



MINUTES OF

COMMITTEE OF COUNCIL MEETING

HELD ON

Tuesday 5 December 2017

AT 5.30 PM

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

PRESENT:

COUNCILLOR	D LEE [CHAIRMAN]	EAST WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	L RODGERS	EAST WARD
COUNCILLOR	S JONES	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD

OFFICERS IN ATTENDANCE:

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE DEVELOPMENT
MS	L WILKINSON	DIRECTOR PEOPLE & COMMUNITIES
MR	W PEPPINCK	CORPORATE LAWYER
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	B DRECKOW	MANAGER PLANNING & LAND SERVICES
MRS	L GREENE	COORDINATOR ELECTED MEMBER SUPPORT

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

The Chairman declared the meeting open at 5.35 pm.

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

The Chairman declared the meeting open at 5.35 pm.

ELECTION OF DEPUTY CHAIRPERSON [AGENDA ITEM 2]

CC.1/12/17 APPOINTMENT OF COMMITTEE OF COUNCIL DEPUTY CHAIRPERSON

Further to Minute G.10/11/17, the Chairman and Chief Executive Officer explained that the election process for the Deputy Chairman of the Committee of Council was required to be conducted in accordance with the Local Government Act 1995, and in the event of more than one nomination for the position being received, a ballot would be undertaken.

Two written nominations had been submitted, being from Councillors Tahlia Jones and Peter Jackson, however Councillor Tahlia Jones subsequently withdrew her nomination.

Additional time was made available for further nominations to be made in writing.

No further nominations were received and the Chief Executive Officer declared Councillor Peter Jackson Deputy Chairman of the Committee of Council for a term of 2 years, expiring on 19 October 2019.

APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 3]

Mayor Williams and Deputy Mayor Councillor Knight.

DISCLAIMER [AGENDA ITEM 4]

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

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Committee meeting.

RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 5]

Nil.

PUBLIC QUESTION TIME [AGENDA ITEM 6]

Nil.

PRESENTATIONS [AGENDA ITEM 7]

**CC.2/12/17 PRESENTATION: MANDURAH AND PEEL TOURISM ORGANISATION
(MAPTO) UPDATE – MS K PRIEST**

At the invitation of Council, the Chief Executive Officer of Mandurah and Peel Tourism Organisation (MAPTO) gave a visual presentation, providing a brief background of the current status of the tourism industry, it's opportunities and the work being carried out by MAPTO to try and influence growth.

Following the presentation, Elected Members asked questions arising from the information presented, and congratulated Ms Priest and her team on the progress made by MAPTO.

DEPUTATIONS [AGENDA ITEM 8]

Hon Councillor Riebeling left the Chamber at 6.12pm, returning at 6.13 pm.

**CC.3/12/17 MR B HOPE, REPRESENTING MUZZ BUZZ MANDURAH: ADOPTION OF
TRADING PERMITS GUIDELINES**

Mr Hope voiced his concern regarding the operation of temporary, mobile food and drink vendors that conducted trade in the City, particularly those operating from the Kieran Bianca Reserve on Mandurah Terrace.

Given the impacts experienced by nearby retail premises, he asked that Council consider limiting the timeframe that mobile traders were allowed to operate in one location, with this condition being regulated. He considered that such a requirement would spread the impact in a fairer and more equitable way, whilst still allowing trade to occur from suitable locations.

CC.4/12/17 MS K ROIG: ADOPTION OF TRADING PERMITS GUIDELINES

As Ms Roig was not present at the meeting, she did not present her deputation.

CONFIRMATION OF MINUTES [AGENDA ITEM 9]

CC.5/12/17 CONFIRMATION OF MINUTES

RESOLVED: F Riebeling / Tahlia Jones

That the Minutes of the Committee of Council meeting of Tuesday 14 November 2017 be confirmed.

CARRIED UNANIMOUSLY: 11/0

DECLARATION OF INTERESTS [AGENDA ITEM 10]

- Councillor Schumacher declared an impartiality interest in Minute CC.7/12/17 – Mandurah and Peel Tourism Organisation Funding Commitment and Deed of Agreement, because he is the Council appointed representative on the MAPTO Board. He declared that he would remain in the Chamber, consider the matter on its merits and vote accordingly.
- Councillor Darcy declared an impartiality interest in Minute CC.11/12/17 – Tuart Avenue Shower Facility because he is a member of the Finucare Board. He declared that in view of his interest, he intended to leave the Chamber during the consideration of this item.

QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION [AGENDA ITEM 11]

Questions of which due notice has been given

Nil.

Questions of which notice has not been given

Nil.

BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 12]

Nil.

At this juncture of the meeting, and in view of the interested party present in the public gallery, the Chairman (Councillor Lee) suggested that with the consensus of Committee Members, the order of the agenda be changed and Report 10 on the Adoption of Trading Permits Guidelines be considered after Report 4 listed on the agenda.

RESOLVED: Shane Jones/ D Schumacher

That the order of the agenda be changed and Report 10 on the Adoption of Trading Permits Guidelines be considered after Report 4 listed on the agenda.

CARRIED UNANIMOUSLY: 11/0

REPORTS [AGENDA ITEM 13]

CC.6/12/17 TOWN PLANNING SCHEME NO 3 AMENDMENT 138: ADDITIONAL USE (DOG KENNELS) LOT 1175 OLD COAST ROAD HERRON FINAL ADOPTION (REPORT 1)

Council is requested to consider final adoption of Amendment 138 to Town Planning Scheme No 3 that proposes to include an Additional Use in the Rural Residential zone of 'Dog Kennels' for Lot 1175 Old Coast Road, Herron.

An application for development approval for Dog Kennels has been received for the subject site, and has been assessed concurrently with the Amendment. The City is unable to approve the proposed development until such time as the Scheme Amendment has been gazetted.

