



MINUTES OF

COMMITTEE OF COUNCIL MEETING

HELD ON

Tuesday 12 June 2018

AT 5.30 PM

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

PRESENT:

| | | |
|------------|-------------------------|--------------|
| COUNCILLOR | D LEE [CHAIRMAN] | EAST WARD |
| MAYOR | R WILLIAMS | |
| 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 |
| COUNCILLOR | M DARCY | COASTAL WARD |
| COUNCILLOR | D SCHUMACHER | TOWN WARD |
| COUNCILLOR | P ROGERS [FROM 5.56 PM] | 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 | C JOHNSON | MANAGER RECREATION CENTRES & SERVICES |
| MR | B DRECKOW | MANAGER PLANNING & LAND SERVICES |
| MR | T HARTLAND | MANAGER COMMUNITY & SOCIAL DEVELOPMENT |
| MR | D CHRISTY | COORDINATOR RECREATION SERVICES |
| MRS | L GREENE | COORDINATOR ELECTED MEMBER SERVICES |

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

The Chairman declared the meeting open at 5.34 pm.

APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 2]

Hon Councillor Riebeling (on Leave of Absence) and Councillors Matt Rogers and Tahlia Jones.

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]

Nil.

PUBLIC QUESTION TIME [AGENDA ITEM 5]

Nil.

PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]

Nil.

DEPUTATIONS [AGENDA ITEM 7]

CC.1/6/18 MS R NESCI: BALWINA AND BULARA ROAD LOCAL DEVELOPMENT PLAN

On behalf of herself and other owners, Mrs Nesci spoke in support of the recommendation to allow Colorbond fencing as an approved material in the Balwina and Bulara Road Local Development Plan, citing reasons that included:

- Collectively, owners had suggested restricting use to the Colorbond matt colour – Basalt, or at the very least, a colour range to provide a consistent uniform outcome.
- Colorbond fencing installation requirements provided a 100mm gap from ground to fence, which would allow for the movement of terrestrial fauna.
- Colorbond fencing was more durable and less expensive than the alternative fencing material options.
- Tree preservation and the requirement to have ATU septic systems installed in specific locations presented development constraints.
- Colorbond fencing would provide residents with a sense of privacy and greater feeling of security, particularly for those with young families and/or pets.

CC.2/6/18 MRS A CATTANA: BALWINA AND BULARA ROAD LOCAL DEVELOPMENT PLAN

Mrs Cattana advised that whilst she supported the recommendation to allow Colorbond fencing, she considered that permitted solid side fencing should be increased to more than 50%, not only for privacy and security reasons, but also to ensure that she could securely accommodate her dogs.

**CC.3/6/18 MR A WENLOCK, REPRESENTING OWNERS OF BOUVARD COURT:
PROPOSED TAVERN 8 ROD COURT, WANNANUP**

Mr Wenlock spoke against the development application for a proposed change of use from 'Restaurant' to 'Tavern' at 8 Rod Court, Wannanup, citing reasons that included:

- The bedroom of his property is three metres from the exit road of the car park (as seen in the photographic evidence circulated).
- The trading hours sought in the application are 10am until 12midnight, which will result in exiting traffic passing nearby residences from 12midnight until approximately 1.30am / 2am.
- The current name of the subject site is The Pines Restaurant, but it was previously known as The Jolly Frog. Following the closure of The Jolly Frog, there has been a succession of failed business ventures and unfortunately, the car park has become a centre for anti-social and criminal activity. Police response times to this area is two hours.
- If allowed, the operation of a tavern 7 days a week, 52 weeks of the year, will have a catastrophic impact on the nearby residential area.

**CC.4/6/18 MR B SACHSE, REPRESENTING MANDURAH MUSTANGS FOOTBALL AND
NETBALL CLUB: FACILITY DEVELOPMENT PROPOSAL - MANDURAH
MUSTANGS FOOTBALL CLUB**

Mr Sachse outlined the Club's current position, and spoke in support of the Mandurah Mustangs Football Club facility development proposal, citing reasons that included:

- It would free up space at the Rushton Park Sports Facility that could be utilised by the Peel Thunderbirds team, and provide Peel Thunder with the opportunity to increase revenue.
- It would provide Mandurah Mustangs with increased revenue opportunities, such as the ability to trade every Friday night and create signage for the Club.

- The proposed extension was located in an area of the ground that was unused vacant space.
- As part of the renovation works, the current four changing rooms in the Rushton North Pavilion would be converted into 2 larger unisex changing rooms.
- Rushton North Pavilion would provide a family friendly facility, with accommodation for office space, volunteers and delivery of the Head Space Program.

