7,487
MARC Carpark [347]	113,993	-	-	7,844	36,109	106,149	84,969	696	5,689
MPAC Forecourt [348]	47,545	-	-	3,072	15,039	44,473	35,453	486	2,372
Mandurah Marina [352]	95,655	-	-	3,898	14,832	91,758	83,889	520	4,296
MARC Carpark [354]	143,480	-	-	6,081	22,247	137,399	125,832	545	6,443
Mandurah Foreshore Boardwalk Renewal [357]	212,282	-	-	9,540	36,875	202,742	180,644	505	8,532
New Road Construction [359]	589,350	-	-	26,940	103,169	562,410	517,627	1,398	25,138
Smoke Bush Retreat Footpath [361]	47,828	-	-	1,711	7,400	46,116	41,976	494	2,148
New Boardwalks 18/19	294,025	-	-	7,947	41,307	286,078	248,148	3,027	12,717
Coodanup Drive - Road Rehabilitation	58,862	-	-	1,594	16,402	57,268	33,516	606	2,501
Pinjarra Road Carpark	117,823	-	-	3,191	22,671	114,632	87,249	1,213	5,061
New Road Construction 2018/19	901,894	-	-	32,231	97,166	869,662	831,922	1,844	39,622
New Road Construction 2019/20	499,226	-	-	16,803	101,251	482,423	401,623	1,421	3,043
South Harbour Upgrade 2019/20	152,580	-	-	3,395	32,291	149,184	104,741	1,574	6,480
New Roads 2020/21	420,334	-	-	11,650	67,411	408,685	347,136	1,085	3,120
Carryover Roads 2020/21	405,571	-	-	10,282	61,213	395,289	334,653	1,019	2,200
Roads 2021/22	204,309	-	-	4,890	30,244	199,418	169,126	786	1,287
SP Halls Head PSP	174,495	-	-	4,056	24,616	170,439	150,873	422	847
Carparks 2021/22	135,191	-	-	3,249	19,707	131,941	113,020	512	977
RC Peel Street	96,920	-	-	1,901	13,597	95,019	83,864	585	496
Cambria Island Abutment Wall	48,598	-	-	1,208	7,019	47,391	40,912	142	366
Senior Citizens Carpark	11,154	-	-	142	213	11,012	11,580	128	529
Torcello Mews Canal PAW Renewal	87,331	-	-	1,765	12,223	85,566	75,606	475	457
MARC Carpark Additional and overflow	-	-	-	-	-	0	-	0	0
Halls Head Parade Car Park Stage 2a	45,343	-	-	1,021	2,484	44,322	45,058	99	1,593
RC Pinjarra Road Stage 4	436,464	-	-	10,399	61,129	426,064	378,006	795	2,269
Cambria Island Abutment Walls Repair	233,947	-	-	5,433	33,473	228,514	201,593	577	973
RC Pinjarra Road Stage 3	436,450	-	-	10,399	61,129	426,050	378,006	795	2,269
Halls Head Pde Beach Central CP Stage 2	85,207	-	-	1,727	11,173	83,479	74,915	451	712
Cambria Island Abutment Walls Repair	-	-	-	-	-	0	-	-	0
Roads & Drainage Program	2,365,222	-	2,700,000	28,532	234,993	2,336,689	4,819,781	23,120	58,241
Economic services					-	0	-	-	0
Mandurah Ocean Marina Chalets Refurbishment	121,889	-	-	3,041	18,123	118,849	101,464	360	769
Other property and services					-	0	-		0
IT Communications Equipment [318(i)]	-0	-	-	-	-	-0	-	0	0
Civic Building - Tuckey Room Extension	293,582	-	-	7,937	41,270	285,644	247,803	3,022	12,700
Building Renewal & Upgrades Program	1,408,979	-	720,000	16,998	145,438	1,391,981	1,982,768	13,772	34,695
Mandurah Quay Seawall Repair	0	-	150,000	-	-	0	150,000	0	0
	26,522,000	0	4,650,000	819,902	4,332,703	25,702,098	27,014,667	145,668	638,922
Total	26,522,000	0	4,650,000	819,902	4,332,703	25,702,098	27,014,667	145,668	638,922
Current borrowings	4,332,703		4,650,000	819,902	4,332,703	4,911,958	4,332,703	145,668	638,922
Non-current borrowings	22,189,297					20,790,140	22,681,964		
	26,522,000					25,702,098	27,014,667		

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.