Under the current planning framework, the proposal is a use which is not permitted (X use) given that it is not listed within the Rural Residential zone. The Southern Mandurah Rural Structure Plan identified Dog Kennels as being an SA use, however given that the Structure Plan has not progressed to final approval it cannot be used to determine an application. The draft Scheme 12 identifies 'Animal Establishment' (i.e. a Dog Kennel) as a discretionary land use (A use) within the Rural Residential zone.

The Amendment has been advertised for public comment with five submissions and a 47 signature petition having been received objecting to the proposal.

Given identification of the land use being appropriate in higher level plans and provisions being included that restrict lot sizes and further subdivision for the use to be considered, it is recommended that Council approve the Amendment for final adoption. It is proposed that the development application will be determined upon gazettal of the Amendment.

Councillor Tahlia Jones moved the recommendation set out in the report, which was seconded by Councillor Shane Jones. During the debate that ensued, and at the request of Councillors, the Manager Planning and Land Services provided clarification the size of the property and position of the Southern Mandurah Rural Structure Plan in terms of approval.

The Manager Planning and Land Services was also asked as to any recent complaints received regarding kennels that currently operate in the area,

The Manager Planning and Land Services advised that whilst he was unaware of any recent complaints received in connection with kennel operations in the area, he would take the question on notice in order to check records and provide an accurate response.

RESOLVED TO RECOMMEND: Tahlia Jones / Shane Jones

That:

- 1 In accordance with Regulation 50(3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, Council support to Amendment No 138 to Town Planning Scheme No 3 which proposes to include an Additional Use in the Rural Residential zone of 'Dog Kennel's for Lot 1175 Old Coast Road, Herron without modification.**
- 2 The 'Schedule of Submissions' in relation to Amendment 138 to Town Planning Scheme No 3 (as included in the report) be endorsed.**
- 3 Three copies of the Scheme Amendment documents for Amendment No 138 be signed and executed on behalf of Council and forwarded to the Western Australian Planning Commission seeking final approval by the Minister for Planning.**
- 4 Upon gazettal of Scheme Amendment 138, Council delegates the authority for the Development Application (DA8849) to be issued under delegation DA-DBC10, subject to standard conditions.**

CARRIED: 7/4

FOR: Councillors Lee, Schumacher, Jackson, Shane Jones, Peter Rogers, Tahlia Jones and Matt Rogers

AGAINST: Hon Councillor Riebeling and Councillors Darcy, Lynn Rodgers and Wortley.

Having disclosed an impartiality interest in the following item, Councillor Schumacher remained in the Chamber on the basis that he would consider this matter on its merits, take part in the discussion and vote accordingly.

Councillor Shane Jones left the Chamber at 6.38 pm, returning at 6.39 pm.

**CC.7/12/17 MANDURAH AND PEEL TOURISM ORGANISATION: FUNDING
COMMITMENT AND DEED OF AGREEMENT (MN / TF) (REPORT 2)**

Council is requested to acknowledge the need to provide a level of certainty to the Mandurah and Peel Tourism Organisation (MAPTO) for the next three years (2018/19 to June 2022) that will assist in the providing certainty and stability for the organisation.

Council is also requested to agree to amend the existing agreement between the City and MAPTO in relation to the reporting requirements of the organisation, as a direct result of the Council's funding contribution.

Councillor Schumacher moved the recommendation set out in the agenda, which was seconded by Hon Councillor Riebeling.

During the debate that ensued, Hon Councillor Riebeling suggested that clause 2 of the recommendation be modified, with the year '2022' being changed to '2021'. He advised that his reason for the amendment was to retain the current 3-year funding program regime, as he did not understand the need for this to be increased.

During the debate that ensued, and at the request of Councillors, the Chief Executive Officer provided clarification regarding the terms of funding being proposed to June 2022 (which he suggested maybe to align with the business plan), and the implications of the amendment on the business plan process.

AMENDMENT: F Riebeling / M Darcy

That in the second line of clause 2, the term 'June 2022' be modified to 'June 2021'.

LOST: 4/7
FOR: Hon Councillor Riebeling and Councillors Wortley, Darcy and Shane Jones
AGAINST: Councillors Schumacher, Jackson, Peter Rogers, Tahlia Jones, Lee, Lynn Rodgers and Matt Rogers.

At the request of Councillor Lynn Rodgers, the Chief Executive Officer and Director Sustainable Development provided clarification regarding the inclusion in the proposed Deed of Agreement of the ability for the City monitor MAPTO's performance.

RESOLVED TO RECOMMEND: D Schumacher / F Riebeling

That Council:

- 1 Agrees to enter into a modified Deed of Agreement with the Mandurah and Peel Tourism Organisation Incorporated to ensure that the City can monitor the organisation's financial performance, and to allow Council to elevate the organisation's strategic effectiveness.**

- 2 Acknowledges the need to provide certainty to the Mandurah and Peel Tourism Organisation in terms of funding of \$650,000 per annum to June 2022 as a minimum, subject to the submission of:
 - A Tourism Marketing Strategy covering the period 2018/19 to 2021/22, prior to 30 September 2018.
 - A new four (4) year Business Plan covering the period 2018/19 to 2021/22, prior to 30 June 2018.
 - An annual Operational Plan by 31 July of each year outlining the activities to be undertaken.
- 3 Requests that the Mandurah and Peel Tourism Organisation Inc. (MAPTO) report to the City on a quarterly basis on its activities.

CARRIED UNANIMOUSLY: 11/0

CC.8/12/17 NIKKI WISE MEMORIAL GARDENS AND SCHOLARSHIP (TH) (REPORT 3)

Mandurah has a number of challenges within its community which are responded to by a number of amazing volunteers and volunteer organisations working in the community support space, including providing meals and support to people in need. Tragically in 2016, one of the volunteer leaders, Miss Nikki Wise from the Reach Out Drop In Centre passed away suddenly. The City has been approached by her family who seek to have her name memorialised as a legacy to the work she did.