CONFIRMATION OF MINUTES [AGENDA ITEM 8]

CC.5/6/18 CONFIRMATION OF MINUTES

RESOLVED: D Schumacher / Shane Jones

That the Minutes of the Committee of Council meeting held on Tuesday 8 May 2018 be confirmed.

CARRIED UNANIMOUSLY: 10/0

DECLARATION OF INTERESTS [AGENDA ITEM 9]

- Councillor Lynn Rodgers declared a financial interest in Minute CC.10/6/18 – Tuart Avenue Shower Service Model and Licence Variations because she is the CEO of WestAus Crisis and Welfare Services Inc.

At this juncture of the meeting, the Chief Executive Officer clarified that in respect of Minute CC.8/6/18 – Mandurah Mustangs Football Club Facility Development Proposal, the Director Sustainable Development's sons were involved with the Club, however there was no interest for the Director to disclose as he had not been an author of the report.

QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION [AGENDA ITEM 10]

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 11]

Nil.

REPORTS [AGENDA ITEM 12]

**CC.6/6/18 BALWINA AND BULARA ROAD LOCAL DEVELOPMENT PLAN (BD / AL)
(REPORT 1)**

Council is requested to consider the proposed Local Development Plan (LDP) for Lots 201 – 220 inclusive Balwina and Bulara Road, Greenfields. The subject sites are within a tree preservation area, and are zoned Residential R5.

Officers have prepared the LDP in response to applications submitted to vary the prescribed fencing style for lots zoned R5 and below as required in Local Planning Policy 10. If approved, the LDP would provide detailed guidance on allowable fencing provisions including maximum allowance of solid style fencing and acceptable materials. The City has prepared the LDP to ensure there is a coordinated approach to fencing in the area.

The proposed LDP was advertised to the current land owners for a period of 21 days with a number of discussions with landowners having taken place and three written submissions being received.

It is recommended that Council adopt the proposed Local Development Plan for final approval subject to a modification that allows for a modification to the acceptable materials based on the submissions and feedback received during the advertising process.

Councillor Peter Rogers entered the Chamber at 5.56 pm.

Councillor Knight moved the recommendation set out in the report, which was seconded by Councillor Wortley. During the debate that ensued, and at the request of Councillors, the Manager Planning and Land Services provided clarification regarding the restriction of solid side fencing to 50% as a standard, which could be varied subject to an application being made to, and assessment by, the City.

Councillor Shane Jones queried whether the colour uniformity of the Colorbond fencing should be stipulated in the conditions. In this regard, officers undertook to provide additional information for the Council meeting being held on 26 June 2018.

RESOLVED TO RECOMMEND: C Knight / R Wortley

That in accordance with Clause 52(1)(a) of the Deemed Provisions for Local Planning Schemes, the Balwina and Bulara Road Local Development Plan (dated 30 April 2018) be adopted for final approval subject to the following modification:

- (a) Notes and provisions that restrict solid fencing to be restricted from using metal sheeting be removed from the Local Development Plan.**

CARRIED UNANIMOUSLY: 10/0

CC.7/6/18 PROPOSED TAVERN: 8 ROD COURT, WANNANUP (BD / DB) (REPORT 2)

Council is requested to consider a development application for a proposed change of use from 'Restaurant' to 'Tavern' at the subject site. The application proposes to operate a food based venue for a maximum of 300 patrons operating under a Tavern Restricted liquor licence. The

applicant is seeking a Tavern Restricted licence to enable the ability for stand-up functions and bar service which are not currently permitted under a Restaurant licence.

The proposal was advertised to approximately 200 landowners representing a 300m radius of the site with 14 submissions being received. Key comments raised relate to noise, antisocial behaviour, parking and security. Council will need to determine if through conditions, the proposal can be managed in a way that does not adversely affect surrounding residents.

Via a Noise Assessment, it has been demonstrated that the proposal can comply with the Environmental Protection (Noise) Regulations 1997 subject to a number of recommendations being implemented. These recommendations have been implemented through the recommended conditions, with additional conditions to ensure that the food focus of the venue is maintained and security is enforced to minimise the potential for antisocial behaviour and disruption.

It is relevant to note that a Licenced Restaurant is a permitted use within the Commercial zone and could operate without the need for a Development Approval, which would not provide the City with the ability to manage the venue through conditions.

It is considered that the application of appropriate management conditions would result in a premises that operates in a similar manner to a restaurant, and therefore through these conditions it is recommended that Council approve the proposed change of use.

Subject to the clause 5.9 being modified as detailed below, Mayor Williams moved the recommendation set out in the report, which was seconded by Councillor Knight:

5.9 All live bands or DJ music is to cease from 10pm (including live bands or DJ music associated with private functions), unless an updated Harm Minimisation Plan and Environmental Noise Assessment is submitted to and approved by the City of Mandurah, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 and implementing measures to protect the amenity of the area.

