



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 13 December 2022 at 5.30pm

MARK R NEWMAN
Chief Executive Officer
8 December 2022

AGENDA

1. OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

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

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: 22 November 2022

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)**

16.1 Questions of which due notice has been given

16.2 Questions of which notice has not been given

16. BUSINESS LEFT OVER FROM PREVIOUS MEETING**17. RECOMMENDATIONS OF COMMITTEES****18. REPORTS**

| No. | Item | Page No | Note |
|------------|--|----------------|----------------------------|
| 1 | Wearable Art Mandurah (WAM) | 4-12 | Absolute Majority Required |
| 2 | Proposed Amendment to Mandurah Junction Structure Plan | 13-28 | |
| 3 | Complaints Management Policy Review | 29-46 | |
| 4 | WALGA Best Practice Governance Model Review | 47-96 | |
| 5 | Major Land Transaction & Proposed Lease – Cinema Complex | 97-108 | Absolute Majority Required |
| 6 | Falcon Community Menshed – Request for funding | 109-114 | |
| 7 | Continuation of Funding for Lake Clifton Stewardship Program | 115-124 | |
| 8 | Naming of Madora Bay Oval | 125-127 | |

19. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

20. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

21. LATE AND URGENT BUSINESS ITEMS

22. CONFIDENTIAL ITEMS

Community Citizen of the Year Awards 2023

23. CLOSE OF MEETING

| | | |
|----------|----------------------|-----------------------------|
| 1 | SUBJECT: | Wearable Art Mandurah (WAM) |
| | DIRECTOR: | Place and Community |
| | MEETING: | Council Meeting |
| | MEETING DATE: | 13 December 2022 |

Summary

The City's Wearable Art Mandurah (WAM) program has been an important part of Mandurah's creative ecology for over ten years. The program has a high level of popularity amongst the national Wearable Art community and a small, but passionate following among artists and audiences in Mandurah.

After more than a decade of delivery, it's timely for Wearable Art to be analysed for ongoing relevance and viability. The program was delivered in 2022 in its full format, after a revised event was held in 2021 and the event was cancelled in 2020 due to COVID-19.

A recent review of Wearable Art Mandurah has evidenced escalating costs to deliver the program, a lack of alignment with the City's strategic organisational direction, decreasing local participation for both entries and audience, and minimal economic impact to the City. In 2022, WAM was delivered over budget due to escalating costs, and these costs are expected to continue to rise resulting in WAM being financially unsustainable. Local entries to the 2022 event had declined. Out of 162 overall entries, 14 entries were from Mandurah of which 6 progressed to judging and 3 progressed to the showcase.

Whilst the event receives very favourable feedback from those directly involved, it is believed City funds could be used more wisely to generate greater public value for a new and/or broader audience.

A review of WAM following the 2022 program was undertaken by City officers and three options are provided for consideration regarding the future of Wearable Art Mandurah. On balance, the officer recommendation is to discontinue WAM in the current 2022 program cycle and reallocate the funds toward the development of alternative arts and culture initiatives in the future. The review confirmed success of the niche event for participants and key stakeholders, and it is proposed to show cultural leadership by sharing the Wearable Art product and encouraging another provider to take carriage of Wearable Art to be presented in a different locality. The City will also support artists by encouraging entry to other state, national and international Wearable art competitions. This could be further bolstered by incentivising residents with reimbursement of entry and shipping fees to Wearable Art competitions up to a certain capped amount until June 2024.

Disclosure of Interest

Nil

Previous Relevant Documentation

| | | |
|------------|------------------|---|
| G.16/11/18 | 11 November 2018 | Council resolved to make a commitment to promoting Mandurah as a cultural city, embed WAM into environment and community, include as part of Stretch Festival and form part of tourism cultural calendar. |
|------------|------------------|---|

Background

Wearable Art originated in 2011 as a component of the City's Stretch Arts Festival known as Common Threads. It was intended that by creating and investing in an award-winning brand, WAM would grow into Australia's leading Wearable Art competition which would bring economic benefits and showcase Mandurah as a cultural City. It was also envisaged the project could potentially be sold to a private entity to deliver as a profitable business that could be developed in Mandurah as a unique attraction.

A strategic business plan was developed and approved for the 2017-21 Wearable Art Mandurah program, which outlined a clear intended direction for the program based on its growth projections, with four strategic stepping stones:

1. Separate from Stretch Arts Festival
2. Build on identity/positioning
3. Event delivered separate to City
4. Independent organisation created

While no specific timeline was outlined for the program to be outsourced, it was expected that by 2019 the projected increase in sponsorship and profile both locally and outside of Mandurah would provide the opportunity to begin a change management program moving toward a City-enabled, rather than a City-run initiative. This Business Plan outlined 11 Key Performance Indicators (KPIs) to measure and guide successful implementation of the plan.

The WAM achievements against the 2017 KPI's, attempts to implement the recommendations in the 2018 review and general statistical information about the success were determined. This review found that whilst the competition has indeed grown, there is little evidence that the program is contributing at a significant scale to Mandurah's creative community or economic health.

WAM 2018-19 Review

WAM was reviewed at the direction of Council by an independent external consultant in 2018-19, as part of a larger Arts Review. This review suggested four proposed changes to the 2020 program, which were implemented in 2021 and 2022 accordingly with varying levels of success: The recommendations for Wearable Art Mandurah from the review are stated as follows:

- *Recommendation 1. Be part of the Stretch Arts Mandurah calendar (now Mandurah Arts Festival) in November.*

Comment: This was actioned in 2021 and 2022, however overextended the City's resources in delivering two major arts activities concurrently. It ended up diluting both events.

- *Recommendation 2. To become better integrated with Mandurah's natural and built environment, through outdoor activations and its marketing focus.*

Comment: In 2021, partly due to COVID-19 restrictions and in order to be accessible to a new Mandurah audience outdoors, the 2021 showcase took place at Rushton Park main oval, receiving a mixed response. Retrofitting an alternative space proved expensive and offered a lower quality show than those delivered at the Mandurah Performing Arts Centre and it was bitterly cold on one of the two nights. Various photo shoots and events outdoors also took place showcasing both the garments and the built and natural environment; however, some items are particularly fragile in outdoor settings.

- *Recommendation 3. To become more accessible to the community through free initiatives focused in the City Centre.*

Comment: The Wearable Art Mandurah Bridge Walk in 2019 was a major component of the Mandurah Arts Festival. A catwalk activation took place in Dolphin Quay for 'Flare it Up' weekend in 2021. These outdoor events proved to be high-risk due to inclement weather risks and the varying functionality and durability of the garments. Additionally, a display of garments and marketing collateral were placed at the Mandurah Forum Shopping Centre in 2022.

- *Recommendation 4. To contribute to cultural tourism as a key initiative in Mandurah's annual arts calendar.*

Comment: WAMs partnership with WA Opera and associated media launch at His Majesty's Theatre in Perth in 2019, formed an alliance with a flagship art organisation, bolstering WAMs reputation as a key cultural event. Cross promotion between Visit Mandurah and WAM was a key component of the WAM communication campaign. These efforts have not translated into a proportional impact on overnight stays, visits to local businesses or ticket sales.

WAM's Strategic Positioning

The City of Mandurah's strategic vision has shifted in the last two years, and WAM should be considered in this new context. The draft Arts and Culture Strategy 2023-2028 (due to Council in early 2023) is intended to align with the Strategic Community Plan and be informed by community engagement outcomes. The current Wearable Art Mandurah has few alignments with the Strategic Community Plan or draft Arts and Culture strategy, which calls into question the significant investment from the City in the program.

The challenges faced by the live-performance and arts industries following the COVID-19 pandemic have forced many significant changes in market conditions. Performers and other live-performance costs, including labour and infrastructure have increased, causing major budgetary stress on the program. The 2022 program was delivered at approximately \$82,060 over budget (a combination of over-expenditure and anticipated revenue falling short). Officers made a number of proactive decisions to further mitigate loss with major elements of the program already removed such as professional development. External options of state and federal funding were explored but are rarely, if ever, available for ongoing core elements of existing projects.

WAM 2022 Statistics

The WAM program is held across a number of months from when applications open (usually about 10 months before the showcase event) and across judging and other activities such as professional development. From this a range of statistical information is obtained by the City.

Key statistics to be considered as relates to this report would include:

- **Mandurah Participation**

Total entries received in 2022 was 162, and total number of entrants into the competition from Mandurah was fourteen (14) including 4 youth entries. The number of these to make it through to Judging was six (6). Three (3) of these subsequently were included in Showcase, with two (2) award winners. Of the sixty plus (60+) creative and technical teams, approximately twenty (20) are Mandurah based, including models. Small-business Mandurah suppliers were used across the competition include for removals, signage, wardrobe staff and catering.

- **2022 Showcase Ticket sales:**

The capacity in Mandurah Performing Arts Centre Theatre is 783 seats. The 2022 WAM Awards Night (Saturday) had a total attendance of 551 audience members, thus reaching 70% capacity. Of these audience members, 397 were paid attendees (the remainder included artists, VIPs, sponsors, artists and mentors).

The matinee Accessible Performance (Sunday) had a total attendance of 285 audience members, which is 36% capacity, and 198 of these were paid attendance.

Therefore, the total audience capacity across two performances was 53%. The percentage of paid attendance was 71%, which was consistent (and slightly up) from the previous years. There was a comprehensive marketing and communications strategy which was wide reaching and inclusive.

Comment

City Officers present three options for the future of Wearable Art Mandurah which are outlined below.

Option 1 – Status Quo: Continue Wearable Art Mandurah with existing format and service level

Wearable Art Mandurah has sufficient interest to continue and at least sustain, if not grow, over the next few years with increased resourcing from the City of Mandurah. Given escalating costs to deliver the same output, this option requires:

1. Budget variation in the 2022/2023 financial year of around \$80,000. The over expenditure in 2022 WAM has utilised the funding that is allocated in the budget for the 2023 event. If Council were to approve this option, it would need to reallocate funds from another budget to fund the required \$80,000 that is required up until 30 June 2023 to deliver the 2023 WAM program.
2. 2023/24 expenditure budget increase of \$55,140 (total budget of \$227,000).
3. 2023/24 revenue budget decrease of \$52,400 (total revenue \$28,290).
4. Increase to WAM program costs in the Long Term Financial Plan in line with CPI escalation costs.
5. Allocation of 1FTE (\$90,000) resource to the WAM program annually.

The additional funds allow for core aspects of the program to continue, such as professional development for artists, offering workshops, improvements in the Showcase event (performers, creatives and technical crew), additional casual labour, increased judging to meet industry best practice and general contingency.

The City would continue to explore external funding to reduce reliance on the City budget, however, this funding cannot be relied upon given there is a competitive application process and the grant funds are forever-changing.

On balance, this option is unfavourable because it lacks strategic alignment or value for money. Continuing the program in its current format hinders staff capacity and financial capacity to deliver new projects into the future, like those Council will consider in a new Arts & Culture Strategy in 2023. This option is financially unsustainable because it has escalating costs without likelihood of attracting ongoing external funding.

Option 2 – Discontinue Wearable Art Mandurah at the conclusion of the 2023 competition

This option accepts that WAM has come to a natural conclusion and gives advance notice to artists, stakeholders and community of this decision. It recognises that WAM is not considered to represent optimal strategic alignment or value for money, and offers delivery of one more competition to transition smoothly out of Wearable Art.

Despite the program having low-levels of alignment with the Strategic Community Plan, evaluation of the program continues to show that audiences and participants value the opportunity to engage with

Wearable Art Mandurah. This option allows for presenting 2023 WAM as a marketed 'final year', enabling entrants to re-engage with the program one last time, especially those who may have already commenced creating their garment for 2023.

If this option is selected, it requires:

1. Budget variation in the 2022/2023 financial year of around \$80,000. The over expenditure in 2022 WAM has utilised the funding that is allocated in the budget for the 2023 event. If Council were to approve this option, it would need to reallocate funds from another budget to fund the required \$80,000 that is required up until 30 June 2023 to deliver the 2023 WAM program.
2. 2023/24 total expenditure budget of \$147,000 due to discontinuing the program after 2023 WAM.
3. 2023/24 revenue budget decrease of \$52,400 (total revenue \$28,290).
4. Allocation of 1FTE (\$90,000) resource to the WAM program up until 30 June 2024.

The event would be delivered slightly differently to option 1, with more of a focus on professional development, workshops that may provide information on other outlets for textile artists and connecting participants to alternative textile opportunities. Some budget may also be directed towards a final 'retrospective' exhibition that celebrates the history of the program and the contributions of artists and collaborators over the years.

On balance, this option is not preferred because whilst it offers a compromise, it remains that WAM is not considered to represent optimal strategic alignment or value for money. It uses funds in 2023 that could be deployed more wisely by the City to pursue alternative arts and culture contributions for local benefit.

Option 3 – Discontinue Wearable Art Mandurah at the conclusion of the 2022 competition

The review of WAM evidenced it has escalating costs, lacks alignment with strategic organisational direction, has decreasing local participation and minimal economic impact. Engagement with the community in developing the draft Arts and Culture Strategy evidenced a strong desire for continued opportunities to connect with the arts. This involves supporting creatives, presenting new and diverse opportunities for participation, and enlivening spaces with arts.

Wearable Art has been delivered for a decade and is considered niche. It is prudent and reasonable to ensure City resources deliver maximum value. Where programs and services do not deliver maximum value, it is presented to Council to determine whether the City resources can be allocated to for new and/or enhanced initiatives that meet a wider audience to connect with the arts. This option proposes to safeguard the WAM budget to ensure cultural opportunities are not eroded and redirects the funds towards implementation of new priorities in the Arts and Culture Strategy once it is endorsed in early 2023.

This option allows for a 'farewell' event at CASM in 2023 where a curated selection from the 2022 Wearable Art Mandurah program will be showcased. This option responds swiftly to the conclusions of the WAM review and upholds a commitment to implement different arts initiatives that generate value for different audiences.

It's acknowledged that the withdrawal of WAM in 2022 cycle will be disheartening for some artists who have been involved, or were intending future involvement. To show goodwill and nurture options for designers to continue their Wearable Art journey, the City could encourage Mandurah residents to enter other state, national and international wearable art competitions. This could be further bolstered by incentivising residents with reimbursement of entry and shipping fees to Wearable Art competitions up to a certain capped amount (suggest \$1,000) until June 2024. This would be a small but meaningful investment to support local artists with their next chapter for Wearable Art.

Examples of other Wearable Art competitions include:

- World of WearableArt, Wellington NZ. Premium, international Wearable Art competition. Entry is free and costs can be low to participate but the process is competitive. Entries close 2 March 2023.
- gARmenT, Albany WA. Wearable art community engagement program, including a ticketed gala, free matinee and exhibition in August/September 2022. Future program unknown.
- Wearable Art Creatives, Townsville QLD. The date has not been set. Stage performance presented at POSE as part of the North Australian Festival of Arts in Townsville. Upon acceptance, the fee to participate is \$100. Designers (or a representative) must be available to attend in person at various points of the process.

This is the preferred option because it responds to the data and conclusions of the WAM review. It upholds a commitment to implement different arts initiatives in the future that generate value with greater strategic alignment.

Sharing Wearable Art Product

The Wearable Art product and brand could be viable and successful. In the interest of cultural leadership, it is proposed to package Wearable Art as a product and make it available to other providers or local governments who may want to deliver Wearable Art. This would support creatives with an ongoing outlet for creating artistic garments.

None of the options presented in this report are dependent on a new provider being secured to deliver Wearable Art, however, a commitment to packaging Wearable Art as a product would make it easy, accessible and 'shelf-ready' for a new organiser to implement.

Consultation

City Officers have undertaken an extensive community consultation in relation to the development of the new Arts and Culture Strategy which will be presented to Council in 2023. Wearable Art did not feature strongly from participants in those engagements.

Survey feedback collated from creatives, stakeholders and audience in relation to WAM 2022 was positive. Based on the 2022 Wearable Art Mandurah Designer Survey (24 responses received, 4 from Mandurah/Peel):

- 92% of respondents said that participating in Wearable Art Mandurah inspires them to create works they ordinarily would not create
- 88% of respondents said that Wearable Art Mandurah challenges and stimulates them to explore new ideas and techniques
- 75% of respondents said that they would recommend participating in Wearable Art Mandurah to other designers
- 46% of respondents said that Wearable Art Mandurah provides an opportunity to explore their cultural identity through art
- 63% of respondents said that they felt connected to a community of like-minded people by participating in Wearable Art Mandurah

Based on the 2022 Showcase Audience Survey (39 responses received to date, 20 from Mandurah/Peel):

- 74% of respondents said that the event inspired them to create, or engage with the arts and culture in the future
- 100% of respondents said that they felt the performance was special and outside their everyday experience
- 79% of respondents said that attending the event improved their sense of wellbeing
- 69% of respondents said that attending the event helped them feel connected to the community

- 97% of respondents said that it is important that the City of Mandurah delivers the Wearable Art Mandurah Showcase.

While the survey feedback from those directly involved was very positive, it remains only 8% of WAM entries were from Mandurah, and audience numbers averaged at 53% capacity.

Policy Implications

Nil.

Financial Implications

WAM 2022 had a budget allocation of \$171, 860, with actuals reflecting expenditure of \$201,520. Additional to these direct costs, staff salaries are estimated to be \$90,000, which includes 1 Arts Officer as project lead and other supporting roles (such as marketing, administrative support, management). The WAM 2022 event was delivered \$29,660 over budget, plus the income shortfall (\$52,400), the program in 2022 showing a negative budget variance of \$82,060.

WAM's expected income was through grant income, entry fees and ticket sales. Despite the City applying for arts funding, it was unable to raise any grant funding this year.

A grant from the Australia Council was applied for in 2022 for \$78,000 but was unsuccessful. Officers have found grant income streams favourable for new projects but not to fund ongoing core components of existing projects. In 2021 a grant was received from the DLGSC for \$56,600 however for only one year, even though the City applied for funding over multiple years. While grant applications are a focus and officers make yearly endeavours, the core deliverables of the project are unable to be sustained while relying on external funding. Despite attempts, no sponsors were able to be found to commit significant income over several years of focus for WAM.

Risk Analysis

There are various risks associated with each option.

Option 1: Status Quo

There is a financial risk which requires considerably more funds to deliver the same level of service to previous years. There is also a risk that the City's budget and staff allocation will be at full capacity, with limited ability to implement new or different initiatives when the Arts and Culture Strategy is endorsed. There are limited identified funding (income) streams and sponsorship has also been competitive within the arts industry in a post pandemic environment. This option risks continuing a project where data evidences a lack of strong outcomes for our local community. Continuing Wearable Art in the current format lacks fiscal prudence, social responsibility and forgoes the ability to develop new arts initiatives that generate greater value for money.

Option 2: Discontinuing WAM after 2023 event

There is a financial risk which requires considerably more funds to deliver the same level of service to previous years. There is also a risk that the City's budget and staff allocation will be at full capacity, with limited ability to implement new or different initiatives when the Arts and Culture Strategy is endorsed. This option lessens reputational risk, offering one more event for creatives and stakeholders to be involved. It offers a more delicate transition out of Wearable Art for all involved, especially those who may have commenced making garments for 2023 already. It honours the work some artists might already be making in an anticipation of entering the 2023 event. This option allows Council to adopt a new Arts and Culture Strategy prior to withdrawing from WAM which will bring confidence that the City continues to view arts and culture as a critical part of a thriving City. If selected, this option could include a commitment to package Wearable Art as a successful initiative and encourage another provider or local government to take carriage of the event and make it their own.

Option 3: Discontinuing WAM after 2022 event

This option risks reputational damage with immediate withdrawal. This is to be mitigated by ensuring creatives and residents are aware that the City will safeguard the funds for other arts and culture opportunities. Another mitigation strategy is an offer of goodwill to encourage Mandurah artists to participate in alternative Wearable Art events by implementing a program to reimburse artists' entry fees and freight to participate in other Wearable Arts events. The City will also make available intellectual property to deliver the event with the intention to hand over the program to another organisation to deliver to endeavour for WAM creatives to have a new outlet for their garments. The City risks the missed opportunity of new and exciting arts initiatives if it continues to present WAM when it could be generating greater public audiences with alternatives.

Strategic Implications

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

Social:

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

Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices.

City Officers consider the alignment to current Strategic Community Plan is limited. There have been significantly declining numbers in local entries from 25 entries in 2019 to 15 entries in 2022. Audience numbers at the showcase have fallen from 1,431 people in 2019 to 836 people in 2022. Whilst this could be attributed to COVID-19, the Mandurah Performing Arts Centre has proven record-breaking attendance so WAM was inconsistent with this trend. WAM also wasn't highlighted by stakeholders in the engagement for the Arts and Culture Strategy. As such, these indicators suggest WAM isn't generating strong social outcomes.

With low local participation, it could be argued that WAM does not contribute to the City's economic strategic goals. The data shows 44% of survey respondents indicating they didn't visit any local businesses. A survey indicated that there were some people who stayed overnight in Mandurah. A key component of WAM is attracting interstate and international artists. International entries increased from 4 in 2021 to 26 in 2022, and interstate entries increased from 17 in 2021 to 34 on 2022. Mostly, these artists sent their garments and did not attend in person, so the resulting boost to local economy from their participation was minimal.

Conclusion

Wearable Art Mandurah has brought many positive outcomes and much joy to many Mandurah artists and audiences, however, the demographic entering the competition has shifted to a significantly greater proportion of non-Mandurah based artists.

The costs associated with the project have increased without the proportional financial or reputational return that would substantiate such an investment. It is considered the City can generate greater value for money by redirecting financial and human resources to alternative arts and culture initiatives to be adopted in the Arts and Culture Strategy in 2023. If Wearable Art Mandurah is discontinued, it will make way for creative cultural initiatives and projects that will better respond to the local community's needs and passions.

RECOMMENDATION

That Council:

- 1. Discontinue Wearable Art Mandurah, acknowledging the final WAM Program cycle was presented in the 2022/2023 financial year;**
- 2. Redirect the \$171,860 for Wearable Art Mandurah in the Long Term Financial Plan toward implementing different Arts and Culture priorities to be endorsed in the Arts and Culture Strategy.**
- 3. Package Wearable Art as a creative art initiative and encourage another provider or local government to take carriage of the event and make it their own.**
- 4. Develop a scheme to reimburse City of Mandurah residents the cost of entry fees and garment freight to alternative Wearable Art initiatives up to a maximum of \$1,000 per artist until 30 June 2024, with \$10,000 per annum set aside for this purpose, with conditions of the reimbursement scheme to be delegated to the Chief Executive Officer for implementation.**
 - The 202/2023 allocation to be funded from an increase of \$10,000* in interim rates revenue.**

***ABSOLUTE MAJORITY REQUIRED**

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|----------|----------------------|--|
| 2 | SUBJECT: | Proposed Amendment to Mandurah Junction Structure Plan |
| | DIRECTOR: | Business Services |
| | MEETING: | Council Meeting |
| | MEETING DATE: | 13 December 2022 |

Summary

Council is requested to consider an amendment to a portion of the approved Mandurah Junction Precinct Structure Plan (Structure Plan).

In summary, the proposed amendment includes the following changes:

- Redesignate land within the amendment area from Mixed Use Commercial (Mandatory Ground Level Commercial) and Mixed Use Residential (Ground Level Designed for Commercial Use) to Residential;
- Modify the density coding within the amendment area from R160 to a mixture of R60 and R100;
- Modify building heights for land proposed as Residential R60 to a maximum building height of 3 storeys (no minimum requirement) and 2 storeys (minimum) and 4 storeys (maximum) for land proposed as Residential R100;
- Modify precinct areas for land within the amendment area from Mixed Use Commercial and Mixed Use Residential to Medium Density Residential (R60) and Medium / High Density Residential (R100);
- Modify the approved road network layout; and
- Increase of public open space (POS).

The Structure Plan was advertised to surrounding landowners, and via signs on-site and publishing on the City's website Mandurah Matters. No submissions were received.

The reallocation of commercial to residential land use and reduction of residential density is supported. Although the changes proposed alter the original vision of the overall development, the likelihood of the development eventuating under the current structure plan is unlikely due to the current market conditions and these amendments provide improved tree retention outcomes.

It is recommended that Council provide this report to the WAPC recommending that the Structure Plan be approved, subject to modifications which includes:

- The linear POS "Green Spine" be removed and replaced with a "Liveable Street" that is not accessible via crossovers;
- Designation for northern most street block to Mixed Use Residential (non-mandatory ground level commercial);
- Lots directly abutting the Passage Way linear POS and overlooking Greenhouse Park require two-storey building height (minimum), shown on Structure Plan and Building Heights Plan;
- Landscape enhancements be provided along Galgoyl Road;
- Identification of existing trees for retention and POS reserve to be extended to include existing trees for retention; and
- Administrative amendments to Structure Plan to ensure consistency with the Structure Plan framework and Local Planning Scheme 12.