After liaison with the family and current user groups, it is recommended that the small gardens around the Sutton Hall are named the 'Nikki Wise Memorial Gardens' and that a \$1,000 scholarship is established in her name to provide training to a local workers in the community sector, who provide support to socially disadvantaged, including homeless people.

Subject to the inclusion of the following modifications, Councillor Schumacher moved the recommendation set out in the report, which was seconded by Hon Councillor Riebeling:

- In clause 2.3, the amount of the scholarship total be increased from \$1,000 to \$2,000
- In clause 3, the words 'allocation of up to \$2,500' be removed, with the substantive clause being changed to read 'Approves for the establishment of the memorial garden memorial garden and signage to be funded through the City's 2017/18 community development projects budget'.

RESOLVED TO RECOMMEND: D Schumacher / F Riebeling

That Council:

- 1 Approves the establishment of the 'Nikki Wise Memorial Garden' appropriately signed adjacent to the Sutton Street Hall, including the targeted replanting, mulching and then ongoing minor maintenance to existing planter boxes and garden beds to the front and rear of the hall.
- 2 Approves the establishment of an annual scholarship for Community Services sector students, commencing in 2018, entitled the 'Nikki Wise Community Services Scholarship' as follows:

2.1 Scholarship is established with the following eligibility criteria:

- Student must be enrolled full-time in an Undergraduate degree or TAFE Diploma or Certificate IV at an accredited tertiary institution.
- Student must be a current resident of the City of Mandurah
- Student must be an Australian citizen or permanent resident
- Student must demonstrate academic achievement and a commitment to contributing to the Mandurah community.
- Student must be studying a course that relates to the Community Services Sector to the satisfaction of the panel, excluding direct health care provision (e.g. Nursing, Medicine and Physiotherapy).

2.2 Scholarship is administered annually as part of the Community Partnerships Fund, with nominations being announced ahead of the preceding academic year and administered by the City's grants panel, as established and endorsed by Council.

2.3 Scholarship for a total of \$2,000, excluding GST.

3 Approves for the establishment of the memorial garden and signage to be funded through the City's 2017/18 community development projects budget.

CARRIED UNANIMOUSLY: 11/0

At this juncture of the meeting, Councillor Lee (Chairman) acknowledged the attendance of Lance Corporal McDonald's mother, Myrna Walker.

CC.9/12/17 NAMING OF FITNESS EQUIPMENT: LANCE CORPORAL MERVYN MCDONALD (LW) (REPORT 4)

Lance Corporal Mervyn McDonald was serving with the Special Operations Task Group in Afghanistan when he was tragically killed in a helicopter crash on 30 August 2012 (local time Afghanistan). His family who live in Mandurah have requested the naming of the outdoor fitness equipment in Eros Reserve, San Remo after him.

Council is asked to support the naming of the fitness equipment in Eros Reserve, San Remo after Lance Corporal Mervyn McDonald.

RESOLVED TO RECOMMEND: D Schumacher / M Darcy

That Council supports the naming of the outdoor fitness equipment in Eros Reserve, San Remo after Lance Corporal Mervyn McDonald who was killed in action in Afghanistan.

CARRIED UNANIMOUSLY: 11/0

CC.10/12/17 ADOPTION OF TRADING PERMITS GUIDELINES (BD / NL) (REPORT 10)

Following the adoption of the *City of Mandurah Local Government Property and Public Places Local Law 2016* and a review of the current policy and procedures relating to activities being undertaken on public land, new trading guidelines have been prepared and, if approved, will replace the City of Mandurah's Trading in Public Places Policy (POL-ECD02).

The proposed Guidelines deal with both Commercial and Aquatic Operators and Mobile Traders, specifying differing application and assessment provisions in an attempt to create an application process which is more streamlined and easier to administer. Processes currently undertaken by various different sections will be consolidated into one application, referral and assessment process. This will provide greater clarity for operators.

Consistent with Council's endorsement of its position on Trading Permits in April 2017, the Guidelines include plans to indicate where activities may be appropriate. In the event that significant interest is generated, an annual 'Expression of Interest' process has been introduced to consider all proposals collectively and annually.

Nine trading zones have been designated (for Mobile Traders) to encourage outdoor, unique and high quality food vending activities in a manner that improves the access, usage, quality and image of the City's public realm.

Council is now requested to adopt the Trading Permit Guidelines and revoke the existing Trading in Public Places Policy (POL-ECD02).

Recommendation set out in the report:

That Council:

- 1 Adopt the Trading Permits Guidelines for the assessment and determination of Trading Permits.*
- 2 Revoke the existing Policy Trading in Public Places (POL-ECD 02) as the policy is now considered redundant with the introduction of the new Guidelines on Trading Permits.*
- 3 Continue to seek approval from the Department of Transport to include commercial and aquatic operations within the existing jetty licences located within and surrounding Mandjar Bay in order to allow for Trading Permits to be issued for activities that utilise jetties rather than a non-exclusive jetty licence.*
- 4 Continue to request that the Western Australian Planning Commission exempt the need for development approval for the use of reserved land under the Peel Region Scheme where a permit has been issued under a Local Government Local Law.*
- 5 Notes that the current Street Activity Policy, which covers Busking/Street Performance, Raffles, Street Appeals, Street Markets and associated procedures will continue to operate without modification.*

Hon Councillor Riebeling initially moved the recommendation set out in the report, which was seconded by Councillor Darcy. However, following the debate that ensued, Hon Councillor Riebeling subsequently withdrew this Motion,

Hon Councillor Riebeling moved the following recommendation, which was seconded by Councillor Shane Jones. Hon Councillor Riebeling advised that his reason for recommending deferral of this item was to allow officers the opportunity to assess implications arising from restricting mobile trader operations to a maximum of three hours in any one location during a 24-hour period.