During the debate that ensued, and at the request of Councillors, the Manager Planning and Land Services provided clarification regarding the provision of a TAB component, car parking and provision made for a bus turning area, and compliance with conditions imposed on the development approval and liquor licence in order to protect residential amenity.

RESOLVED TO RECOMMEND: R Williams / C Knight

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 Change of Use to a Tavern (DA9021) at Lot 1926, No 8 Rod Court, Wannanup subject to the following conditions:

- 1 Prior to the commencement of the use, the vehicle parking, manoeuvring and circulation areas shall be marked (including loading and disabled bays), and thereafter maintained to the specification and satisfaction of the City of Mandurah. All uncovered car parking bays to be in accordance with Australian Standard AS2890.1. Any bays adjacent to kerbs or for those bays that are to be used for disabled parking, shall be in accordance with Australian Standards AS1428.1.**
- 2 The Waste Management Plan dated February 2018 shall be implemented at all times to the satisfaction of the City of Mandurah.**

- 3 The operation of the premises being carried out in accordance with the Harm Minimization Plan and Change of Use Application Report dated February 2018 to the satisfaction of the City of Mandurah.
- 4 All glazing within the premises is to achieve a minimum rating of $R_w + C_{tr}$ 34dB, in accordance with the Environmental Noise Assessment dated 21 February 2018.
- 5 Unless otherwise agreed in writing by the City of Mandurah, the following measures shall be taken to ensure that the proposed operation does not adversely affect the amenity of the neighbourhood:
 - 5.1 The maximum number of patrons shall be 300 at any one time, subject to compliance with the Health (Public Buildings) Regulations 1992 Maximum Accommodation Certificate and whichever is the lesser amount.
 - 5.2 Seating must be provided for a minimum 75% of the approved maximum accommodation number granted under the Health (Public Buildings) Regulations 1992 (equates to 225 seats) except for one-off events in accordance with the City's Alcohol Management Policy AOP-PBH 04.

Opening Hours

- 5.3 Trading Hours shall be limited to 10:00am until midnight Monday to Sunday.
- 5.4 Substantial meals must be available to patrons at all times of trade.

Noise / Music

- 5.5 Amplified noise at the premises shall be conducted through a sound limiting device that is locked at all times except for inspection or maintenance work on the device. Access to the sound limiting device, except for maintenance work, is restricted to the licensee, nominee and the person in charge of the premises at any time.
- 5.6 The sound system must be capable of isolating individual areas.
- 5.7 The inside area of the building is the only area approved for live bands or DJ music. No live bands or DJ music is to occur in the Alfresco area at any time.
- 5.8 All doors and windows to the inside area shall be closed during high levels of music such as when a DJ or live band is in operation.
- 5.9 All live bands or DJ music is to cease from 10pm (including live bands or DJ music associated with private functions), unless an updated Harm Minimisation Plan and Environmental Noise Assessment is submitted to and approved by the City of Mandurah, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 and implementing measures to protect the amenity of the area.
- 5.9 After 10:00pm, external speakers shall be switched off and are to remain off until 10:00am the following day.

- 5.10 All external doors (including Exit from Western Deck area going into Alfresco), to be fitted with automatic door closers and must not be obstructed or fixed in the open position.

Alfresco Usage

- 5.11 The Alfresco area is not to be used by patrons for any purpose between the hours of 10:00pm – 10:00 am Monday to Sunday.
- 5.12 Signage is to be provided identifying that the alfresco area is closed between the hours of 10:00pm – 10:00am Monday to Sunday.

Waste Collection and Deliveries

- 5.13 Delivery vehicles, forklifts and waste vehicles must only enter the site or be operated on or adjacent to the site between 7:00am and 7:00pm Monday to Saturday; and 9.00am and 7.00pm on Sundays or Public Holidays. All vehicles must have their engine turned off during loading and unloading of goods/waste associated with the use of the site to the satisfaction of the City of Mandurah.