Disclosure of Interest

Nil

Location



Property Details

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|----------------------------|---|
| Applicant: | Taylor Burrell Barnett Town Planning & Urban Design |
| Owner: | Development WA (WA Land Authority) |
| Scheme No 12 Zoning: | Strategic Centre |
| Peel Region Scheme Zoning: | Railways, Urban |
| Lot Size: | 3.9913ha |
| Topography: | Mixed topography, levels range between 9m and 18m AHD |
| Land Use: | Vacant land |

Previous Relevant Documentation

- G.10/11/15 10 November 2015 Modification to ODP approved to remove extension of Wyeree Road connecting to Galgoyl Road. Other changes include proposed revisions to the R160 / R60 layout, and a pedestrian access way and associated landscaping through the centre of the site.
- G.19/04/11 27 April 2011 Modification 1 to ODP approved to increase ODP Area by adding lots in Rafferty Road to Service Commercial, remove minimum scale for identified R100 lots; and setback to fencing and landscaping requirements to rear laneways
- G.24/8/10 24 August 2010 Council granted final approval to the Mandurah Junction ODP.
- G.27/1/06 31 January 2006 Council endorsed the vision for the Mandurah and Gordon Road Transit Station Precincts within a 'Transit Oriented Development' corridor, providing for a future urban village at the Mandurah Transit Station.

Background

Planning Framework

The subject site is zoned 'Strategic Centre' under the City's Local Planning Scheme No 12 (Scheme 12) which requires a Precinct Structure Plan to guide land use, subdivision and development. The subject site

is identified as the Mandurah Junction Precinct within the draft Central Mandurah Activity Centre Plan (ACP), which zones the land as Residential Mixed Use and Residential. The draft Central Mandurah ACP requires a Local Development Plan (LDP) to guide future development for the Mandurah Junction Development Sites. In due course, the Mandurah Junction Structure Plan will form part of the Central Mandurah ACP once considered by Council and approved by Western Australian Planning Commission (WAPC).

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) set out the process to be followed for the consideration, advertising and ultimate decision making for Structure Plans. As part of this framework, it is required to consider the version of the Structure Plan that was advertised provided in *Attachment 2.1*.

Subsequent to the public consultation, City officers made a number of suggestions to which the applicant agreed. These suggested changes are discussed further in the report, however are also largely reflected in *Attachment 2.2*. In accordance with the requirements set out in the Regulations, the reports recommendation refers to the plan that was originally advertised and includes the changes as suggested modifications.

Mandurah Junction Structure Plan

The existing Structure Plan is the fourth modification to the original Outline Development Plan, which was formally approved in 2010. By virtue of the Regulations, the Outline Development Plan is now referred to as a Structure Plan.

The area subject to the current modification is located in the north east portion of the Mandurah Junction Structure Plan and marked in purple in Attachment 2.1. The subject land is located within the boundaries of Galgoyl Road, Passage Way, Greenhouse Way and Sunday Loop.

The land has a significant grade, culminating with a banked crest aligning Galgoyl Road which forms part of a drainage reserve.

The proposed Structure Plan amendment was lodged in August 2022 (Refer *Attachment 2.1*) with the following proposals:

- Redesignate land within the amendment area from Mixed Use Commercial (Mandatory Ground Level Commercial) and Mixed Use Residential (Ground Level Designed for Commercial Use) to Residential;
- Modify the density coding within the amendment area from R160 to a mixture of R60 and R100;
- Modify building heights for land:
 - From Residential R160 minimum 3 storeys, maximum 6 storeys to R100 minimum 2 storeys, maximum 4 storeys and R60 no minimum, maximum 4 storeys
 - From Mixed Use Residential (Ground Level Designed for Commercial Use) R160 minimum 3 storeys, maximum 6 storeys to R60 no minimum, maximum 4 storeys
 - From Mixed Use Commercial (Ground Level Designed for Commercial Use) R160 minimum 3 storeys, maximum 6 storeys to R60 no minimum, maximum 4 storeys
- Modify precinct areas for land within the amendment area from Mixed Use Commercial and Mixed Use Residential to Medium Density Residential (R60) and Medium / High Density Residential (R100);
- Modify the approved road network layout; and
- Increase of public open space (POS).

The amendments reflect the applicants view that the current Structure Plan is not meeting the needs of the market, based on the level of enquiry and sales that has been experienced. It is noted the land has remained vacant for a number of years and while currently there could be factors related to construction costs, there has been opportunity to develop this precinct when trades and construction were in more abundance but this never materialised perhaps supporting the applicant's view. It is considered the

amendments will provide a stronger chance of development. The current Mandurah Junction Structure Plan was approved in 2010 with a peak density of R160, in the subsequent years the Structure Plan has proven to be excessively ambitious.

Within the broader Mandurah Junction Precinct (Mandurah TOD) the majority of single residential lots sold, occurred soon after release, while the mixed-use residential and commercial areas of the Structure Plan have not realised sales with feedback from the landowner suggesting feasibility being an issue. No development has occurred on these mixed-use sites despite a number of development approvals being granted and concept designs discussed with the City. It is apparent that the current economic market does not make the development viable and as such the proposed amendment seeks to deliver a more viable density of R60 and R100 to better respond to the current and future housing demand. Section 2.7 of State Planning Policy 7.2 Precinct Design Guidelines, supports the position of the application to reduce the density. When considering the existing potential and likelihood of development, it is apparent that the higher density product results in higher development costs and not meeting the demands of the market, therefore not being feasible based on the market conditions that have existed.

The Structure Plan amendment still retains the requirement for Local Development Plans which will provide controls on the built form of all lots to ensure urban form outcomes are met.



Existing Structure Plan Layout



Proposed Modifications

The City's Local Planning Strategy identifies a "Strategic Centre" as having R60 as a minimum density with R100 desirable.

Comment

Public Open Space

The Open Space requirement for the area has been established through the current approved Structure Plan. There are no proposed changes to the linear POS abutting Passage Way as shown on the approved Structure Plan. The amendment proposed an increase in public open space (POS) to enhance amenity to the area. The intent was to add an area of 1,785m² of additional POS in the form of a 12-metre-wide linear 'Green Spine' located between Residential R60 land. The central POS formed part of the proposed modification to increase amenity, sense of place and passive surveillance.

While the intent of the proposed additional POS 'Green Spine' is to increase amenity and provide additional open space to the adjoining R60 lots, during the internal review, concerns were raised relating to possible

anti-social behaviour, increased risk of crime and the increased costs relating to the ongoing maintenance associated with small linear parks compared to the City's preference of larger POS areas. It is recommended this proposed linear park is removed from the Structure Plan. As part of the City's proposed modifications to the Structure Plan amendment, the City has recommended the removal of the linear POS "Green Spine", and replacing it with a "Liveable Street" that is not accessible via crossovers. It is recommended that further design of the "Liveable Street" refers to draft "Safer Places by Design (the Guidelines)" to support a well-designed built environment that response to 'crime prevention through environmental design' (CPTED).

A Tree Audit report, provided in 2013, identified two trees worthy of retention that are within the subject area. One of these trees is situated within the existing and planned POS with the second shown on the Structure Plan in an area zoned 'Residential R100'. The second tree has been identified for retention and through the assessment process of the Structure Plan amendment, the tree is recommended for retention. A modification to the POS located between 'Residential R100' is required to extend north to include the subject tree. This approach is supported by the applicant and the modified Structure Plan is provided in Attachment 2.2.

The current Structure Plan has established the Public Open Space requirement. The City officers modification to the Structure Plan amendment includes:

- the removal of the linear POS which still provides over and above the 10% Public Open Space requirements.
- additional POS in the nature of a smaller, pocket park – located between the R100 lots and within close proximity to the R60 lots with the view to include the second tree identified as part of the Tree Audit.

Zoning, Land Use and Density

The current approved Mandurah Junction Structure Plan zoned the land R160 for high-density. The applicant proposes to reduce this to medium to high density due to the R160 zoning being ambitious due to commercial and market viability. The modification of the Structure Plan seeks to:

- change the residential density coding from R160 to R60 and R100
- create a total of 2.1131ha of residential land east of Galgoyl Road –consisting of 1.7448ha identified as R60 and 0.3683ha identified as R100

The Preliminary Concept Plan (Figure 8 of Attachment 2.1) shows how the development is anticipated. Within a Strategic Centre the City's Local Planning Strategy seeks a mix of uses of 50%, where the mix of use is the ratio of an office, civic, business, health, community, entertainment and showroom ('bulky goods retail') uses against the total floorspace of the centre, inclusive of 'shop retail'.

The Structure Plan amendment removes the mandated mixed use where the existing Structure Plan requires approximately 50% of the land area to be mandatory mixed use (ground floor). Through the assessment, City officers recommended this be maintained for the land parcel to the north to allow mixed use opportunities, without being mandatory. The applicant has accepted the City officers view of allowing some mixed use opportunities, resulting in 25% of the land requiring mixed use along the more strategic areas of the site.

The proposed amendment shows a majority of the new residential land to be zoned R60, this is intended to accommodate a mixture of single dwellings, townhouses and low-scale apartment buildings.

A portion of the Structure Plan amendment area across from Greenhouse Way is identified as R100, the higher density will be supported with the amenity of the adjoining public open space. The R100 zoned land is intended for a mixture of townhouses and opportunities for low-scale apartment buildings. The density of R100 allows for greater housing diversity within the 800m walkable catchment area.

The City officers are proposing to modify the Structure Plan amendment to designate the northern most street block to Mixed Use Residential (non-mandatory ground level commercial).

Building Heights

The proposed amendment seeks to modify building height requirements. The Structure Plan currently mandates a minimum of three storeys across the site with a maximum of six storeys permitted. The proposed amendment is for:

- R60 land for all other areas: remove the minimum development height provision and allows a three-storey maximum.
- R100 land: minimum development height of two storeys with the maximum height at four storeys.

The proposed amendment, particularly the removal of the minimum development height requirement for the R60 area, is considered to potentially remove a barrier that has to date prevented development. It is considered important, however to retain a minimum development height requirement on the higher density in order to achieve the desired urban form outcome adjacent to amenities such as POS and along key routes within the area in order to maximise passive surveillance.

City officers are proposing to modify the Structure Plan amendment for lots directly abutting the Passage Way linear POS and overlooking Greenhouse Park to require two-storey building height (minimum), shown on Structure Plan and Building Heights Plan.

Landscape Enhancements

Through consultation with the City officers, it was noted the landscape buffer along Galgoyl Road required further landscaping through additional trees and understorey planting. As the Structure Plan amendment area is in close proximity to the Mandurah train line, future residential lots will have direct view of the train line, therefore the request for additional landscaping should reduce the impact of the nearby train line and help improve the amenity of the area. While a landscape buffer is beneficial, further design to the landscaping along Galgoyl Road will ensure good quality landscaping is installed and maintained. While details of the landscape enhancements will form part of the conditions of the subdivision, it is anticipated it will take the form of large vegetation and soft landscaping. The City of Mandurah will be responsible for clearing this condition of the subdivision.

Tree Retention

Through assessing the Structure Plan amendment, a tree of significant scale was identified within an area zoned 'Residential R100'. As previously mentioned, a tree audit report was completed in 2013 which identified this tree's health and did not recommend removal. The City officers have identified the tree for retention and are recommending a modification to the Structure Plan amendment to include an additional Public Open Space area where the tree is located. A modification to the POS located between 'Residential R100' is required to extend north to include the subject tree. This approach is supported by the applicant and the modified Structure Plan is provided in Attachment 2.2.

Road and Pedestrian network

Due to the proposed R60 and R100 density, new road layouts have been included in the proposed Structure Plan amendment. The proposed road layouts are illustrated on the amended Mandurah Junction Structure Plan (Attachment 2.1) and will not be finalised until subdivision design. The amendment includes extending Galgoyl Road, with additional street tree planting and a landscape buffer to the Railway Line and Mandurah Road with direct lot frontage minimised to Galgoyl Road. The proposed amendment includes two new roads for access to residential properties; "Special Homezone Street" and "Mews". The "Special Homezone Street" is a 10m wide road reserve of 5.5m wide road pavement and 2.25m wide verge on both sides to accommodate a footpath and tree planting. The "Mews" road consistent of 9m – 10m wide road with two-way movement and tree planting, providing access to laneway lots and amenity through tree planting.

Due to the removal of the linear POS “Green Spine” the road layout will be modified, the two roads “Homezone street” and “Mews” are included within the Structure Plan amendment area, as well as the “liveable street” which is replacing the POS (Attachment 2.3). The intent of the “liveable street” is to provide a movement network that prioritises amenity and passive surveillance. The “liveable street” is to have crossovers with access via laneway at the rear and an indication of road user priority at the intersections would be required. These will be included within the recommendation to DPLH.

Local Development Plans

As highlighted under Planning Framework, the draft Central Mandurah Activity Centre Plan requires Local Development Plan (LDP) for built form controls. The Mandurah Junction Structure Plan and Explanatory Report provides guidance on built form controls to be applied to the site; an LDP will be provided once subdivision approval is granted. The applicant has highlighted the following key considerations to be included within the future LDP:

- Site and built form design to address considerations such as building orientation, parking location, building height, bushfire management responses, surveillance of publicly-accessible areas, and major openings;
- Built form design to improve the interfaces between the streetscape, private property and public open space to encourage walking within the Structure Plan area and improve general amenity;
- Road layout is to provide a permeable street network that improves the streetscape amenity, safety and passive surveillance for pedestrians;
- For multiple-dwelling development, landscaping requirements within public spaces, carparking and verges to provide shade, amenity and suitable interface with adjacent residential areas;
- For multiple-dwelling development, built form and vehicle-accessway design to address the positioning of loading/service areas, to minimise impact on adjacent residential areas; and
- For multiple-dwelling development, access arrangements, enabling effective entry/exit for delivery vehicles and service vehicles, customers, and appropriate interface with adjacent residential areas.

MEAG Comment

The proposed amendment does not propose changes to the environmental outcome of the Mandurah Junction Structure Plan and therefore has not been referred to Mandurah Environmental Advisory Group for comment. The change to the Structure Plan has provided the opportunity to retain additional trees through the reconfiguration of Public Open Space.

Consultation

The proposed amendments to the Structure Plan were sent out for community consultation, via the following consultation methods; mail out / email to surrounding property owners, signs on site and online via Mandurah Matters. The proposal was advertised for 42 days as per the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 4, Clause 18.

No submissions were received during the advertising period.

The proposed amendments to the Structure Plan were also sent to the Public Transport Authority (PTA) for comments relating to the modified movement network. The PTA had no comments on the proposed amendment.

Statutory Environment

The procedures for preparing a structure plan are prescribed by the *Planning and Development (Local Planning Schemes) Regulations 2015*. The local government is required to forward a report to the decision maker (being the WAPC).

Policy Implications

Local Planning Strategy

The Draft Central Mandurah Activity Centre Plan includes the subject property.

WAPC policies –

- Development Control Policy 1.6 Planning to support transit use and development
- State Planning Policy 4.2 - Activity centres for Perth and Peel
- State Planning Policy 5.4 Road and Rail Noise
- State Planning Policy 7.2 - Precinct Design Guidelines

Financial Implications

The financial implications to the City are considered to be limited.

Risk Analysis

The reduction of development potential may be considered a risk in changing market conditions. The current lack of development across the site is strong indication of its suitability for the market. The City is not the final decision maker for the Structure Plan and risk is considered minimal.

Strategic Implications

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

Economic:

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

Social:

- Promote safety within the community through urban design.

Health:

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

Environment:

- Advocate for and partner with key stakeholders to ensure environmental impacts are considered in all planning, strategy development and decision making.
- Protect and manage our local natural environment ensuring our actions don't adversely impact our waterways.

Organisational Excellence:

- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

Conclusion

The proposed amendment to the Structure Plan is intended to remove existing barriers preventing the development of the area surrounding the train station. These amendments are considered to be consistent with the intent of the Structure Plan despite them resulting in a reduction in development potential.

Through the assessment process, a number of modifications have been agreed to which are considered to enhance the amenity of the area and applying minimum development standards. On balance, the

proposed amendment is considered acceptable and Council's support, subject to modifications is recommended.

NOTE:

- Refer **Attachment 2.1** *Proposed Mandurah Junction Structure Plan: Amendment no. 4*
Attachment 2.2 *Supporting Documents for list of Modifications*
Attachment 2.3 *Example of Street Layout*

RECOMMENDATION

1. That under Clause 29(2) and 20(2) of *Planning and Development (Local Planning Schemes) Regulations 2015*, Council provides this report to the Western Australian Planning Commission for the proposed amendment to the approved Mandurah Junction Structure Plan (Plan dated 1 September 2022; Plan Ref: 22/017/016) recommending that the proposed Structure Plan amendment should be approved by the Commission together with the following modifications generally as shown in Attachment 4.2:
 - (a) The linear POS "Green Spine" be removed and replaced with a "Liveable Street" that is not accessible via crossovers;
 - (b) Designation for northern most street block to Mixed Use Residential (non-mandatory ground level commercial);
 - (c) Lots directly abutting the Passage Way linear POS and overlooking Greenhouse Park require two-storey building height (minimum), shown on Structure Plan and Building Heights Plan;
 - (d) Landscape enhancements be provided along Galgoyl Road as part of the subdivision to the satisfaction of the City;
 - (e) Identification of existing trees for retention and POS reserve to be extended to include existing trees for retention; and
 - (f) Administrative amendments to the Mandurah Junction Structure Plan to ensure consistency with the Structure Plan framework and Local Planning Scheme 12.
2. Advise the WAPC that should this amendment be progressed, that the outcomes are incorporated into the final Central Mandurah ACP as submitted.



LEGEND

ZONING AND LAND USE

- MIXED USE COMMERCIAL (MANDATORY GROUND LEVEL COMMERCIAL)
- MIXED USE RESIDENTIAL (GROUND LEVEL DESIGNED FOR COMMERCIAL USE)
- R160 RESIDENTIAL R160
- R100 RESIDENTIAL R100
- R60 RESIDENTIAL R60
- (1-3) MINIMUM AND MAXIMUM BUILDING HEIGHTS (IN STOREYS)
REFER TO STRUCTURE PLAN TEXT / DESIGN CRITERIA FOR DETAILED DEVELOPMENT STANDARDS, LAND USES AND DESIGN GUIDELINES FOR ABOVE SUB-PRECINCT AREAS
- PUBLIC OPEN SPACE

TRANSPORT AND MOVEMENT

- NEW ACCESS STREET
- SHARED PATHS TO BE PROVIDED
- EXISTING TRAFFIC SIGNALS
- PEDESTRIAN BRIDGE OVER MANDURAH ROAD

OVERLAYS AND BOUNDARIES

- LANDSCAPE BUFFER / PLANTING REQUIRED (IN CONSULTATION WITH PTA)
- DETAILED AREA PLANS REQUIRED (REFER TO SECTION 2.3.12 OF STRUCTURE PLAN TEXT)
- POTENTIAL LONG TERM DEVELOPMENT SITES ON GOVERNMENT OWNED LAND (REFER NOTE 5)
- 400M (5 MIN WALK) / 800M (10 MIN WALK) WALKABLE CATCHMENT TO STATION
- STRUCTURE PLAN BOUNDARY**
- AMENDMENT AREA**

STRUCTURE PLAN NOTES

- 1** CONNECTION NORTH TO RAFFERTY ROAD TO BE PROVIDED. ACCESS AND INTERSECTION ARRANGEMENTS TO MANDURAH ROAD SUBJECT TO REVIEW WITH FINAL DESIGN OF MANDURAH ROAD WORKS. POTENTIAL FOR LONG TERM CONNECTION TO ROUSE ROAD.
- 2** EXTENSION OF GALGOYL ROAD THROUGH SITE ADJACENT TO EASTERN BOUNDARY OF SITE, PROVIDING FOR PEDESTRIAN FOOTPATH, ON STREET PARKING (ON WESTERN SIDE), TREE LINED MEDIAN, ON STREET CYCLE LANES AND EXTENSIVE LANDSCAPE SCREENING (ON EASTERN SIDE) AS BUFFER TO RAIL / BUS DEPOTS.
- 3** EXISTING EAST-WEST OPEN SPACE UPGRADED AND ENHANCED, INCLUDING ADDITIONAL AREA FROM THE STRUCTURE PLAN. UNIFORM FENCING WILL BE REQUIRED ADJACENT TO EXISTING INDUSTRIAL PROPERTIES UPON REDEVELOPMENT.
- 4** NEW RESIDENTIAL DEVELOPMENT DESIGNED AND CONSTRUCTED TO MINIMISE IMPACT ON EXISTING RESIDENTS.
- 5** POTENTIAL LONG TERM COMMERCIAL AND HIGH DENSITY DEVELOPMENT SITES OVER EXISTING CAR PARKING SITES ON GOVERNMENT OWNED LAND.
- 6** INTERSECTION CONFIGURATION OF RAFFERTY AND GALGOYL ROAD EXTENSION TO BE REVIEWED TO DETERMINE APPROPRIATE OUTCOME FOR THE AREA.
- 7** A MODIFICATION OF THE EXISTING LEWIS STREET/ PASSAGE WAY INTERSECTION IS REQUIRED TO ADDRESS VEHICLE PRIORITY IN LIEU OF THE WYEREE/GALGOYLE ROAD LINK, AT THE TIME OF SUBDIVISION.
- 8** COMMUNITY ACTIVATION NODE - PROPOSAL TO ENHANCE THE PUBLIC REALM TREATMENT TO ACCOMMODATE FACILITIES AND FEATURES THAT SUPPORT ACTIVE SOCIALISATION AND PLAY OPPORTUNITIES.

ADDITIONAL DETAILS REQUIRED

(TO BE PREPARED/APPROVED AT RELEVANT PLANNING STAGE)

- PUBLIC OPEN SPACE / LANDSCAPE MASTER PLAN
- URBAN WATER MANAGEMENT PLAN
- THE FEDERAL GOVERNMENT HAS DETERMINED THAT THIS PROPOSAL CONSTITUTES A 'CONTROLLED ACTION' AND REQUIRES APPROVAL UNDER THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT

- SOURCE: CLE 13/05/2016 (PLAN: 09/4509/002Fa)



LEGEND

ZONING AND LAND USE

- MIXED USE COMMERCIAL (MANDATORY GROUND LEVEL COMMERCIAL)
 - MIXED USE RESIDENTIAL (GROUND LEVEL DESIGNED FOR COMMERCIAL USE)
 - MIXED USE RESIDENTIAL (NON-MANDATORY GROUND LEVEL COMMERCIAL)
 - RESIDENTIAL R160
 - RESIDENTIAL R100
 - RESIDENTIAL R60
 - MINIMUM AND MAXIMUM BUILDING HEIGHTS (IN STOREYS)
 - PUBLIC OPEN SPACE
- REFER TO STRUCTURE PLAN TEXT / DESIGN CRITERIA FOR DETAILED DEVELOPMENT STANDARDS, LAND USES AND DESIGN GUIDELINES FOR ABOVE SUB-PRECINCT AREAS

TRANSPORT AND MOVEMENT

- NEW ACCESS STREET
- SHARED PATHS TO BE PROVIDED
- EXISTING TRAFFIC SIGNALS
- PEDESTRIAN BRIDGE OVER MANDURAH ROAD

OVERLAYS AND BOUNDARIES

- LANDSCAPE BUFFER / PLANTING REQUIRED (IN CONSULTATION WITH PTA)
- DETAILED AREA PLANS REQUIRED (REFER TO SECTION 6(k) OF STRUCTURE PLAN TEXT)
- POTENTIAL LONG TERM DEVELOPMENT SITES ON GOVERNMENT OWNED LAND (REFER NOTE 5)
- 400M (5 MIN WALK) / 800M (10 MIN WALK) WALKABLE CATCHMENT TO STATION
- EXISTING TREE TO BE CONSIDERED FOR POSSIBLE RETENTION, SUBJECT TO FURTHER INVESTIGATION
- POS AREA TO BE PROVIDED SUBJECT TO RETENTION OF EXISTING TREES
- STRUCTURE PLAN BOUNDARY
- AMENDMENT AREA

STRUCTURE PLAN NOTES

- 1 CONNECTION NORTH TO RAFFERTY ROAD TO BE PROVIDED. ACCESS AND INTERSECTION ARRANGEMENTS TO MANDURAH ROAD SUBJECT TO REVIEW WITH FINAL DESIGN OF MANDURAH ROAD WORKS. POTENTIAL FOR LONG TERM CONNECTION TO ROUSE ROAD.
- 2 EXTENSION OF GALGOYL ROAD THROUGH SITE ADJACENT TO EASTERN BOUNDARY OF SITE, PROVIDING FOR PEDESTRIAN FOOTPATH, ON STREET PARKING (ON WESTERN SIDE), TREE LINED MEDIAN, ON STREET CYCLE LANES AND EXTENSIVE LANDSCAPE SCREENING (ON EASTERN SIDE) AS BUFFER TO RAIL / BUS DEPOTS.
- 3 EXISTING EAST-WEST OPEN SPACE UPGRADED AND ENHANCED, INCLUDING ADDITIONAL AREA FROM THE STRUCTURE PLAN. UNIFORM FENCING WILL BE REQUIRED ADJACENT TO EXISTING INDUSTRIAL PROPERTIES UPON REDEVELOPMENT.
- 4 NEW RESIDENTIAL DEVELOPMENT DESIGNED AND CONSTRUCTED TO MINIMISE IMPACT ON EXISTING RESIDENTS.
- 5 POTENTIAL LONG TERM COMMERCIAL AND HIGH DENSITY DEVELOPMENT SITES OVER EXISTING CAR PARKING SITES ON GOVERNMENT OWNED LAND.
- 6 INTERSECTION CONFIGURATION OF RAFFERTY AND GALGOYL ROAD EXTENSION TO BE REVIEWED TO DETERMINE APPROPRIATE OUTCOME FOR THE AREA.
- 7 A MODIFICATION OF THE EXISTING LEWIS STREET/ PASSAGE WAY INTERSECTION IS REQUIRED TO ADDRESS VEHICLE PRIORITY IN LIEU OF THE WYEREE/GALGOYLE ROAD LINK, AT THE TIME OF SUBDIVISION.