During the debate that ensued, and at the request of Councillors, the Manager Planning and Land Services provided clarification regarding the suggested nine locations, and the flexibility needed with regard to reviewing the proposed Guidelines on Trading Permits.

Councillor Wortley suggested that officers also examine areas of exemption / actual locations of exemption, and consider distance from retail outlets that offered the same items for sale.

RESOLVED TO RECOMMEND: F Riebeling / Shane Jones

That further consideration of this item be deferred to the next Council meeting on 19 December 2017.

CARRIED UNANIMOUSLY: 11/0

Having disclosed an impartiality interest in the following item, Councillor Darcy left the Chamber at 7.13 pm.

CC.11/12/17 TUART AVENUE SHOWER FACILITY (TH / NB) (REPORT 5)

Tuart Avenue Shower Facility aims to address a gap in service provision for street present and homeless people. The project is a partnership between the City of Mandurah (City), Anglicare WA (Anglicare) and Mandurah's community sector. Capital works were completed in October 2017 and Anglicare is the lead agency who will operate the shower service, to ensure that people seeking a shower have access to the support they need. The shower service is due to commence in March 2018, at an estimated operating cost of \$5,000 per month. The first ten months of operation from March to December 2018 will cost an estimated \$50,000.

Anglicare's current licence is due to expire in June 2018. In order to provide Anglicare with security of tenure whilst operating the shower service, and offset a portion of the operating costs, Officers propose offering Anglicare a new licence for a term of three years with two one year options, (3+1+1 years) with a waiver of the Anglicare's current annual rent at Tuart Avenue of \$13,401, in return for the operation of the shower service. Following negotiations with Anglicare on the start-up costs of the shower service Officers also propose a one off contribution of \$25,000 by the City. This will match a \$25,000 contribution from Anglicare, to ensure adequate staff resources are in place to establish the service in its first ten months of operation, (March to December 2018).

Officers also seek Councils approval of a minor variation to the Finucare licence as detailed in this report.

Recommendation set out in report:

That Council:

- 1 *Approves the preparation of a Memorandum of Understanding with Anglicare WA which outlines the operation and management of the Tuart Avenue Shower Facility.*
- 2 *Approves Anglicare relinquishing their current licence over portion of Lot 2572 (331) Pinjarra Road Mandurah subject to entering into a new licence with the following conditions:*
 - 2.1 *Commencement date after completion Memorandum of Understanding*
 - 2.2 *Term of three years with two options of renewal (3+1+1 years)*
 - 2.3 *Annual rent of \$13,401 to be waived in return for the continuing operation of the shower facility in accordance with conditions reflected in the Memorandum of understanding.*

- 3 Approves the variation of the Uniting Church of Australia (Finucare) licence to reflect removal of the common courtyard area, and inclusion of the tearoom and kiosk as exclusive use areas, all other terms and conditions remain the same.
- 4 The document preparation fee in accordance with City's fees and charges 2017/18 to be waived for both licensees.
- 5 Authorises the Chief Executive Officer to finalise the conditions of the licence agreements
- 6 Approves* unbudgeted expenditure of \$25,000 as the City's one-off contribution towards the costs of establishing the shower service.

ABSOLUTE MAJORITY REQUIRED

Councillor Tahlia Jones moved the following recommendation, which was seconded by Councillor Schumacher.

RESOLVED TO RECOMMEND: Tahlia Jones / D Schumacher

That consideration of this item be deferred to allow for the examination of other program delivery options, including volunteer models.

CARRIED UNANIMOUSLY: 10/0

Councillor Darcy returned to the Chamber at 7.16 pm

**CC.12/12/17 MANDURAH FAMILY AND COMMUNITY CENTRE: ANCHOR TENANT
LEASE (TH / NB) (REPORT 6)**

The Mandurah Family and Community Centre (MFCC) project was initially conceived in early 2015 due to ongoing pressure regarding available and affordable lease space for not for profit organisations. Once complete, the MFCC will provide a colocation space for not for profit organisations to provide support, learning and counselling for vulnerable families. Following advertising in May 2015 and a detailed process of assessments, discussions and planning with several potential tenants, a preferred 'anchor' tenant, Anglicare WA (Anglicare), has now been identified.

Officers are requesting approval from Council for Anglicare WA to be considered the anchor tenant at the Mandurah Family and Community Centre, and to note that following the MFCC build completion, a further report will be presented in 2018 outlining an approach to the tenancies for the remainder of the facility.

Recommendation set out in the report:

That Council:

- 1 Approves Anglicare WA as the 'anchor' tenant occupying Not for Profit Area 1 at Mandurah Family and Community Centre located at 331 Pinjarra Road Mandurah.

- 2 *Acknowledges that a further report will be presented to Council, outlining the recommended approach for tenancies, including term and rental fees, for the remainder of the Mandurah Family and Community Centre.*

Councillor Tahlia Jones moved the following recommendation, which was seconded by Hon Councillor Riebeling. Councillor Tahlia Jones advised that her reason for moving deferral of this item was in view of its association with the report on the Tuart Avenue Shower Facility, and that deferral would allow for both items to be considered in conjunction with one another.

RESOLVED TO RECOMMEND: Tahlia Jones / F Riebeling

That consideration of this item be deferred to the February 2018 Council meeting.