Principal Repayments
$819,902

Interest Expense
$145,668

Loans Due
$25.7 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2024

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	1,512,891	0	0	7,000,000	0	0	0	8,512,891	1,512,891
Parking	503,320	0	0	0	0	0	0	503,320	503,320
Asset Management	32,076,141	0	0	0	0	(9,031,814)	0	23,044,327	32,076,141
Cultural Centre	2,480	0	0	0	0	0	0	2,480	2,480
Sustainability	282,900	0	0	0	0	0	0	282,900	282,900
Waste Facilities Reserve Fund	7,936,741	0	0	0	0	(3,395,736)	0	4,541,005	7,936,741
Interest Free Loans	191,704	0	0	0	0	0	0	191,704	191,704
CLAG	20,974	0	0	0	0	0	0	20,974	20,974
Mandurah Ocean Marina	186,087	0	0	0	0	0	0	186,087	186,087
Waterways	941,563	0	0	0	0	0	0	941,563	941,563
Port Mandurah Canals Stage 2 Maintenance	97,344	0	0	0	0	0	0	97,344	97,344
Mariners Cove Canals	88,693	0	0	0	0	0	0	88,693	88,693
Port Bouvard Canal Maintenance Contributions	279,167	0	0	0	0	0	0	279,167	279,167
Unspent Grants & Contributions	6,044,887	0	0	0	0	(3,530,079)	(3,530,079)	2,514,808	2,514,808
Long Service Leave	2,297,295	0	0	420,468	0	(1,160,498)	0	1,557,265	2,297,295
Bushland and Environmental Protection	1,776,093	0	0	0	0	0	0	1,776,093	1,776,093
Coastal Storm Contingency	270,242	0	0	0	0	0	0	270,242	270,242
Digital Futures	59,455	0	0	0	0	0	0	59,455	59,455
Decked Carparking	1,054,465	0	0	0	0	0	0	1,054,465	1,054,465
Specified Area Rates - Waterside Canals	112,732	0	0	0	0	(2,942)	(2,942)	109,790	109,790
Specified Area Rates - Port Mandurah Canals	145,661	0	0	64,900	64,900	(1,860)	(1,860)	208,701	208,701
Specified Area Rates - Mandurah Quay Canals	271,632	0	0	26,861	26,861	0	0	298,493	298,493
Specified Area Rates - Mandurah Ocean Marina	892,459	0	0	149,147	149,147	0	0	1,041,606	1,041,606
Specified Area Rate - Port Bouvard Canals	156,606	0	0	4,118	4,118	0	0	160,724	160,724
Specified Area Rate - Mariners Cove	5,715	0	0	0	0	0	0	5,715	5,715
Specified Area Rate - Eastport	54,494	0	0	853	853	0	0	55,347	55,347
Sportclubs Maintenance Levy	322,802	0	0	0	0	0	0	322,802	322,802
City Centre Land Acquisition Reserve	1,074,940	0	0	0	0	0	0	1,074,940	1,074,940
Lakelands Community Infrastructure Reserve	1,152,215	0	0	0	0	0	0	1,152,215	1,152,215
Plant Reserve	487,561	0	0	0	0	(1,542,209)	(1,542,209)	(1,054,648)	(1,054,648)
Workers Compensation Reserve	567,334	0	0	0	0	0	0	567,334	567,334
Restricted Cash Reserve	2,822,955	0	0	0	0	(1,050,902)	(1,050,902)	1,772,053	1,772,053
Transform Mandurah Funding Program Reserve	925,969	0	0	0	0	0	0	925,969	925,969
Community Safety	510,653	0	0	0	0	0	0	510,653	510,653
Public Art Reserve	311,498	0	0	0	0	0	0	311,498	311,498
	65,437,670	**0**	**0**	**7,666,347**	**245,879**	**(19,716,040)**	**(6,127,992)**	**53,387,977**	**59,555,557**

NOTE 9

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Operating Grant, Subsidies and Contributions Liability				Operating Grants, Subsidies and Contributions Revenue			
	Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Jun	Adopted Budget	Budget Variations	Annual Budget	YTD Revenue Actual
	$	$	$	$	$	$	$	$
Operating Grants and Subsidies								
General purpose funding								
2024-25 Financial Assistance Grant - Local Roads	0	0	0	0	1,586,904		1,586,904	38,876
2024-25 Financial Assistance Grant - General Roads	0	0	0	0	2,098,089		2,098,089	95,102
Law, order, public safety								
Southern Districts Bush Fire Brigade LGGS: DFES	0	0	0	0	39,254	0	39,254	12,325
SES LGGS: 2024/25 DFES	0	0	0	0	60,559	0	60,559	8,703
Education and welfare								
Waterwise Verge Grant: Water Corp	0	0	0	0	10,000	0	10,000	0
Paint Manjoogoordup REaD: Department of Communities	99,811	0	0	99,811	99,811	0	99,811	0
Community amenities		0	0					
Streets Alive Place Enrichment Mandurah South	0	5,000	0	5,000	0	0	0	0
Bus Shelter Maintenance Assistance Scheme: PTA	0	0	0	0	18,186	0	18,186	0
Recreation and culture		0	0					
Crabfest: Tourism WA 2025	0	10,000	0	10,000	140,000	0	140,000	0
Every Club Funding 2024: DLGSC	38,930	0	0	38,930	0	0	0	0
Every Club Funding 2025: DLGSC		0	0	0	37,908	0	37,908	0
Gnoonie Youth Football Cup: Healthway	0	0	0	0	3,000	0	3,000	0
CHRMAP: DPLH	98,000	0	0	98,000	0	70,000	70,000	0
Community Action Plan: Alcohol and Drug Foundation	16,687	0	0	16,687	16,528	0	16,528	0
2023 Crabfest: Tourism WA	0	0	0	0	0	0	0	0
National Volunteer Week	0	0	0	0	0	0	0	0
Coastal Adaption and Protection: Department of Transport	0	0	0	0	0	0	0	0
	253,428	**15,000**	**0**	**268,428**	**4,110,239**	**70,000**	**4,180,239**	**155,005**
TOTALS	**253,428**	**15,000**	**0**	**268,428**	**4,110,239**	**70,000**	**4,180,239**	**155,005**

* The Note 9 above relates to Operating Grants, Subsidies and Contributions with contract liability

