

MINUTES OF

COMMITTEE OF COUNCIL MEETING

HELD ON

Tuesday 14 August 2018

AT 5.30 PM

IN COUNCIL CHAMBERS - 83 MANDURAH TERRACE MANDURAH

PRESENT:

COUNCILLOR	D LEE [CHAIRMAN]	EAST WARD
COUNCILLOR	C KNIGHT	NORTH 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	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
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE & GOVERNANCE
MRS	L PETCHELL	COORDINATOR LAND MANAGEMENT
MRS	L SLAYFORD	MINUTE OFFICER

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

The Chairman declared the meeting open at 5.33 pm welcoming the Mandurah Environmental Advisory Group representative Ms Karen Bankin.

APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 2]

Apologies were received from Mayor Williams and Councillor D Schumacher.

DISCLAIMER [AGENDA ITEM 3]

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 4]

Officers provided answers to questions taken on notice at the Committee of Council meeting of 10 July 2018.

CC.6/7/18 LEASE VARIATION – DEPARTMENT OF EDUCATION & PORT BOUVARD SPORT AND RECREATION CLUB (RL/LP) (REPORT 3)

Questions surrounding changes to the foreshore boundary were responded to by the Coordinator Land Management. Clarification relating to the expiry date of the lease was taken on notice by the Coordinator Land Management.

Response:

Two leases are held over the site, the first with Port Bouvard Sport and Recreation Club which commenced 21 October 2008 with expiry due 20 October 2029, leaving a term of approximately 11 years.

The second lease held with the Department of Education commenced 1 February 2010 with expiry due 31 January 2031, leaving a term of approximately 13 years

A separate common area licence is also held between the two parties commencing 1 February 2010 and expiring 20 October 2029, to align with the expiry date of the Port Bouvard lease.

NB: This information was presented to Council at its meeting of 24 July 2018.

Questions of which notice has not been given

Nil.

BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 11]

Nil.

REPORTS [AGENDA ITEM 12]

CC.2/8/18

REQUEST TO ADVERTISE ALFRESCO DINING LICENCE - CICERELLOS RESTAURANT – RESERVE 9633 (NO. 73) MANDURAH TERRACE, MANDURAH (LP/RL) (REPORT 1)

Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant (Cicerellos), has been in operation on the Eastern Foreshore for the past twenty years under a ground lease with the State's Department of Planning, Lands and Heritage.

Cicerellos currently hold an alfresco licence with the City, and have recently submitted a request for an additional Alfresco Dining Licence for an area of approximately 67 square metres, located adjacent to the current kiosk thus extending the outdoor dining area.

In accordance with S3.58 of the Local Government Act 1995 (LGA) the City engaged an independent valuer to determine the current market value for the proposed area which was assessed at \$6,200 per annum (excluding GST). Officers propose an alfresco licence be granted to Jetty Holdings Pty Ltd on similar terms and conditions as their current alfresco licence with an annual rent of \$6,200 (exc GST).

Council is requested to approve the advertising of, and if no submissions received, the disposal of an alfresco dining licence to Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant – Mandurah, over portion of Reserve 9633 (No.73) Mandurah Terrace, Mandurah, for a term of five years with a further five year term option (5+5 years). An annual rent of \$6,200 (excluding GST), with a market rent review due at the end of the first term, and Consumer Price Index (CPI) rate applied annually. The licence will also be subject to the approval of the Minister for Lands.

Hon Councillor Riebeling moved the report recommendation which was seconded by Councillor Darcy.

RESOLVED TO RECOMMEND: F Riebeling / M Darcy

That Council:

- Approves for the advertisement of, and if no submissions received, the disposal of an alfresco dining licence to Jetty Holdings Pty Ltd, trading as Cicerellos Restaurant – Cicerellos Mandurah, over portion of Reserve 9633 (No.73) Mandurah Terrace, Mandurah, with the following terms and conditions:
 - 1.1 Term of five years with a further five year term option (5+5 years);
 - 1.2 licensed area of approximately 67 square metres;
 - 1.3 Annual rent commencing at \$6,200 (excluding GST);
 - 1.4 Commencement date after the approval of the Minister for Lands;
 - 1.5 Market rent review end of the first term, and annual CPIs to apply;
 - 1.6 Subject to the Minister for Lands consent;
- 2. Acknowledge any submissions will be reported to Council, if no submissions are received the licence will be disposed of to Jetty Holdings Pty Ltd;

- 3. Acknowledges all legal costs associated with the preparation of the alfresco dining licence are to be borne by the licensee;
- 4. Authorises the Chief Executive Officer to finalise the conditions of the licence agreement.