CARRIED UNANIMOUSLY: 11/0

Councillor Schumacher left the Chamber at 7.20 pm

**CC.13/12/17 REGIONAL YOUTH DRIVER EDUCATION PROGRAM – RYDE (TH / TJ)
(REPORT 7)**

The RYDE (Regional Youth Driver Education) Program aims to support disadvantaged young people complete their 50 supervised driving hours as a Learner Driver to assist them to get their Driver's License. Through software, the RYDE program links volunteer mentors with young people to have a 90 minute supervised driving session in a nominated vehicle, for a small cost to the participant. Many young people in Mandurah do not have adults in their life who have a Driver's License and/or a car, or who are committed to supporting their children to complete their supervised driving hours. Without this support, many young people may stay dependent on public transport for years or end up driving without a licence.

The purpose of this report is to gain Council support for the City of Mandurah to be one of the key stakeholders in this project and that the City pays for the maintenance and other costs in maintaining the car. An evaluation report will be provided to council after 12 months of operation.

RESOLVED TO RECOMMEND: R Wortley / F Riebeling

That Council:

- 1 Approves the implementation and delivery of the RYDE program in Mandurah in collaboration with other community stakeholders.**
- 2 Supports the car being maintained by the City of Mandurah which includes regular services and covered by insurance as per current fleet standards.**
- 3 Receives a report to council after 12 months of operation which will outline project outcomes for that period.**

CARRIED UNANIMOUSLY: 10/0

Councillor Schumacher returned to the Chamber at 7.23 pm

CC.14/12/17 LAKELANDS TOWN CENTRE ACTIVITY CENTRE PLAN (BD / EH) (REPORT 8)

Council is requested to consider adopting for final approval Lakelands Town Centre Activity Centre Plan.

The objectives of the Activity Centre Plan are to:

- Provide a pedestrian orientated main street;
- Focus the centre on the town square;
- Provide an architectural and landscape response to the Mandurah Road elevation;
- Ensure shared use facilities within the recreation and education facilities; and
- Provide for community facilities in the built and open space environment.

The draft Activity Centre Plan was adopted for advertising purposes by Council at its meeting held in August 2017 and subsequently advertised for public comment with submissions closing on 3 November 2017. No submissions were received and thus no modifications have been proposed to the Lakelands Town Centre Activity Centre Plan.

Council is now requested to consider the final adoption of the Lakelands Town Centre Activity Centre Plan for the purposes of forwarding to the Western Australian Planning Commission for approval.

RESOLVED TO RECOMMEND: R Wortley / Lynn Rodgers

That Council resolves to adopt the Lakelands Town Centre Activity Centre Plan (ACP2 – Dated August 2017) for the purposes of forwarding to the Western Australian Planning Commission for approval in accordance with Part 5 Clause 36 (2.e) of the Deemed Provisions for Local Planning Schemes.

CARRIED UNANIMOUSLY: 11/0

**CC.15/12/17 LOCAL PLANNING POLICY 4 CANAL WATERWAY STRUCTURES
MODIFICATION NO 2 –FINAL ADOPTION (BD / EH) (REPORT 9)**

Council is requested to consider the Modification No 2 to Local Planning Policy No. 4 – Canal Waterways Structures for final adoption. This revised policy seeks to replace existing LPP11.

The policy provides a framework for the assessment and approval of jetties and boat lifting structures within the artificial canal waterways. The key content modifications from the existing policy is to exempt boat lifting structures (excluding davits) from the need to obtain development approval where all the requirements of the policy have been met.

The modified policy has been advertised for comment and a number of submissions having been received, however they do not raise issues relevant to the provisions of the policy. It is recommended that Council adopt the draft policy for final adoption.

RESOLVED TO RECOMMEND: D Schumacher / R Wortley

That In accordance with Schedule 2, Part 2, Clause 3 of the Deemed Provisions for Local Planning Scheme Regulations 2015, Council resolves to proceed with Local Planning Policy No. 4 – Canal Waterways Structures (Modification No 2), and publish a notice in the local newspaper giving effect to the policy.

CARRIED UNANIMOUSLY: 11/0

**CC.16/12/17 LEASE: MANDURAH HISTORICAL SOCIETY INC (HALLS COTTAGE)
(BD / LP) (REPORT 11)**

The current lease agreement with Mandurah Historical Society Incorporated (MHS) is due to expire on the 31 December 2017, with all renewal options being fully exercised upon this date.

MHS has held a lease over Halls Cottage, located at Lot 173 (No 7) Leighton Place, Halls Head, since January 1992, and have formerly requested a new lease over the site for a further term of three years with a two year renewal.

Council is requested to approve a lease to Mandurah Historical Society Incorporated, for a term of three years with a two year option of renewal (3+2 years) commencing the 1 January 2018 and expiring on the 31 December 2020, with an option of renewal, commencing the 1 January 2021 expiring the 31 December 2022. To align with the current lease, officers propose a waiver of the annual rent fee of \$950, due to the community benefit of the group's operations.

Hon Councillor Riebeling moved the recommendation set out in the report, which was seconded by Councillor Peter Rogers. At the request of Councillor Schumacher, the Director Works and Services provided an update regarding the renovation works recently been carried out at Halls Cottage.

RESOLVED TO RECOMMEND: F Riebeling / Peter Rogers

That Council:

- 1 Approves a lease to Mandurah Historical Society Incorporated over Lot 173 (No. 7) Leighton Place Halls Head for a term of three years commencing 1 January 2018 expiring 31 December 2020, with a two year renewal option with final expiry being the 31 December 2022.**
- 2 Approves a rental rate of \$1 per annum for the term of the lease, and waives the lease preparation fee of \$580.00.**
- 3 Authorises the Chief Executive Officer to finalise the conditions of the lease agreement.**

CARRIED UNANIMOUSLY: 11/0

**CC.17/12/17 LEASE: CITIZENS ADVICE BUREAU OF WA INCORPORATED (BD / LP)
(REPORT 12)**

The current lease agreement with Citizens Advice Bureau of WA Incorporated (CAB) is due to expire on the 31 January 2018, with all renewal options being fully exercised upon this date.