		Unspent Non Operating Grants, Subsidies and Contributions Liability				Non Operating Grants, Subsidies and Contributions Revenue			
Provider		Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Jun	Adopted Budget Revenue	Budget Variations	Annual Budget	YTD Revenue Actual (b)
		$	$	$	$	$	$	$	$
Non-Operating Grants and Subsidies					0				
700055	Waterfront Project- DoH	2,500,000	0	(695,946)	1,804,054	2,500,000	0	2,500,000	695,946
700055	Waterfront Project - DoH 22-23	184,940	0	(184,940)	0	0	0	0	184,940
700055	Waterfront Project - RfR		0	0	0	0	0	0	0
750688	22-23 MPAC Internal Refurb	0	0	0	0	0	0	0	0
700516	Yalgorup National Park	89,108	0	0	89,108	825,000	25,000	850,000	0
501113	SP Halls Head PSP - DPIRD	0	0	0	0	0	0	0	0
501129	Trails Project	74,158	0	0	74,158	350,000	0	350,000	0
750732	Dawesville Community Centre	1,832,843	0	(374,299)	1,458,544	5,307,198	0	5,307,198	374,299
750740	23-24 MPAC Flytower Roof and Cladding Renewal	0	0	0	0	0	0	0	0
700577	Merlin Street Reserve Activation Plan	150,000	0	0	150,000	0	0	0	0
501084	Peel Street - Power Relocation	0	0	0	0	0	0	0	0
501181	TM Estuary Road Delineation	15	0	0	15	0	0	0	0
501182	SL Old Coast Road/McLarty Road/Leeward Road Ent	8,920	(8,920)	0	0	0	0	0	(9,723)
501235	23-24 RC Peel Street Stage 4 - RRG	0	0	0	0	0	666,868	666,868	0
501235	23-24 RC Peel Street Stage 4 - LRCI	0	0	0	0	0	506,175	506,175	0
501192	23-24 SP Falcon Coastal Shared Path - Stage 1	0	0	0	0	30,000	0	30,000	0
501193	23-24 TM Clarice St	31,034	0	0	31,034	0	87,999	87,999	0
501194	23-24 TM Mandurah Tce/Adonis Rd	15,376	0	0	15,376	0	38,440	38,440	0
501196	23-24 TM Wanjeep St	74,265	0	0	74,265	0	157,999	157,999	0
501197	23-24 TM White Hill Road - Blackspot Funding	0	0	0	0	0	0	0	0
501198	23-24 TM White Hill Road - Direct Grant	0	0	0	0	0	0	0	0
501200	23-24 RR Mayfair Mews	0	0	0	0	0	0	0	0
501201	23-24 RR Quarry Way	0	0	0	0	0	0	0	0
501202	23-24 RR Tara St	0	0	0	0	0	0	0	0
501205	23-24 RS Dalby St	0	0	0	0	0	0	0	0
501206	23-24 RS Leyburn Drv	65,000	0	0	65,000	0	0	0	0
501213	23-24 RS Charon Rd	0	0	0	0	0	0	0	0
501209	23-24 RS Thisbe Drv	0	0	0	0	0	0	0	0
501216	23-24 RS Dior Place - Direct Grant	0	0	0	0	0	0	0	0
501216	23-24 RS Dior Place - Roads to Recovery	0	0	0	0	0	0	0	0
501239	23-24 SP Guillardon Tce/Karinga Rd	0	0	0	0	0	0	0	0
501211	23-24 RS Cambridge Drv	0	0	0	0	0	0	0	0
501222	23-24 RS Littleton St	0	0	0	0	0	0	0	0
700625	EV Charging Stations	0	35,000	0	35,000	0	0	0	0
501212	23-24 RR Carter St	0	0	0	0	0	0	0	0
501234	23-24 RS Wilkins St	0	0	0	0	0	0	0	0
501219	23-24 RS Harvey View Drv	0	0	0	0	0	0	0	0
501230	23-24 RS Skud St	0	0	0	0	0	0	0	0
501228	23-24 RS Sandalwood Pde	0	0	0	0	0	0	0	0
501208	23-24 RS Tara St	0	0	0	0	0	0	0	0
501213	23-24 RS Charon Rd	1,906	0	0	1,906	0	0	0	0
750769	MPAC Access and Operational Safety Upgrades	0	0	0	0	180,000	0	180,000	0
750771	MPAC Fire Detection and Protection System Upgrade	0	0	0	0	262,500	0	262,500	0
501263	Lake Valley Drive and Badgerup Avenue Blackspot	0	0	0	0	10,000	0	10,000	0
501264	Lakes Road - Murdoch Drive Blackspot	0	0	0	0	10,000	0	10,000	0
501265	Lynda Street and Baroy Street Blackspot	0	0	0	0	13,300	0	13,300	0
501266	Mercedes Avenue Blackspot	0	0	0	0	12,000	0	12,000	0
501267	Wanjeep Street Blackspot	0	0	0	0	10,000	0	10,000	0
501268	Yindana Blvd and Lake Valley Drive Blackspot	0	0	0	0	10,000	0	10,000	0
501272	Tarragon Way Road Renewal	0	0	0	0	50,000	0	50,000	0
501273	Banyon Close Road Resurface	0	0	0	0	50,000	0	50,000	0
501274	Bolton Street Road Resurface	0	0	0	0	50,000	0	50,000	0
501217	Everlasting Retreat Road Resurface	0	0	0	0	205,000	0	205,000	0
501277	Hennessey Place Road Resurface	0	0	0	0	150,000	0	150,000	0
501220	Hibiscuss Rise Road Resurface	0	0	0	0	50,000	0	50,000	0
501280	Monang Street Road Resurface	0	0	0	0	75,000	0	75,000	0
501281	Olive Road Road Resurface	0	0	0	0	100,000	0	100,000	0
501226	23-24 RS Rakoa St	0	0	0	0	150,000	0	150,000	0
501283	Renison Drive Road Resurface	0	0	0	0	100,000	0	100,000	0
501227	23-24 RS Rouse Rd	0	0	0	0	150,000	0	150,000	0
501284	Soldiers Cove Terrace Resurface	0	0	0	0	56,175	0	56,175	0
501285	Stirling Grove Road Resurface	0	0	0	0	50,000	0	50,000	0
501233	Thomson St Road Resurface	0	0	0	0	220,000	0	220,000	0
501286	Touchstone Drive Road Resurface	0	0	0	0	400,000	0	400,000	0
501288	Yukon Close Road Resurface	0	0	0	0	50,000	0	50,000	0
501289	Pinjarra Road Upgrade Stage 5	0	0	0	0	1,000,000	(1,000,000)	0	0
501290	Pinjarra Road Upgrade Stage 6	0	0	0	0	1,000,000	(1,000,000)	0	0
501291	Pinjarra Road	0	0	0	0	0	2,000,000	2,000,000	0
501293	Shared Path Renewal Program	0	0	0	0	500,000	0	500,000	0
911011	Sutton Farm Public Jetty New	0	0	0	0	182,000	0	182,000	0
									0
		5,027,564	**26,080**	**(1,255,184)**	**3,798,459**	**14,108,173**	**1,482,481**	**15,590,654**	**1,245,462**
Non-Operating Contributions									
	PEET - Cash in Lieu Contribution	1,065,909	0	0	1,065,909	0	0	0	0
700518	Eastport Foreshore Upgrade	0	0	0	0	0	0	0	66,541
700619	Dawesville SE Foreshore	0	0	0	0	0	0	0	680
104055	SES Building Education Drive	0	0	0	0	0	0	0	15,280
		1,065,909	**0**	**0**	**1,065,909**	**0**	**0**	**0**	**82,501**
Total Non-operating grants, subsidies and contributions		**6,093,473**	**26,080**	**(1,255,184)**	**4,864,368**	**14,108,173**	**1,482,481**	**15,590,654**	**1,327,963**