CARRIED UNANIMOUSLY: 11/0

CC.3/8/18 SUBLEASE: WESTMEN INVESTMENTS PTY LTD – RESERVE 48150 (NO. 187) BREAKWATER PARADE, MANDURAH (LP/RL) (REPORT 2)

Westmen Investments Pty Ltd (Westmen) have held a lease over a 15,323 square metre portion of Lot 22 (No. 187) Breakwater Parade Mandurah since January 2002. In 2003 Westmen constructed workshops and office accommodation over a portion of their lease area to facilitate the sub-letting of units to local business operators offering marine related services to the marina precinct, such as marine maintenance, repairs and chandlery.

Westmen approached the City in June 2018 requesting approval to enter into a new sublease, which will offer the service of marine diesel repairs and sales, over Unit 8, 187 Breakwater Parade Mandurah for a proposed term of five years and a three year further term option.

As it is a requirement under the head lease that all subleases expire prior to the expiry of the head lease, this request from Westmen must be modified to align with the head lease expiry date being 31 December 2022. Therefore the sublease is proposed to run for approximately four years with a further term of two years ten months to align with the requirements of the lessee and the sub tenants request for the expiry of the further term to fall in October 2025.

Council is requested to approve the sub-lease between Westmen Investments Pty Ltd and Kevin Robert Mason as the Trustee for Kevin Mason Family Trust, over portion of Reserve 48150, Unit 8, 187 Breakwater Parade Mandurah for a term of four years and four months expiring on the 30 December 2022, any renewal term will be subject to the renewal of a further term of the head lease, subject to the approval of the Minister for Lands.

RESOLVED TO RECOMMEND: C Knight / F Riebeling

That Council:

- 1. Approves the sub-lease between Westmen Investments Pty Ltd and Kevin Robert Mason as the Trustee for Kevin Mason Family Trust over Unit 8, 187 Breakwater Parade, Mandurah with the following terms and conditions;
 - 1.1 Term of approximately four years and four months, expiring on 30 December 2022;
 - 1.2 Expiry date must fall prior to the expiry of the head lease;
 - 1.3 Commencement date on or after the Minister for Lands consent and expiring no later than the 30 December 2022;

- 1.4 Further term of approximately two years and ten months, final expiry to fall in October 2025 as requested by the sub tenant, and subject to the renewal of the further term of the head-lease;
- 1.5 Subject to the Minister for Lands consent;
- 2. Acknowledges all legal costs associated with the preparation of the sub-lease are to be borne by the head-lessee;
- 3. Acknowledges the City is only consenting to the agreement and not party to the sub-lease.

CARRIED UNANIMOUSLY: 11/0

CC.4/8/18 HOME OCCUPATION AND COMMERCIAL VEHICLE PARKING: 176 CLIFTON DOWNS RD, HERRON (AL) (REPORT 3)

Council is requested to consider a home occupation (for the manufacturing of concrete garden statues and décor) and development approval for the parking of commercial vehicles. The subject site is zoned Rural Residential under the Scheme and has a total lot area of approximately 2ha.

The City advertised the proposals separately and received 4 submissions in connection with the home occupation application, and 1 submission in connection with the commercial vehicle application. The commercial vehicles are proposed to be parked approximately 20m from the nearest residential boundary (approximately 80m from the nearest dwelling) and partially screened and roofed. Through relevant conditions and given the large nature of the surrounding lots, officers consider the parking of the vehicles may occur appropriately.

It is recommended that Council approve the proposed home occupation and development approval for commercial vehicle parking, subject to conditions.

Report Recommendation

- 1. That in accordance with Clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes), that Council grant home business approval for the manufacturing of garden statues and garden décor at 176 Clifton Downs Road, Herron (HOA847) subject to the following conditions:
 - (a) The proposed business activity shall be conducted within the existing shed and immediately adjacent to the shed as indicated on the stamped approved site plan.
 - (b) The operator of the home business hereby approved must be a permanent resident of the dwelling.
 - (c) No retail or wholesale sales shall be permitted from the premises or the site.
 - (d) Any signage shall be limited to 0.2m² and must be contained within the property boundary to the satisfaction of the City of Mandurah.