Security

- 5.14 The number of Crowd controllers must be provided in accordance with the requirements of the Department of Local Government, Sport and Cultural Industries and be present until 1 hour after trading ceases each Friday and Saturday night and each Sunday that proceeds a Monday long weekend.
- 6 Within 3 months of occupancy, a verification assessment is required to be submitted to and approved in writing by the City of Mandurah. The verification assessment must ascertain the noise levels of the venue during high patron numbers, when live entertainment or significant music amplification is in operation and must include an assessment of the mechanical plant. A suitably qualified acoustic consultant must undertake the verification assessment and prepare a report confirming compliance or provide recommendations detailing measures to be taken to ensure the venue complies with the Environmental Protection (Noise) Regulations 1997). Any recommendations must thereafter be implemented to the satisfaction of the City of Mandurah.
- 7 Prior to the commencement of the use, the applicant / operator shall demonstrate their right to access at the car parks contained on Lot 222 and Lot 223 to the satisfaction of the City of Mandurah. This right to access may be via a legal agreement, lease or amalgamation and registered on the Certificate of Titles of Lot 222 and Lot 223 to the satisfaction of the City of Mandurah.

Advice Notes:

- 1 In addition to planning and building requirements, the Tavern shall comply with the Health (Public Buildings) Regulations 1992 and Food Act 2008.

CARRIED UNANIMOUSLY: 10/0

**CC.8/6/18 FACILITY DEVELOPMENT PROPOSAL - MANDURAH MUSTANGS
FOOTBALL CLUB (DC / CJ) (REPORT 3)**

The Mandurah Mustangs Football Club (MMFC) are a community sporting club that currently operates from the Rushton Park Sports Facility under a sub licence with the head lease held by the Peel Thunder Football Club (PTFC).

For a number of years, both the MMFC and the PTFC have indicated that their operational relationship has been increasingly difficult to maintain. The primary reason for this, is that the two clubs operate at different levels with the PTFC operating under a commercial business model and the MMFC operating as a volunteer led community club.

The MMFC have held ongoing discussions with City officers regarding the issues around the club remaining viable whilst under the current model with limited income streams and a lack of a 'sense of ownership' for the Rushton Park Sports Facility as a home for the Club.

The MMFC have presented a facility development proposal to the City to construct an extension to the existing Rushton North Pavilion with a new social space facing in towards Rushton Park main oval. City Officers have investigated a range of alternate options for the development of a clubroom facility for the MMFC, however each of these options have had limiting factors that the Club did not support.

The MMFC have been proactive in securing funds to contribute to the proposed project with contributions secured from the State Government, their own building fund donations and through Club sponsorship. The MMFC are also in the process of applying for a grant through the Community Sport and Recreation Facilities Fund (CSRFF). In order to deliver the project, the Club is seeking financial support from the City.

It is requested that Council supports the Mandurah Mustangs Football Club's proposal to self-manage an extension to the Rushton North Pavilion with the addition of social space, meeting space and upgraded unisex change rooms. Council is also requested to approve a cash contribution towards the project of \$165,000 and note that if the Club's pending CSRFF application is successful a further \$65,000 will be provided as an additional contribution.

Councillor Schumacher 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 Recreation Centres and Services provided clarification regarding the oval management and access arrangements, life expectancy of the building and budget provision for the buildings future maintenance.

RESOLVED TO RECOMMEND: D Schumacher / Shane Jones

That Council:

- 1 Endorses the Mandurah Mustangs Football Club's request to project manage an extension to the Rushton North Pavilion subject to acceptance of the City's terms and conditions.**
- 2 Requests the Chief Executive Officer negotiate and enter into an agreement on behalf of the City outlining responsibilities for the construction works.**
- 3 Notes that the Mandurah Mustangs Football Club will be submitting a funding application as part of the 2018/19 CSRFF program that if successful, will commit the City**

to a \$65,000 contribution to the project and this funding is included in the 2018/19 draft budget.

- 4 Notes that financial support from the City of \$165,000 will be required for the delivery of the project with a further report to be presented back to Council once the timing for the City's contribution can be confirmed.**

CARRIED UNANIMOUSLY: 10/0
ABSOLUTE MAJORITY REQUIRED

**CC.9/6/18 PEEL YOUTH MEDICAL SERVICES (PYMS) HEALTH HUB – LAND TENURE
(BD) (REPORT 4)**

In November 2016, Council approved in principle support to GP Down South (GPDS) for the lease of portions of Lot 101 Allnutt and Lot 501 Thomson Street Mandurah in order to enable the construction of a new co-located youth based 'model of care' community facility under the title 'Peel Youth Medical Services (PYMS)' via a long term 30 year lease agreement over the vacant land site. The approval was subject to GPDS obtaining relevant state and federal funding.

GPDS obtained funding of approximately \$9M required for the project enabling the project to become viable and in August 2017, Council agreed to sell, rather than lease the site, based on a market valuation of the site being \$830,000 together with:

- A three year peppercorn lease to grant access to allow construction of the site.
- Purchase of a newly created lot at market value by GPDS, with costs associated with the subdivision, survey and creation of title costs borne by the City, noting that any infrastructure servicing costs will form part of the project costs by GPDS. The timing of purchase is likely to coincide with the completion of construction.
- Site works, parking and landscaping forming part of the project costs by GPDS (which were originally proposed to be provided by the City).
- Any costs of site works associated with the site being a contaminated site being the City's responsibility, capped at \$480,000.