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2024

NOTE 11
PROPOSED BUDGET VARIATIONS FOR COUNCIL APPROVAL

The following are for consideration for Council to approve as budget variations

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				$	$	$	$
							(449,344)
750732-6100-1001-41403	Dawesville Community Centre		Capital Revenue		640,000		190,656
750732-6100-1001-61129	Dawesville Community Centre		Capital Expenses			(640,000)	(449,344)
	Operating Carryovers - Increase in Materials		Operating Expenses			(14,277)	(463,621)
	Operating Carryovers - Restricted Cash Reserve		Other: Transfer Out of Reserve		172,645		(290,976)
	Operating Carryovers - Unspent Grant Reserve		Other: Transfer Out of Reserve			(130,368)	(421,344)
	Operating Carryovers - Decrease in Operating Revenue		Operating Revenue		125,617		(295,727)
	Operating Carryovers - Contract Liability		Non Cash Item	(153,617)			(449,344)
	Capital Carryover - Capital adjustment		Capital Expenses			(1,505,858)	(1,955,202)
	Capital Carryover - Loan adjustment		Other: Unutilised Loans			(98,495)	(2,053,697)
	Capital Carryover - Asset Management Reserve adjustment		Other: Transfer Out of Reserve			(1,760,307)	(3,814,004)
	Capital Carryover - Proceeds adjustment		Capital Revenue			(297,640)	(4,111,644)
	Capital Carryover - Transfer from reserve		Other: Transfer Out of Reserve		4,083,992		(27,652)
	Capital Carryover - Grants adjustments		Capital Revenue		2,423,605		2,395,953
	Capital Carryover - Grants and contributions adjustments		Other: Transfer Out of Reserve			(994,962)	1,400,991
	Capital Carryover - Transfer from Cash In Lieu Reserve		Other: Transfer Out of Reserve		411,012		1,812,003
	Capital Carryover - Contributions adjustments		Other: Transfer Out of Reserve		411,012		2,223,015
	Capital Carryovers - Contract Liability		Non Cash Item	(2,261,347)			(38,332)
	Capital Carryovers - Cash In Lieu		Non Cash Item	(411,012)			(449,344)
				(2,825,976)	**8,267,883**	**(5,441,907)**	

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2024

NOTE 12
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
				$	$	$	$
							(449,343)
	Operating Carryovers - Increase in Materials		Operating Expenses			(1,394,672)	(1,844,015)
	Operating Carryovers - Restricted Cash Reserve		Other: Transfer Out of Reserve		1,050,902		(793,113)
	Operating Carryovers - Unspent Grant Reserve		Other: Transfer Out of Reserve		273,770		(519,343)
	Operating Carryovers - Increase in Operating Revenue		Operating Revenue		70,000		(449,343)
	Capital Carryover - Capital adjustment		Capital Expenses			(12,949,325)	(13,398,668)
	Capital Carryover - Loan adjustment		Other: Unutilised Loans		1,847,554		(11,551,114)
	Capital Carryover - Reserve adjustment		Other: Transfer into Reserve		3,622,819		(7,928,295)
	Capital Carryover - Proceeds adjustment		Capital Revenue		706,464		(7,221,831)
	Capital Carryover - Transfer from reserve		Other: Transfer Out of Reserve		2,033,698		(5,188,133)
	Capital Carryover - Grants adjustments		Capital Revenue		1,482,481		(3,705,652)
	Capital Carryover - Grants and contributions adjustments		Other: Transfer into Reserve		3,256,309		(449,343)
163046-4000-1263-61001	Place and Community Projects - Director Place and Community		Operating Expenses		2,000		(447,343)
163047-4000-1263-61001	Start Up Fund - Director Place and Community		Operating Expenses			(2,000)	(449,343)
163046-4000-1263-61001	Place and Community Projects - Director Place and Community		Operating Expenses		2,000		(447,343)
163048-4000-1263-61001	Milestone Celebration Fund - Director Place and Community		Operating Expenses			(2,000)	(449,343)
750782-6100-1001-61001	CASM Front Counter		Capital Expenses			(10,000)	(459,343)
102711-4200-1263-61001	CASM - Cultural Development		Operating Expenses		10,000		(449,343)
				0	**14,357,997**	**(14,357,997)**	**(449,343)**

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 31 AUGUST 2024

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 2024-25 year is 10.00%

Reporting Program	Var. $	Var. %		Timing/ Permanent	Explanation of Variance
	$	%			
Revenue from operating activities					
Operating grants, subsidies and contributions	(694,998)	(65.51%)	▼	Timing	Variance primarily due to budgeted grants/contributions not yet received. Will be monitored throughout the remainder of the year.
Interest earnings	(235,524)	(32.85%)	▼	Timing	Investment interest lower due to rates being raised in August. Will increase as rates receipts are invested
Other revenue	3,615	27.40%	▲	Timing	Variance primarily due to fuel tax credit received.
Profit on disposal of assets	78,289	100.00%	▲	Permanent	Favourable non-cash variance due to asset disposals. Refer to note 4 for the asset disposals.
Expenditure from operating activities					
Materials and contracts	3,553,993	31.48%	▲	Timing	Variance in expenditure due to timing of projects
Utility charges	404,474	51.20%	▲	Timing	Variance mainly for Street Lighting Maintenance invoicing, to be monitored during the year.
Interest expenses	(74,781)	(39.96%)	▼	Timing	Variance mainly for interest on leases recognised for the July quarter
Loss on disposal of assets	(7,807)	100.00%	▼	Permanent	Non-cash variance due to assets sales. Process usually performed as part of the year end financials preparation. Refer to note 4 for details.
Investing Activities					
Non-operating Grants, Subsidies and Contributions	(1,270,479)	(48.89%)	▼	Timing	Capital grants are recognised in line with capital expenditure.
Proceeds from Disposal of Assets	(1,005,760)	(73.99%)	▼	Timing	Refer to note 4.
Capital Acquisitions	5,322,606	51.74%	▲	Timing	Refer to note 6.
Financing Activities					
Payment of lease liability	16,263	16.92%	▲	Timing	Varying repayment terms on lease agreements. Will be monitored throughout the remainder of the year.
Proceeds from new interest earning liability	(76,833)	(100.00%)	▼	Timing	Proceeds received from leasing company as dependent on timing of new lease take ups.
Principal elements of interest earning liability	(66,477)	(42.00%)	▼	Timing	Timing of take up of new liability agreements with leasing company.
Repayment of debentures	(97,785)	(13.54%)	▼	Timing	Will be monitored throughout the year.