CAB has held a lease over portion of the Mewburn Centre, located at Lot 414 (No 11) Sholl Street, Mandurah, since 2004 and have formally requested a new lease over the site for a further term of three years with a two year renewal (3+2 years).

Council is requested to approve a lease to Citizens Advice Bureau of WA Incorporated, for a term of three years with a two year option of renewal (3+2 years) commencing the 1 February 2018 and expiring on the 31 January 2021, with option to renew commencing the 1 February 2021 and expiring 31 January 2023.

Subject to the inclusion of the following amendment to clause 2, Hon Councillor Riebeling moved the recommendation set out in the report, which was seconded by Councillor Shane Jones:

The removal of the wording 'Approves the application of the City of Mandurah's Fees and Charges Schedule 2017/18 to annual rent for the term of the lease agreement and waive the document preparation fee', and its replacement with 'Approves a rental rate of \$1 per annum for the term of the lease, and waives the document preparation fee of \$580.00'.

Hon Councillor Riebeling advised that his reason for the amendment was his belief that the community benefit of the Citizens Advice Bureau's operation was equal with that provided by the operation of Halls Cottage, and therefore should be treated in the same manner.

RESOLVED TO RECOMMEND: F Riebeling / Shane Jones

That Council:

- 1 Approves a lease to Citizens Advice Bureau of WA Incorporated over Lot 414 (No 11) Sholl Street Mandurah for a term of three years commencing 1 February 2018 and expiring 31 January 2021, with a two year renewal option with final expiry being the 31 January 2023.**
- 2 Approves a rental rate of \$1 per annum for the term of the lease, and waives the document preparation fee of \$580.00.**
- 3 A redevelopment clause to remain standard in the community lease document to protect the City's interest in relation to future development of the site.**
- 4 Authorises the Chief Executive Officer to finalise the conditions of the lease agreement.**
- 5 Acknowledges the 40 year milestone of Citizens Advice Bureau of WA's Mandurah Branch and that City officers will encourage an application via Community Assistance Grants and if successful, assist them as needed.**

CARRIED UNANIMOUSLY: 11/0

**CC.18/12/17 ROAD CLOSURE: TOWN BEACH TERRACE / STEWART STREET,
MANDURAH (BD / LP) (REPORT 13)**

Officers have identified an approximate 600 square metre section of the Town Beach foreshore which was originally created on a survey plan as a dedicated road. This road has never been constructed or utilised as a road, nor is it recommended to be retained as such.

The land has been dedicated in two parts; the majority (approximately 480 square metres) is officially named as Town Beach Terrace, and a small section adjoining it at the north (approximately 120 square metres) is the north-western (beach) end of Stewart Street.

The land topography, which is that of beach dunes with vegetation and a substantial pathway running through it for the public to access both the beach and the Town Beach carpark, is not conducive to vehicular access nor is it required for this purpose by the adjoining landowners or the general public. Importantly, due to climate change factors which are eroding the beach reserve land across the Mandurah coastline, officers would not support construction of a road in this location.

Therefore, as the road land is unable to be utilised as such, and to ensure the protection of this foreshore land into the future, it is proposed that the road be formally closed and the land amalgamated into the adjoining Reserve 47584, which is under the management of the City with a purpose of Public Recreation and Conservation.

Officers have carried out the necessary consultations with service providers, the Department of Planning and the community through advertising, and no objections have been received to the proposed action.

In accordance with Section 58 of the *Land Administration Act 1997* (LAA), Council is, requested to support the application to the Minister for Lands for the road closures of Town Beach Terrace, Mandurah and an approximate 120 square metre portion of Stewart Street, Mandurah, with subsequent amalgamation into Crown Reserve 47584, which has a designated purpose of Public Recreation and Conservation.

RESOLVED TO RECOMMEND: Lynn Rodgers / Matt Rogers

That Council:

- 1 Requests the Minister for Lands to approve the closure of Town Beach Terrace, Mandurah which equates to approximately 480 square metres of road land, together with an approximate 120 square metre portion of Stewart Street, Mandurah pursuant to Section 58 of the *Land Administration Act 1997*;**
- 1 Requests the Minister for Lands to amalgamate the approximate 480 square metres of road land of Town Beach Terrace, Mandurah and an approximate 120 square metre portion of Stewart Street, Mandurah into Crown Reserve 47584 under the management of the City of Mandurah for the purpose of 'Public Recreation and Conservation' with the power to lease or licence for any term not exceeding 21 years.**
- 2 Acknowledges that, upon receiving Council support, a direct communication will be provided to adjoining landowners to the subject land, to notify them of the road closure.**

CARRIED UNANIMOUSLY: 11/0

CC.19/12/17 OFFICIAL NAMING OF BEACHES: SECOND ROUND (BD / LP) (REPORT 14)

In order to aid emergency service responders when incidents occur at beach locations, in January 2017 approval was given by Council to progress the official naming of key beach sites in the Mandurah district.

In May 2017, the first round of beach names was approved by Council with officers subsequently obtaining approval from Landgate for the official naming of Avalon Beach, Florida Beach, Melros Beach, Town Beach and Gearys Surf Break.

A further eighteen sites, being ten beaches and eight surf breaks, have now been identified for naming approval, as listed below:

1. Back Beach;
2. Blue Bay Beach;
3. Falcon Beach;
4. Madora Beach;

5. San Remo Beach;
6. Seascapes Beach;
7. Silver Sands Beach;
8. Tims Thicket Beach;
9. Watersun Beach;
10. White Hills Beach;
11. Cosies Surf Break;
12. Egg Farms Surf Break;
13. Hunchies Surf Breaks;
14. Mandurah Wedge Surf Break;
15. Rocks Surf Break;
16. Tip Surf Break;
17. Weedies Surf Break;
18. Fourth Groyne Surf Break.