ADDITIONAL DETAILS REQUIRED

(TO BE PREPARED/APPROVED AT RELEVANT PLANNING STAGE)

- PUBLIC OPEN SPACE / LANDSCAPE MASTER PLAN
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- THE FEDERAL GOVERNMENT HAS DETERMINED THAT THIS PROPOSAL CONSTITUTES A 'CONTROLLED ACTION' AND REQUIRES APPROVAL UNDER THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT

- SOURCE: CLE 13/05/2016 (PLAN: 09/4509/002Fa)

Figure 3 Modified Local Structure Plan (Inclusive of Amendment 4)

MANDURAH JUNCTION



LEGEND

ZONING AND LAND USE

- MIXED USE COMMERCIAL (MANDATORY GROUND LEVEL COMMERCIAL)
- MIXED USE RESIDENTIAL (GROUND LEVEL DESIGNED FOR COMMERCIAL USE)
- R160 RESIDENTIAL R160
- R100 RESIDENTIAL R100
- R60 RESIDENTIAL R60
- (1-3) MINIMUM AND MAXIMUM BUILDING HEIGHTS (IN STOREYS)
REFER TO STRUCTURE PLAN TEXT / DESIGN CRITERIA FOR DETAILED DEVELOPMENT STANDARDS, LAND USES AND DESIGN GUIDELINES FOR ABOVE SUB-PRECINCT AREAS
- PUBLIC OPEN SPACE

TRANSPORT AND MOVEMENT

- NEW ACCESS STREET
- SHARED PATHS TO BE PROVIDED
- EXISTING TRAFFIC SIGNALS
- PEDESTRIAN BRIDGE OVER MANDURAH ROAD

OVERLAYS AND BOUNDARIES

- LANDSCAPE BUFFER / PLANTING REQUIRED (IN CONSULTATION WITH PTA)
- DETAILED AREA PLANS REQUIRED (REFER TO SECTION 6(K) OF STRUCTURE PLAN TEXT)
- POTENTIAL LONG TERM DEVELOPMENT SITES ON GOVERNMENT OWNED LAND (REFER NOTE 5)
- 400M (5 MIN WALK) / 800M (10 MIN WALK) WALKABLE CATCHMENT TO STATION
- STRUCTURE PLAN BOUNDARY**
- AMENDMENT AREA**

STRUCTURE PLAN NOTES

- 1** CONNECTION NORTH TO RAFFERTY ROAD TO BE PROVIDED. ACCESS AND INTERSECTION ARRANGEMENTS TO MANDURAH ROAD SUBJECT TO REVIEW WITH FINAL DESIGN OF MANDURAH ROAD WORKS. POTENTIAL FOR LONG TERM CONNECTION TO ROUSE ROAD.
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- 7** A MODIFICATION OF THE EXISTING LEWIS STREET/ PASSAGE WAY INTERSECTION IS REQUIRED TO ADDRESS VEHICLE PRIORITY IN LIEU OF THE WYEREE/GALGOYLE ROAD LINK, AT THE TIME OF SUBDIVISION.
- 8** COMMUNITY ACTIVATION NODE - PROPOSAL TO ENHANCE THE PUBLIC REALM TREATMENT TO ACCOMMODATE FACILITIES AND FEATURES THAT SUPPORT ACTIVE SOCIALISATION AND PLAY OPPORTUNITIES.

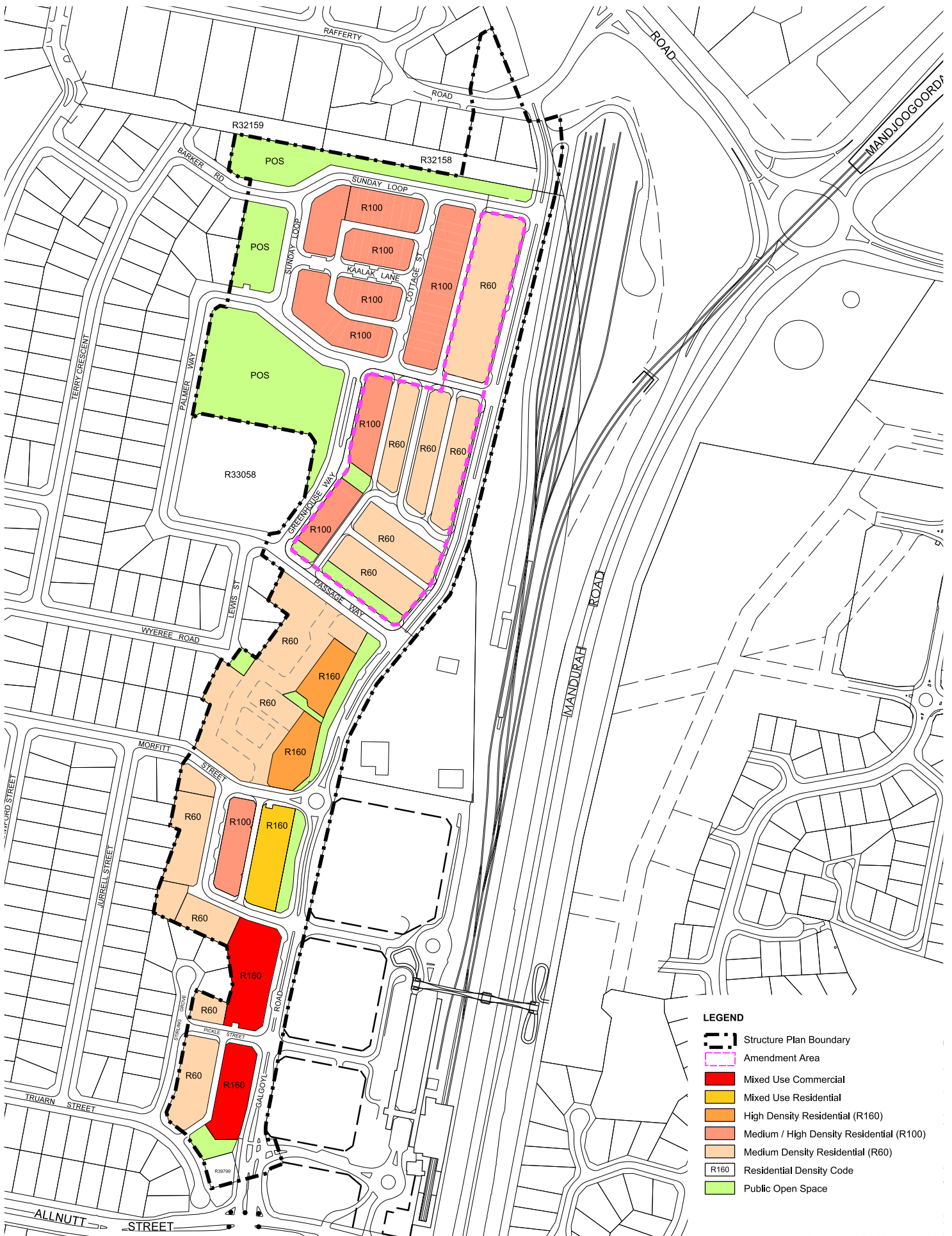
ADDITIONAL DETAILS REQUIRED

- (TO BE PREPARED/APPROVED AT RELEVANT PLANNING STAGE)
- PUBLIC OPEN SPACE / LANDSCAPE MASTER PLAN
 - URBAN WATER MANAGEMENT PLAN
 - THE FEDERAL GOVERNMENT HAS DETERMINED THAT THIS PROPOSAL CONSTITUTES A 'CONTROLLED ACTION' AND REQUIRES APPROVAL UNDER THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT





- SOURCE: CLE 13/05/2016 (PLAN: 09/4509/002Fa)

Figure 4 Extract of Structure Plan Area (Inclusive of Amendment 4)

MANDURAH JUNCTION



LEGEND

-  Structure Plan Boundary
-  Amendment Area
-  Mixed Use Commercial
-  Mixed Use Residential
-  High Density Residential (R160)
-  Medium / High Density Residential (R100)
-  Medium Density Residential (R60)
-  R160 Residential Density Code
-  Public Open Space

Precinct Area Plan
MANDURAH JUNCTION

A/An Client Project
Council Meeting
13 December 2022

scale:
1:4500@A4
plan:
22/017/012B

date:
23/11/2022



Council Report

Taylor Burrell Barnett Town Planning & Design
Level 7, 160 St Georges Terrace, Perth WA 6000
e: admin@tbbplanning.com.au
p: (08) 9226 4276

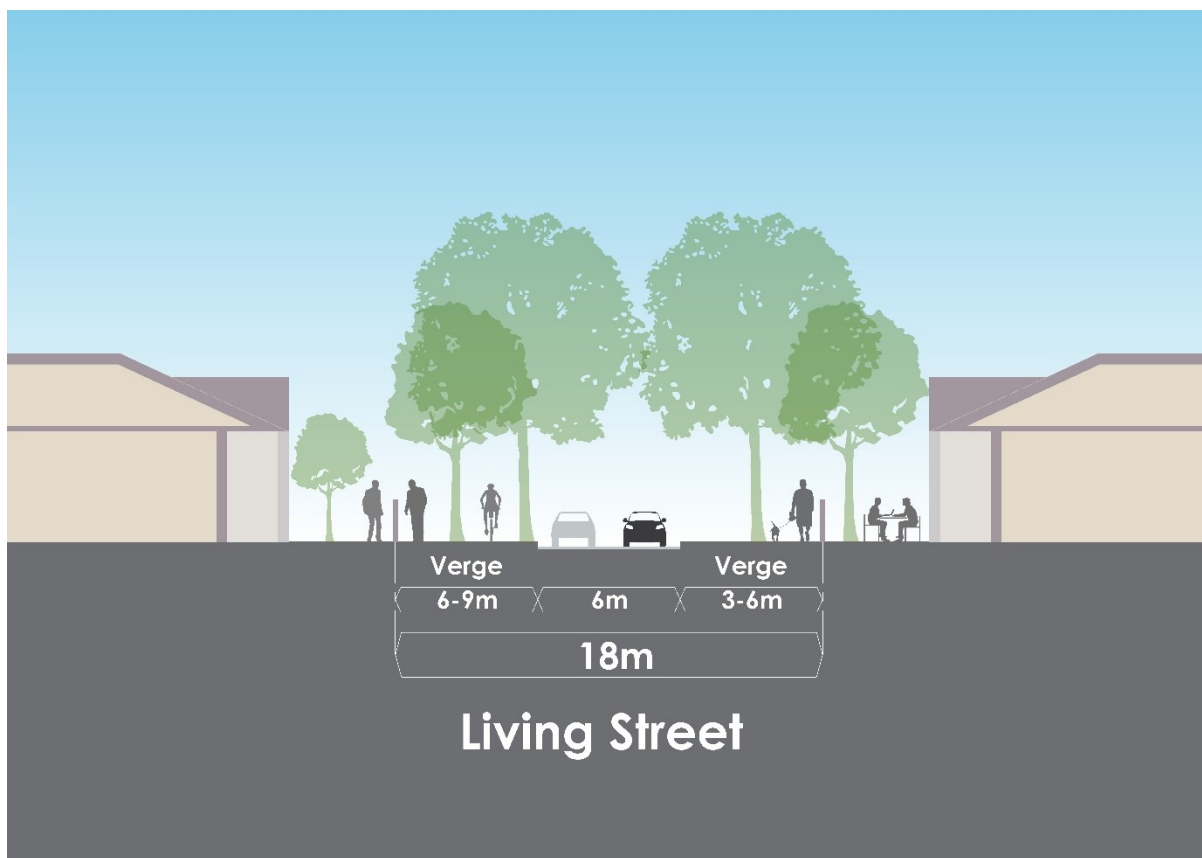


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Examples of Street Layout



“Linear Park” Indicative Cross-Section



“Living Street” Indicative Cross-Section



Special “Homezone” Street Indicative Cross-Section

The following examples of public spaces provide an indication of the envisaged urban street characteristics.



Above: Busselton



Above: Adelaide



Above: Amsterdam

| | | |
|----------|----------------------|-------------------------------------|
| 3 | SUBJECT: | Complaints Management Policy Review |
| | DIRECTOR: | Business Services |
| | MEETING: | Council Meeting |
| | MEETING DATE: | 13 December 2022 |

Summary

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

As part of the City's ongoing improvement to the complaint management processes, a comprehensive review has been undertaken of POL-CPM 05 Complaints Management Policy (Policy), including the development of a Framework. The Policy and Framework have been aligned with best practice guidelines including the Australian Standards AS/NSZ 10002:2022 – Guidelines for Complaint Management in organisations and the Western Australian Ombudsman Guidelines for Complaints Management.

Council is now requested to adopt the amendments to POL-CPM 05 Complaints Management (Attachment 3.1) to align the Policy with best practice.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.12/7/19 23 July 2019 Review of Council Policy Manual
- G.57/2/2021 28 February 2012 Minor administrative policy amendments
- G.32/3/11 22 March 2011 Adoption of the Service Complaints Handling Policy and Procedure which provided staff with guidelines for dealing with service complaints

Background

The Policy was last reviewed in 2019 as part of the Review of the Council Policy Manual. The resulting amendments updated the Policy from a sole focus on service Complaints to a more holistic approach on how the City deals with Complaints including, but not limited to, anonymous Complaints and complainant behaviour (malicious, frivolous and vexatious complaints).

The City is currently implementing a new system for customer management requests and it is expected that over the next 12 months, the City's capability to capture and report on Complaints will be significantly improved in order to make ongoing improvements to the City's services and reputation further enhancing the Policy's alignment to best practice guidelines.

Comment

Following the Regulation 17 Audit conducted in 2019/20 Financial Year a comprehensive review of POL-CPM 05 Complaints Management Policy (Policy) has now been undertaken to ensure consistency with the Australian Standards AS/NSZ 10002:2022 – *Guidelines for complaint management in organisations* (Standards). In addition, the City has now developed a Complaints Management Framework (Framework), which provides an overarching approach to the management of complaints. The Standards were utilised to guide and strengthen the City's approach to complaints management practices.

The Standards are in place to provide organisations direction on how to make their Complaint Management system accessible, efficient and effective by providing guidance on the planning, design, implementation, operation, maintenance and improvement of Complaints Management. The incorporation of the Standards into the Policy through its guiding principles will assist with identifying ongoing improvement opportunities and strengthen public confidence in the City.

In the addition, the City utilised the Western Australian Ombudsman Guidelines for Complaints Management, as recently recommended by the Department of Local Government, Sport and Cultural Industries.

The Framework which expands and improves on the City's complaints management processes will be launched in early 2023 and will include organisation wide training and education for all staff to recognise and respond to complaints in accordance with best practice standards and enable the City to effectively report on and recognise ongoing complaint trends.

Complaints Policy summary

The purpose of Policy is to establish an approach for the management of complaints relating to:

- a City service, product, policy, event or facility;
- services provided by a City employee, Chief Executive Officer (CEO), volunteer, contractor, Elected Member or Committee Member; and
- A third party under the jurisdiction of the City.

For the purposes of the Policy, complaints are not considered to be:

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

Significant Amendments Summary

The previous version of the Policy (Refer *Attachment 3.2*) focused more broadly on complaints management functions and included information on behavioural related complaints regarding Employees and Elected Members and Public Interest Disclosure. Over the last 18 months, several improvements have been made to the City's Elected Member and Employee governance frameworks, which has enabled the Policy to be streamlined to focus on services related complaints.

Council should note the following codes set out the process for dealing with conduct or behavioural related complaints:

- In accordance with regulation 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021*, the Code of Conduct Complaints Management Policy POL-GVN 08 was adopted by Council in August 2021 and Code of Conduct for Elected Members, Committee Members and Candidates was adopted by Council in March 2021;

- In accordance with Section 5.51A of the *Local Government Act 1995*, the Chief Executive Officer (CEO) established the Code of Conduct for Employees which includes the pathways for behavioural/conduct complaints regarding employees and the CEO; and
- Code of Conduct for Volunteers and Statement of Business Ethics for Contractors, sets out the pathway for behavioural/conduct related complaints regarding volunteers and contractors respectively.

Further, the City has developed a Public Interest Disclosure Guideline in 2020 which is annually reviewed. The Guidelines sets out how the community, customers and staff may make disclosures under the *Public Interest Disclosure Act 2003*.

A summary of the significant policy amendments is provided in the table below:

| Section of the Policy | Amendment | Reason |
|-----------------------|--|---|
| Policy Objective | <ul style="list-style-type: none"> • Inclusion of Australian Standard for Complaints Management ISO 10002:2022 and Western Australian Ombudsman Guidelines on Complaint Handling • Reference to the Complaints Management Framework • Inclusion of focusing on the culture of continuous improvement | <ul style="list-style-type: none"> • Alignment to the Standard • Framework provides a standardised approach to complaints management, outlining procedures, roles and responsibilities. • Complaints provide an opportunity for learning and improvements to the City's services |
| Definitions | <p>Definition of complaint has been expanded to include:</p> <ul style="list-style-type: none"> • The initial requests for a service or action by the City (unless there was inaction or an unsatisfactory response to the initial request for service) • Feedback on a service where there is not an issue to be resolved or does not necessitate action by the City • Feedback obtained during stakeholder and community engagement processes • A petition • Made on social media or letters to the editor • Matters regarding State or Federal Government or matters not within the City's jurisdiction. <p>Issues over twelve months old has been removed.</p> | <p>The definition has been amended to provide more clarity to customers and employees on the definition of a complaint.</p> |
| Applicability | <p>The Policy applicability has been expanded as follows:</p> <ul style="list-style-type: none"> • A City service, product, policy, event or facility. • The services provided by a City employee, CEO, volunteer, contractor, | <p>The applicability has been detailed to provide an onus on the policy addressing service complaints, rather than behavioural complaints.</p> |

| | | |
|--------------------------|---|--|
| | <p>Elected Member or Committee Member.</p> <ul style="list-style-type: none"> • A third party under the jurisdiction of the City. | |
| Standards | <p>Inclusion of new complaints management principals to ensure alignment with the Standards:</p> <ul style="list-style-type: none"> • Complaints are people focused, transparent and accessible to all • Complaints are managed in an efficient, fair and equitable manner • Complaints are managed in a supported manner • Complaints are used as an opportunity to improve services | <p>The complaints management principles are consistent with the Standards.</p> <p>There is also a new focus in the Policy which ensures that the complaints management processes are accessible to vulnerable people, Indigenous people, people with a disability, young people and culturally and linguistically diverse.</p> |
| Resolving a complaint | <ul style="list-style-type: none"> • Inclusion of timeframes for complaints management • Inclusion of complaints resolution pathways | <p>Ensure that complaints timeframes and pathways are clear for customers when navigating the City's complaints management process.</p> |
| Various sections removed | <p>The following sections were removed from the Policy:</p> <ul style="list-style-type: none"> • Complaints regarding Elected Members • Complaints regarding employees • Public Interest Disclosures | <p>These matters are not considered within the scope of the Policy and are governed by their own legislation, code and policy.</p> |

Consultation

Nil

Statutory Environment

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

Policy Implications

This policy forms part of the Council Policy suite and will be published on the City's website.

Financial Implications

Nil

Risk Analysis

The Policy and Framework ensures that complaints are handled in manner that is consistent with the Standards, ensuring, where possible, resolution of complaints and improved customer satisfaction.

Strategic Implications

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

Social:

- Promote and encourage community connection to create social interaction and a strong sense of belonging.

Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.
- Provide professional customer service, and engage our community in the decision making process.
- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices.

Conclusion

Council is requested to adopt the amendments to CPM 05 Complaints Management Policy.

NOTE:

| | | |
|-------|------------------------------|---|
| Refer | <i>Attachment 3.1</i> | <i>POL -CPM 05 Complaints Management Policy - Proposed</i> |
| | <i>Attachment 3.2</i> | <i>POL-CPM 05 Complaints Management Policy – Current</i> |

RECOMMENDATION

That Council adopts the amendments to POL-CPM 05 Complaints Management Policy as detailed in Attachment 3.1.

1. Policy Objective

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

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

This policy is underpinned by a Complaints Management Framework.

2. Statement

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

3. Definitions

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

A complaint is not:

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

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

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

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

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

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

4. Applicability

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

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

This policy does not apply to:

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

5. Principles of Complaint Management

The following complaints management principles apply:

- a. Complaints are people focused, transparent and accessible to all:
 - **People Focus:** the City will be proactive in listening and responding to complaints, treating all people with respect, and actively involving them in the complaints process as far as practicable and appropriate.
 - **Visible & Transparent:** the City will actively publicise information about how and where to complain and make it easy to understand what to expect.
 - **Accessible:** the City will ensure that our complaint handling process is accessible and easy to use for all our customers.
- b. Complaints are managed in an efficient, fair and equitable manner:
 - **Responsive:** the City will respond to all complaints as quickly as possible and endeavour to regularly communicate and inform parties involved.
 - **Objective and Fair:** the City will review all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and officers.

- Equality and Privacy: the City will be consistent and ethical in our treatment of complaints and customers involved.
- c. Complaints are managed in a supported manner:
- Conduct: the City will work together to resolve problems respectfully and cooperatively and as far as practical maintain the confidentiality of all parties.
 - Empowerment: the City will continually work to improve the complaint management process to meet operational needs and the expectations of customers, including providing support to vulnerable people, people with disability, indigenous people, young people and culturally and linguistically diverse.
 - Facilitate: the City will work together to reach a solution that provides the best outcome for all parties wherever practical and actively communicate with all involved
- d. Complaints are used as an opportunity to improve services:
- Accountability: the City will ensure that our staff are aware of and accountable for complaints.
 - Learning: the City will respond to and learn from complaints with the intention to continually improve our services
 - Prevention: the City will effectively report on and analyse complaints to identify trends and endeavour to minimise the escalation of complaints.

6. Making a complaint

6.1 Lodging a complaint

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

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

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

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

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

6.2 Support to lodge a complaint

In accordance with the Complaints Management Framework, the City provides support to vulnerable persons, indigenous people, people with disability, young people and culturally and linguistically diverse, who may require assistance and allow complaints to be made by authorised representatives.

Where a customer nominates another person to assist or make a complaint on their behalf, the customer must provide permission in some form for another person to act on their behalf.

6.3 Anonymous Complaints

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

7. Resolving complaints

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

7.1 Complaint resolution process and timeframes

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

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

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

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

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

7.2 Complaint outcomes

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

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

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

7.3 Complaints that will not be considered

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

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

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

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

8. Review Process

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

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

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

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

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

9. Complaints received from external agencies

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

10. Confidentiality

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

11. Malicious, frivolous and vexatious complaints

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

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

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

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

12. Unreasonable conduct by complainants

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

In some instances, the City will encounter complainants whose behaviour is aggressive or threatening, consistently rude, abusive or the complainant makes threats to oneself, staff or third parties (whilst using City services or on City premises) or in general. City Officers should refer to the CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy for guidance.