- (e) The hours of operation shall be limited to 9:00am to 5:00pm Monday to Saturday and shall not occur at any time on Sundays or Public Holidays.
- (f) Precautions shall be undertaken to ensure that the proposed operation does not interfere with the amenity of the neighbourhood by reason of noise or otherwise.
- (g) The applicant shall ensure that an appropriate appointment system is in place in order to ensure that a maximum of two clients vehicles are parked at the site at any one time.
- (h) All wastewater generated from wash down activities must be contained on-site. Phosphorus based products must not be used.
- (i) Sound levels created shall not exceed the provisions of the Environmental Protection (Noise) Regulations 1997.
- (j) No odours emanating from the premises shall be detectable at any time on adjacent properties.
- (k) Current waste disposal arrangements are to remain, however should problems arise, alternative arrangements should be made to the satisfaction of the City of Mandurah.

Advice Note:

Should this home occupation become the subject of notice or complaint, the City of Mandurah may undertake any of the following:

- Ensure that conditions of any approval are being complied with, and should any conditions not be complied with:
 - o require business practices to be altered, or
 - o rescind the approval, and request the business be relocated to a more suitable area within three months.
- 2. That in accordance with Clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes), that Council grant development approval for proposed Commercial Vehicle parking at 176 Clifton Downs Road, Herron (DA9033) subject to the following conditions:
 - (a) The commercial vehicle being restricted to being parked under the existing patio structure as indicated on the stamped approved site plan:
 - (b) The commercial vehicle is only permitted to be operated between the hours of 9am and 5pm Monday to Saturday, including the idling and warming up of the engine. The vehicle may not be operated on Sunday or Public Holidays.
 - (c) No major mechanical work or vehicle servicing is permitted on the subject site without the prior written consent from the City of Mandurah.
 - (d) In accordance with Clause 5.17.3 of the City of Mandurah's Town Planning Scheme No. 3, this approval;
 - (i) is granted to the Duncan Lamb, to whom it is issued
 - (ii) relates to two vehicles (License plates '1BPX 850' and '1EDA 112')

(iii) is not transferable to any other persons and does not run with the land in respect of which it is granted.

Councillor Knight moved an alternate recommendation which was seconded by Hon Councillor Riebeling.

RESOLVED TO RECOMMEND: C Knight / F Riebeling

That this item be deferred to the Council meeting of 28 August, 2018 to permit officers to provide responses to an email submission received by Councillors on 10 August, 2018.

CARRIED UNANIMOUSLY: 11/0

CC.5/8/18 2018/19 COMMUNITY SPORT AND RECREATION FACILITY FUND (CSRFF) SMALL GRANTS ROUND 1 (CJ) (REPORT 4)

The Community Sport and Recreation Facilities Fund (CSRFF) is a Department of Local Government, Sport and Cultural Industries - Sport and Recreation program that provides financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation.

The small grants aim to increase participation in sport and recreation, with an emphasis on physical activity through rational development of sustainable, good quality, well designed and well utilised facilities where the total cost does not exceed \$200,000. The application process for submissions involve Local Governments undertaking an initial assessment to ensure proposed projects are well planned, prioritised and of positive benefit to the community.

The City has received three (3) applications from clubs/associations as part of the Community Sport and

Recreation Facility Fund (CSRFF) Small Grants – Summer Round and will be submitting one (1) further application on its own behalf. Details of these applications are:

- Mandurah Mustangs Football Club Upgrade, Extension and Redevelopment of the Rushton North Pavilion Changeroom facilities
- City of Mandurah Northport Reserve Construction of a Toilet and Storage facility
- Halls Head Bowling & Recreation Club Installation of Sports Floodlighting around 4 bowling greens
- South Mandurah Tennis Club Resurfacing of Courts 1-2 and 7-10

Council is requested to support the ratings and priorities of the four (4) 2018/19 Community Sport and Recreation Facility Fund (CSRFF) Small Grants applications submitted and note that an allowance for the City's contributions towards each project has been listed in the 2018/19 capital budget, subject to the projects being approved by the Department of Local Government, Sport and Cultural Industries - Sport and Recreation.

Councillor Tahlia Jones moved the report recommendation, seconded by Hon Councillor Riebeling, and praised the value of these grants to smaller sporting clubs who generally had to work very hard to raise funds for projects.