2023/24 Operating Carryovers to 2024/25

Project	Account	Cost Centre	2024-25 Carryover Budget (Original)	2024-25 Carryover Budget (Final)	Difference	Reserve
Consultant budget Ops Centre Administration	100010-5340-1114-61129	5340	40,000.00	40,000.00	-	Restricted Cash
Consultant budget City Parks	100010-5140-1114-61129	5140	10,000.00	10,000.00	-	Restricted Cash
Consultant budget City Maintenance – Facilities Consulting Services	138728-5550-1114-61129	5550	17,000.00	17,000.00	-	Restricted Cash
Administration - Consultants - Contractor	100010-4000-1114-61129	4000	85,500.00	85,500.00	-	Restricted Cash
Literacy Strategy - General Operations - Materials	100110-4000-1263-61001	4000	50,000.00	50,000.00	-	Restricted Cash
Administration - Consultants	100010-1000-1169-61001	1000	71,312.40	56,312.40	- 15,000.00	Restricted Cash
Community Perceptions Survey	100010-3020-1169-61001	3020	9,750.00	9,750.00	-	Restricted Cash
Alcohol and Drug Foundation (ADF) Grant	102608-4600-1263-61001	4600	15,550.64	15,550.64	-	Unspent Grants
Administration	100010-4600-1507-61129	4600	10,000.00	10,000.00	-	Restricted Cash
Contemporary Art Spaces Mandurah (CASM)	102711-4200-1507-61129	4200	15,000.00	15,000.00	-	Restricted Cash
Contemporary Art Spaces Mandurah (CASM)	102711-4200-1263-61001	4200	5,000.00	5,000.00	-	Restricted Cash
Quantum Geographic Information System (QGIS) and Spatial Services	100010-5400-1114-61129	5400	10,000.00	10,000.00	-	Restricted Cash
Digitisation of Bridge Plans	100010-5400-1253-61001	5400	500.00	500.00	-	Restricted Cash
PRINCE2 Corporate Training	128022-3310-1250-61001	3310	140,000.00	140,000.00	-	Restricted Cash
Club Development	125007-3780-1263-61001	3780	48,987.74	48,987.74	-	Unspent Grants
Surf Lifesaving Beach Support	125009-3780-1263-61129	3780	10,000.00	10,000.00	-	Restricted Cash
Rushton Park Master Plan	100010-4120-1169-61001	4120	30,658.00	30,658.00	-	Restricted Cash
Rushton Park Master Plan	100010-1110-1169-61001	1110	20,143.00	20,143.00	-	Restricted Cash
Mandurah Health Precinct Structure Plan	100010-4120-1169-61001	4120	30,000.00	30,000.00	-	Restricted Cash
Traffic Counter assessment and repair/replacement	138701-5430-1263-61129	5430	7,000.00	7,000.00	-	Restricted Cash
Traffic Counter replacement	138701-5430-1263-61129	5430	7,000.00	7,000.00	-	Restricted Cash
Traffic Strategies (Maintenance & Monitoring, Intervention)	138701-5430-1263-61129	5430	40,000.00	40,000.00	-	Restricted Cash
Corporate Projects – Event Strategy	100010-1110-1169-61001	1110	40,600.00	40,600.00	-	Restricted Cash
Corporate Projects – Western Foreshore	100010-1110-1169-61001	1110	130,000.00	130,000.00	-	Restricted Cash
Entrepreneurship	102244-1110-1263-61001	1110	30,330.00	30,330.00	-	Restricted Cash
External Event Attraction Program	102244-1110-1263-61001	1110	20,000.00	20,000.00	-	Restricted Cash
Transform Mandurah Initiative – Grant Funding	100064-1110-1267-61129	1110	34,325.47	24,425.47	- 9,900.00	Restricted Cash
Transform Mandurah Initiative – City Contribution	100064-1110-1263-61129	1110	150,000.00	150,000.00	-	Restricted Cash
Southern Beaches CHRMAP	100113-5850-1263-61001	5850	279,231.70	78,863.40	- 200,368.30	Unspent Grants
Southern Beaches CHRMAP	100113-5850-1263-61001	5850	-	140,000.00	140,000.00	Restricted Cash
Southern Beaches CHRMAP	100113-5850-1263-61001	5850	-	42,000.00	42,000.00	
Christmas Decorations	104578-3404-2150-61129	5710	36,783.00	36,783.00	-	Restricted Cash
Specialist Condition Survey - New	138712-5400-1263-61001	5400	-	27,545.00	27,545.00	Restricted Cash
Specialist Condition Survey - New	138712-5400-1114-61129	5400	-	30,000.00	30,000.00	Restricted Cash
		Total	**1,394,672**	**1,408,949**	**14,277**	

	Original Carryover	Final Carryover	Difference
Decrease in Materials and Contracts	$ 1,394,672	$ 1,408,949	$ 14,277
Transfer to the Restricted Cash Reserve	-$ 1,050,902	-$ 1,223,547	-$ 172,645
Transfer to the Unspent Grants Reserve	-$ 273,770	-$ 143,402	$ 130,368
Decrease in Operating Grants	-$ 70,000	-$ 42,000	$ 28,000
Total	**-$ 0**	**-$ 0**	**-$ 0**