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

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

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

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

13. Serious or Criminal Complaints

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

14. Recording complaints

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

Legislative Context

Freedom of Information Act
State Records Act 2000
Freedom of Information Act 1992

Related Documents

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

Complaints Management Policy

POL- CPM 05



Responsible Directorate: Business Services

Responsible Department: Governance Services

Reviewer: Executive Manager Governance Services

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

Last Review: 23 July 2019, Minute G.12/7/19

| Amendments | | | |
|------------|----------------------------------|------------------------|----------------------|
| Version # | Council Approval Date, Reference | Date Document In force | Date Document Ceased |
| 2 | Minute G.57/2/12 | 28/02/2012 | 24/02/2015 |
| 3 | Minute G.35/2/15 | 24/02/2015 | 23/07/2019 |
| 4 | Minute G.12/7/19 | 23/7/2019 | - |

COMPLAINTS MANAGEMENT

POLICY

POL-CPM 05

Objective:

To provide the highest level of service to the City of Mandurah's customers and establish a framework to guide the City in its management and handling of complaints.

Statement:

The City of Mandurah (the 'City') is committed to managing complaints in a consistent and unbiased manner that complies with Australian Standard Guidelines and the WA Ombudsman thus ensuring an open and responsive complaints handling process.

Scope:

This policy applies to all Elected Members, staff and contractors of the City that receive and manage customer feedback relating to products and services delivered by or on behalf of the City.

For the purposes of this policy, the following is not classified as a complaint:

- Requests for City services;
- Requests for information or explanations of policies, procedures or decisions of Council;
- Reports of damaged or faulty infrastructure (eg damaged footpath, potholes in road);
- Reports of hazards;
- Reports concerning neighbours or neighbouring property (ie noise or unauthorised building works);
- Issues over twelve months old; or
- The lodging of an appeal in accordance with policy or procedure.

Policy:

DEFINITIONS

Complaint: The Australian Standard for Complaints Management (ISO 10002:2014) def complaint as any "*Expression of dissatisfaction made to or about an organisation, related to i products, services, staff or the handling of a complaint, where a response or resolution is explici or implicitly expected or legally required*".

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

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

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

IMPLEMENTATION

The City recognises that customers have a right to expect that principles of efficiency, effectiveness, fairness, impartiality and responsiveness will underpin service delivery. When customers believe that their expectations have not been met, they have the right to expect that the City will deal with their concerns in a professional, respectful, satisfactory and timely manner.

The City welcomes customer service complaints as a form of feedback, and will use this feedback to:

- 1) Provide opportunities for system and process improvement;
- 2) Provide equitable redress to the customer for poor service or processes; and
- 3) Provide an opportunity to actively resolve service complaints and reduce the incidence of recurring complaints.

COMPLAINTS HANDLING

The City will endeavour to resolve issues that are subject of complaints at the first point of contact or within a reasonable timeframe. Complaints may be lodged with the City in the following ways:

- In writing (preferred method) by email or other electronic means;
- By telephone;
- In person; or
- Completing a Service Complaint Report available at any of the City's public service counters.

Complainants are encouraged to include their name, address and contact number and a brief description of the issue.

ANONYMOUS COMPLAINTS AND CONFIDENTIALITY

An anonymous complaint will only be investigated where reasonable and sufficient information is provided and which, in the opinion of City staff, constitutes:

- a breach of statutory provisions;
- a breach of an approval, licence or permit;
- a matter for which the City is obliged to act, prescribed in the *Local Government Act 1995*, *Corruption, Crime and Misconduct Act 2003* or under any other written law;
- a matter which if not attended to could reasonably constitute a risk to public health and safety or persons, animals or the environment; and
- a matter which is deemed to be capable of investigation and resolution without assistance from the complainant.

The City encourages complainants to provide full contact information when lodging complaints, however where a complainant requests their identity and complaint details remain confidential; the City will ensure to the best of its ability that disclosure of any personal information to third parties is not made. The City however cannot guarantee that they will not be identified during investigation, and as such, it is the complainants right to decide if they would like to proceed with the complaint.

MALICIOUS, FRIVOLOUS AND VEXATIOUS COMPLAINTS

While there is currently no legislative provision to deal with Vexatious complaints, the Department of Local Government has advised that it is within the local government's administrative responsibility to take whatever action it considers necessary.

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

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

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

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

UNREASONABLE CONDUCT BY COMPLAINANTS

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

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

Under the above circumstances, details of complaints are to be provided to the Deputy Chief Executive Officer who will make a recommendation to the Chief Executive Officer that:

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

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

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

COMPLAINTS THAT WILL NOT BE INVESTIGATED

The City may determine that a complaint will not be investigated where that complaint:

- is considered malicious, frivolous or vexatious or not made in good faith or concerns trivial matters;
- involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal;
- where a matter is subject to an existing mediation process;
- relates to a decision made by a meeting of Council;
- relates to conduct before a court, coroner or tribunal;
- relates to a matter under investigation by the Minister for Local Government, Corruption and Crime Commission, the WA Ombudsman's office, a Minister of the Crown or Government Department or the WA Police Service;
- relates to the appointment or dismissal of an employee or an industrial or disciplinary issue;
- relates to a decision, recommendation, act or omission which is more than one year old;
- relates to actions or conduct of private individuals;
- involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the City and/or its staff.

Should the City decide not to investigate a complaint, the complainant will be advised of the reason

for the decision.

COMPLAINTS REGARDING ELECTED MEMBERS

The *Local Government (Rules of Conduct) Regulations 2007* provides a disciplinary framework to address matters of misconduct by local government council members. Any person may make a formal complaint about an elected member for a minor or serious breach under these Regulations.

Conduct of elected members is covered by “Code of Conduct – Elected Members”. Complaints about conduct can also be made through this document which can be found on the City’s website at www.mandurah.wa.gov.au.

ALLEGATIONS OF MISCONDUCT

Allegations concerning criminal, corrupt or seriously improper conduct will be dealt with independent of the City’s complaint handling process. The City has appointed Principal Officers who are required by legislation to assess and if required notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) for instances of minor or serious misconduct.

Misconduct by Elected Members

Any allegations of misconduct, whether minor or serious in nature, will in the first instance be referred to the Chief Executive Officer and/or Mayor for determination including whether there are reasonable grounds for the compulsory notification to the CCC or the Police.

Misconduct by Employees/Public Officers

Allegations of misconduct of a minor nature, will be referred to the PSC if the misconduct could constitute a disciplinary offence providing reasonable grounds for termination of a persons employment.

In circumstances of serious misconduct, where misconduct involves corrupt intent and/or criminal conduct, these matters will be referred to the CCC.

Further information is available from the Commissions website – www.ccc.wa.gov.au

THE PUBLIC INTEREST DISCLOSURE ACT 2003 (PID ACT)

The PID Act is designed to facilitate the disclosure of allegations or complaints about persons who are government officials, or public authorities and their contractors. This legislation specifically covers improper conduct, corruption, irregular or unauthorised use of public resources, conduct involving a substantial and specific risk or injury to public health, prejudice to public safety or harm to the environment.

Before making a disclosure it is important that you are aware of the rights and responsibilities imposed on you and others under the Act. Further information is available through the City’s website at <http://www.mandurah.wa.gov.au/city-and-council/governance/disclosure>

COMPLAINTS TO THE OMBUDSMAN AND THIRD PARTY AGENCIES

The Ombudsman can investigate complaints about most Western Australian public authorities, including local governments.

Generally the Ombudsman will investigate actions or decision where the decision maker has:

- Acted outside their legal authority;
- Not followed policy, or applied its policy inconsistently;
- Did not consider all the relevant information, or considered irrelevant information;
- Unreasonably delayed making a decision or informing the complainant of the decision; or
- Failed to notify the complainant of the decision or did not provide reasons for a decision.

Complaints in this category will be dealt with independent of the City’s Complaint Handling process.

REVIEW PROCESS

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

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

Should the CEO consider appropriate, an independent review of the complaint will be carried out by the Deputy Chief Executive Officer.

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

All complaints received by the City will be recorded in the mandated records management system as a 'complaint'.

| | |
|--|--|
| Responsible Directorate: | Strategy and Business |
| Reviewer: | Manager Customer Service and Information Management |
| Creation date: | Minute. G.32/3/11, 22 March 2011 |
| Amendments: | Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015 Minute G.12/7/19, 23 July 2019 |
| Related Documentation and/or Legislation: | <i>Corruption and Crime Commission Act 2003</i> <i>Public Interest Disclosure Act 2003</i> <i>Freedom of Information Act 1992</i> City of Mandurah Customer Service Charter Australian Standard AS 4269-1995 Complaints Handling |

| | | |
|----------|----------------------|---|
| 4 | SUBJECT: | WALGA Best Practice Governance Model Review |
| | DIRECTOR: | Business Services |
| | MEETING: | Council Meeting |
| | MEETING DATE: | 13 December 2022 |

Summary

Western Australian Local Government Association (WALGA) member local governments have been asked to consider WALGA Best Practice Governance Review: Consultation Paper – Model Options (Attachment 4.1) put forward and provide a Council endorsed position to WALGA. WALGA has requested that Council endorse a preferred model (which could be the Current Model) and provide a ranking in terms of an order of preference. Submissions to WALGA are sought by 23 December 2022.

Disclosure of Interest

Nil

Previous Relevant Documentation

Nil

Background

Currently the WALGA State Council consists of 25 Board Members from the 17 zones (5 Metropolitan Zones and 12 Country Zones). All 139 local governments in Western Australia are placed into Zones based on location. The City of Mandurah is in the Peel Country Zone with the Shires of Murray, Serpentine Jarrahdale, Waroona and Boddington. The State Council is responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy and employment of the Chief Executive Officer. WALGA has undertaken a review of its governance model to ensure it is contemporary, agile and maximises its engagement with its members. A Steering Committee was formed which compared WALGA's governance model to other jurisdictions in Australia and other comparable organisations and explored a range of options that aligns to the principles endorsed at the WALGA Annual General Meeting of:

- Representative: WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies.
- Responsive: WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.
- Results Orientated: WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.

The WALGA Best Practice Governance Review: Background Paper is detailed in Attachment 4.2.

Comment

The Steering Committee has presented five options for local government to consider and the summary is an extract of WALGA Best Practice Governance Review: Consultation Paper – Model Options (Attachment 4.1):

Option One: Two Tier Model, Existing Zones

Zones:

- The 17 zones remain.
- They will meet at least 2 times per year to raise policy issues, elect representatives to the Policy Council, and undertake regional advocacy and projects as directed by the Zone.





Policy Council:

- Each zone is represented at the Policy Council.
- Consists of 25 members (24 members: 12 members from five metropolitan zones and 12 from 12 country zones; plus, President).
- They will meet at least two times per year to contribute to policy positions and advocacy for input into Board, and to liaise with Zones on policy and advocacy.
- Can form Policy Teams, Policy Forums and Committees, which would have responsibility for specific functions, such as policy development.

Board:

- From the 25 member Policy Council, eight are elected to the Board including the Board elected President and there up to three independent board members based on skills.
- 11 Board members in total.
- They will meet six times per year.
- Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.

This model meets eight of the 10 components of the principles. Two components only partially meet the principles as outlined below:

| Option 1 – Two tier model, existing Zones | | Principle & component | Principle alignment (Meets, partial, does not meet) | Discussion points | |
|--|--|--------------------------------|---|-------------------|--|
|  <p>Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 Independents</p> | <p>Policy Council (25 members) 24 members plus President</p> | <p>Representative</p> | Composition | Meets | • Board will have equal metropolitan and country membership |
| | | | Size | Meets | • Board is smaller |
| | | | Diversity | Meets | • Consideration of appointment processes for independent members |
|  |  <p>Zones (5 metro, 12 country)</p> | <p>Responsive</p> | Election Process | Meets | • Board to be elected from Policy Council |
| | | | Timely Decision Making | Meets | • Meeting frequency aligned to governing body roles |
| | | | Engaged Decision Making | Meets | • Board meetings are not dependent on other governing body meetings |
|  | | <p>Results Oriented</p> | Agility | Partial | • Board is future-proofed from external changes • Zone structures still underpin Council |
| | | | Focus | Partial | • Prioritisation and focus may be a challenge |
| | | | Value Added Decision Making | Meets | • Best practice board approaches will be adopted |
| | | | Continuous Improvement | Meets | • Board would be responsible for ongoing reviews of governance body roles in consultation with members |

City of Mandurah Officer comment: This model provides for majority of the Board being represented by Elected Members of local governments. WALGA is a member based association and it is not clear on the purpose of the independent members. Their purpose may not align to the current views of the sector and there may be times where their views are not in the best interests of the members.

City officers propose that if there are specific skills, experience and knowledge that is required for each of the independent positions, these should be identified by the Board, and advertised to the 139 local government Elected Members requesting an expressing an interest.

Elected Members in the local government sector can nominate if their skillset is aligned and could make application to the Board for consideration. The nominees would not be required to be the local government zone delegate, they should have the required skills identified and hold office as an Elected Member.

This is the City officers preferred option.

Option Two: Board, Regional Bodies

Policy Teams/Forums/Committees:

- Replaces the zones.
- Membership is drawn from the Board and the Regional Bodies with some independent members.
- Responsible for specific functions – such as policy development – as determined by the Board.





Regional Bodies:

- There are four metropolitan (North, South, East and Central) and four country (Mining and Pastoral, Agricultural, Peel/South West/Great Southern, Regional Capitals).
- They meet at least two times per year.
- Contribute to policy development and advocacy.

Board:

- From the Regional Bodies, eight members are elected to the Board (four metropolitan and four country) including the Board elected President and there are up to three independent board members.
- 11 Board members in total.
- They meet six times per year.
- Responsible for the governance of WALGA including strategy, financial oversight, policy development, advocacy priorities, employment of CEO, etc.

This model meets eight of the 10 components of the principles. Two components only partially meet the principles as outline below:

| Option 2 – Board, Regional Bodies | | Principle & component | Principle alignment (Meets, partial, does not meet) | Discussion points |
|--|--|-----------------------------|---|---|
|  <p>Board (11 members) 8 elected from Regional Bodies, Incl. Board elected President Up to 3 independent</p> |  <p>Regional Bodies (4 metro, 4 country)</p> | Composition | Meets | <ul style="list-style-type: none"> • Board will have equal metropolitan and country membership • How to establish regional body membership is a consideration |
| | | Size | Partial | <ul style="list-style-type: none"> • Board is smaller • Number of regional bodies is a consideration |
| | | Diversity | Meets | <ul style="list-style-type: none"> • Consideration of appointment processes for independent members |
| | | Election Process | Meets | <ul style="list-style-type: none"> • Board election from regional bodies |
|  <p>Policy Teams / Forums / Committees</p> | | Timely Decision Making | Meets | <ul style="list-style-type: none"> • Meeting frequency aligned to governing body roles |
| | | Engaged Decision Making | Meets | <ul style="list-style-type: none"> • Board meetings are not dependent on regional body meetings |
| | | Agility | Meets | <ul style="list-style-type: none"> • Board and regional bodies are future proofed from external changes |
|  | | Focus | Partial | <ul style="list-style-type: none"> • There may be challenges defining accountabilities and responsibilities of regional bodies |
| | | Value Added Decision Making | Meets | <ul style="list-style-type: none"> • Best practice board approaches will be adopted |
| | | Continuous Improvement | Meets | <ul style="list-style-type: none"> • Board will be responsible for ongoing reviews of governing body roles in consultation with members |

City of Mandurah Officer comment: The City officers do not support this option due to the Regional Bodies structure only having four representatives from metropolitan and country. The Peel is combined with South West and Great Southern areas which have different priorities and the Peel region issues may not be represented as well as it could be at the Board level. It is possible that no representation for the City of Mandurah could exist if this model is adopted.

City officers propose that if there are specific skills, experience and knowledge that is required for each of the independent positions, these should be identified by the Board, and advertised to the 139 local government Elected Members requesting an expressing an interest.

Elected Members in the local government sector can nominate if their skillset is aligned and could make application to the Board for consideration. The nominees would not be required to be the local government zone delegate, they should have the required skills identified and hold office as an Elected Member.

This is the City officers fourth preferred option.

Option Three: Board, Amalgamated Zones

Policy Teams/Forums/Committees:

- Membership is drawn from the Board with some independent members.
- Responsible for specific functions – such as policy development – as determined by the Board.




Zones:

- There are six metropolitan and six country zones.
- The proposed metropolitan zones are Central, East, North, South, South East and Peel.
- The indicative country zones are Wheatbelt South, Wheatbelt North, Mid West/Murchison/Gascoyne, Pilbara/Kimberley, South West/Great Southern, Goldfields/Esperance.
- They will meet at least two times per year.
- Contribute to policy development and advocacy, and to elect Board members.

Boards:

- One member from each of the Zones are elected to the Board (six metro/peel and six country) including the Board elected President and there are up to two independent board members.
- 15 Board members in total.
- They will meet six times per year.
- Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.

This model meets seven of the 10 components of the principles. Three components only partially meet the principles as outline below:

| Option 3 – Board, Amalgamated Zones | | Principle & component | Principle alignment (Meets, partial, does not meet) | Discussion points |
|--|-------------------------|------------------------------------|---|--|
|  Board (15 members) 12 elected from Zones, Inci. Board elected President Up to 2 Independents | Representative | Composition | Partial | <ul style="list-style-type: none"> Board will have equal metropolitan and country membership There may be composition challenges for amalgamated zones |
| | | Size | Partial | <ul style="list-style-type: none"> Board is smaller Amalgamation of zones to 12 in total |
| | | Diversity | Meets | <ul style="list-style-type: none"> Consideration of appointment processes for independent members |
|  Zones (6 metro, 6 country) | Responsive | Election Process | Meets | <ul style="list-style-type: none"> Board election from zones |
| | | Timely Decision Making | Meets | <ul style="list-style-type: none"> Meeting frequency aligned to governing body roles |
| | | Engaged Decision Making | Meets | <ul style="list-style-type: none"> Board meetings are aligned to zone meetings |
|  Policy Teams / Forums / Committees | Results Oriented | Agility | Meets | <ul style="list-style-type: none"> Board is future proofed from external changes |
| | | Focus | Partial | <ul style="list-style-type: none"> Prioritisation and focus may be a challenge |
| | | Value Added Decision Making | Meets | <ul style="list-style-type: none"> Best practice board approaches will be adopted |
| | | Continuous Improvement | Meets | <ul style="list-style-type: none"> The Board would be responsible for ongoing reviews of governance body roles in consultation with members |

City of Mandurah Officer comment: There appears to be a benefit to the Peel region being moved to a metropolitan/peel zone as it is not combined with the South West/Great Southern Zone as suggested in Option Two (Regional Bodies model). It would also mean that the Peel region is still represented on the Board.

City officers propose that if there are specific skills, experience and knowledge that is required for each of the independent positions, these should be identified by the Board, and advertised to the 139 local government Elected Members requesting an expressing an interest.

Elected Members in the local government sector can nominate if their skillset is aligned and could make application to the Board for consideration. The nominees would not be required to be the local government zone delegate, they should have the required skills identified and hold office as an Elected Member.

This is the City officers second preferred option.

Option Four: Member Elected Board, Regional Groups

Regional Groups:

- Replaces the zones.
- Membership is determined by members to suit needs.
- Feed into policy development processes and undertake advocacy and projects as determined by the groups.




Policy Teams/Forums/Committees:

- Formed by the Board with some independent members.
- They will meet at least two times per year.
- Responsible for specific functions – such as contributing to policy development – as determined by the Board.

Board:

- Eight representative members elected via direct election with each member local government to vote (four elected by and from metropolitan local governments and four elected by and from country local governments).
- The Board elect President and there are up to three independent board members based on skill.
- 11 Board members in total.
- They will meet six times per year.
- Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.

This model meets seven of the 10 components of the principles. Three components only partially meet the principles as outlined below:

| Option 4 – Member elected Board, Regional Groups | | Principle & component | Principle alignment (Meets, partial, does not meet) | Discussion points |
|---|-------------------------|-----------------------------|---|---|
|  <p>Board (11 members) 8 elected via direct election, Incl. Board elected President Up to 3 Independents</p> | <p>Representative</p> | Composition | Partial | <ul style="list-style-type: none"> • Board will have equal metropolitan and country membership • Membership of regional groups dynamic and ad hoc |
| | | Size | Partial | <ul style="list-style-type: none"> • Board is smaller |
| | | Diversity | Meets | <ul style="list-style-type: none"> • Consideration of appointment processes for independent members |
|  <p>Policy Teams / Forums / Committees</p> | <p>Responsive</p> | Election Process | Meets | <ul style="list-style-type: none"> • Board election from a general meeting |
| | | Timely Decision Making | Meets | <ul style="list-style-type: none"> • Meeting frequency aligned to governing body roles |
| | | Engaged Decision Making | Meets | <ul style="list-style-type: none"> • Board meetings are not dependent on policy teams / regional group meetings |
|  <p>Regional Groups</p> | <p>Results Oriented</p> | Agility | Meets | <ul style="list-style-type: none"> • Board is future-proofed from external changes |
| | | Focus | Partial | <ul style="list-style-type: none"> • Policy teams / Regional Group meetings to influence priorities |
| | | Value Added Decision Making | Meets | <ul style="list-style-type: none"> • Best practice board approaches will be adopted |
| | | Continuous Improvement | Meets | <ul style="list-style-type: none"> • Board would be responsible for ongoing reviews of governing body roles in consultation with members |

City of Mandurah Officer comment: The City may not be represented through the Policy Teams/Forums/Committees and the Board. The Regional Groups may create an opportunity to participate and represent the local and regional issues, however it is a risk that where the City would like support from the sector, that it may be difficult to achieve support for the localised or regional matter.

City officers propose that if there are specific skills, experience and knowledge that is required for each of the independent positions, these should be identified by the Board, and advertised to the 139 local government Elected Members requesting an expressing an interest.

Elected Members in the local government sector can nominate if their skillset is aligned and could make application to the Board for consideration. The nominees would not be required to be the local government zone delegate, they should have the required skills identified and hold office as an Elected Member.

This is the least preferred option.

Option Five: Current Model

Policy Teams/Forums/Committees:

- Membership is drawn from State Council with some independent members.
- Responsible for specific functions – such as contributing to policy development, financial oversight etc. – as determined by State Council.




Zones:

- There are five metropolitan and 12 country zones.
- Considers the State Council Agenda, elect State Councillors, and undertake regional advocacy / projects as directed by the Zone.

State Council:

- From the Zones, 24 are elected to the State Council and there is one President.
- 25 State Council members in total.
- Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy, employment of CEO, etc.

This model meets four of the 10 components of the principles. Six components only partially meet the principle as outlined below:

| Option 5 – Current Model | Principle & component | Principle alignment (Meets, partial, does not meet) | Discussion points |
|---|-------------------------|--|---|
|    | Representative | | |
| | Composition | Meets | • State Council has equal metropolitan and country membership |
| | Size | Partial | • State Council will retain 25 members |
| | Diversity | Partial | • No control of diversity of State Council |
| | Election Process | Meets | • State Council election from zones |
| | Responsive | | |
| | Timely Decision Making | Partial | • Meeting frequency aligned to governing body roles |
| | Engaged Decision Making | Meets | • State Council meetings are aligned to zone meetings |
| | Agility | Partial | • State Council is not future proofed from external changes |
| | Results Oriented | | |
| Focus | Partial | • Prioritisation and focus may remain a challenge | |
| Value Added Decision Making | Partial | • Best practice board approaches will not be adopted | |
| Continuous Improvement | Meets | • State Council would continue to be responsible for ongoing reviews of governance body roles in consultation with members | |

City of Mandurah Officer comment: This model ensures all members participate in sector wide issues. There is local government representation at the Zones and each Zone is represented at the State Council. It would be beneficial to obtain feedback from the State Council board members in relation to any suggested improvements that can be made to the current structure.

Out of the options provided, this would be the City officers third preferred option.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Analysis

It is important that there is representation for local and regional issues when the local government sector is determining its advocacy priorities.

Strategic Implications

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

Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.

Conclusion

It is recommended that Council endorse the model options in order of preference and provide the submission to WALGA.

NOTE:

- Refer ***Attachment 4.1 WALGA Best Practice Governance Review: Consultation Paper - Model Options***
Attachment 4.2 WALGA Best Practice Governance Review: Background Paper

RECOMMENDATION

That Council rank the following Model Options in priority order of preference:

1. **Option One: with a modification that the three independent Board members must be Elected Members of a member local government and must have the relevant skills and competencies that have been identified by the Board as essential for these positions.**
2. **Option Three: with a modification that the two independent Board members must be Elected Members of a member local government and must have the relevant skills and competencies that have been identified by the Board as essential for these positions.**
3. **Option Five**
4. **Option Two: with a modification that the three independent Board members must be Elected Members of a member local government and must have the relevant skills and competencies that have been identified by the Board as essential for these positions.**
5. **Option Four: with a modification that the three independent Board members must be Elected Members of a member local government and must have the relevant skills and competencies that have been identified by the Board as essential for these positions.**

Best Practice Governance Review

Consultation Paper – Model Options

Contents

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Best Practice Governance Review

1. Introduction

Introduction

Background

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.