Detailed design and construction has commenced since the Council support in August 2017, resulting in a number of modifications to the project commitments as follows:

- An increase in site area from 2900 square metres to 3780 square metres to accommodate detailed design of additional parking and fire services for the building. Due to the site valuation being for a fully serviced lot, and that costs of connecting the services was considered a project cost, no increase to the land value of \$830,000 + GST being sought.
- Final remediation costs being approximately \$275,000.
- Costs to finalise stormwater drainage from the existing bowling club car park being deducted from the sale price, with a provisional sum of \$50,000 being required to complete these works.

The net result is a payment for the site of approximately \$550,000; and based on the total land value and costs for remediation and completing infrastructure adjacent to the project to allow it be completed being considered, the City's net contribution being \$460,000 to the project.

It is requested that Council acknowledge the above in order for the final steps in facilitating the sale of the land to GP Down South at the completion of the project which is anticipated for late 2018.

Subject to the inclusion of the following additional clause, Councillor Schumacher moved the recommendation set out in the report, which was seconded by Councillor Wortley:

- 4 *Funding received from the sale of Lot 101 Allnutt Street is to be placed into Council's land acquisition fund.*

RESOLVED TO RECOMMEND: D Schumacher / R Wortley

That in order to allow for the completion of the construction by GP Down South of the proposed Peel Youth Medical Services Health Hub, Council approves the disposal of a 3780 square metre (subject to final survey) of a lot created out of Lot 101 Allnutt Street and Lot 501 Thomson Street Mandurah as follows:

- 1 **Acknowledges the increase of the site area to be sold with a price of \$830,000 (plus GST) less remediation costs of \$275,792 and drainage costs of \$50,000.**
- 2 **Supports the sale of 3780 sq metres being made from portions of Lot 101 Allnutt and Lot 501 Thomson Street Mandurah to GP Down South for a sale price for of \$504,208 + GST with the transfer to take effect after creation of the new lot.**
- 3 **Notes that the City of Mandurah's contribution to the project is a total of \$460,000.**
- 4 **Funding received from the sale of Lot 101 Allnutt Street is to be placed into Council's land acquisition fund.**

CARRIED UNANIMOUSLY: 10/0

Having disclosed a financial interest in the following item, Councillor Lynn Rodgers left the Chamber at 6.22 pm.

**CC.10/6/18 TUART AVENUE SHOWER SERVICE MODEL AND LICENCE VARIATIONS
(NB / TH) (REPORT 5)**

At its February 2018 meeting, Council approved a Basic Volunteer Model as the preferred service model for the shower facility at Tuart Avenue. Council also gave approval for officers to prepare and implement an Expression of Interest (EOI) process to seek a local organisation to deliver and meet the requirements of the model.

The report outlines the EOI process, and recommends WestAus Crisis and Welfare Services Inc. (WestAus) proposal to deliver a volunteer model shower service, which can be integrated within the existing services at Tuart Avenue. The report also recommends the next steps required for the shower service to become operational, including consideration of the amendment of licensed areas currently held by Anglicare and The Uniting Church of WA (Finucare), structural facility capital items needed to accommodate the service and a new non- exclusive licence for WestAus to operate at the Tuart Avenue facility.

RESOLVED TO RECOMMEND: R Williams / Shane Jones

That Council:

- 1 **Approves WestAus Crisis and Welfare Services as the 'Managing Organisation' for the Tuart Avenue Shower Service, subject to WestAus supplying the City with the following:**

- 1.1 Volunteer training manual (appropriate to shower service / clients).
- 1.2 Risk Management Plan including Incident Response Strategy.
- 2 Approves the variation to licenses currently held by Anglicare WA and The Uniting Church WA (Finucare) to reflect the new licence areas as identified in *Attachment 3*, together with Anglicare's rent rate reduction of \$2,517 due to loss of accommodation space.
- 3 Acknowledges all costs associated with the variation of licenses are to be borne by the City.
- 4 Endorses a non-exclusive licence for WestAus Crisis Support and Welfare Services Inc. to cover a portion of Tuart Avenue (Shower Service Area) for a term of 6-months plus 6-months option, at peppercorn licence fee (subject to WestAus satisfying conditions above) with a continuing option.
- 5 Acknowledges that the City will prepare:
 - 5.1 A working together agreement between the City and WestAus Crisis and Welfare Services for the safe and efficient operation of the shower service.
 - 5.2 A facility management agreement for Tuart Avenue Building between the City, WestAus Crisis and Welfare Services, Anglicare WA and The Uniting Church WA (Finucare).