ATTACHMENT 7.4

								2024/25 Final Carryover Funding					
Asset Type	Old Project Number	PLM Project	Project Description	Original 24-25 Carryover	Final Carryover into 2024/25	Expense Variance	Reserve Type	24-25 Final Carryover Grant Funding	24-25 Final Carryover Contribution Funding	24-25 Final Carryover Loan Funding	24-25 Final Carryover Reserve Funding	24-25 Final Carryover Proceed Funding	24-25 Final Carryover Muni Funding (Will come out of reserve 1/7/24)
Bridges	880012		Lakelands-Madora Bay Pedestrian Bridge	-	46,838.74	$46,838.74	Asset Management	-	-	-	46,839	-	- 0
Buildings	750732	750732	23-24 Dawesville Community Centre	1,634,075.00	1,670,819.99	$36,744.99	Asset Management & Building	1,670,820	-	-	-	-	0
Buildings	750660		WMC Tipping Shed	145,000.00	153,939.01	$8,939.01	Waste	-	-	-	153,939	-	0
Buildings	750695		WMC - Upgrade Fire Fighting Infrastructure	125,000.00	134,400.00	$9,400.00	Waste	-	-	-	134,400	-	-
Buildings	750712		Refurbishment of Billy Dower Youth Centre	-	12,000.00	$12,000.00	Asset Management	-	-	-	12,000	-	0
Buildings	750754		Administration Centre Refurbishment	-	71,400.00	$71,400.00	Asset Management	-	-	-	58,979	-	12,421
Buildings	750735	750772	23-24 MPAC Minor Renewal & Upgrade Works	-	160,000.00	$160,000.00	Asset Management	-	-	-	119,891	-	40,110
Buildings	750681		MARC Roof	-	22,060.01	$22,060.01	Asset Management	-	-	- 0	22,060	-	0
Buildings	750756		MPAC HVAC	-	31,290.08	$31,290.08	Asset Management	-	-	-	20,290	-	11,000
Buildings	750647	750732	Dawesville Community Centre	-	69,282.95	$69,282.95		69,283	-	-	-	-	0
Drainage	600195		DR Hopetoun Bend Drainage Upgrade	20,000.00	62,149.98	$42,149.98	Asset Management	-	-	-	62,150	-	- 0
Drainage	600192		22-23 DR Cervantes Drive	-	28,005.29	$28,005.29	Asset Management	-	-	-	28,005	-	- 0
Drainage	600189		Mandurah Terrace Drainage	-	10,499.85	$10,499.85	Asset Management	-	-	-	10,500	-	0
Other	700056	700055	Western Foreshore Recreation Precinct	2,034,816.01	2,034,816.01	$0.00	Asset Management	-	-	1,576,084	458,733	-	-
Other	700055	700055	Waterfront Project	1,192,387.00	367,615.03	-$824,771.97	Asset Management	184,940	-	94,683	87,993	-	- 0
Other	700053		Lakelands DOS Sports Specific Infrastructure	-	108,292.75	$108,292.75	Asset Management	-	-	78,293	30,000	-	-
Parks	700619	700619	Dawesville SE Foreshore	729,216.00	746,498.03	$17,282.03	Asset Management	-	271,362	-	440,000	-	35,136
Parks	700577		Merlin Street Reserve Activation Plan	359,590.00	370,000.00	$10,410.00	Asset Management	102,766	-	-	250,000	-	17,234
Parks	700516		Yalgorup National Park	304,752.00	366,152.25	$61,400.25	Asset Management	114,107	-	-	252,045	-	- 0
Parks	700575		23-24 Coodanup Foreshore	200,000.00	292,550.48	$92,550.48	Asset Management	-	-	- 0	236,197	-	56,354
Parks	700589		23-24 FR Rushton Park - Tennis Centre	90,000.00	90,000.00	$0.00	Asset Management	-	-	- 0	90,000	-	-
Parks	700583		23-24 North Mandurah Irrigation Water Supply	82,234.00	164,184.50	$81,950.50	Asset Management	-	-	-	156,951	-	7,234
Parks	700478		Meadow Springs Golf Course Fence	18,332.31	48,178.38	$29,846.07	Asset Management	-	-	-	48,178	-	0
Parks	700625		EV Charging Stations	-	175,000.00	$175,000.00		175,000	-	-	-	-	-
Parks	700593		Central Irrigation Management System Renewal	-	110,000.00	$110,000.00	Asset Management	-	-	-	19,565	-	90,435
Parks	700599		23-24 PR Rushton Park	-	65,667.92	$65,667.92	Asset Management	-	-	-	14,355	-	51,313
Parks	700514		Bortolo Fire Track Water Infrastructure	-	41,681.00	$41,681.00	Asset Management	-	-	-	11,681	-	30,000
Parks	700580		23-24 Blythwood Reserve	-	3,375.45	$3,375.45		-	-	-	-	-	3,376
Parks	700581		23-24 Wilderness Reserve	-	3,530.76	$3,530.76		-	-	-	-	-	3,531
Parks	700646		Dawesville Foreshore Reserve Bollard	-	25,000.00	$25,000.00	Asset Management	-	-	-	25,000	-	-
Plant & Machinery	770006		Trucks and Buses	1,421,496.35	1,421,496.35	$0.00	Plant	-	-		665,537	316,247	439,712
Plant & Machinery	770009		Parks and Mowers	346,528.54	305,450.36	-$41,078.18	Plant	-	-		-	44,500	260,950
Plant & Machinery	770001		Replacement Light Passenger Vehicles	324,813.73	65,435.19	-$259,378.54	Plant	-	-		-	24,024	41,411
Plant & Machinery	770002		Replacement Light Commercial Vehicles	155,833.23	42,026.72	-$113,806.51	Plant	-	-		-	24,053	17,974
Plant & Machinery	770020		Tim's Thicket Weighbridge	85,000.00	92,702.00	$7,702.00	Waste	-	-	-	92,702	-	-
Roads	501235		23-24 RC Peel Street Stage 4	1,600,000.00	2,665,908.99	$1,065,908.99	Asset Management	1,173,043	-	- 0	1,400,845	-	92,021
Roads	500016	700055	Smart Street Mall Upgrade	591,165.64	604,311.79	$13,146.15	Asset Management	-	-	0	604,311	-	0
Roads	501199		23-24 RR Guillardon Tce/Karringa Rd	400,000.00	405,719.07	$5,719.07	Asset Management	-	-	-	87,753	-	317,966
Roads	501196		23-24 TM Wanjeep St	387,103.00	391,546.47	$4,443.47	Asset Management	232,264	-	-	130,000	-	29,283
Roads	501193		23-24 TM Clarice St	214,913.00	217,037.45	$2,124.45	Asset Management	119,033	-	-	-	-	98,005
Roads	501249		23-24 SP Caspar Road	152,165.00	151,485.06	-$679.94	Asset Management	-	-	0	134,564	-	16,921
Roads	501131	700619	Dawesville Channel SE Foreshore Upgrade	139,650.00	139,650.00	$0.00	Asset Management	-	139,650	-	-	-	-
Roads	501129		Trails Project	93,622.00	84,865.61	-$8,756.39	Asset Management	- 90,000	-	-	84,865	-	90,000
Roads	501194		23-24 TM Mandurah Tce/Adonis Rd	68,532.00	70,357.47	$1,825.47	Asset Management	38,440	-	-	-	-	31,917
Roads	501239		23-24 SP Guillardon Tce/Karinga Rd	22,000.00	22,000.00	$0.00	Asset Management	-	-	-	-	-	22,000
Roads	501258		23-24 Tims Thicket Waste Facility - Upgrade CCTV	11,100.00	11,100.00	$0.00	Waste	-	-	-	11,100	-	-
Roads	501197		23-24 TM White Hill Road	-	112,562.00	$112,562.00	Asset Management	86,666	-	-	-	-	25,896
Roads	501113		SP Halls Head PSP	-	154,381.78	$154,381.78	Asset Management	29,725	-	-	116,262	-	8,395
Roads	501242		23-24 SL Street Lighting Renewal Program	-	10,884.00	$10,884.00		-	-	-	-	-	10,884
Roads	501240		23-24 Signage Renewal Program	-	1,034.19	$1,034.19		-	-	-	-	-	1,034
	Total			**12,949,324.81**	**14,455,182.96**	**$1,505,858.15**		**3,906,086**	**411,012**	**1,749,059**	**6,117,690**	**408,824**	**1,862,512**