RESOLVED TO RECOMMEND: Tahlia Jones / F Riebeling

That Council:

- 1. Supports the rankings and ratings for the Community Sport & Recreation Facility Fund Small Grant applications from the following clubs / organisations:
 - Mandurah Mustangs Football Club Project – Upgrade, Extension and Redevelopment of the Rushton North Pavilion Changeroom facilities Ranking – One Rating – High
 - City of Mandurah
 Project Construction of a Toilet and Storage facility
 Ranking Two
 Rating High
 - Halls Head Bowling and Recreation Club Project - Installation of sports floodlighting on 4 bowling greens Ranking – Three Rating – Medium/High
 - South Mandurah Tennis Club
 Project Resurfacing of courts 1-2 and 7-10
 Ranking Four
 Rating Medium/High
- 2. Notes that if any of the following applications are successful, the City will commit the following amounts through the 2018/19 capital budget:
 - Mandurah Mustangs Football Club Project – Upgrade, Extension and Redevelopment of the Rushton North Pavilion Changeroom facilities - \$65,000
 - City of Mandurah
 Project Construction of Toilet and Storage facility \$96,513
 - Halls Head Bowling and Recreation Club
 Project Installation of sports floodlighting on 4 bowling greens \$50,000
 - South Mandurah Tennis Club
 Project Resurfacing of courts 1-2 and 7-10 \$15,550.50

CARRIED UNANIMOUSLY: 11/0

CC.6/8/18 MANDURAH AQUATIC & RECREATION CENTRE OPERATIONS (CJ) (REPORT 5)

At its meeting on 27 March 2018, Council resolved that the Chief Executive Officer present a report on a number of items associated with the operations of the Mandurah Aquatic & Recreation Centre (MARC).

The key issues raised were in regards to the operating hours for the MARC gymnasium on weekends and whether it could be made accessible afterhours, the food choices available through the facility's Café and concerns relating to parking.

Council is requested to approve a change to the weekend operating hours at the MARC on a trial basis over the forthcoming summer period and note that a report on the levels of attendance will be presented back to Council upon the conclusion of the trial period. Council is also requested to note that the Café at the MARC is currently in transition with regards to the healthy food options that it provides and that the final stage of the car parking provisions have now been completed and customer safety is being monitored.

The report recommendation was moved by Councillor Knight and seconded by Hon Councillor Riebeling. Councillor Knight congratulated Hon Councillor Riebeling for his Notice of Motion on this matter and advised the meeting of Australian Government data in regard to overweight and obesity issues in the Australian community, applauding the encouragement of healthier food choices at the MARC.

Hon Councillor Riebeling reiterated his rationale for presenting the initial Notice of Motion and assured all that no individual food items were being targeted for removal, rather the option to choose healthier food items be expanded. Hon Councillor Riebeling looked forward to the trial period for extended opening hours of the Centre and the opportunity to review this trial.

RESOLVED TO RECOMMEND: C Knight / F Riebeling

That Council:

- 1. Approves a change to the weekend operating hours at the Mandurah Aquatic & Recreation Centre with the facility to open at 6.30am on Saturdays and Sundays on a trial basis over the summer period from 3 November 2018 to 3 March 2019.
- 2. Notes that a report on the levels of attendance at the Centre will be presented back to Council upon the conclusion of the trial period to determine whether or not the operating hours on weekends should be changed on a more permanent basis.
- 3. Notes that the Café at the Mandurah Aquatic and Recreation Centre is currently midway through a transition in the healthy food options that it provides to its customers and that this process is ongoing; and
- 4. Notes that the third and final stage of the car parking provisions at the Mandurah Aquatic and Recreation Centre has now been completed and customer safety in and around the Centre is currently being monitored.

CARRIED UNANIMOUSLY: 11/0

CC.7/8/18 TENDER T05-2018 ELECTRICAL SERVICES FOR FACILITIES (SH/NP) (REPORT 6)

The City of Mandurah invited tenders for Electrical Services for Facilities which covers electrical maintenance, installation and related services for buildings, community facilities, and minor external electrical infrastructure.

As a result of the evaluation of tendered submissions, Council is requested to accept Zalas Corporation Trading as Ballantyne Plumbing and Gas Electrical.

RESOLVED TO RECOMMEND: R Wortley / P Rogers

That Council accepts Zalas Corporation Trading as Ballantyne Plumbing and Gas Electrical as the preferred tenderer for Tender T05-2018 for Electrical Services for Facilities.

