



MINUTES OF

COMMITTEE OF COUNCIL MEETING

HELD ON

Tuesday 13 March 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	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
MS	L WILKINSON	DIRECTOR PEOPLE & COMMUNITIES
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	D PRATTENT	A/EXECUTIVE MANAGER FINANCE & GOVERNANCE
MR	B DRECKOW	MANAGER PLANNING AND LAND SERVICES
MR	B INGLE	MANAGER STATUTORY SERVICES
MR	N CARROLL	MANAGER MARINA AND WATERWAYS
MR	C JOHNSON	MANAGER RECREATION CENTRES AND SERVICES
MRS	L SLAYFORD	RELIEF MINUTE OFFICER

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

The Chairman declared the meeting open at 5.32 pm, welcoming Amanda Willmott from Mandurah Environmental Advisory Group (MEAG) to the meeting.

APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 2]

Councillor Schumacher (on Leave of Absence) and Hon Councillor Riebeling.

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 Tuesday 13 February 2018.

CC.1/3/18 NAMING YABURGURT KAALEEPGA RESERVE (WINJAN'S CAMP) (MINUTE CC.10/2/18 REFERS)

Councillor Peter Rogers requested clarification as to the conditions by which reserves and parks are classified within the title of "Other" as contained within the Reconciliation Action Plan.

Response:

The 'Other' category of named reserves is in reference to three reserves within the Mandurah Junction development area which, in conjunction with street names, have been named based on a theme of trees and birds in the location.

(This information was presented at the Council meeting held on Tuesday 27 February 2018).

PUBLIC QUESTION TIME [AGENDA ITEM 5]

Nil.

PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]

Nil.

DEPUTATIONS [AGENDA ITEM 7]

CC.2/3/18 MR J HALDEN, REPRESENTING STRZELECKI GROUP

Mr Halden gave a combined verbal deputation in relation to Report 5, Mandurah Ocean Marina Structure Plan Modifications Local Government Report to WAPC and Report 6 Central Mandurah Activity Centre Plan – Adopt for Advertising. Mr Halden's deputation spoke against the recommendations for both items.

Mr Halden spoke regarding developments and improvements to the Mandurah Ocean Marina outlining further enhancements which may assist in growing tourism numbers. Information relating to outcomes from public meetings and working groups was verbally presented to the Committee along with tourism comparisons to other local governments.

On behalf of Strzelecki Group Mr Halden voiced concerns as to the achievement of desired outcomes if the report recommendations are adopted.

CONFIRMATION OF MINUTES [AGENDA ITEM 8]

CC.3/3/18 CONFIRMATION OF MINUTES

RESOLVED: T Jones / C Knight

That the Minutes of the Committee of Council meeting of Tuesday 13 February 2018 be confirmed.

CARRIED UNANIMOUSLY: 11/0

DECLARATION OF INTERESTS [AGENDA ITEM 9]

- Mayor Williams declared an impartiality interest in Minute CC.8/3/18 - Mandurah Ocean Marina Structure Plan Modifications Local Government Report to WAPC, because of a Mayoral campaign donation received from the applicant. As there could be a perception that his impartiality on this matter may be affected, he advised of his wish to leave the Chamber during the deliberation of this matter.