Reserve breakdown	Amount
Asset Management	5,471,024
Building	-
Waste	392,141
Plant	665,537
Total Reserve movement	**6,528,702**

8	**SUBJECT:**	Delegated Authority – New and Amended
	DIRECTOR:	Director Business Services
	MEETING:	Council
	MEETING DATE:	24 September 2024

Summary

Due to the commencement of Stage 5a of the *Public Health Act 2016* effective 4 June 2024, a new delegation, DA-PBH 13 *Public Health Act 2016* - Enforcement Orders and Clearance Certificates is required to allow for the management of Enforcement Orders.

Council is also requested to approve a minor amendment to DA-PAD 02 Development Applications (excluding Single Houses) and to DA-EMS 03 *Bush Fire Act 1954* Prosecutions as a result of recent internal restructure.

It is recommended that Council endorse new delegation DA-PBH 13 *Public Health Act 2016* - Enforcement Orders and Clearance Certificates (Attachment 8.1) and amended delegations DA-PAD 02 Development Applications (excluding Single Houses) (Attachment 8.2) and DA-EMS 03 *Bush Fires Act 1954* Prosecution (Attachment 8.3).

Disclosure of Interest

Nil.

Previous Relevant Documentation

- G.13/5/24 28 May 2024 Annual Review Register of Delegated Authority

Background

Council completed its annual review of the City of Mandurah Delegations of Authority at its meeting of 28 May 2024.

The *Public Health Act 2016* provides a framework to regulate known or emerging public health risks. Phase 5A, the first phase of the implementation process, commenced 4 June 2024.

Comment

Stage 5a of the *Public Health Act 2016* implementation commenced 4 June 2024. As a result, Part 14 – Improvement notices and enforcement orders has come into effect. It is to be noted that enforcement action under stage 5a would primarily relate to hairdresser establishments which is a very low public health risk activity.

Part 14 provides for delegation of authority to be in place for initiation of enforcement action via the issuance of an Enforcement Order. An Enforcement Order is a form that requires or prohibits a person from undertaking a specified action. Failure to comply with an enforcement order has significant penalties. When a person has not complied with an enforcement order, an enforcement agency may take any action necessary to implement the order and recover any costs.

A new delegation for the management of enforcement orders is proposed (refer to Attachment 8.1). The *Public Health Act 2016* does not currently include a power of subdelegation therefore the delegation is proposed directly from Council to relevant officers.

Amendment is proposed to DA-PAD 02 Development Applications (excluding Single Houses) in response to the recent internal restructure. The proposed amendment is outlined in the table below (refer to Attachment 8.2 and Attachment 8.3)

Delegation	Proposed Amendment	Reason
DA-PAD 02 Development Applications (excluding Single Houses)	Amendment to "Conditions": Remove "Director Business Services" from the membership of the Planning Review Group.	Members of the Planning Review Group should be restricted to technical experts only.
DA-EMS 03 *Bush Fires Act 1954* Prosecution	Remove Director Business Services as a Delegate. Add Director Strategy and Economic Development as a Delegate. Under Conditions: Replace reference to Director Business Services with Director Strategy and Economic Development.	Amendment is required as a result of internal restructure.

Consultation

Department of Health

Statutory Environment

Public Health Act 2016
Local Government Act 1995
Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No 12
Bush Fires Act 1954

Policy Implications

Delegations make reference to relevant policies where applicable.