Other drivers for the review included: misalignment between key governance documents; constitution amendments for State Councillors' Candidature for State and Federal elections; and legislative reforms for the *Local Government Act 1995*, and for the *Industrial Relations Act 1979*.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations – Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and the Pharmacy Guild (PG).
- Review of governance models of Local Government Associations in other Australian States and Territories, and New Zealand.
- Drafting of governance principles that will underpin future governance models.
- Finalisation of governance principles and principle components across the domains of: **Representative, Responsive and Results Oriented**.

These activities are outlined in more detail in the Background Paper.

This document

This document outlines:

Principles: The governance model principles and principle components across the domains of: Representative, Responsive and Results Oriented. The principles were endorsed at the WALGA AGM on 3 October 2022.

Governance model options: Presents four potential governance model options and the structure and roles associated with each option. The four options are:

- **Option 1:** Two tier model, existing zones
- **Option 2:** Board, regional bodies
- **Option 3:** Board, amalgamated zones
- **Option 4:** Member elected board, regional groups
- **Option 5:** Current model

Alignment to principles: Each of these options are then assessed as to whether they align with the principles and their components. The assessment considers the option and whether it meets, partially meets or does not meet the principle component. Alongside this assessment are some discussion points. An example of this relates to diversity.

Diversity is a component of the governance model being representative. Diversity here may include consideration of whether the governance model comprises an appropriate diversity of skills and experience. It also provides opportunity to consider whether the governance model provides opportunity for members of diverse backgrounds e.g. people of Aboriginal and Torres Strait Islander descent, people with Culturally and Linguistically Diverse backgrounds.

Within all the model options, direct relationship with WALGA and regional / subregional collaboration would continue to be encouraged.

Best Practice Governance Review

2. Governance Principles

Governance Principles

The following Governance Principles were endorsed by members at the 2022 AGM

Representative

Responsive

Results Oriented
















| Principle | Principle component | Component description | Governance implications |
|---|-----------------------------|---|--|
| WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies. | Composition | The composition of WALGA's governance model represents Local Government members from metropolitan and country councils. | The governing body will maintain equal country and metropolitan local government representation. |
| | Size | An appropriate number of members/representatives oversees WALGA's governance. | Potential reduction in the size of the overarching governing body. |
| | Diversity | WALGA's governance reflects the diversity and experience of its Local Government members. | Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience. |
| | Election Process | Considers the processes by which WALGA's governance positions are elected and appointed. | Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body. |
| WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders. | Timely Decision Making | WALGA's governance supports timely decision making. | WALGA's governance model facilitates responsive decision making. |
| | Engaged Decision Making | WALGA's Local Government members are engaged in decision making processes. | WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure. |
| | Agility | Considers the flexibility of WALGA's governance to adapt to changing circumstances. | WALGA's governance model is agile and future proofed for external changes. |
| WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services. | Focus | Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance. | Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues. |
| | Value Added Decision Making | Facilitates opportunities for value to be added to decision making. | Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions. |
| | Continuous Improvement | Considers regular review processes for components of the governance model, their purpose and achieved outcomes. | WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members. |

Best Practice Governance Review

3. Options and Current Model




Options and Current Model

Five options, including the Current Model, with details of each of their key governance bodies

| Option 1 – Two tier model, existing Zones | Option 2 – Board, Regional Bodies | Option 3 – Board, Amalgamated Zones | Option 4 – Member elected Board, Regional Groups | Option 5 – Current Model |
|---|---|--|--|---|
|  <p>Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents</p> |  <p>Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents</p> |  <p>Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents</p> |  <p>Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents</p> |  <p>State Council (25 members) 24 State Councillors 1 President</p> |
|  <p>Policy Council (25 members) 24 members plus President</p> |  <p>Regional Bodies (4 metro, 4 country)</p> |  <p>Zones (6 metro, 6 country)</p> |  <p>Policy Teams / Forums / Committees</p> |  <p>Zones (5 metro, 12 country)</p> |
|  <p>Zones (5 metro, 12 country)</p> |  <p>Policy Teams / Forums / Committees</p> |  <p>Policy Teams / Forums / Committees</p> |  <p>Regional Groups</p> |  <p>Policy Teams / Forums / Committees</p> |




Option 1 – Two Tier Model, Existing Zones

A description of the governance body structure and role for Option 1

| Governance Body | Structure | Role |
|---|---|--|
|  Board | 11 members: 8 representative members elected from and by the Policy Council (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors. | Meet 6 times per year. Responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc. |
|  Policy Council | 24 members plus President. Members elected by and from the Zones (12 from 5 Metro Zones, 12 from 12 Country Zones). | Meet at least 2 times per year to contribute to policy positions and advocacy for input into Board, and to liaise with Zones on policy and advocacy. The Policy Council can form Policy Teams, Policy Forums and Committees, which would have responsibility for specific functions, such as policy development. |
|  Zones | 5 Metro, 12 Country. | Meet at least 2 times per year to raise policy issues, elect representatives to the Policy Council, and undertake regional advocacy and projects as directed by the Zone. |




Option 2 – Board, Regional Bodies

A description of the governance body structure and role for Option 2

| Governance Body | Structure | Role |
|---|--|--|
|  Board | 11 members: 8 representative members elected from and by the Regional Bodies (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors. | Meet 6 times per year responsible for governance of WALGA including strategy, financial oversight, policy development, advocacy priorities, employment of CEO, etc. |
|  Regional Bodies | Metro: North, South, East and Central. Country: Mining & Pastoral, Agricultural, Peel/South West/Great Southern, Regional Capitals. <i>Note: Local Governments can nominate their preferred regional body, with membership of the regional bodies to be determined by the board.</i> | Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members (1 from each of the Metro Regional Bodies and 1 from each of the Country Regional Bodies). |
|  Policy Teams / Forums / Committees | Membership drawn from the Board and Regional Bodies with some independent members. | Responsible for specific functions – such as policy development – as determined by the Board. |




Option 3 – Board, Amalgamated Zones

A description of the governance body structure and role for Option 3

| Governance Body | Structure | Role |
|--|---|---|
|  <p>Board</p> | <p>15 members: 12 elected from the Zones (6 from Metro/Peel, 6 from Country). President to be elected by the Board. The Board will appoint up to 2 independent, skills or constituency directors.</p> | <p>Meet 6 times per year. Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.</p> |
|  <p>Zones</p> | <p>Metro/Peel:</p> <ul style="list-style-type: none"> • Central Metropolitan • East Metropolitan • North Metropolitan • South Metropolitan • South East Metropolitan • Peel <p>Country*:</p> <ul style="list-style-type: none"> • Wheatbelt South • Wheatbelt North • Mid West / Murchison / Gascoyne • Pilbara / Kimberley • South West / Great Southern • Goldfields / Esperance <p><i>*indicative, re-drawing required</i></p> | <p>Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members.</p> |
|  <p>Policy Teams / Forums / Committees</p> | <p>Membership drawn from Board with some independent members.</p> | <p>Responsible for specific functions – such as policy development – as determined by the Board.</p> |




Option 4 – Member Elected Board, Regional Groups

A description of the governance body structure and role for Option 4

| Governance Body | Structure | Role |
|---|--|---|
|  Board | 11 members: 8 representative members elected via direct election, with each member Local Government to vote (4 elected by and from Metropolitan Local Governments, 4 elected by and from Country Local Governments). President elected by the Board from among the representative members. The Board will appoint up to 3 independent, skills or constituency directors. | Meet 6 times per year and responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc. |
|  Policy Teams / Forums / Committees | Membership drawn from Board with some independent members. | Meet at least 2 times per year. Responsible for specific functions – such as contributing to policy development – as determined by the Board. |
|  Regional Groups | Determined by members to suit needs. E.g. Regional Capitals, GAPP, VROCs, CEO Group, existing Zones. | Feed into policy development processes and undertake advocacy and projects as determined by the groups. |

Option 5 – Current Model

A description of the governance body structure and roles for the Current Model

| Governance Body | Structure | Role |
|---|---|--|
|  State Council | 24 members plus the President. Members elected by and from the Zones (12 from 5 Metropolitan Zones, 12 from 12 Country Zones). | Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy, employment of CEO, etc. |
|  Zones | 5 Metro, 12 Country. | Consider the State Council Agenda, elect State Councillors, and undertake regional advocacy / projects as directed by the Zone. |
|  Policy Teams / Forums / Committees | Membership drawn from State Council with some independent members. | Responsible for specific functions – such as contributing to policy development, financial oversight etc. – as determined by State Council. |




Best Practice Governance Review

4. Alignment to Principles

Option 1 – Two Tier Model, Existing Zones

Option 1 and its alignment to the principles

Option 1 – Two tier model, existing Zones

| | |
|--|--|
|  | Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents |
|  | Policy Council (25 members) 24 members plus President |
|  | Zones (5 metro, 12 country) |


| | Principle & component | Principle alignment (Meets, partial, does not meet) | Discussion points |
|-------------------------|------------------------------------|---|--|
| Representative | Composition | Meets | <ul style="list-style-type: none"> Board will have equal metropolitan and country membership |
| | Size | Meets | <ul style="list-style-type: none"> Board is smaller |
| | Diversity | Meets | <ul style="list-style-type: none"> Consideration of appointment processes for independent members |
| | Election Process | Meets | <ul style="list-style-type: none"> Board to be elected from Policy Council |
| Responsive | Timely Decision Making | Meets | <ul style="list-style-type: none"> Meeting frequency aligned to governing body roles |
| | Engaged Decision Making | Meets | <ul style="list-style-type: none"> Board meetings are not dependent on other governing body meetings |
| | Agility | Partial | <ul style="list-style-type: none"> Board is future-proofed from external changes Zone structures still underpin Council |
| | Focus | Partial | <ul style="list-style-type: none"> Prioritisation and focus may be a challenge |
| Results Oriented | Value Added Decision Making | Meets | <ul style="list-style-type: none"> Best practice board approaches will be adopted |
| | Continuous Improvement | Meets | <ul style="list-style-type: none"> Board would be responsible for ongoing reviews of governance body roles in consultation with members |

Council Report


Option 2 – Board, Regional Bodies

Option 2 and its alignment to the principles


Option 2 – Board, Regional Bodies



Board
(11 members)
8 elected from
Regional Bodies, incl.
Board elected
President
Up to 3 independents



Regional Bodies
(4 metro,
4 country)



Policy Teams / Forums / Committees

| | Principle & component | Principle alignment (Meets, partial, does not meet) | Discussion points |
|-------------------------|------------------------------------|---|---|
| Representative | Composition | Meets | <ul style="list-style-type: none"> Board will have equal metropolitan and country membership How to establish regional body membership is a consideration |
| | Size | Partial | <ul style="list-style-type: none"> Board is smaller Number of regional bodies is a consideration |
| | Diversity | Meets | <ul style="list-style-type: none"> Consideration of appointment processes for independent members |
| | Election Process | Meets | <ul style="list-style-type: none"> Board election from regional bodies |
| Responsive | Timely Decision Making | Meets | <ul style="list-style-type: none"> Meeting frequency aligned to governing body roles |
| | Engaged Decision Making | Meets | <ul style="list-style-type: none"> Board meetings are not dependent on regional body meetings |
| | Agility | Meets | <ul style="list-style-type: none"> Board and regional bodies are future proofed from external changes |
| Results Oriented | Focus | Partial | <ul style="list-style-type: none"> There may be challenges defining accountabilities and responsibilities of regional bodies |
| | Value Added Decision Making | Meets | <ul style="list-style-type: none"> Best practice board approaches will be adopted |
| | Continuous Improvement | Meets | <ul style="list-style-type: none"> Board will be responsible for ongoing reviews of governing body roles in consultation with members |

Council Report

Option 3 – Board, Amalgamated Zones

Option 3 and its alignment to the principles

Option 3 – Board, Amalgamated Zones



Board
(15 members)
12 elected from Zones, incl. Board elected President
Up to 2 independents



Zones
(6 metro, 6 country)



Policy Teams / Forums / Committees


| | Principle & component | Principle alignment (Meets, partial, does not meet) | Discussion points |
|-------------------------|------------------------------------|---|--|
| Representative | Composition | Partial | <ul style="list-style-type: none"> Board will have equal metropolitan and country membership There may be composition challenges for amalgamated zones |
| | Size | Partial | <ul style="list-style-type: none"> Board is smaller Amalgamation of zones to 12 in total |
| | Diversity | Meets | <ul style="list-style-type: none"> Consideration of appointment processes for independent members |
| | Election Process | Meets | <ul style="list-style-type: none"> Board election from zones |
| Responsive | Timely Decision Making | Meets | <ul style="list-style-type: none"> Meeting frequency aligned to governing body roles |
| | Engaged Decision Making | Meets | <ul style="list-style-type: none"> Board meetings are aligned to zone meetings |
| | Agility | Meets | <ul style="list-style-type: none"> Board is future proofed from external changes |
| | Focus | Partial | <ul style="list-style-type: none"> Prioritisation and focus may be a challenge |
| Results Oriented | Value Added Decision Making | Meets | <ul style="list-style-type: none"> Best practice board approaches will be adopted |
| | Continuous Improvement | Meets | <ul style="list-style-type: none"> The Board would be responsible for ongoing reviews of governance body roles in consultation with members |

Council Report


Option 4 – Member Elected Board, Regional Groups

Option 4 and its alignment to the principles


Option 4 – Member elected Board, Regional Groups



Board
(11 members)
8 elected via direct election, incl. Board elected President
Up to 3 independents



Policy Teams / Forums / Committees



Regional Groups


| Principle & component | | Principle alignment (Meets, partial, does not meet) | Discussion points |
|-------------------------|------------------------------------|---|---|
| Representative | Composition | Partial | <ul style="list-style-type: none"> Board will have equal metropolitan and country membership Membership of regional groups dynamic and ad hoc |
| | Size | Partial | <ul style="list-style-type: none"> Board is smaller |
| | Diversity | Meets | <ul style="list-style-type: none"> Consideration of appointment processes for independent members |
| | Election Process | Meets | <ul style="list-style-type: none"> Board election from a general meeting |
| Responsive | Timely Decision Making | Meets | <ul style="list-style-type: none"> Meeting frequency aligned to governing body roles |
| | Engaged Decision Making | Meets | <ul style="list-style-type: none"> Board meetings are not dependent on policy teams / regional group meetings |
| | Agility | Meets | <ul style="list-style-type: none"> Board is future-proofed from external changes |
| Results Oriented | Focus | Partial | <ul style="list-style-type: none"> Policy teams / Regional Group meetings to influence priorities |
| | Value Added Decision Making | Meets | <ul style="list-style-type: none"> Best practice board approaches will be adopted |
| | Continuous Improvement | Meets | <ul style="list-style-type: none"> Board would be responsible for ongoing reviews of governing body roles in consultation with members |

Council Report


Option 5 – Current Model

Current model and its alignment to the principles


Option 5 – Current Model



State Council
(25 members)
24 State Councillors
1 President



Zones
(5 metro,
12 country)



Policy Teams
/ Forums /
Committees

| Principle & component | | Principle alignment (Meets, partial, does not meet) | Discussion points |
|-------------------------|------------------------------------|---|--|
| Representative | Composition | Meets | <ul style="list-style-type: none"> State Council has equal metropolitan and country membership |
| | Size | Partial | <ul style="list-style-type: none"> State Council will retain 25 members |
| | Diversity | Partial | <ul style="list-style-type: none"> No control of diversity of State Council |
| | Election Process | Meets | <ul style="list-style-type: none"> State Council election from zones |
| Responsive | Timely Decision Making | Partial | <ul style="list-style-type: none"> Meeting frequency aligned to governing body roles |
| | Engaged Decision Making | Meets | <ul style="list-style-type: none"> State Council meetings are aligned to zone meetings |
| | Agility | Partial | <ul style="list-style-type: none"> State Council is not future proofed from external changes |
| | Focus | Partial | <ul style="list-style-type: none"> Prioritisation and focus may remain a challenge |
| Results Oriented | Value Added Decision Making | Partial | <ul style="list-style-type: none"> Best practice board approaches will not be adopted |
| | Continuous Improvement | Meets | <ul style="list-style-type: none"> State Council would continue to be responsible for ongoing reviews of governance body roles in consultation with members |

Council Report

Best Practice Governance Review

5. Consultation Process and Next Steps

WALGA Best Practice Governance Review

Consultation Process and Next Steps

Consultation Process

Council Position

Member Local Governments are asked to consider this paper and the governance model options put forward and provide a Council endorsed position to WALGA.

It is suggested that Councils endorse a preferred model (which could be the Current Model) and provide a ranking in terms of an order of preference.

Submissions to WALGA are sought by **23 December 2022**.

Supplementary Market Research

An independent market research company has been engaged to ascertain insights from Elected Members and Chief Executive Officers about WALGA's governance model. Qualitative interviews and a quantitative survey will be undertaken to supplement Council positions.

Workshops and Forums

Requests for presentations on the work undertaken by the Steering Committee and the model options, as well as facilitation of workshops and discussions will be accommodated where practicable.

Next Steps

Timetable

- Consultation and engagement with Members on this paper and governance model options will be undertaken from October 2022 until 23 December 2022.
- The Steering Committee will consider the outcomes of the consultation process during January 2023.
- A Final Report with a recommended direction will be the subject of a State Council Agenda item for the March 2023 State Council meeting.

Thank you

For more information, visit our [website](#) or contact Tim Lane, Manager Association and Corporate Governance, at tlane@walga.asn.au or 9213 2029.

Best Practice Governance Review

Background Paper

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Best Practice Governance Review

1. Background, Approach and Timeline

Background and Approach

Background and approach that led to the development of the governance principles for the Best Practice Governance Review.

Background

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review included:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments.
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to "*deal with matters related to State Councillors' Candidature for State and Federal elections*".
- Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995 (WA)*.
- Constitutional requirements for WALGA to become a registered organisation under the *Industrial Relations Act 1979 (WA)*, which would enable WALGA to make applications in its own right to the Western Australian Industrial Relations Commission

In March 2022 State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had its first meeting on 5 May 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis. Steering Committee meetings 2 to 5 had a focus on the development of governance model principles.

This document

This document presents the key insights from the jurisdictional and comparator organisation analysis that supported the development of the governance principles. The final section presents the endorsed governance principles.

Jurisdictional Analysis – This section compares WALGA to equivalent jurisdictional associations (e.g. LGASA). This provides key insights into the size and election processes of WALGA compared to equivalent associations.

Comparator Organisations – This section compares WALGA's governance arrangements to five comparator organisations that were agreed at the BPGR Steering Committee meeting 1. This provides key insights into the size, election processes and recent governance changes of these five comparator organisations.

Governance Model Principles – The governance model principles were developed through BPGR Steering Committee meetings 2 to 5. This provides a structure for understanding how the current governance model of WALGA and any future governance model aligns to these principles.

The following slide outlines the timeline of key events and meetings that formed part of the BPGR.

Timeline

Timeline of key events with a focus on the BPGR Steering Committee meetings throughout May to August 2022

WALGA Corporate Strategy 2020-25

In 2019, a five-year Corporate Strategy was developed and identified that a governance model was key to delivery of the strategy. 19 interviews and 2 workshops covering 20 Local and State Government leaders informed the strategy.

Stakeholder Engagement Project, GRA Partners, 2021

45 responses received from Federal and State Government and Opposition.

WALGA Stakeholder Engagement Project, Marketforce 2021

105 survey responses and 42 interviews were facilitated across 95 Local Governments.

State Council Performance Assessment, 2020

17 survey responses and comments received from State Councillors.

Commissioning of Best Practice Governance Review

In March 2022, WALGA commissioned PwC to support the BPGR Project.

First BPGR Steering Committee meeting held

On 22 May 2022, the first meeting of the BPGR Steering Committee identified five comparator organisations for the Review.

Third BPGR Steering Committee meeting held

On 28 June 2022, an options paper was reviewed.

State Council updated

On 3 August 2022, an update on the BPGR was provided to State Council.

Principles shared

In September 2022 agreement on the next steps for sharing the principles with Local Government members.

2019 Governance Review

A governance review was undertaken in 2019 that led to numerous process changes.

Second BPGR Steering Committee meeting held

On 8 June 2022, the initial draft of comparator organisations was presented and assessment criteria was identified.

Fourth BPGR Steering Committee meeting held

On 18 July 2022, core principles were decided to guide the BPGR.

Fifth BPGR Steering Committee meeting held

On 10 August 2022, core principles for the BPGR were finalised.

Best Practice Governance Review

2. Jurisdictional Analysis

Analysis: Jurisdictional equivalents to WALGA

Jurisdictional equivalents of WALGA have been analysed according to their size and election methods.

Background

Prior to the BPGR Project commencing in March 2022, work was undertaken to understand governance arrangements in other jurisdictions. The focus of this work was on associations from other Australian states, as well as New Zealand.

The full list of associations are:

- Local Government NSW (LGNSW)
- Municipal Association Victoria (MAV)
- Local Government Association of Tasmania (LGAT)
- Local Government Association of South Australia (LGASA)
- Local Government Association of Queensland (LGAQ)
- Local Government Association of Northern Territory (LGANT)
- Local Government Association of New Zealand (LGNZ)

The assessment of these associations focused on providing insights into the following domains:

- **Size of Board:** How many board members are there in comparison to the 25 WALGA board members?
- **Method of Election of President:** How is the President elected to the board?
- **Method of Election of Board Members:** How are board members elected?

Key Insights

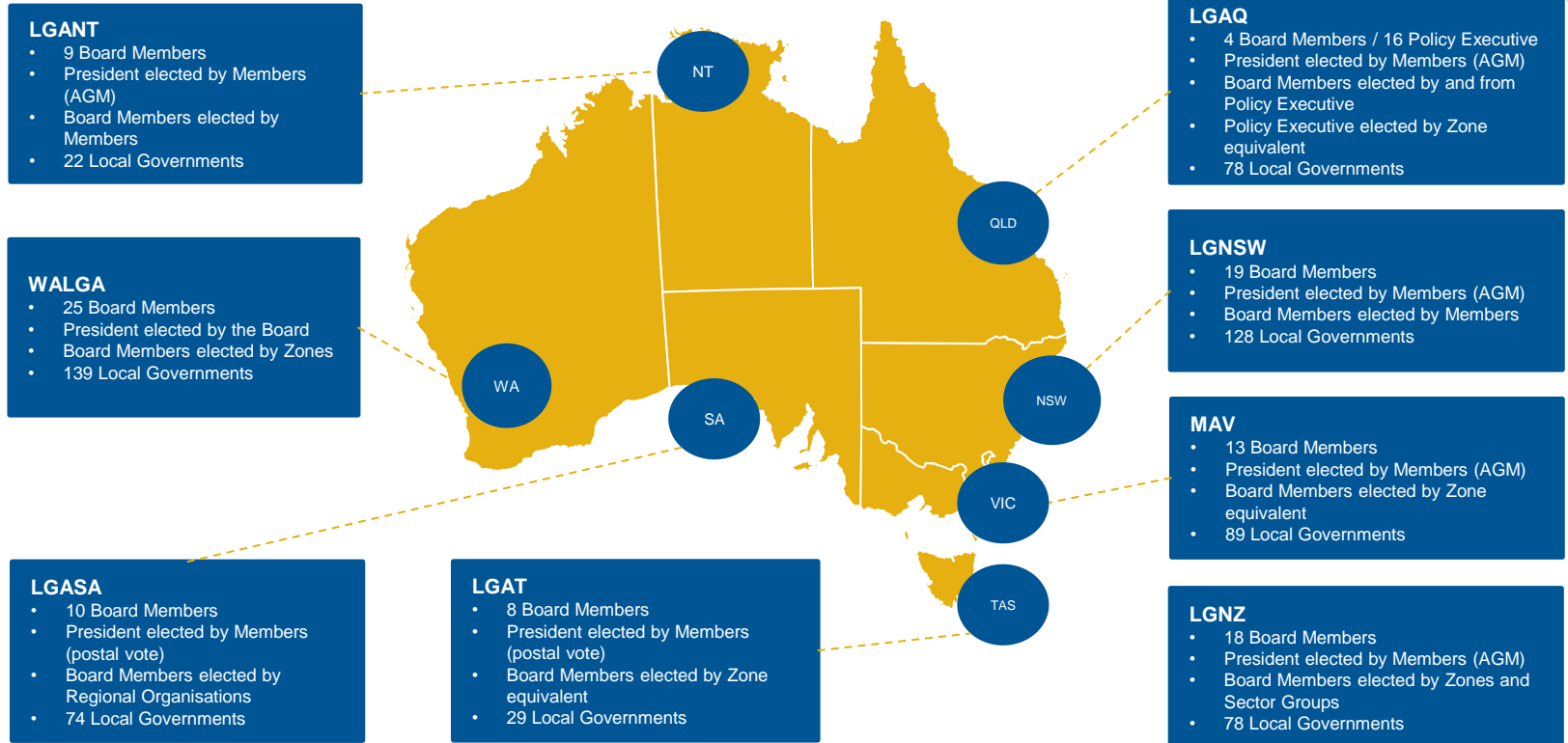
Key insights following the comparison of WALGA to equivalent associations are outlined below:

- **Size of Board** – while WALGA's board (State Council) contains the largest number of representatives, it can be seen that boards of Local Government Associations tend to be relatively large. The average board size (using Queensland's policy executive, not board) is 15.4.
- **Method of Election of President** – WALGA is an outlier: all other Presidents are elected directly by the membership. Perhaps this is a reflection of the prevalence of Council elected Mayors and Presidents in WA.
- **Method of Election of Board Members** – The majority of associations use regional groupings (equivalent to our Zones) to elect board members. The New Zealand hybrid model of electing representatives from geographic zones and sector groups (metro, provincial, rural, regional) is of interest.