- Mayor Williams declared a perceived impartiality interest in Minute CC.13/3/18 - Tender 26-2017 – Mandurah Performing Arts Centre Lift Installation, because of his role as Chairman of the Mandurah Performing Arts. As there could be a perception that his impartiality on this matter may be affected, he declared he would remain in the Chamber, consider this matter on its merits and vote accordingly.
- Mayor Williams declared a perceived impartiality interest in Minute CC.10/3/18 - Mandurah Performing Arts Centre Water Feature – Future Options, because of his role as Chairman of the Mandurah Performing Arts. As there could be a perception that his impartiality on this matter may be affected, he declared he would remain in the Chamber, consider this matter on its merits and vote accordingly.
- Deputy Mayor Councillor Knight declared an impartiality interest in Minute CC.18/3/18- Rates Exemption – 21 & 43 Oakmont Avenue, Meadow Springs as her mother currently resides at the property under consideration for rates exemption. As there could be a perception that her impartiality on this matter may be affected, she advised of her wish to leave the Chamber during the deliberation of this matter.
- Councillor Tahlia Jones declared ^{an impartiality} ~~a financial and proximity~~ interest in Minute CC.9/3/18 - Central Mandurah Activity Centre Plan – Adopt for Advertising as she was the owner of property in the vicinity. In accordance with section 5.68 of the *Local Government Act 1995*, it was the consensus of the Committee that Councillor Tahlia Jones be allowed to remain in the Chamber and participate in discussions and the decision making procedure relating to this matter, given that she had disclosed the extent of her interest, and it was decided that the interest was common to a significant number of electors and/or ratepayers. *Amended on 10/4/18*
- Councillor Peter Rogers declared ^{an impartiality} ~~a financial and proximity~~ interest in Minute CC.9/3/18 - Central Mandurah Activity Centre Plan – Adopt for Advertising as he was the owner of property in the vicinity. In accordance with section 5.68 of the *Local Government Act 1995*, it was the consensus of the Committee that Councillor Peter Rogers be allowed to remain in the Chamber and participate in discussions and the decision making procedure relating to this matter, given that he had disclosed the extent of his interest, and it was decided that the interest was common to a significant number of electors and/or ratepayers. *Amended on 10/4/18*

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.4/3/18 2018/19 COMMUNITY SPORT AND RECREATION FACILITY FUND (CSRFF)
SMALL GRANTS – WINTER ROUND (CJ / NG) (REPORT 1)**

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 utilise 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 – Winter Round. Details of these applications are:

- South Mandurah Football Club
Construction of Change Room Facilities
- Dudley Park Bowling Club
Resurface of Bowling Green B
- South Mandurah Tennis Club
Resurfacing of Courts 1-2 and 7-10

The South Mandurah Football Club previously submitted applications for the construction of new change room facilities in the March and July rounds in 2017 that were endorsed by Council. Unfortunately this project did not receive funding from the Department of Local Government, Sport and Cultural Industries and the Club is now resubmitting an application in the March 2018 round.

Council is requested to support the ratings and priorities of the three (3) 2018/19 Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Winter Round applications submitted and note that funds for the City's contributions towards each project will be listed for consideration in the 2018/19 draft budget, subject to the projects being approved by the Department of Local Government, Sport and Cultural Industries - Sport and Recreation.

RESOLVED TO RECOMMEND: T Jones / R Wortley

That Council:

- 1 Supports the rankings and ratings for the Community Sport & Recreation Facility Fund Small Grant applications from the following clubs:**
 - **South Mandurah Football Club**
Project - Construction of Changeroom Facilities
Ranking – One
Rating – Medium/High

- **Dudley Park Bowling Club**
Project – Resurface of bowling green
Ranking – Two
Rating - Medium/High
- **South Mandurah Tennis Club**
Project - Resurfacing of courts 1-2 and 7-10
Ranking – Three
Rating – Medium/High

2 Notes that if any of the following applications are successful, the City will list these amounts for consideration as part of the 2018/19 capital budget process:

- **South Mandurah Football Club**
Project - Construction of Changeroom Facilities - \$60,454.55
- **Dudley Park Bowling Club**
Project – Resurface of Bowling Green B - \$42,342.00
- **South Mandurah Tennis Club**
Project - Resurfacing of courts 1-2 and 7-10 - \$15,550.50

CARRIED UNANIMOUSLY: 11/0

**CC.5/3/18 FACILITY IMPROVEMENTS TO ACCOMMODATE THE GROWTH OF
WOMEN'S SPORT (CJ / DC) (REPORT 2)**

In recent years, there has been significant growth throughout Australia in the participation rates for women's sport. This has been largely driven by the success of Australia's National Women's teams (Matilda's – Soccer, Southern Stars – Cricket) and the formation of new national elite competitions (AFLW – Football, WBBL – Cricket).

This growth is now starting to be felt here in Mandurah with a number of women's competitions already in place and many State Sporting Association's planning to launch new formats as early as 2018/19.