Financial Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Analysis

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

Strategic Implications

The following community outcome from the City of Mandurah Strategic Community Plan 2024 – 2044 is relevant to this report:

Leadership:
- Sound decisions based on evidence and meaningful engagement

Conclusion

Adoption of the proposed amendments enables for efficient and effective decision making. Council is requested to support the recommendations.

NOTE:

- Refer ***Attachment 8.1*** ***DA-PBH 13 Public Health Act 2016 - Enforcement Orders and Clearance Certificates***
  Attachment 8.2 ***DA-PAD 02 Development Applications (excluding Single Houses)***
  Attachment 8.3 ***DA-EMS 03 Bush Fires Act 1954 Prosecution***

RECOMMENDATION

That Council:

1. Adopts new delegation DA-PBH 13 *Public Health Act 2016* - Enforcement Orders and Clearance Certificates (as per Attachment 8.1).

2. Adopts amendments to DA-PAD 02 Development Applications (excluding Single Houses) (as per Attachment 8.2).

3. Adopts amendments to DA-EMS 03 Bush Fires Act 1954 Prosecution (as per Attachment 8.3).

ABSOLUTE MAJORITY REQUIRED

Delegation	**DA – PBH 13 *Public Health Act 2016* - Enforcement Orders and Clearance Certificates**
Category	Public Health
Delegator	Council
Express power to delegate	*Public Health Act 2016*: s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* *s.216 Issue of Enforcement Orders* *s.218 Extension of period of compliance with enforcement order* *s.219 Enforcement agency may implement enforcement order* *s.221 Recovery of costs incurred by or on behalf of enforcement agency* *s.223 Certificate of clearance to be given in certain circumstances* *s.224 Request for assessment*
Function	Authority to: 1. Give an enforcement order in accordance [s.216]. 2. Extend the period for compliance specified in the order [s.218]. 3. Authority to take any action reasonably necessary to implement sufficient compliance with an enforcement order that has not been complied with [s.219(2)]. 4. Authority to sign a certificate stating the amount of any costs and the manner in which they were incurred as evidence of the matters certified [s.221(2)]. 5. Give a certificate of clearance (in the Department of Health approved form) where an assessment report of an authorised officer finds the enforcement order has been complied with and there is no longer a serious public health risk to be prevented or mitigated [s.223]. 6. Where requested under s.224, cause an assessment by another authorised officer to be made for the purposes of s.233 (clearance certificate) and give notice of a decision to not give a clearance certificate after assessment [s.224(2)].
Delegates	Chief Executive Officer Executive Manager Development and Compliance Coordinator Health Services
Conditions	1. Content of enforcement order must comply with s.217 provisions. 2. Costs incurred in taking action under s.219 are to be recovered, including recovery in a court of competent jurisdiction [s.221(1)].

Statutory Framework	*Public Health Act 2016* *Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016* *The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016*
Policy	
Date adopted	
Adoption references	
Last reviewed	

Delegation	**DA-PAD 02 Development Application (excluding Single Houses)**
Category	Planning and Development
Delegator	Council
Express power to delegate	*Local Planning Scheme No 12* Clause 82 of the 'Deemed Provisions' (Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*)
Express power or duty delegated	All powers and duties of the local government under Local Planning Scheme No 12, necessary to fulfil the Functions as set out below.
Functions	To undertake the functions, including consultation, and to determine development applications as required for applications for development approval.
Delegates	Chief Executive Officer
Conditions	This delegation is subject to the following conditions: 1. Where an application is required to be advertised, due to the proposed development seeking to vary the development standards required under Local Planning Scheme No 12, a structure plan, a precinct structure plan, local development plan or local planning policy, and no submission(s) have been received objecting the proposal in relation to relevant matters. 2. Where consultation has been undertaken for Grouped or Multiple Dwelling, any person who has made a submission objecting to the application being notified in writing of the City's intention to approve the application and be provided with a further 7 days in which to provide further comment. 3. Any development application where the City receives submissions objecting to the proposal, other than Grouped or Multiple Dwellings, can only be determined by the CEO. Elected Members will be consulted prior to determination and will have the option of requesting the application be the subject of a Council report. 4. All applications that require discretionary provisions of a Local Planning Scheme No 12, a structure plan, precinct structure plan, local development plan or local planning policy to be applied are to be reviewed by a Planning Review Group consisting of at least 2 of the following: • ~~Director Business Services;~~ • Executive Manager Development and Compliance; • Coordinator Statutory Planning and Lands; • Senior Planner; • Manager Strategic Planning and Urban Design.
Statutory Framework	*Planning and Development (Local Planning Scheme) Regulations 2015* *Local Planning Scheme No 12*
Date adopted	12 December 2001
Adoption reference	G.23/12/01

Last reviewed	24 May 2024

Delegation	**DA-EMS 03 Bush Fires Act – Enforcement**
Category	Emergency Services
Delegator	Council
Express power to delegate	*Bush Fires Act 1954:* s. 59(3) Delegation by local government to CEO
Express power or duty delegated	Bush Fires Act 1954: s59 Prosecution of offences
Function	Undertake the performance of any of the functions under s59 of the *Bush Fires Act 1954*, including but not limited to: • Institute proceedings under the Act • Issue infringement notices under the Act • Withdraw infringement notices under the Act
Delegates	~~Director Business Services~~ Director Strategy and Economic Development Executive Manager Development and Compliance Coordinator Ranger Services Senior Ranger Ranger
Conditions	~~Director Business Services,~~ Director Strategy and Economic Development, Executive Manager Development and Compliance and Coordinator Ranger Services are authorised for the purposes of s59 and s59A(5) only. Senior Ranger and Ranger are authorised for the purposes of s59(1) only with the written approval of the Coordinator Ranger Services, Executive Manager Development and Compliance, Director Strategy and Economic Development ~~Director Business Services~~ or CEO to do so.
Statutory framework	*Bush Fires Act 1954* *Bush Fires Regulations 1954*
Date adopted	25 May 2021
Adoption references	Council Minute G.6/5/21
Last reviewed	28 May 2024