The following slide presents this information for each of the seven associations.

Summary: Jurisdictional equivalents to WALGA

Summary of jurisdictional analysis of WALGA equivalents in relation to their Board membership, election methods and number of Local Governments.



Best Practice Governance Review

3. Comparator Organisations

Comparator organisations

Comparison of WALGA's governance model to the governance models of five comparator organisations.

Background

The BPGR Steering Committee had its first meeting on the 5 May 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change.

At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis. The organisations were selected on the basis of their similarity to WALGA as WA member-based peak industry organisations.

The selected organisations were: Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and Pharmacy Guild (PG) WA Branch.

Process

WALGA supplied a range of background documents to assist in undertaking the initial desktop comparison. This included the Constitution, Corporate Governance Charter, Corporate Strategy 2020-2025, Standing Orders, Elected Member Prospectus, Flow Chart – WALGA Zone and State Council Process, Final Report – State Councils and Zone Structure and Process Working Group.

The documentation used for the comparator organisations were typically the:

- Constitution – which serves as the instrument for establishment of the association;
- Annual reports – which contains information about an association's performance over a 12-month period; and
- Organisational website – which may outline the structure and current composition of the board, council and the leadership team of the organisations.

Interviews were successfully arranged with three of the five organisations. They were AMA WA, CCI WA and CME WA. The document analysis and interviews provided insights into the size, election methods and recent changes within these organisations.

Key insights

Key insights through the comparison of WALGA to the five comparator organisations are outlined below:

- **Size of Board** – WALGA's board (State Council) was larger than all other comparator organisation's boards.
- **Election methods** – election methods varied across the comparator organisations but many involved election through the membership.
- **Change** – three of the five organisations had recently undergone changes or reviews of their governance structures. There were a range of drivers for this change including: to increase the decision making ability of the board; to use specific working groups to focus on specific topics of interest and to increase representativeness of specific groups (e.g. Aboriginal and Torres Strait Islanders).

The following slide presents summary information on the size and election methods of the five comparator organisations. This is then followed by more detailed background into each organisation, their governance structure and any outcomes from conversations with these organisations.

Summary: Governance structure analysis

WALGA's governance structure was analysed in comparison to five comparator organisations

| Organisational Comparisons | Number of Board Members | President Elected by | Board Members elected by |
|--|-------------------------|------------------------------------|---|
| WA Local Government Association (WALGA) | 25 | The Board | Zones |
| Australian Medical Association (AMA) | 9 | AMA WA Members | Members of the Association |
| Chamber of Commerce and Industry WA (CCIWA) | 7 to 10 | The Board | <ul style="list-style-type: none"> • Up to 12 elected by Members • Up to 8 appointed by the Board • Up to 8 appointed by the Council |
| Chamber of Minerals and Energy (CME) | 6 to 11 | Ordinary Members | Executive Councillors |
| Australian Hotels Association (AHA) WA | 17 | The Branch Committee of Management | The Branch Committee of Management |
| Pharmacy Guild (PG) – WA branch | 16 to 22 | The Branch | Financial Members from the same region as the Branch |

Note: The Council, Branch, or Board chosen from the organisations above were chosen for how appropriate their structure is as a comparison to the WALGA State Council.

Organisational Analysis: Australian Medical Association (AMA) WA

With over 5,000 members, the AMA (WA) is the largest independent professional organisation for medical practitioners and medical students in the State. Total revenue and other income for AMA nationally in 2020 was reported as \$21,928,000.

Organisational Information

The AMA (WA) Board was created in 2017 and is comprised of the President, Immediate Past President, two Vice Presidents and five members of Council who are elected to sit on the Board (9 in total).

The AMA (WA) Council consists of four office bearers (President, Immediate Past President, two Vice Presidents). Additionally, there are the Specialty Group Representatives (e.g. General practice, surgery); Practice Group Representatives (e.g. rural doctors, public hospital doctors); Ordinary Council Members; and, Co-opted Council Members. Majority of the representatives and members represent their speciality (e.g. anaesthetics) or group of representative (e.g. medical student society).

The AMA Federal Council meets quarterly and is the AMA's main policy-making body. It is a forum to identify and debate emerging issues of relevance to the membership. The Federal Council's primary role is to: Form the policy of the AMA; Propose changes to existing policy; and Elect representatives to roles and committees. There is one State and one Area nominee from WA on the Federal Council.

The Leadership team consists of seven staff. CEO, CFO, COO, General Manager Training and Recruitment, Operations Manager, General Manager Financial Services and an HR manager.

Governance Structure*

The Board comprises of approximately 9 members.

The Board focuses on governance, managing the Association's conduct and business, and ensuring conformity with the constitution.

The Board may increase or decrease the number of Advisory Council members as needed. However, it currently has 4 members.

The General Council focuses on advocacy, policy making, and representation of the association.

The Board and Council is also supported by Specialty Group Representatives, Practice Group Representatives, Ordinary Council Members, and Co-Opted Council Members.

Outcomes of Organisation Discussion

- **Governance Review:** The 2020 annual report mentions that an organisation-wide review was undertaken with the transformation in the process of being implemented until March 2020 (COVID).
- **Representation:** It is more important to restrict the number of Board members than Councillors. Board members are involved in making policy and governance decisions, requiring a greater decision-making capability; Councillors are more involved in stakeholder engagement and solving specific issues through working groups, therefore Council size has less impact to efficiency and effectiveness of the model.
- **Engagement:** The president is the spokesperson when it comes to policy issues. Councillors represent the views of Specialty Groups, Practice Groups, and the medical profession as a whole.
- **Feedback on the current model:** Board members have previously taken the role because they are passionate, but do not necessarily have the right expertise, resulting in poor governance. Board members who have leadership and governance experience have proven to be effective in the updated model. The Board would benefit from an independent audit partner and increased diversity in speciality, a simplified purpose of the Board and Council Advisory, and a reduced number of meetings each year.

*The AMA WA Constitution does not specify the number of Board or Council members. Member numbers are indicative of the current Board & Council.

Organisational Analysis: Chamber of Commerce and Industry (CCI) WA

CCIWA is a not-for-profit member organisation providing information, professional services and support for businesses in Western Australia, with over 2,000 WA members. Total revenue and other income for 2021 was reported as \$34,270,130.

Organisational Information

The CCIWA operates as a company limited by guarantee. This came into effect on 11 January 2019. The change in status means that CCIWA is now incorporated under the *Corporations Act 2001* (Cth) rather than the State legislation covering incorporated associations.

Based on the constitution, the number of board members can be between 9-12 (including President & Vice President). The current board has only 6 members including the President and Vice President.

There is a General Council. The constitution states that Councillors can be up to certain numbers depending on who they were elected by. The resulting effect is a council that does not have consistent numbers of members and does not need to fill all positions. This is unlike WALGA's governance model where representatives are elected by zones.

The Board is responsible for the sound governance of the organisation, whereas the General Council provides input to the organisations policy; provides advice to the Board; acts as a point of interface; elects and appoints Council Elected Directors; and passes resolutions relating to specific handling of assets and raising and borrowing funds.

Governance Structure

The Board comprises of 9 – 12 members.

The Board focuses on strategic priorities, financial performance and compliance issues.

The General Council consists of up to 28 Councillors.

The General Council focuses on developing and being spokespersons on public policy frameworks and positions.

The governance structure is supported by bespoke working groups, formed from Councillors as relevant for specific strategic and policy issues.

Outcomes of Organisation Discussion

- **Governance Review:** CCIWA conducted a review of their 2018 Constitution, resulting in changes contained in the 2021 Constitution, including: The governance model was revised to increase the decision-making capability of the board; The structure of the General Council was determined to be too generic causing low Councillor attendance. After the review, Councillors were split into bespoke working groups for specific policy issues for the upcoming 12-month period. This resulted in higher councillor attendance, than the previous governance model.
- **Representation:** In the new revision of the constitution, two new types of Councillors were included to increase representation for their respective groups. Future Leader Councillors, from members of University business schools; and First Nations Business Councillors, elected from First Nations Members.
- **Feedback on the current model:** In the current governance model, when a board member leaves, a temporary team member is appointed since board members can only be elected in general meetings.

Organisational Analysis: The Chamber of Minerals and Energy (CME) WA

CME WA is the peak resources sector representative body in Western Australia whose member companies generate 95% of all mineral and energy production and employ 80% of the sector's workforce in the State.

Organisational Information

The Corporate Governance Charter (Charter) provides guidance on the respective roles, responsibilities and authorities of members of the Executive Council (Executive Councillors) and members of the Advisory Board (Advisory Board Members) in setting the direction, management and control.

The number of Vice Presidents is determined by the Executive Council, the constitution contains no limit on the number of Vice Presidents and so the number of Vice Presidents is excluded from the diagram to the right.

Executive Councillors are elected by Ordinary Members, and there can be no less than 10.

The Role of the Advisory Board is to act as a traditional board providing strategic oversight on behalf of the Chamber. Key interface with the Executive Management Team on organisational matters, including strategy, operating accounts, governance and risk.

Governance Structure

Advisory Board comprises of 5-10 members.

The Advisory Board provides strategic oversight and acts as the key interface with the Executive Management team on strategy, operating accounts, governance and risk.

Executive Council (10+ members).

The Executive Council most senior interface to guide and prioritise the agenda of the Chamber and its respective committees and holds final decision-making authority re: annual financial reports/statements.

The governance structure is supported by committees including bespoke working groups, appointed by Executive Council as relevant for specific strategic and policy issues.

Outcomes of Organisation Discussion

- **Governance Review:** CME recently engaged in a governance review. In April 2020, CME put in place a governance charter. This codified processes and structures, clarified lines of accountability and included a director's code of conduct.
- **Representation:** Members who express an interest, get a seat at the table for the Executive Council. There are approximately 60 ordinary members with 16-20 regularly attending council meetings. This group is intended to provide a litmus check that the broader membership needs are being met.
- **Engagement:** Although the board is strongly engaged in the work and responsibilities it holds, there is the varying engagement of the executive council – this is broadly because due to the large array of issues it covers – the organisation would love to see stronger engagement in this area.
- **Feedback on the current model:** Based on the age of the organisation, the current pyramid structure works. This is successful largely due to the governance charter which provides clarity in role and structure for the organisation.

Organisational Analysis: Australian Hotels Association (WA)

The Australian Hotels Association (AHA) represents more than 5,000 members across Australia serviced by a network of branches based in every state and territory, plus a Canberra-based National Office. Total revenue and other income for AMA nationally in 2020 was reported as \$2,257,963.

Organisational Information

AHA was founded in 1892 and now represents more than 80% of the Western Australian hotel and hospitality industry.

The organisation has a branch in each state and territory, including a division in each branch known as the National Accommodation Hotels Division. The organisation and each of its branches have their own set of rules by which they are governed. However, ultimate authority is deferred to the National Board of the organisation.

All issues and opportunities are addressed by The Branch Committee of Management (The Branch). Consisting of six ordinary members, elected by members of the branch, and the president from each of the Territorial and Non-Territorial Divisions of the Branch. This includes a President, Senior Vice President, Vice President, Treasurer, Accommodation President and Country Representative. The President, Senior Vice President (SVP) and Vice President (VP) are elected by The Branch.

AHA developed a subsidiary known as 'Tourism Accommodation Australia (TAA)'. TAA publicly represents and lobbies specifically for accommodation hotels separately from the AHA's general hospitality members. However, membership to both AHA and TAA is granted to accommodation properties. There are 11 Divisional Presidents – 7 represent different Areas/Regions and 4 represent different membership groups.

Governance Structure*

Branch Committee of Management has 6 Ordinary members & the president of each Territory/Non-Territory Division (11).

Focuses on staff remuneration/conditions, branch transactions, disbursements, funds and resolves delegated Commonwealth industrial disputes.

There is no council or other governing entity to provide support to the Branch Committee of Management.

Relevance to WALGA BPR

AHA was contacted to schedule an interview; however, there was no response following multiple requests. The following insights have been made by research on their publicly available governance information and documentation.

- **Composition:** Similar to WALGA's State Council, the AHA Governance structure only has one governing entity, The Branch Committee of Management. The number of branch members (17) is smaller than WALGA (25).
- **Responsibilities:** The AHA Branch Committee of Management is responsible for financial activities; however, the Rules document does not mention that they are responsible for activities that other comparator organisations governing entities are, such as policy creation or ensuring compliance.
- **Lack of compliance with constitution:** The Rules of the AHA WA Branch document acts as the Association's constitution. However, there are many conflicts between the governance structure in the Branch Rules document, and the governance structure depicted on AHA WA's website. For example, in the document the supreme governing body of the Branch is the Branch Committee of Management, whereas on the website it is the Executive Management team. Additionally, there is no mention of a board in the Rules document, but there is a Board of Management on the website.

*The governance structure has been taken from the Rules of the AHA WA Branch document instead of the current governance structure provided on the website, due to conflicting information.

Organisational Analysis: Pharmacy Guild (WA Branch Focus)

Pharmacy Guild supports over 5,800 pharmacies across Australia. It is broken up into Territory Branches with more than 600 pharmacies as members in WA (est. 2017).

Organisational Information

The Pharmacy Guild's WA Branch's Annual Report can only be viewed by Members of the Organisation.

The Branch consists of the Branch Executive, and the Branch Committee. Where the Branch Executive consists of the Branch President, Branch Vice President(s) and the National Councillor(s). Additionally, in the Branch Executive, the position of Branch President and Vice President can also be held by a National Councillor, resulting in different numbers of Branch Executives between states.

The National council has the power to determine and direct policy, settle disputes, control the national fund, appoint an auditor and other activities relating to being the supreme governing entity.

The constitution does not specify who exactly elects the Branch President, or the Branch Vice Presidents, only that they are elected from the Branch. Whereas Branch Committee Members are elected by financial members in that region.

The Branch and the National Council shall appoint their own auditor. Resulting in potential conflicts of interest, as hypothetically the Branch and the National Council can appoint an auditor who audits in their favour.

Governance Structure*

Branch Executive consists of 2 – 6 Executive Members.

All powers and functions of the Branch Committee between meetings of the Branch Committee.

Branch Committee consists of 7 - 14 committee members (excluding the Branch executive).

Control the Branch fund, decide the agenda for and attend special meetings.

There is only one governing entity in WA for Pharmacy Guild, however the WA Branch consists of National Councillors, from the National Council which is the supreme governing body for the Pharmacy Guild. However, the Branch Committee can create subcommittees to carry out particular functions.

Relevance to WALGA BPGR

Pharmacy Guild WA was contacted to schedule an interview; however, they responded that they do not have time to discuss their governance model. The following insights have been made by research on their publicly available governance information and documentation.

- **Representation:** The interests of members are represented by the Branch Committee Members who are elected by the financial members of the same regions. Additionally, the interests of the National Council are represented in Branches by the National Councillors appointed in each Branch.
- **Composition:** The governance structure of the Branches of the Pharmacy Guild is adaptable to the needs of the Branch. Since the Branch Committee members can decide the number of Committee members needed in their branch, they can do so based on the needs of the Branch at any point in time, making the composition and size of the Branch adaptable to emerging needs. Also, the creation of additional branches and amalgamations of current branches is up to the decision of the National Council, enabling the National Council to alter the composition of the governance model nation-wide as needed. Branches can also create subcommittees as needed.

*Since the number of members in governance entities is mentioned in the Constitution, the numbers have been estimated based on the current membership as per the Guild's website.

Best Practice Governance Review

4. Governance Principles

Development of Governance Principles

BPGR Steering Committee (SC) meetings and how they lead to the development of the proposed governance principles.

BPGR Steering Committee meetings

The BPGR Steering Committee (SC) was established by State Council to guide the review. SC Meetings 2 through to 5 acted as key inputs into the development of the Governance Model principles. The focus of SC Meetings two through to five led to the development of the governance principles.

SC Meeting 2 - On 8 June 2022, the initial draft of the comparator organisations and their governance structures was presented. The SC identified four assessment criteria for the purposes of assessing potential governance models. The assessment criteria were: (1) representation, (2) efficiency, (3) contemporary, and (4) sustainable. An Options Paper was then developed, using the assessment criteria against two governance model options.

SC Meeting 3 - On 28 June 2022, a discussion of the DRAFT Options Paper took place. The SC decided that a workshop was required to take a step back and develop the core governance principles (rather than assessment criteria) that needed to underpin any future governance model for WALGA.

SC Meeting 4 - On 18 July 2022, the SC discussed the principles and identified four principles that should guide WALGA's governance. They were Representative, Responsive, Results Oriented and Renewal. Renewal was the principle that some SC members deemed as optional and is not included as a separate principle. Some elements of renewal are incorporated into the other three principles.

SC Meeting 5 - On 10 August 2022, the SC discussed and finalised the proposed principles. Discussion focused on the principle components and their likely governance implications. Several activities also occurred around this SC meeting. This include an update to State Council at the Information Forum on 3 August 2022, finalisation of principles on 17 August 2022 to inform AGM Item and finalisation of Agenda Item for 2022 AGM, including approval by State Council.

Key outcomes

The SC agreed on the proposed governance model principles, their component parts and the implications of these principles. Specifically:

- **Principle definition** – the definition of each of the three principles.
- **Principle component** – the key component parts of each principle.
- **Principle component description** – a description of each principle component.
- **Governance implications** – the governance implications of each of the principle components.

The following slide presents the principles, their components and a description and their governance implications.

Endorsed Governance Principles

The principles for assessing WALGA's governance model options and governance implications

Representative

Responsive

Results Oriented

| Principle | Principle component | Component description | Governance implications |
|---|-----------------------------|---|--|
| WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies. | Composition | The composition of WALGA's governance model represents Local Government members from metropolitan and country councils. | The governing body will maintain equal country and metropolitan local government representation. |
| | Size | An appropriate number of members/representatives oversees WALGA's governance. | Potential reduction in the size of the overarching governing body. |
| | Diversity | WALGA's governance reflects the diversity and experience of its Local Government members. | Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience. |
| | Election Process | Considers the processes by which WALGA's governance positions are elected and appointed. | Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body. |
| WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders. | Timely Decision Making | WALGA's governance supports timely decision making. | WALGA's governance model facilitates responsive decision making. |
| | Engaged Decision Making | WALGA's Local Government members are engaged in decision making processes. | WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure. |
| | Agility | Considers the flexibility of WALGA's governance to adapt to changing circumstances. | WALGA's governance model is agile and future proofed for external changes. |
| WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services. | Focus | Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance. | Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues. |
| | Value Added Decision Making | Facilitates opportunities for value to be added to decision making. | Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions. |
| | Continuous Improvement | Considers regular review processes for components of the governance model, their purpose and achieved outcomes. | WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members. |

Thank you

For more information, visit our [website](#) or contact Tim Lane, Manager Association and Corporate Governance, at tlane@walga.asn.au or 9213 2029.

| | | |
|----------|----------------------|--|
| 5 | SUBJECT: | Major Land Transaction & Proposed Lease – Cinema Complex |
| | DIRECTOR: | Business Services |
| | MEETING: | Council Meeting |
| | MEETING DATE: | 13 December 2022 |

Summary

The City of Mandurah (the City) is proposing to enter into a new lease agreement with Reading Cinemas Pty Ltd trading as Reading Cinemas (Reading Cinemas) for a Portion of Lot 4265 on Plan 42132, (No. 7) James Service Place, Mandurah, for a 10 year term, with the option to renew for a further term of 10 years. The annual rent will commence at \$730,000 per annum (excluding GST), with annual CPI increases together with market rent reviews as prescribed in the lease.

A business plan outlining the City's proposal to enter into a major land transaction with Reading Cinemas was approved by Council on 27 September 2022 and publicly advertised State-wide from 7 October 2022 for a 6 week public notice period closing 18 November 2022. No submissions have been received to date.

Council is now requested to endorse the City proceeding with the major land transaction and proposed lease to Reading Cinemas as detailed in this report.

Disclosure of Interest

Nil.

Location

Reading Cinema Complex, No. 7 James Service Place, Mandurah



Previous Relevant Documentation

- | | | |
|--------------|------------|---|
| • G.49/3/10 | 23/03/2010 | Council adopts Business Plan for extension of lease |
| • G.59/12/09 | 15/12/2009 | Council approved the Business Plan for advertising purposes |
| • G.15/9/22 | 27/09/2022 | Council approved the Business Plan for s3.58 and s3.59 advertising purposes |

Background

The City is the owner of freehold land located at Lot 4265 (Number 7) James Service Place, Mandurah. The City constructed a Cinema Complex on the land and Reading Cinemas agreed to lease, fit-out and operate the Cinema Complex.

The original lease between the City and Reading Cinemas commenced on 15 November 1997 for a term of 20 years. By a Deed of Variation dated 24 April 1998, and with the development of a business plan including the consideration of Reading Cinemas carrying out \$1 million of improvements to the Cinema Complex, the City varied the term by an additional 5 years, with the lease expiring on 14 November 2022.

The City and Reading Cinemas have agreed to remain in holding over until finalisation of the proposed new lease, to be complete by early 2023, subject to Council approval.

Comment

Due to the total value of the lease revenue being more than the prescribed amount of \$10 million, the transaction is deemed a 'Major Land Transaction' in accordance with section 3.59 of the *Local Government Act 1995* (the Act) and regulation 8A of the *Local Government (Functions and General) Regulations 1996* (Regulations).

Before a local government enters into a Major Land Transaction, the local government is required under s3.59 of the Act to:

- Prepare a Business Plan, with an overall assessment of the major land transaction addressing a range of factors and criteria, as determined by the Act; and
- Advertise the Business Plan for a period of 6 weeks with State-wide public notice.

The Cinema Complex Business Plan (refer Attachment 5.1) was approved by Council and advertised for a six week notice period ending 18 November 2022. Members of the public were invited to make submissions in relation to the proposed Business Plan and lease terms, with copies of the Business Plan being made available for public inspection at the City's Administration Building or any City of Mandurah library, and accessible online via the City's website, twitter or Facebook page. No submissions or comments have been received for Council to consider.

Pursuant to regulation 30(2a) of the Regulations, the City is exempt from the disposal of land requirements under section 3.58 of the Act as the Business Plan was subject to State-wide public notice and outlined the parties concerned, consideration received, and recent market valuation.

Set out below is further information pertaining to the lease proposal and the Cinema Complex Business Plan (Major Land Transaction):

| | |
|----------------------------|--|
| Lessor | City of Mandurah of PO Box 210, Mandurah WA 6210 |
| Lessee | Reading Cinemas Pty Ltd trading as Reading Cinemas ABN: 97 073 808 643 ACN: 073 808 643 of 98 York St, South Melbourne Victoria 3205 |
| Premise | Portion of Lot 4265 on Plan 42132, (No. 7) James Service Place, Mandurah |
| Certificate of Title | Volume 2210 Folio 282 |
| Proposed Use | Cinema Complex |
| Initial Term | 10 years |
| Further Term | 10 years |
| Annual rent | \$730,000 per annum (exclusive of GST) |
| Market Rent Value | \$730,000 per annum (exclusive of GST) (as per the valuation carried out on 29 July 2022) |
| Rent Review | <p>(a) CPI rent reviews to be undertaken annually; except for years where a market rent review is required to be carried out; and</p> <p>(b) Market rent reviews to be undertaken at the end of years 2, 5, 10 and 15. The market rent reviews will be undertaken by an independent licenced Valuer.</p> <p>The lease will include a 'no ratchet' clause in year 2, stipulating that, following the rent review, the annual rent can be less than the rent payable in the period/year immediately preceding such rent review date.</p> <p>All other market rent reviews (that is, years 5, 10 and 15) will include a ratchet clause, stipulating that, following the rent review, the annual rent will not be less than the rent payable in the period/year immediately preceding such rent review date.</p> |
| Obligations on termination | The proposed Lessee must restore the premises and make good to the satisfaction of the City. The City shall have the first option to purchase the proposed Lessee's operating equipment at a price agreed between both parties. |

No Ratchet Clause Comments

The City was provided with commentary and concerns raised by Reading Cinema representatives in relation to the market value being undertaken in a post-COVID environment where the assessment of turnover and market evidence of entering into lease agreements related to pre-COVID times. At the time of the valuation, there was not sufficient evidence to understand whether the market has rebounded and the impact COVID had on the industry. The City officers recommend that a market valuation is undertaken in year two to better understand the impact on the industry post-COVID and adjust the rent accordingly, even if it results in a reduction in rent.