CARRIED UNANIMOUSLY: 9/0

Councillor Lynn Rodgers returned to the Chamber at 6.25 pm.

**CC.11/6/18 ACCESS AND INCLUSION PLAN: 2017/18 PROGRESS REPORT (TH / PG)
(REPORT 6)**

It is a requirement of the WA Disability Services Act 1993 (amended 2004) that public authorities lodge annual reporting to the State Government's Disability Services Commission (DSC) by 30 June. This report highlights achievements and challenges of the Access and Inclusion Plan (AIP) for 2017/18, sets priority actions for 2018/19, and seeks Council Endorsement.

In November 2015 Council adopted the AIP 2015 - 2020 together with the AIP Implementation Plan 2015 - 2017. Key projects in 2017/18 include:

- The opening of the new Changing Places facility, co-funded by the City in partnership with West Australia Local Government Authority (WALGA) and DSC. The opening of this facility as well as a Changing Places facility at both the new Mandurah Forum and the redeveloped Mandurah Aquatic & Recreation Centre (opened in 2017). This totals three accredited facilities across Mandurah.
- Continuation of the Existing Facilities Improvement Plan
- The inclusion of Sensory Rest Stops at the three major City events including Crab Fest, Children's Festival and Stretch Arts Festival to assist those with autism and sensory challenges, and creating an increased awareness of autism.

Council is requested to approve the AIP 2017/18 Progress Report for submission to the Disability Services Commission in July 2018.

Councillor Wortley 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 Councillor Peter Rogers, the Manager Community and Social Development provided clarification regarding the number of Changing Places facilities located in the City prior to 2017.

RESOLVED TO RECOMMEND: R Wortley / Shane Jones

That Council:

- 1 Acknowledges the progress and achievements during 2017/18 in the delivery of the City of Mandurah's Access and Inclusion Plan 2015 - 2020 and the continued work of the Access and Inclusion Advisory Group.**
- 2 Approves the Access and Inclusion Plan 2017/18 Progress Report for submitting to the Disability Services Commission for their endorsement.**
- 3 Supports the City's Access and Inclusion Plans 2018/19 key focus areas being on:**
 - 3.1 Training and development of all officers with a customer service and communication function.**
 - 3.2 A commitment to providing welcoming and inclusive communities as a key focus area in community development planning.**

CARRIED UNANIMOUSLY: 10/0

**CC.12/6/18 NORTH MANDURAH WASTE WATER REUSE STUDY: WATER RESOURCE
(AC / DR) (REPORT 7)**

The City is considering water source alternatives for irrigating public open space areas in the North Mandurah area. 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 (Gordon Road WWTP), to provide an alternative source of water that can be used to irrigate existing and future public open space in the North Mandurah area.

The study methodology is a three stage process. The stages are:

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

Stage 1 and 2 of the study have been completed with 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.

The Department of Water and Environmental Regulation advised the City that before progressing the implementation planning and final configuration/design stage (Stage 3) there is a need to better understand the hydrogeological complexities of the study area and thus have requested that a drilling program and hydrogeological study be completed to ascertain the extent of water available in the northern catchment. This work is required to establish the formal Managed Aquifer Recharge (MAR) zone.

Council is requested to acknowledge that the Department of Water and Environmental Regulation requires the City to complete an additional drilling program in order to ascertain the extent of current water recharge into the North Mandurah catchment; and to support the completion of the investigation to confirm the MAR Zone.

Councillor Peter Rogers left the Chamber at 6.31 pm, returning at 6.32 pm.

Councillor Wortley moved the recommendation set out in the report, which was seconded by Councillor Knight. In seconding the recommendation, Councillor Knight asked whether Stage 1 and 2 of the study had addressed all of the issues outlined in *Investigation Stage 1 of Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Managed Aquifer Recharge*.

The Director Works and Services asked to take this question on notice, with a response being provided at the ordinary Council meeting on 26 June 2018.

RESOLVED TO RECOMMEND: R Wortley / C Knight

That Council:

- 1 Notes that once the Managed Aquifer Recharge Zone has been established from the Drilling Program and Hydrogeological Study, this water would be licensed to the City, by the Department of Water and Environmental Regulation, as a new water resource.**
- 2 Approves the City progressing the Drilling Program and Hydrogeological Study through the construction of monitoring bores, field investigations and reporting to ascertain the current extent of the Managed Aquifer Recharge Zone.**
- 3 Notes that the Drilling Program and Hydrogeological Study funding requirement of \$125,000 has been listed in the 2018/2019 draft budget.**

CARRIED UNANIMOUSLY: 10/0

CC.13/6/18 CITY CENTRE: PROPOSED EXPANSION OF CHRISTMAS DECORATIONS AND DISPLAY (SH / ML) (REPORT 8)

Displays of Christmas lights in public venues and on public buildings are a popular part of the annual celebration of Christmas.