CARRIED UNANIMOUSLY: 11/0

CC.8/8/18 TENDER T06-2018 ELECTRICAL SERVICES FOR POLE LIGHTING (SH/NP) (REPORT 7)

The City of Mandurah invited tenders for Electrical Services for Pole Lighting which includes street lighting, sports lighting and all other pole or bollard lighting.

As a result of the evaluation of tendered submissions, Council is now requested to accept Murray District Electrical as the preferred tenderer.

The report recommendation was moved by Councillor Wortley, seconded by Councillor Tahlia Jones. Councillor Tahlia Jones requested clarification as to the variance between number of tenderers in this item and item CC.7/8/18 and to ascertain how many submissions had been received for this tender previously. The Chief Executive Officer arranged to provide this information to Council.

RESOLVED TO RECOMMEND: R Wortley / Tahlia Jones

That Council accepts Murray District Electrical as the preferred tenderer for Tender T06-2018 for the Electrical Services for Pole Lighting.

CARRIED UNANIMOUSLY: 11/0

CC.9/8/18 TENDER T08-2018 LAKELAND DISTRICT OPEN SPACE AUTOMATIC IRRIGATION SYSTEM AND ASSOCIATED INFRASTRUCTURE (SH/NP) (REPORT 8)

The Lakelands District Open Space project requires irrigation of 10ha of green playing surface and soft landscaping areas along with the installation of irrigation pumps and holding tanks.

The City of Mandurah invited tenders for the Lakelands District Open Space Automatic Irrigation System and Associated Infrastructure and as a result of the evaluation of tendered submissions, Council is now requested to accept LD Total as the preferred tenderer.

RESOLVED TO RECOMMEND: C Knight / L Rogers

That Council accepts LD Total as the preferred tenderer for Tender T08-2018 for the Lakelands District Open Space Automatic Irrigation System and Associated Infrastructure.

CARRIED UNANIMOUSLY: 11/0

CC.10/8/18 PROPOSED CEMETERIES AMENDMENT LOCAL LAW 2018 FINAL ADOPTION (NP/CG) (REPORT 9)

Following the statutory advertising period, the Cemeteries Amendment Local Law 2018 is ready for adoption where its purpose and effect is:

Purpose: to amend provisions within the City of Mandurah Cemeteries Local Law 2010. Effect: to ensure the City of Mandurah Cemeteries Local Law 2010 is as clear and

effective as possible.

Council is requested to resolve to adopt the *Cemeteries Amendment Local Law 2018* in its final form.

RESOLVED TO RECOMMEND: P Rogers / R Wortley

That Council adopt and advertise the *City of Mandurah Cemeteries Amendment Local Law 2018.*

CARRIED UNANIMOUSLY: 11/0

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 14]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 15]

RESOLVED: P Jackson / R Wortley

That the meeting proceeds with closed doors at 5.59pm in accordance with Section 5.23(2)(e) of the Local Government Act 1995, for discussion of a confidential item dealing with information of commercial value.

CARRIED UNANIMOUSLY: 11/0

Members of the media, non-senior employees and persons in the gallery left the meeting at this point. The Coordinator Land Management and Minute Officer remained with Senior Officers.

THE MEETING PROCEEDED WITH CLOSED DOORS AT 5.59pm

CC.11/8/18 CONFIDENTIAL ITEM: LEASE VARIATION

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: Lynn Rodgers / F Riebeling

- 1 That Council adopts the course of action agreed.
- 2 That this motion remains confidential.

CARRIED UNANIMOUSLY: 11/0

CC.12/8/18 HON COUNCILLOR RIEBELING: TENDER T05-2018 ELECTRICAL SERVICES FOR FACILITIES (REPORT 6)

Confidential discussion ensued regarding this issue.

CC.13/8/18 HON COUNCILLOR RIEBELING: TENDER T06-2018 ELECTRICAL SERVICES FOR POLE LIGHTING (REPORT 7)

Confidential discussion ensued regarding this issue.

CC.14/8/18

MOTION:

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 11/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.14PM

MINUTES OF THE COMMITTEE OF COUNCIL MEETING OF 14 AUGUST 2018 PAGE			
CC.15/8/18			
MOTION:			
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 6.15pm.			
CONFIRMED:[CHAIRMAN]			