For all other market reviews, it is recommended a ratchet clause is included, stipulating that the annual rent will not be less than the rent payable in the previous year.

Consultation

No submissions or comments were received during the 6 week advertising period.

Statutory Environment

Local Government Act 1995

Section 3.59. Commercial enterprises by local governments

(2) Before it —

- (a) commences a major trading undertaking; or*
- (b) enters into a major land transaction; or*
- (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.*

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government; and*
- (b) its expected effect on other persons providing facilities and services in the district; and*
- (c) its expected financial effect on the local government; and*
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and*
- (f) any other matter prescribed for the purposes of this subsection.*

(4) The local government is to —

(a) give State-wide public notice stating that —

- (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
- (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
- (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

- (b) make a copy of the business plan available for public inspection in accordance with the notice; and*
- (c) publish a copy of the business plan on the local government's official website.*

(5) After the last day for submissions, the local government is to consider any submissions made and may decide to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

Local Government (Functions and General) Regulations 1996

Regulation 30. Dispositions of property excluded from Act s. 3.58

(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

(a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or

(b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or

(c) the subject of State-wide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —

(i) the names of all other parties concerned; and

(ii) the consideration to be received by the local government for the disposition; and

(iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.

Policy Implications

Nil.

Financial Implications

The annual rent to be received from the lease is included in the Long Term Financial Plan.

Risk Analysis

Council must adhere to the legislative requirements under s3.59 of the Act, which includes endorsing the City to proceed with the Major Land Transaction (lease disposal) as outlined in the Business Plan.

There is a financial risk to the Long Term Financial Plan if this revenue ceases as it represents 1% of rates revenue.

Strategic Implications

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

Economic:

- Promote and foster investment aimed at stimulating sustainable economic growth.
- Facilitate and advocate for sustainable local job creation, and industry growth and diversification.
- Establish and leverage opportunities with key stakeholders to achieve sustainable economic outcomes with due consideration to environmental impacts.

Social:

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

Conclusion

Council is requested to endorse the City proceeding with the Major Land Transaction, being a proposed lease with Reading Cinemas.

NOTE:

- Refer **Attachment 5.1 Cinema Complex Business Plan (Major Land Transaction)**

RECOMMENDATION

That Council proceed with the major land transaction as outlined in the Cinema Complex Business Plan (Attachment 5.1), by way of a proposed lease to Reading Cinemas Pty Ltd (trading as Reading Cinemas on the following terms:

- For a Portion of Lot 4265 on Plan 42132, (No. 7) James Service Place, Mandurah,**
- An annual rent commencing at \$730,000 per annum (excluding GST), as per the market rent valuation carried out on 29 July 2022.**
- A term of ten years, with a ten year further term (10 + 10); and**
- Rent to increase annually by CPI, and market rent reviews to be undertaken by an independent licenced Valuer at the end of years 2, 5, 10 and 15, including the no ratchet clause for year 2 only.**

****ABSOLUTE MAJORITY REQUIRED****



Business Plan to enter into a Major Land Transaction

**Cinema Complex
Portion of Lot 4265 (No. 7) James Service Place, Mandurah
Western Australia 6210**

**Business Plan prepared under section 3.59 of the *Local
Government Act 1995***

Introduction

The purpose of this Business Plan is to:

- a) Advise that the City of Mandurah (City) proposes to undertake a Major Land Transaction, for a portion of the property Lot 4265 on Plan 42132 (No. 7) James Service Place, Mandurah (the Cinema Complex), to be disposed of by way of a proposed lease to Reading Cinemas Pty Ltd trading as Reading Cinemas (Reading Cinemas);
- b) Satisfy the requirements of Section 3.58 and Section 3.59 of the *Local Government Act 1995* (the Act) in relation to the proposed Disposal of Land and the proposed Major Land Transaction respectively; and
- c) Further to the above, to provide the opportunity for public comment on the proposed Business Plan.

Background

The City is the owner of freehold land located at Lot 4265 (No. 7) James Service Place, Mandurah. Pursuant to a Heads of Agreement made on 2 May 1996 (varied on 11 September 1996), the City constructed a Cinema Complex on the land and Reading Cinemas (formerly known as Reading Australia Pty Ltd and Reading Entertainment Pty Ltd) agreed to lease, fit-out and operate the Cinema Complex.

The original lease between the City and Reading Cinemas commenced on 15 November 1997 for a term of 20 years. By a Deed of Variation dated 24 April 1998, and with the development of a business case including the consideration of Reading Cinemas carrying out \$1 million of improvements to the Cinema Complex, the City varied the term by an additional five years, with the lease expiring on 14 November 2022.



The City is proposing to enter into a new lease arrangement with Reading Cinemas, whereby the total value of the land transaction is more than the prescribed amount (\$10,000,000) and deemed a 'Major Land Transaction' as defined in regulation 8A of the *Local Government (Functions and General) Regulations 1996 (WA)*.



Section 3.59 (3) of the *Local Government Act 1995* - Matters to be included in a Business Plan

The business plan is to include an overall assessment of the major land transaction and is to include details of —

- a) its expected effect on the provision of facilities and services by the local government;
- b) its expected effect on other persons providing facilities and services in the district;
- c) its expected financial effect on the local government;
- d) its expected effect on matters referred to in the local government’s current plan prepared under section 5.56;
- e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- f) any other matter prescribed for the purposes of this subsection.

Assessment of Major Land Transaction

A. Expected effect on the provision of facilities and services by the local government

The proposed transaction will have minimal effect on the provision of facilities and services, as the Site currently operates as a Cinema Complex.

A new Lease will lead to a substantial long-term revenue stream (\$14.6 million over the twenty-year period) for the City whilst delivering activation objectives in accordance with the City of Mandurah Strategic Community Plan.

B. Expected effect on other persons providing facilities and services in the district

The Cinema Complex is an important part of the City’s Civic and Cultural Precinct (Precinct), which also includes the Mandurah Performing Arts Centre and surrounding buildings. The City’s Civic and Cultural Precinct aims to increase the City’s social, economic vibrancy and activating community spaces, providing pedestrian friendly linkages and connections to the surrounding restaurants and businesses.

Due to the proximity to a number of local eateries and businesses within the Precinct, City Centre and Marina, the Cinema Complex provides a unique drawcard for locals.

The Cinema Complex also provides employment opportunities employing a team of 22 people, with 78% being local to the District of Mandurah and 22% from the surrounding suburbs of Singleton and Secret Harbour.

C. Expected financial effect on the City of Mandurah

A new Lease will lead to a substantial long-term revenue stream for the City whilst delivering activation objectives in accordance with the City of Mandurah Strategic Community Plan.

The Lease will generate \$14.6 million over the proposed twenty-year Lease arrangement. The rent will increase in accordance with an agreed formula contained in the lease reflecting CPI or at the nominated anniversary dates, a market review undertaken by an independent Valuer. The fees associated with preparing the Lease will be borne by the Lessee.

A percentage of the rent income received by the City from the Lease will be recommended to Council each year to be transferred to the asset management reserve to fund the required renewal expenditure when components of the asset reach the end of their useful life. It is recommended that the remaining revenue is used as municipal funds and assist funding City services, programs and projects that would ordinarily be funded by rates. The rent income received represents a 1% rate rise that the City would have to impose on the ratepayers for the services that are provided to the community.

The City is responsible for major structural building maintenance including roof repairs, roof safety system and the City has included the HVAC air-conditioning replacement to occur within the next two years. This has been included in the City's Long Term Financial Plan.

Reading Cinemas is responsible for all routine preventative maintenance, repairs and replacement, including fair wear and tear. Reading Cinemas has also proposed that renovation works would be undertaken including the installation of reclining seating within a number of auditoriums, and other minor repairs works including the replacement of existing signage and internal finishes within the complex.

D. Expected effect on matters referred to in the City's current plan prepared under Section 5.56:

The City must take into account the requirements of the City's future planning of the City. These requirements are as follows:

Planning for the future - Section 5.56 *Local Government Act 1995*

- 1) A local government is to plan for the future of the district.
- 2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The City of Mandurah has the following plans for the future of the district that have been prepared in accordance with regulations made about planning for the future of the district:

Strategic Community Plan 2020 -2040

This proposal directly aligns to the following Strategic Community Plan 2020 -2040 objectives:

Economic:

- Promote and foster business investment aimed at stimulating economic growth.
- Facilitate and advocate for sustainable local job creation and industry diversification.
- Leverage partnerships with key stakeholders to achieve improved economic outcomes with due consideration to environmental impacts.

Social:

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

Corporate Business Plan 2020-2024

The Corporate Business Plan guides the City in achieving the objectives listed in the Strategic Community Plan.

E. The ability of the local government to manage the undertaking or the performance of the transaction.

The City has a sufficiently qualified and experienced Property Services Team who will be managing this transaction. The disposal of property will be conducted in accordance with Section 3.58 and Section 3.59 of the Act and relevant regulations, without oversight from Governance Services to ensure compliance obligations are met.

F. Other matters prescribed for the purpose of this subsection

The Cinema Complex is an important community asset, with there being no other cinema complex offered to City of Mandurah residents, with the nearest cinema complex being located in Rockingham.

Disposal of Land – Lease Proposal

To satisfy regulation 30(2a) of the *Local Government (Functions and General) Regulations 1996 (WA)*, the City advises the following proposed disposal of land via lease as follows:

| | |
|---|---|
| Lessor | City of Mandurah of PO Box 210, Mandurah WA 6210 |
| Lessee | Reading Cinemas Pty Ltd trading as Reading Cinemas ABN: 97 073 808 643 ACN: 073 808 643 of 98 York St, South Melbourne Victoria 3205 |
| Premise | Portion of Lot 4265 on Plan 42132, (No. 7) James Service Place, Mandurah |
| Certificate of Title | Volume 2210 Folio 282 |
| Proposed Use | Cinema Complex |
| Initial Term | 10 years |
| Further Term | 10 years |
| Proposed Lease Commencement Date | 15 December 2022 |
| Proposed Rent Commencement Date | 15 December 2022 |
| Lease Rent (per annum) | \$730,000 per annum (ex GST) |
| Market Rent Value (as per the valuation carried out on 29 July 2022) | \$730,000 per annum (ex GST) |
| Rent Review | The rent will increase in accordance with an agreed formula contained in the lease reflecting CPI or at the nominated anniversary dates, a market review undertaken by an independent Valuer. |
| Obligations on termination | The proposed Lessee must restore the premises and make good to the satisfaction of the City. The City shall have the first option to purchase the proposed Lessee's operating equipment at a price agreed between both parties. |

Comments on Business Plan

This Business Plan is open for submissions for a period of six (6) weeks as required under section 3.59 of the *Local Government Act 1995 (WA)*.

The Business Plan can be inspected at the Administration Centre of the City of Mandurah located at 3 Peel Street Mandurah, between the hours of 8:30am - 4:30pm Monday to Friday, and at all local libraries and the Mandurah Aquatic and Recreation Centre.

A copy of the Business Plan will also be available on the City of Mandurah website www.mandurah.wa.gov.au, which will be publicised through social media posts and local newspapers.

Submissions on the Business Plan are to be made in writing and to be received no later than six (6) weeks from the date of advertising.

Submissions can be emailed to governance@mandurah.wa.gov.au or by post addressed to:
Chief Executive Officer
Major Land Transaction – Cinema Complex
PO Box 210
Mandurah WA 6210

| | | |
|----------|----------------------|--|
| 6 | SUBJECT: | Falcon Community Menshed – Request for funding |
| | DIRECTOR: | Director Place and Community |
| | MEETING: | Council Meeting |
| | MEETING DATE: | 13 December 2022 |

Summary

The Falcon Community Menshed Inc was established in 2009, and operates from a small shed at the rear of the Falcon Family Centre. In 2021, the City commissioned an external consultant to explore the current strengths and challenges of existing Men's Sheds within the City of Mandurah. The report validated a need for improved shed space to enable Falcon Community Menshed to serve its membership and the wider community.

In January 2022, the City approved a long-term Lease to Falcon Community Menshed Inc for the management of a portion of the indoor Falcon Family Centre and a portion of the fenced outdoor area. It was intended that the group construct a new shed in the outdoor area of approximately 360sqm. In November 2022, Falcon Community Menshed Inc received development approval from the City in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 to construct a shed at Lot 90467, No 60 Linville Street Falcon. This decision was made under delegated authority.

The City received written communication from Falcon Community Menshed Inc seeking a financial contribution for a new shed to hold manual activities that require large equipment, such as woodworking. They advise a membership of 51 members (and growing) and report that the current 9x6m shed has a maximum capacity of 6 members at any one time for safety reasons. This space limitation severely hinders the opportunity for the Falcon Menshed to grow, serve its members and benefit the broader community.

The Menshed have been working diligently to raise funds of \$445,000 (including contingency) to construct a new shed, however, it has been difficult to attract external grants without a foundational budget commitment from the City to leverage. This report seeks to approve a contribution of \$140,000 toward the construction of a new shed for Falcon Community Menshed Inc. With over a decade of preparation by Falcon Menshed, this project is evidenced to be well needed, well planned and aligned with the City's Strategic vision.

Disclosure of Interest

Nil

Previous Relevant Documentation

- CC.4,5,6/7/21 27 July 2021 Council received the Strategic Direction Report, noted the benefits of Men's Sheds, agreed to financial contributions, committed to exploring new sites, revoked Council resolution points 2,3,4 or February 2021 and endorsed the CEO to negotiate a lease for a portion of the Falcon Family Centre indoor and outdoor areas for Falcon Community Menshed.
- G.5/02/21 23 February 2021 Council approved a long-term lease of 20 years to Falcon Men's Shed for the management of the entire Falcon Family Centre.
- G.7/10/20 27 October 2020 Council approved a lease over a portion of Reserve 42821 to Falcon Men's Shed Incorporated for a term

of 20 years for a peppercorn rental. Council approved the allocation of funds to upgrade the Falcon Family Centre with minor works.

Background

Men's Sheds are an international movement that promote the physical, mental and emotional health of members in a supportive environment. This objective of good health is centred on many factors including self-worth, pride, being productive, contributing to community, connecting with friends and maintaining an active body and mind. Becoming a member of a Men's Shed provides a safe and busy environment where men can find many of these things in an atmosphere of mateship. And, importantly, there is no pressure as men can just come along for a cuppa and chat if that is their interest.

Men's Sheds, including Falcon Community Menshed Inc, are community-based, non-profit, non-commercial organisations that are accessible to all men and whose primary activity is the provision of a safe and friendly environment where men are able to work on meaningful projects at their own pace in their own time in the company of other men. A major objective is to advance the well-being and health of members united in their interest to do something meaningful with their time and continue to be valued and productive members of our community.

The Falcon Community Menshed operate from a small shed of approximately 54 sqm at the rear of Falcon Family Centre. The space is makeshift, inadequate for members to undertake activities and very cramped with the machines. It also lacks general amenity such as toilet facilities and storage. In all, the facility is not fit for purpose and severely impacts the ability for the group to grow and serve its membership base. Last year, the City formally acknowledged the facility arrangements were hindering the capacity of the Menshed to grow and determined a new way forward by negotiating a 20-year lease with the Menshed.

In 2021, the City commissioned an external consultant to explore the current strengths and challenges of existing Men's Sheds within the City of Mandurah, and make recommendations about the provision of Men's Sheds. The findings in relation to the Falcon Menshed confirmed the current shed facilities were inadequate, offered limited space for diverse activities and hampered membership growth of the group. The report proposed expansion of the Menshed via lease to optimise the community benefits that could be brought to fruition by greater membership, and this has since occurred.

Pursuant to Section 18 of the Land Administration Act 1997, the lease of portion of Reserve 42821, Lot 1894 (No 60) Linville Street Falcon to Falcon Community Menshed Inc. received written consent for approval from the Minister for Lands for the lease. On 6 January 2021, the Falcon Community Menshed signed and sealed the lease which took effect on 1 April 2022. This was a significant milestone, providing the group with greater legitimacy to seek grants for capital funding and work towards their long term goals. The indoor area of Falcon includes large room, office, smaller activity rooms, office, kitchen, storage and toilets.

The outdoor area within the lease is intended for Falcon Community Menshed to construct a new shed. Due diligence on this project from the City has included flora assessment, fauna assessment, underground utilities assessment, site survey, and general feasibility. A cross-functional team at the City has met regularly to progress the local government aspects of the Menshed project, with key commitments including: due diligence described; construction of new child health nurse facility at Falcon Library to free up space for the Menshed at Falcon Family Centre; stakeholder engagement with playgroup and child health nurse; provision of information from the building team (compliance); support from planner with development of shed footprint options; and general relationship building activities with the Menshed.

The Falcon Community Menshed have sourced a supplier to design and construct the shed. It is approximately 360m² and includes workshop space, toilet and activity area. On 4 November 2022, the Falcon Community Menshed submitted an application for development approval. An assessment of the application was undertaken and in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, the City determined to grant approval for the development. The new shed will create increased space for activities that require large equipment and workspace, like

woodworking, complemented by the variety of indoor spaces for activity within the leased portion of the Family Falcon Community Centre.

Comment

The Falcon Community Menshed Inc have a dedicated Committee and membership who have worked tirelessly to seek multiple funding partners for the construction of a Shed. It is anticipated that once the City commits funds, other partners will have more confidence to endorse financial contributions to this project. The City commends the determination, commitment and energy of Falcon Menshed Committee and members to maintain a focus on the need for a new shed. The group has shown a steely resolve to ensure their vision of a new shed becomes a reality for the betterment of the local community.

The project is underpinned by demonstrated need, sound planning and demonstrated viability. It's considered prudent to release the funds to the Menshed when it can be evidenced that the Project is fully funded with contributions committed from other funding partners.

Consultation

Extensive consultation has taken place with the Men's Sheds, including working group meetings, phone calls, in-person meetings with Shed representatives, site visits and emails. The groups have been directly involved in lease negotiations, site identification and general problem solving.

The City and Falcon Community Menshed has reached out to various potential program partners, but to date, funding from external partners has not been secured. Some partners have expressed they are more likely to partner once the local government commits a portion of funding to legitimise and sanction the project.

Over the journey, the project has also included consultation with the playgroup at Falcon Family Centre and the child health nurse, which has recently moved to the Falcon Library.

Policy Implications

POL-CNP 08: Community Initiated Infrastructure Policy

The Falcon Community Menshed Project was initiated well before the adoption of the Community Initiated Infrastructure Policy, however, officers will follow the approach in principle.

The request from the Falcon Menshed meets criteria for approval as per the Policy, because the project:

- Demonstrates community need and benefits (as per 2021 Men's Shed Strategic Direction Report);
- Is designed suitably and has planning approval (planning approval granted November 2022);
- Will only proceed with construction once the full budget is fully secured;
- Evidences Strategic Alignment with the City's Strategic Community Plan, especially in the outcome areas of social and health (as per Council resolution 27 July 2021);
- Falcon Community Menshed has good governance, is sustainable and has demonstrated capability and capacity; and
- Is confirmed to be complex, over \$200,000 and seeking unscheduled City budget contribution, hence this report to Council for approval.

Risk Implications

Without timely and appropriate financial support from the City, there is a risk Falcon Menshed Inc. will be unable to attract other funding partners to complete this project. If they are unable to construct a new Shed, their capacity to grow membership and help men connect for improved health and wellbeing is compromised. The City's demographic data demonstrates an ageing population that is likely to create an increasing demand for community activities that target seniors.

The power upgrade is yet to be fully costed. The budget includes contingency, although Men's Shed may need to secure additional funds to ensure there is sufficient power to supply the new shed workshop. Officers have discussed this with the Menshed. The core business of a Men's Shed would generally not include the management of grants or capital projects of this scale. This is considered to be adequately mitigated in this instance, given the project has planning approval, shed installation by a reputable company and support from City Officers to the Menshed.

Like any community group, there is a risk that existing committee members may leave prior to completion of the project. It is considered the group has a strong committee and sufficient capability within its membership to see the project to completion. Their ability to save \$25,000 as a capita contribution demonstrate their ability to fund ongoing costs. It can also be assumed that a larger workshop will result in larger membership, and greater capacity to fundraise.

This project is reliant on the Falcon Menshed obtaining the shortfall in project funds, estimated at \$280,000. There is a risk that the project will not progress, or not progress in the timeframes desired by the Menshed, if external partnerships cannot be secured.

Financial Implications

The City does not currently have funds listed on its Long Term Financial Plan for the purpose of funding a contribution towards the capital project of Falcon Community Menshed. An amount of \$140,000 is sought toward the construction of a new shed as an approximate one-third contribution from the City. It is proposed that the City is a 'funder of last resort' with an expectation the Menshed try other avenues to contribute funds prior to relying on the City contribution. If approved by Council, it's considered appropriate that the offer be time-bound, offering a 2-year window for the Menshed to secure full project funds. After that time, any continuation of commitment from the City would require a report to council for further consideration.

Quotes sought by the Falcon Community Menshed advise the project is estimated at \$445,000 (including contingency). The Menshed has proven incredibly diligent in trying to secure funds from a wide variety of sources to date, however, has found this difficult without the backing of the local government. The proposed project budget breakdown is listed below:

Project Budget \$445K

| Project Cost | Notes | Status | Amount |
|---|---|----------------|------------------|
| Expenditure | | | |
| Supply, construction and installation of Shed | Includes all aspects such as site works and preparation | Quote provided | \$405,000 |
| Peripherals | Power upgrade and connection | Unconfirmed | \$20,000 |
| Contingency | Allowing for unexpected costs | Unconfirmed | \$20,000 |
| Total | | | \$445,000 |

Project Budget \$445K

| Project Partner | Notes | Status | Amount |
|---------------------------|--|---|------------------|
| Income | | | |
| Falcon Menshed Inc | Group contribution | Confirmed | \$25,000 |
| External Funding Partners | For example, Lotterywest, Alcoa, Bendigo Bank, Federal Funding. | Communication commenced. Funding unconfirmed. | \$280,000 |
| City of Mandurah | Request via Council report. Contribution dependent on all other sources being confirmed. | Pending Council decision | \$140,000 |
| Total | | | \$445,000 |

At its meeting on 27 October 2020, Council resolved to approve allocation of \$96,000 to upgrade the Falcon Family Centre. In its support of Falcon Menshed to establish itself with a long-term lease at the site, the City approved other costs committing up to \$90,000 for logistics like the relocation of the Child Health nurse to Falcon Library, plumbing, electrical, painting, sewer connection, flora survey, fauna survey, fencing, minor site works, and minor building works. These are in varying degrees of completion, pending readiness of the Men's Shed to ensure a fully funded project. To note, not all of these costs are directly attributed to the Men's Shed, even though they will be a beneficiary. Some of these works form part of usual asset maintenance with the Men's Shed being a catalyst for this maintenance.

Strategic Implications

This project has strong strategic alignment. At its meeting on 27 July 2021, Council's resolution included to "Note the many and varied benefits that Men's Sheds foster including health, wellbeing, mateship, teamwork, social connectedness and meaningful contributions to the wider community". It also acknowledged "an evidenced community need for Men's Sheds in the City to have capacity to cater for increased memberships." City Officers continue to engage the Men's Shed closely in decision making regarding this project.

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

Social:

- Facilitate opportunities that promote community led initiatives and build local capacity and capability.
- Promote and encourage community connectedness to create social interaction and a strong sense of security and belonging.
- Provide a range of social, recreational and cultural experiences for our residents and visitors to enjoy and take pride in.
- Advocate for and facilitate the provision of diverse and environmentally sustainable places and spaces for people to enjoy an inclusive and active lifestyle.

Health:

- Provide and facilitate quality infrastructure that is accessible, and conducive to a healthy, active community.
- Provide quality health and wellbeing programmes and services that target whole of life health from infants to seniors.
- Promote the importance of a healthy, active lifestyle and the role the natural environment plays in preventative health, within our community.

Organisational Excellence:

- Listen to and engage with our community in the decision-making process.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

Conclusion

City officers consider that construction of a new shed will enable the Falcon Menshed to generate increased public value serving the community and supporting men's social, emotional, mental and physical health. The group has a stable committee and capacity to deliver the project, as well as maintain the ongoing resource commitments once a new shed is built.