The City Centre has been decorated at Christmas time for the last seven years within the constraints of restricted funding and lack of strategic direction.

With a planned approach, the community and business sector can enjoy the benefits of Christmas decorations. The most obvious benefit is joy and goodwill for the residents and if done on an appropriate scale can bring lots of attention to the City. Such displays generate lots of free publicity and attracts visitors to the City Centre.

The majority of the Christmas decorations used in 2017 have now reached the end of their useful lives and have deteriorated to the extent that they need replacing.

It is considered timely to present a plan to move forward with future Christmas displays that resonate with the community, draw visitors and encourage businesses to participate in enhancing the vibrancy of the City Centre.

Council is requested to support the development of a plan that embraces the expansion of the annual Christmas decoration/display that offers meaning to our community.

Mayor Williams moved the recommendation set out in the report, which was seconded by Councillor Peter Rogers. During the debate that ensued, and at the request of Councillor Peter Rogers, the Director Works and Services provided clarification regarding the display period and the predicted operating costs.

RESOLVED TO RECOMMEND: R Williams / Peter Rogers

That Council:

- 1 Supports the vision to design and implement a festive display that flows from one side of the City Centre through to the other.**
- 2 Notes that the Christmas Decoration plan has \$150,000 funding listed in the 2018/2019 draft budget.**
- 3 Approves an approach to Western Power to change the ownership of street lights within the City Centre (77 in total) from a Western Power asset to that of a City of Mandurah asset and change the power tariff accordingly.**

CARRIED UNANIMOUSLY: 10/0

**CC.14/6/18 SMOKEBUSH RETREAT: AMENDMENT TO DEED OF AGREEMENT (AC)
(REPORT 9)**

Smokebush Retreat proposed roadworks are the subject of a Deed of Variation between the developer of the land known as Central Park and the City, which required roadworks to be completed by 30 June 2018. Discussions and negotiations with the developer has resulted in this timeframe not being able to be met thus necessitating an amendment to the Deed of Agreement.

Council is requested to approve the proposal to extend the roadworks construction deadline from 30 June 2018 to 31 December 2018 or within two months from the date that the developer advises the City that they are ready to proceed.

RESOLVED TO RECOMMEND: Lynn Rodgers / C Knight

That Council:

- 1 Agree to amend Clause 2.6(d) of the Deed of Agreement between the City of Mandurah, Access Housing and Spinaway Holdings as follows:**
 - 2.6 (d) The cost of the works and the plans and specifications will be included in the City's budget for the year commencing 1 July 2018 and the works shall be completed by 31 December 2018 or two months from the date that the Developers advise the City that they are ready to proceed with the installation of the underground services.**

2 Notes the inclusion of funding for the Smokebush Retreat road extension in the 2018/2019 budget of works.

CARRIED UNANIMOUSLY: 10/0

**CC.15/6/18 EASTERN FORESHORE: PROPOSED BOARDWALK LIGHTING (AC)
(REPORT 10)**

In June 2017, Council resolved to fund the installation of lighting along the Eastern Foreshore estuary edge walkway to enhance public safety.

The 2017 resolutions provided for the upgrading of existing lighting in Mandurah Terrace and the provision of lighting along the foreshore waterline.

The original lighting project estimate was based on basic public open space reserve lighting. However with the opportunity to plan the lighting in parallel with development of conceptual planning for the Eastern Foreshore, the project evolved to provide capacity for future event power provision and integration of future Smart City and Internet of Things devices.

An audit of the Mandurah Terrace lighting confirmed that the existing street lighting was satisfactory. The scope of work to provide lighting along the estuary edge walkway has resulted in a requirement for an increased budget.

In light of the proposed Eastern Foreshore redevelopment and the input into the possible design elements associated with the redevelopment, it is thought to be more appropriate to design the future lighting to complement the proposed concept design for the foreshore. Therefore, in order to deliver the intended outcomes, Council is requested to resolve no work being undertaken at this time and the funds placed in a reserve account to be used when the foreshore concept plan has been adopted by Council

Councillor Shane Jones moved the recommendation set out in the report, which was seconded by Mayor Williams. In moving the recommendation, Councillor Shane Jones asked how long it would be before lights were in situ, to which the Director Works and Services responded that he anticipated that it would be prior to winter 2019.