Officers have carried out a comprehensive evaluation of each of the sites to ensure that the names and their locations are an accurate reflection of the community's beach usage.

Council is, therefore, requested to approve formal submission to Landgate for the official naming of the above mentioned beaches.

Hon Councillor Riebeling moved the recommendation set out in the report, which was seconded by Councillor Shane Jones. During the debate that ensued, and at the request of Councillors, the Director Sustainable Development provided clarification regarding the need for the Beach Emergency Number (BEN) to be included in the naming convention, and explanation for the naming of Egg Farms Surf Break.

RESOLVED TO RECOMMEND: F Riebeling / Shane Jones

That Council approves formal submission to the Geographic Naming Committee at Landgate for the official naming of:

1. **Back Beach**
2. **Blue Bay Beach**
3. **Falcon Beach**
4. **Madora Beach**
5. **San Remo Beach**
6. **Seascapes Beach**
7. **Silver Sands Beach**
8. **Tims Thicket Beach**
9. **Watersun Beach**
10. **White Hills Beach**
11. **Cosies Surf Break**
12. **Egg Farms Surf Break**
13. **Hunchies Surf Breaks**
14. **Mandurah Wedge Surf Break**
15. **Rocks Surf Break**
16. **Tip Surf Break**
17. **Weedies Surf Break**
18. **Fourth (4th) Groyne Surf Break**

as identified on the plans set out in Attachment 1 of the report.

CARRIED UNANIMOUSLY: 11/0

**CC.20/12/17 NORTH MANDURAH WASTEWATER REUSE STUDY: INTERIM REPORT
(AC / DR) (REPORT 15)**

The City of Mandurah is considering water source alternatives for irrigating public open space areas in the Mandurah North area. The demand on the local water aquifers is approaching the point at which their sustainable yield is fully allocated. Alternative water sources are required to meet the future increases in the City's public open space irrigation demand.

The City commissioned a consultancy firm to investigate and study the potential to formalise and extend the indirect treated wastewater reuse scheme associated with the Gordon Road Wastewater Treatment Plant, to provide an alternative source of water that can be used to irrigate existing and future public open space in the Mandurah North area.

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

- Stage 1: Data acquisition and review.
- Stage 2: Optioneering and conceptual design.
- Stage 3: Implementation planning and reporting.

The study has been completed up to Stage 2 with the final stage (Stage 3) to progress the preferred water reuse option and prepare the implementation planning and final configuration / design of the North Mandurah Wastewater Reuse Scheme.

A multi criteria analysis has been undertaken to compare five alternative configurations for the planned future water reuse scheme. All five options are viable as an alternative water resource scheme however the five options were considered in regards to determining the best outcome for the reuse water scheme. The five options are:

- 1 Direct Reuse: Tertiary Treatment Plant and distribution of water to Day Storage Tanks.
- 2 Indirect Reuse: Aquifer Recovery (Water recovered from disposal into the Superficial aquifer) and distribution of the water to Day Storage Tanks.
- 3 Indirect Reuse: Aquifer Recovery (Water recovered from disposal into the Superficial aquifer) and distribution of the water to decentralised Infiltration Galleries.
- 4 Indirect Reuse/Water for the Future: Aquifer Recovery (Water recovered from disposal into the Superficial aquifer) and distributed to 'Large' Infiltration Galleries.
- 5 Indirect Reuse: Aquifer Recovery (Water recovered from disposal into the Superficial aquifer) and Direct Supply into Irrigation Systems.

Option 4 received the highest assessment rating.

Council is requested to receive this report and request officers to meet with the relevant state agencies to seek support in principle for this initiative and explore possible funding options. Additionally, Local State and Federal Members of Parliament and the relevant State Government Minister are to be approached seeking support and possible partnership options.

RESOLVED TO RECOMMEND: Lynn Rodgers / F Riebeling

That Council:

- 1 **Notes the content of the report.**
- 2 **Agrees for the City to meet with the Water Corporation, Department of Water and Environmental Regulation and Department of Health to confirm their support for the project and ascertain any additional regulatory requirements.**

- 3 Requests the Chief Executive Officer to write to Local, State and Federal Members of Parliament and the relevant Minister seeking support and possible partnerships to implement this initiative.**

CARRIED UNANIMOUSLY: 11/0

CC.21/12/17 WINTER WONDERLAND 2017: REVIEW AND CONSIDERATION FOR 2018 AND 2019 (TF) (REPORT 16)

Council is requested to consider the outcomes of the 2017 Winter Wonderland (temporary ice skating skate event) held from 4 to 27 August on the Eastern Foreshore during part of the period of the closure of Mandurah Terrace for the construction of the Mandurah Bridge. The event was generally well received by local businesses and the broader community at a net cost in the order of \$110,000. The event was put together in a short timeframe and whilst generally very successful, there are a number of learnings from the event which should be considered.

It is entirely open to Council as to whether the event continues in 2018 and beyond. There are several matters which Council should consider with respect to the Winter Wonderland event including:

- Does Council wish to continue with a similar event in 2018 and beyond?
- Does council wish to create a winter event which might be based initially around an ice skating rink, or does Council wish to limit the event to solely the ice skating rink?
- Would such an event be held in the July school holidays, in August or at some other time?
- Should the event be on the Western or Eastern Foreshore and if on the Eastern Foreshore should the event be delayed until the power on the Eastern Foreshore is upgraded?
- Should the event be managed and run by the City's event team or outsourced or should it be run in-house for 2 or 3 years, in order to establish a business model which is then outsourced?

If Council was of the view that the ice skating rink should continue as a winter event for Mandurah, it is recommended, that it be managed by the City for a three year period then outsourced, subject to a business and operations plan for the event being presented to Council.

Subject to the inclusion of the following modifications, Councillor Tahlia Jones moved the recommendation set out in the report, which was seconded by Hon Councillor Riebeling.