Falcon Community Menshed has demonstrated their commitment to securing external funds by approaching a wide variety of funding partners, however, it is difficult to secure funds without direct financial support from the City which adds confidence and legitimacy to the project.

RECOMMENDATION

That Council:

- 1. Allocate \$140,000 in the Long Term Financial Plan for 2023/2024 as a contribution to the Falcon Community Menshed Inc towards the construction of a new shed on the leased of portion of Reserve 42821, Lot 1894 (No 60) Linville Street Falcon, subject to meeting all necessary approvals, permits and demonstration of value for money.**
- 2. Approve that the allocation of \$140,000 expires in June 2025, after such time any further request by Falcon Community Menshed Inc to access funds for this purpose would require a further report to Council for consideration.**
- 3. Require Falcon Community Menshed Inc to demonstrate their commitment to secure project funding from other external parties prior to relying on the City's financial allocation in an effort to reduce reliance on City funding if practicable.**

| | | |
|----------|--|--|
| 7 | SUBJECT: DIRECTOR: MEETING: MEETING DATE: | Continuation of Funding for Lake Clifton Stewardship Program Built and Natural Environment Council Meeting 13 December 2022 |
|----------|--|--|

Summary

Lake Clifton is one of the most valuable environmental assets within the City of Mandurah and the broader Peel region. In 2017, the City entered into a funding agreement with the Peel Harvey Catchment Council to establish a private property stewardship program for the Lake Clifton catchment. Peel Harvey Catchment Council is now seeking an extension of existing funding arrangements from the City, for a further five-year period, to support continued delivery of the Lake Clifton Stewardship Program.

It is recommended that:

1. Renews its commitment to fund the Lake Clifton Catchment – Private Conservation Stewardship Program, providing \$50,000 per annum to the Peel Harvey Catchment Council for a further two years commencing in 2022/23 to 2023/24.
2. Subject to the achievement of the agreed deliverables, commits to fund the Lake Clifton Catchment Private Conservation Stewardship Program, providing \$50,000 per annum to the Peel Harvey Catchment Council for a further three years from 2024/25 to 2026/27.
3. Authorises the Chief Executive Officer to enter into a funding agreement with the Peel Harvey Catchment Council to outline the terms and conditions under which the above referred contribution will be made.

Disclosure of Interest

Nil

Location

The Program will operate over properties in the sub-catchment area of Lake Clifton, which includes private landholdings in both the City of Mandurah and the Shire of Waroona. A map of the sub-catchment area detailing local government boundaries, sub-catchment boundaries and individual private land holdings can be seen in Attachment 7.1.

Previous Relevant Documentation

- G.13/4/17 11 April 2017 Council committed to providing \$50,000 per annum for five years to the Peel Harvey Catchment Council, to assist in funding their Lake Clifton Catchment – Private Conservation Stewardship Program.
- G.14/9/22 27 September 2022 Council deferred the Continuation of Funding for Lake Clifton Stewardship Program report to allow Peel Harvey Catchment Council time to respond to questions relating to the program.

Background

Lake Clifton is part of the Peel-Yalgorup Ramsar Site, a wetland of international significance. It provides habitat for numerous migratory and resident shorebird species and is also home to the thrombolites,

federally protected microbial colonies which have formed calcareous rock-like structures in the lake over thousands of years.

However, Lake Clifton is also a very fragile environment with a distinct catchment, limited in size and highly vulnerable to environmental degradation. Certain land management practices conducted within that catchment, including groundwater abstraction, land clearing and hobby farming practices have contributed to significant decline in ecological function of the lake. This poses a questionable future for some of the most valuable environmental features of Lake Clifton, such as the thrombolites.

There has been a long history of environmental restoration initiatives and Landcare projects taking place in and around Lake Clifton. Such initiatives have been designed to address particular environmental impacts including the presence of feral animal and weed species, poor vegetation quality in the wetland buffer zone and changes in water balance impacting on the lake. These efforts have nearly always been dependent on short-lived external funding opportunities from state or federal sources and as a result, have delivered short-lived environmental benefits.

In 2017, the City entered into a funding agreement with the Peel Harvey Catchment Council (PHCC) to establish a private property stewardship program for the Lake Clifton catchment. An amount of \$50,000 per annum was provided to the PHCC for an initial five-year term, with an aim to establish a program that would specifically target private property owners within the Lake Clifton catchment and encourage land management practices on their property that would enhance and protect the catchment's environmental values. It was anticipated that through the establishment of a long-term initiative that took an educative approach with landowners rather than one of enforcement, that efforts to protect and restore environmental values in the Lake Clifton catchment would be more successful and longer lasting than had been experienced previously.

Accordingly, the Lake Clifton Stewardship Program was launched for an initial five-year period, with the goal that within that period a program design would be established and introduced to Lake Clifton property owners, early adopters would be engaged and actively participate in the Program, and additional funding sources would be identified that could aid in building on the Program's foundations.

Comment

Within the initial five years of the Lake Clifton Stewardship Program, progress has been made in relation to establishing a program design, engaging target property owners and establishing active participants amongst them together with attracting alternative partners and sources of funding in order to grow the Program.

The Lake Clifton Stewardship Program has been designed around the work and learnings from the Lake Clifton Recovery project delivered between 2012 – 2013 by the PHCC. More than 300 private property owners in the Lake Clifton catchment have been identified and approached through the Program, encouraging improved management and restoration of native vegetation and wildlife habitats through a variety of support mechanisms. These mechanisms include free property and habitat assessments, annual plant giveaways, quarterly newsletter publications and exclusive access to funding for on-ground conservation works. The PHCC has also successfully negotiated the ability to co-brand with, and serve as extension officers for, the flagship Land for Wildlife Program. The Land for Wildlife Program is a long-standing conservation program targeting private landholders and operating across Australia. The Program has a proven history of negotiating improved conservation outcomes through education and is familiar to many landholders in rural and special rural districts by the recognisable 'blue diamond' plaques that program participants display at the front of their properties. Through this association, the Lake Clifton Stewardship Program should be able to utilise and revive an existing network in the Lake Clifton catchment with a familiar and trusted format.

Initial participation in the Lake Clifton Stewardship Program has progressed with some early adopters signing on in the initial 3 years and a small increase in participation experienced in the fourth and fifth years.

| Year | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | 2020-2021 |
|---|-----------|-----------|-----------|-----------|-----------|
| Registrations (Cumulative total) | 3 | 5 | 8 | 10 | 11 |
| Expressions of Interest | 15 | 1 | 3 | 2 | 4 |

It was acknowledged that it would take some time to create a sense of trust with the target landholders and that there would be a need to demonstrate that the Program was not going to be a short-lived initiative like others before it. But once a sense of trust is established, the Program should start to experience increased rates of participation based on positive reputation, consistent activity in the community and generation of powerful promotional avenues such as word of mouth. Participation rates in the fourth and fifth years are lower than anticipated indicating a need to revise the effectiveness of the approach to landholder engagement.

Recently, the Shire of Waroona entered into a five-year Memorandum of Understanding with the PHCC (1 July 2021 to 30 June 2026) contributing a total amount of \$12,500, demonstrating a commitment to provide financial support to the Program's delivery. It is noted that of the approximate 600 private properties within the catchment, around 50% are located within each local government area.

In addition, the PHCC have contributed additional funding, to the Program to establish an open grants program for registered participants. Eligible landholders are able to apply for small grants between \$250 and \$1,000 to assist in implementing restoration activities identified in their Land for Wildlife assessment report. The grants program was launched at the start of 2020 and to date, two landholders have been successful in accessing these funds.

PHCC is seeking an extension of existing funding arrangements from the City for a further five-year period to support continued delivery of the Lake Clifton Stewardship Program and build upon the momentum that it is starting to generate. In particular, an increased focus on targeting key properties that will deliver the highest environmental benefits. A high level summary from PHCC of what the Program would seek to deliver should it be continued is included in Attachment 7.2.

City officers intend to work with PHCC to develop the deliverables and performance measures that would be included in a funding agreement. It is recommended that funding provided through the agreement is subject to a review after the second year to ensure that the deliverables outlined above are being achieved and that participation rates from private landholders are growing. Also, that there is an opportunity to continue to ensure that the Program delivers maximum benefits including consideration of other alternatives to achieve improved engagement and environmental outcomes. In particular, that the annual targets for landowners registering onto the Land for Wildlife Program continue to be achieved.

It is noted that additional information from PHCC has been provided to Elected Members via a memorandum from the Director Built and Natural Environment in response to questions relating to the program.

Statutory Environment

Nil

Policy Implications

This proposed funding arrangement falls outside the scope of POL-RCS 04 Grants and Donations and is therefore being addressed separately via this report.

Financial Implications

City officers are recommending that the Council approves a contribution to the PHCC to assist in funding the Lake Clifton Catchment – Private Conservation Stewardship Program to the extent of \$50,000 per annum for a maximum period of five (5) years commencing in the financial year 2022/23 and concluding in 2026/27. This amount is included in the City's Long Term Financial Plan baseline.

Risk Analysis

Land management practices on private property within the Lake Clifton catchment can significantly impact the environmental values of the surrounding Yalgorup National Park and Yalgorup Lakes, particularly Lake Clifton. This impact can be either positive or negative.

The Lake Clifton Catchment – Private Conservation Stewardship Program is designed to engage and educate owners of private properties within the catchment to employ land management practices that will have a positive impact on surrounding environmental values as well as those on their properties. The successful implementation of this program would significantly reduce the risk of environmental degradation occurring in and around Lake Clifton.

Strategic Implications

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

Environment:

- Protect and manage our local natural environment ensuring our actions don't adversely impact our waterways.
- Create opportunities for the community to promote and preserve our local natural environment.
- Partner and engage with our community to deliver environmental sustainability outcomes.

Organisational Excellence:

- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

Conclusion

The initial five years of the Lake Clifton Stewardship Program have been successful in establishing an engaging program design, attracting alternative funding sources and securing early engagement with target private property owners. As a result, the Program is positioned to build on this foundation and create further momentum with regards to engagement of new participants and increased activities in relation to environmental protection and restoration.

It is recommended that the City renews its funding commitment to the PHCC for a further five year term with an expectation to see increased rates of participation in the Program and uptake of program initiatives such as the open grants program.

NOTE:

- Refer **Attachment 7.1** *Map of Sub Catchment Area of Lake Clifton.*
Attachment 7.2 *Proposed Program Deliverables.*

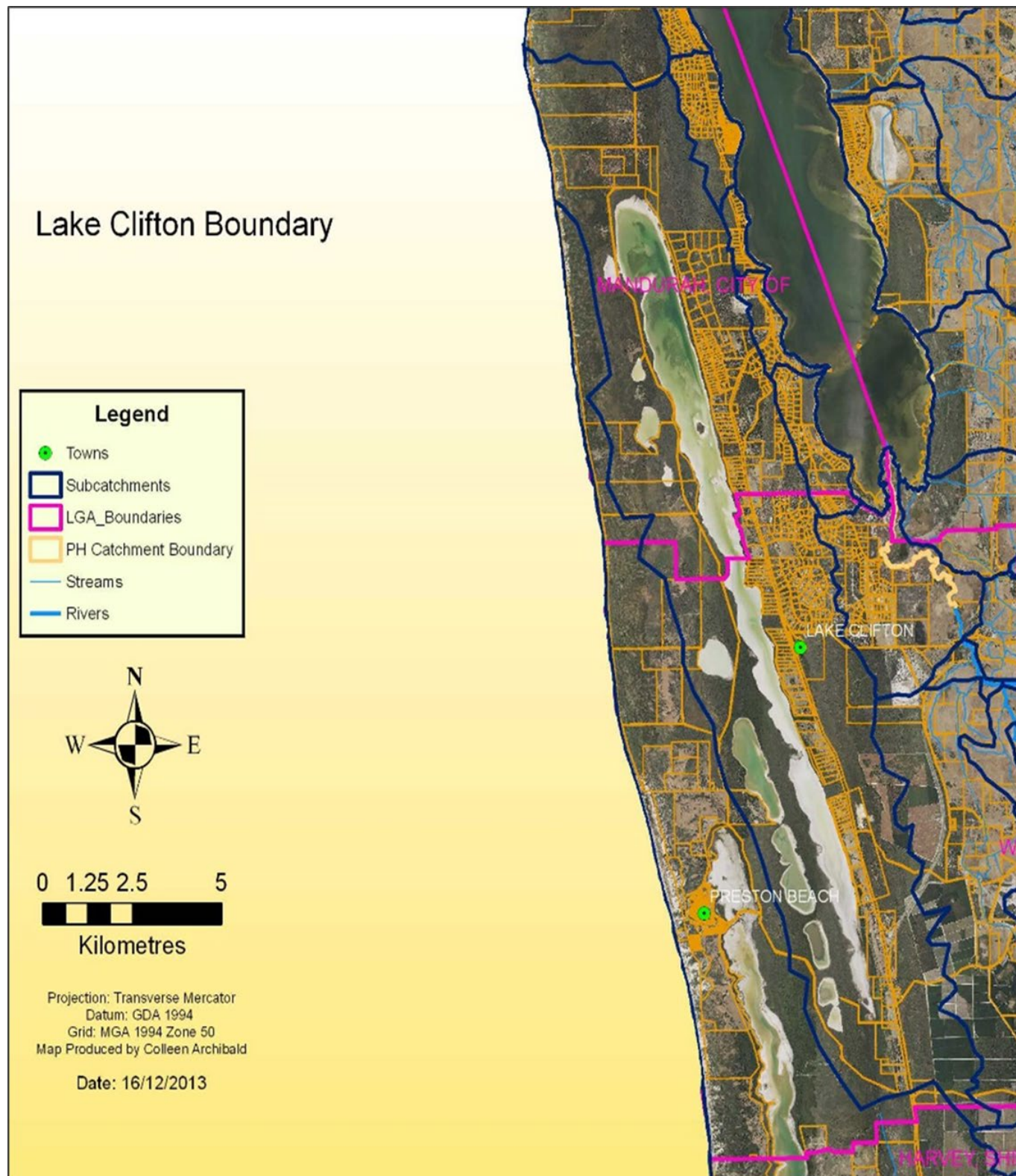
RECOMMENDATION

That Council:

- 1. Renews its commitment to fund the Lake Clifton Catchment – Private Conservation Stewardship Program, providing \$50,000 per annum to the Peel Harvey Catchment Council for a further two years commencing in 2022-2023 to 2023-2024.**
- 2. Notes that a further report is to be presented to Council on the outcomes of the review of the program at the end of the 2023-2024 financial year.**
- 3. Authorises the Chief Executive Officer to enter into a funding agreement with the Peel Harvey Catchment Council to outline the terms and conditions under which the above referred contribution will be made.**

ATTACHMENT 7.1

Map of the sub-catchment area detailing local government boundaries, sub-catchment boundaries and individual private land holdings.



ATTACHMENT 7.2

Proposed Program Deliverables

| | Program component | 2022-2023 | 2023-2024 | 2024-2025 | 2025-2026 | 2026-2027 | Details | Notes |
|---|--|-----------|-----------|-----------|-----------|-----------|--|--|
| A | Landowners registering onto the Land for Wildlife Program including site assessments | 5 | 5 | 3 | 3 | 3 | <ul style="list-style-type: none"> – Field officer visits interested landowner – Land for Wildlife (LfW) template is used to assess site and produce report – Landowner registered onto the LfW program | Practical advice, encourages landowner behaviour change, and precursor to LfW and Volunteer Management Agreements. Supports long-term land management change |
| B | Free seedling giveaway with Workshop/Info Session (1,500 seedlings per annum) | 1 | 1 | 1 | 1 | 1 | <ul style="list-style-type: none"> – Call for registrations. Consult with City of Mandurah and community groups to finalise details. – Workshop/Info Session provides multiple opportunities (eg, practical weed control advice, continue awareness-raising of local residents of Lake Clifton’s significance and status). | Known to be successful in Lake Clifton Recovery Project. The event will be adapted and improved based on community feedback and community needs |
| C | Regular newsletter | 2 | 2 | 2 | 2 | 2 | <ul style="list-style-type: none"> – Lake Clifton Landcare | This is currently quarterly |

| | Program component | 2022-2023 | 2023-2024 | 2024-2025 | 2025-2026 | 2026-2027 | Details | Notes |
|---|----------------------------|-----------|-----------|-----------|-----------|-----------|---|--|
| | | | | | | | Matters is a platform for regular information and updates on events etc | however suggested to change to biannually to focus on quality vs than quantity |
| D | Small grants program | 4 | 4 | 3 | 3 | 3 | <ul style="list-style-type: none"> – Open to those in the LFW program – Application for funds must link to Lake Clifton program objectives. | Provides an incentive for landowners to improve land management standards Include option to extend to be available to non-LFW if uptake of program is low. |
| E | Outreach in priority areas | 30 | 30 | 10 | 10 | 10 | <ul style="list-style-type: none"> – Outreach (eg via mail drop with letter or flyer) targeting properties in priority areas, for introduction to the program, landowner advice, workshops, newsletters, neighbour connections, LFW membership and access to the grants program | Priority areas would be those that contain or adjacent to TECs, ecological corridors, properties with >10ha of native vegetation, proximity to thrombolites and Ramsar sites, black cockatoo breeding sites. There would be broader effort in the first two years to attract more interest, then taper numbers |

| | Program component | 2022-2023 | 2023-2024 | 2024-2025 | 2025-2026 | 2026-2027 | Details | Notes |
|---|---|------------|------------|------------|------------|------------|---|--|
| | | | | | | | | once more engagement is established |
| F | Landowner advice service | On request | On request | On request | On request | On request | <ul style="list-style-type: none"> – Provide option of landowners to access technical advice, arrange a site visit etc. – Simple advice via emails | Builds and maintains trust and relationships with community. |
| G | Marketing and promotions through social media | 2 | 2 | 2 | 2 | 2 | <ul style="list-style-type: none"> – Develop a recognisable brand and/or character to represent the Program to landowners and the wider community. Promote through social media in addition to newsletter and workshops. | Creates local pride and broader community recognition of Lake Clifton |
| H | Support for local landcare groups and management of public lands in the LCC | Ongoing | Ongoing | Ongoing | Ongoing | Ongoing | <ul style="list-style-type: none"> – Continue working with active groups such as Lake Clifton Herron Landcare Group to develop and promote joint projects – Support specific on-ground or capacity projects identified by | Underpins integrity across the Lake Clifton Catchment (everyone is supported to contribute to improved LCC management) |

| | Program component | 2022-2023 | 2023-2024 | 2024-2025 | 2025-2026 | 2026-2027 | Details | Notes |
|--|-------------------|-----------|-----------|-----------|-----------|-----------|------------------|-------|
| | | | | | | | key stakeholders | |

| | | |
|----------|----------------------|-----------------------------|
| 8 | SUBJECT: | Naming of Madora Bay Oval |
| | DIRECTOR: | Built & Natural Environment |
| | MEETING: | Council Meeting |
| | MEETING DATE: | 13 December 2022 |

Summary

As part of the development of the new Madora Bay Primary School in Huntington St, Madora Bay, a community shared use oval is in the process of being developed. The oval is located across the Department of Education land used for the Madora Bay Primary School and also the abutting recreation reserve that is in the process of being vested in the City.

In accordance with Landgate Policies and Standards for Geographic Naming, ovals should be officially named through Landgate for a number of reasons including for the purpose of community identification and emergency service provision. Also, pursuant to Landgate requirements and Council Policy, Council must endorse any proposed name.

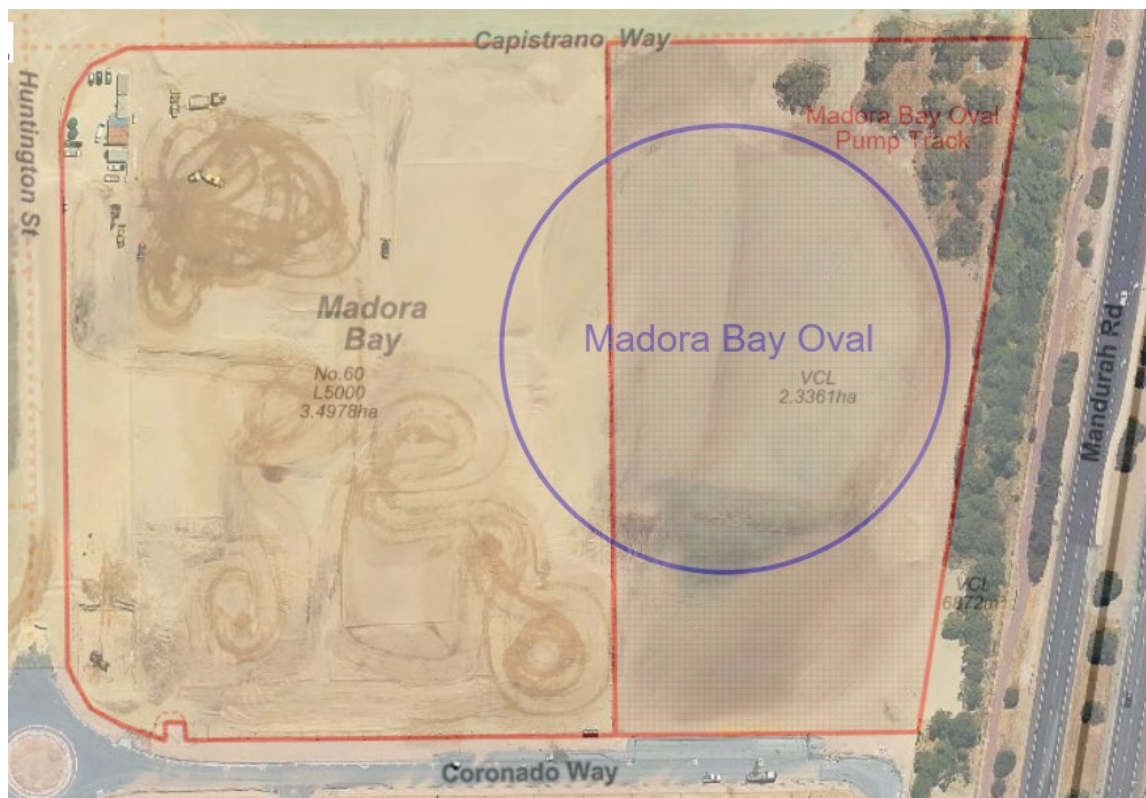
Consistent with the approved naming protocols, City officers recommend that the oval is named after the locality of Madora Bay and therefore Council endorsement is sought to make a formal application to Landgate for the name 'Madora Bay Oval'.

Disclosure of Interest

Nil

Location

The approximate location of the oval is shown below:



Previous Relevant Documentation

N/A

Background

The new Madora Bay Primary School site incorporates a community shared use oval located across the Department of Education freehold owned land, being Lot 5000 on DP 423052, and the City's recreation reserve, which is in the process of being vested under a management order. A pump track is also being installed on the City's reserve portion. The site is being managed by the City under a shared use oval agreement between the City and the Department of Education.

Landgate has confirmed that should the oval be officially named, and in accordance with Council Policy *POL-PKR 04 Naming of Community Infrastructure & Public Places*, the name must be endorsed by Council.

Comment

Review of the current Landgate *Policies and Standards for Geographic Naming in Western Australia*, and subsequent consultation with Landgate, has confirmed that ovals are considered to be topographic features under the policy and therefore should be officially named.

In this case, the school name is Madora Bay Primary School within the locality of Madora Bay, therefore the appropriate name for the infrastructure is recommended to be 'Madora Bay Oval'.

Consultation

Landgate officers have been consulted on the proposed naming of the oval.

Statutory Environment

- *Land Administration Act 1997* – Section 26 (c) Subject to 26A the Minister may name, rename and cancel the name of any topographical feature, road or reserve; Section 26A – If the local government approves a name it is forwarded to the Minister for lands for final approval.
- *Geographic Names Committee* – Policies and Standards for Geographical Naming in Western Australia provided by Landgate.

Policy Implications

- *POL-PKR 04 Naming of Community Infrastructure & Public Places*.

Financial Implications

N/A

Risk Analysis

Not naming this infrastructure in accordance with Landgate requirements would lead to misalignment with respect to naming of community infrastructure.

Strategic Implications

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

Social:

- Promote and encourage community connectedness to create social interaction and a strong sense of security and belonging.

Conclusion

Council is asked to approve a formal submission to Landgate for the official name of 'Madora Bay Oval' to be given to the oval adjacent to the new Mandora Bay Primary School.

RECOMMENDATION

That Council approves a formal submission to be made to the Geographic Naming Committee at Landgate for the official naming of the topographic feature of 'Madora Bay Oval' located on portions of Lot 5000 on DP 423052 and Lot 8005 on DP 423052 (new City managed reserve – vesting pending).