RESOLVED TO RECOMMEND: Shane Jones / R Williams

That Council:

- 1 Acknowledges that any lighting design contemplated for the Eastern Foreshore should not proceed at this point in time.**
- 2 Propose that the future lighting design should complement an approved concept plan.**
- 3 Endorse the notion that lighting poles can and should be multi-functional.**
- 4 Approves placing the unspent funding of \$220,000 from the 2017/2018 budget into the Foreshore Development Reserve account at this time.**

CARRIED UNANIMOUSLY: 10/0

ABSOLUTE MAJORITY REQUIRED

**CC.16/6/18 PROPOSED ROAD REALIGNMENT: ALDGATE STREET, MANDURAH (AC)
(REPORT 11)**

In November 2012, Council endorsed the Rushton Park Sporting Precinct Master Plan. A component of the Master Plan identified traffic management strategies to reduce road safety concerns, which included the realignment of Aldgate Street to create a four way intersection with Dower Street and Clarice Street.

Since then, the Mandurah Forum Shopping Centre redevelopment has been completed and the surrounding area has experienced a significant increase in traffic which has expedited the need to address traffic safety and capacity concerns in the area.

Council is requested to consider and approve the design of the proposed Aldgate Street realignment, noting that 1520 square metres of land is required to be excised from a portion of the City of Mandurah's Freehold land at Lot 32 Aldgate Street, Mandurah to facilitate the proposal.

Councillor Shane Jones moved the recommendation set out in the report, which was seconded by Councillor Jackson. During the debate that ensued, and at the request of Councillors, the Chief Executive Officer and Director Works and Services provided clarification regarding the City's engagement and communications plan to ensure that members of the public were aware of the work being undertaken and why it was being carried out; and an update on the current position regarding works required to improve safety at the Pinjarra Road, Dower Street and Coolibah Avenue intersection.

RESOLVED TO RECOMMEND: Shane Jones / P Jackson

That Council:

- 1 Approves, in principle, the design for Aldgate Street / Dower Street / Clarice Street intersection Plan RDS 2539-01.**
- 2 Approves the excision and dedication to the Crown of approximately 1,520 square metres from portion of City Freehold land at Lot 32 Aldgate Street, Mandurah (in accordance with the Land Acquisition Plan shown in RDS 2529-0) to facilitate the realignment of Aldgate Street.**
- 3 Requests City Officers undertake consultation with the residents of Aldgate Street.**
- 4 Notes that the construction of Aldgate Street funding requirement of \$350,000 has been listed in the 2018/2019 draft budget.**

CARRIED UNANIMOUSLY: 10/0

**CC.17/6/18 TENDER T02-2018 PROVISION OF FENCING SERVICES (NP / MH)
(REPORT 12)**

The City of Mandurah contract for the provision of fencing services expires in June 2018. A new tender has been called for the provision of this service.

As a result of the evaluation of tendered submissions, Council is requested to award Sudai Resources Pty Ltd ATF the Fiander Family Trust (trading as Peel Fencing) Tender T02-2018.

RESOLVED TO RECOMMEND: D Schumacher / Shane Jones

That Council accepts Sudai Resources Pty Ltd ATF the Fiander Family Trust T/As Peel Fencing as the preferred tenderer for Tender T02-2018 for the Provision of Fencing Services on the basis of a term of two years with an option to extend for one year.

CARRIED UNANIMOUSLY: 10/0

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 6.48 pm in accordance with Section 5.23(2)(e) of the Local Government Act 1995, to allow for the confidential discussion of an item containing information about the business or financial affairs of a person.

CARRIED UNANIMOUSLY: 10/0

Members of the media, non-senior employees and persons in the gallery left the meeting at this point. The Manager Recreation Centres and Services, Coordinator Recreation Services and Coordinator Elected Member Services remained with Senior Officers.

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.48 PM

CC.18/6/18 CONFIDENTIAL ITEM: RESTRUCTURE OF LOAN AND MANAGEMENT MODEL (CONFIDENTIAL REPORT 1)

The Manager Recreation Centres and Services gave a confidential visual presentation on this issue, following which confidential discussion ensued.

RESOLVED TO RECOMMEND: D Schumacher / P Jackson

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

CARRIED UNANIMOUSLY: 10/0

****ABSOLUTE MAJORITY REQUIRED****

CC.19/6/18

MOTION: P Jackson / R Williams

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 10/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 7.23 PM

CC.20/6/18

MOTION: D Schumacher / Shane Jones

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 10/0

CLOSE OF MEETING [AGENDA ITEM 16]

There being no further business, the Chairman declared the meeting closed at 7.23 pm.

CONFIRMED:[CHAIRMAN]