- *Deletion of clause 6.that read 'Agrees to the holding of a Winter Wonderland themed event in 2018 to 2020 (inclusive), with the intent that in 2021 the event is outsourced, managed by the City's Events team, subject to the submission of an agreement by Council of a business and operations plan for the event'*
- *New clause 6 to read 'Supports the holding of a Winter Wonderland themed event in 2018 to 2020 (inclusive).'*
- *New clause 7 to read 'Requests officers to prepare a business and operations plan based on the concept of outsourcing the event from 2018'.*

During the debate that ensued, and at the request of Councillors, the Director Sustainable Development provided clarification regarding the operation arrangements of similar events in WA and the financial implications arising from the 2017 Winter Wonderland event.

RESOLVED TO RECOMMEND: Tahlia Jones / F Riebeling

That Council:

- 1 Acknowledges that the Winter Wonderland event was generally well received by local businesses and the community more broadly.**
- 2 Acknowledges the learnings from the Winter Wonderland event of 2017.**
- 3 Approves* the unbudgeted expenditure of \$84,000 for the creation of an asset.**
- 4 Notes that as part of the budget review process, the expenditure will be off-set by non-expenditure in other areas of Council's budget.**
- 5 Supports the holding of an event/activities during the winter months which attracts visitors to the city centre which has a key focus the engagement of local businesses.**
- 6 Supports the holding of a Winter Wonderland themed event in 2018 to 2020 (inclusive).**
- 7 Requests Council officers to prepare a business and operations plan based on the concept of outsourcing the event from 2018.**

CARRIED UNANIMOUSLY: 11/0

** ABSOLUTE MAJORITY REQUIRED*

CC.22/12/17 FALCON BAY: BEACH ENCLOSURE COMMUNITY CONSULTATION (JPB / GD) (REPORT 17)

At its meeting held on 8 August 2017, Council considered an initial report on the possible installation of a shark barrier in Falcon Bay. This report arose from the City receiving notification from the Minister for Fisheries that a one off grant of \$200,000 will be made available to create a beach enclosure at Falcon Bay Beach.

Council resolved that officers prepare a feasibility study for consideration. In so doing, that report addressed the following issues:

- Background on shark mitigation strategies and shark barriers
- Options for a beach enclosure and/or shark attack mitigation
- Site constraints
- Economic implications
- Social and infrastructure implications
- Approvals process

At its meeting on 10 October 2017, Council was presented with an interim report that detailed the type of barrier and three options in terms of length:

Option 1: 265 metres

Option 2: 475 metres

Option 3: 680 metres

A recommendation from that report was that a further report would be presented to Council which outlines the proposed community consultation process. The community consultation was to

consider the possible options, the potential impact on Falcon Bay and the impact on the local amenity and how the benefits may be leveraged and the issues resolved.

Council is requested to receive this report and endorse the community consultation plan and approve Option 1 as the length of barrier for this community consultation.

RESOLVED TO RECOMMEND: F Riebeling / Tahlia Jones

That Council:

- 1 Endorses Option 1 – 265 metre Shark Barrier length as the preferred option for community consultation.**
- 2 Endorse the Falcon Bay Shark Barrier consultation plan.**

CARRIED UNANIMOUSLY: 11/0

**CC.23/12/17 ANNUAL REPORT 2016/17 AND ANNUAL ELECTORS MEETING (GD / DP)
(REPORT 18)**

Council's acknowledgement and receipt of the Annual Report for 2016/17 and the selection of a date during January 2018 for the Annual Electors' Meeting is sought. Monday, 29 January 2018 at 7.00 pm in the Tuckey Room is the suggested date and venue for holding the Annual Electors meeting.

RESOLVED TO RECOMMEND: D Schumacher / Shane Jones

That:

- 1 Council receives the 2016/17 Annual Report (excluding financials) for the year ending 30 June 2017.**
- 2 The final Annual Report be published on the City's website and be made public once Council adopts the Annual Report and financial accounts for the 2016/17 financial year.**
- 3 A meeting of Annual Electors to be convened on Monday, 29 January 2018, at 7.00 pm in the Tuckey Room.**

CARRIED UNANIMOUSLY: 11/0

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 14]

Nil.

Councillor Shane Jones left the meeting at 7.51 pm

CONFIDENTIAL ITEMS [AGENDA ITEM 15]

RESOLVED: Lynn Rodgers / Tahlia Jones

That the meeting proceeds with closed doors at 7.51 pm in accordance with Section 5.23(2)(d) of the Local Government Act 1995, to allow for the confidential discussion of an item detailing obtained legal advice.

CARRIED UNANIMOUSLY: 10/0

Members of the media, non-senior employees and persons in the gallery left the meeting at this point, with the Chairman (Councillor Lee) extending to them his best wishes for a happy Christmas and prosperous New Year. The Manager Financial Services and Coordinator Elected Member Services remained with Senior Officers.

THE MEETING PROCEEDED WITH CLOSED DOORS AT 7.51 PM

Councillor Shane Jones returned to the Chamber at 7.52 pm.

**CC.24/12/17 CONFIDENTIAL ITEM: OWNERSHIP AND MAINTENANCE OF
STREETLIGHTS – GREENFIELDS (AC / DP)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: D Schumacher / Lynn Rodgers

- 1 That Council adopts the course of action agreed.**
- 2 That the report and recommendation remains confidential.**

CARRIED UNANIMOUSLY: 11/0

CC.25/12/17

MOTION: D Schumacher / Lynn Rodgers

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 11/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 7.57 PM

CC.26/12/17

MOTION: R Wortley / Lynn Rodgers

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 11/0

CLOSE OF MEETING [AGENDA ITEM 16]

There being no further business, the Chairman declared the meeting closed at 7.57 pm.

CONFIRMED:[CHAIRMAN]