As the primary provider of infrastructure for local community sport, this presents a challenge for the City of Mandurah with a number of our change room facilities having been originally designed to solely meet the needs of male participants. The City has undertaken a desktop review of its change room facilities to identify gaps in the provision of existing amenities. The audit highlighted that some of the City's existing change rooms do not adequately accommodate women's sport with the issues primarily related to the need to replace open shower areas with shower cubicles and urinals with toilet cubicles.

It is recommended that the City look to implement a staged refurbishment of its change room areas over the coming years that would initially prioritise the upgrade of the City's older existing amenities to facilitate female participants, with the long term objective being for all change room facilities to be unisex in their design and function.

Council is requested to note the current growth in women's sport and the need for a staged refurbishment of existing change room facilities to accommodate female participation.

RESOLVED TO RECOMMEND: C Knight / L Rodgers

That Council:

- 1 Notes the current trends in the growth of Women's sport participation across Australia and in Mandurah.**
- 2 Notes the need to undertake refurbishment works annually on its existing change room facilities to accommodate the growth in female participation.**

CARRIED UNANIMOUSLY: 11/0

CC.6/3/18 WINTER WONDERLAND 2018: EXPRESSIONS OF INTEREST (TF) (REPORT 3)

Council is requested to agree to the terms prepared for an expression of interest process to be advertised for the Winter Wonderland 2018 event and activities.

In December 2017, Council resolved to outsource the management of the event in 2018. To facilitate that process, Council is requested to agree to the following terms for the expression of interest:

- The objective of the event/activities is to attract additional visitors to the city centre to support local businesses during the winter months.
- The events/activities are to run following the July school holidays for a minimum of 16 days
- Council will contribute to the events/activities up to the value of \$140,000
- Paid events/activities are permitted to be incorporated
- A revenue/profit share model and recognition of local/regional businesses have been incorporated into the assessment criteria for the event manager.

Council is requested to agree to the assessment criteria which will be used by Officers to select the event manager, and to acknowledge that the \$140,000 will need to be considered as part of the 2018/19 budget process.

Subject to the inclusion of the following additional clause, Council Matt Rogers moved the recommendation set out in the report, which was seconded by Councillor Shane Jones:

- 5. Receives a report from officers following the event advising of the social and economic impact achieved by conducting the 2018 Winter Wonderland.*

Committee members discussed the exciting opportunity to expand the event calendar through the winter period and assist local businesses.

RESOLVED TO RECOMMEND: M Rogers / S Jones

That Council:

- 1 Agrees to the City obtaining expressions of interest from suitable, qualified event managers to run the 2018 Mandurah Winter Wonderland program, with the following parameters:**

- (a) The objective of the events/activities is to attract additional visitors to the City Centre to support local businesses during the winter months.
- (b) The events/activities are to be located towards the southern end of the Eastern Foreshore, Smart Street/Mewburn Gardens or another suitable location within this general area.
- (c) The events/activities are to commence during the last weekend of the July school holidays (first day not before Saturday 14 July) and are to continue over a period of between 16 to 23 days (as a minimum).
- (d) The City will establish a business reference group which the event manager will need to liaise with to ensure business involvement in the events/activities.
- (e) The City will contribute to the event/activities up to the value of \$140,000
- (f) Paid events/activities can be part of the program
- (g) Profit share models involving the City and the event manager will be incorporated into the assessment criteria.

2 Approves the following as the assessment criteria for the expressions of interest:

Criterion	Weighting	Rationale
Skills & experience of key personnel	30%	Important to have event staged by experienced operators.
Methodology	25%	Ensures that operational aspects of event have been thought through including such things as traffic management, security, OSH etc.
Relationship management	20%	Demonstrated capacity to partner with the City to achieve common outcomes.
Revenue/profit share model	15%	Although not the ultimate driver for evaluation, this recognises that account needs to be taken of the City's need to achieve some payback on its investment.
Location of business/employees	10%	Provides a weighting to recognise local/regional businesses which can demonstrate how local content will be provided during project delivery. This will require development of a separate scoring matrix.

- 3 Endorses the selection of the successful Event Manager by the Chief Executive Officer (Director Sustainable Development) exercising delegated authority.**
- 4 Acknowledges that the \$140,000 will need to be included in the 2018/19 draft Budget for Council's consideration.**
- 5 Receives a report from officers following the event advising of the social and economic impact achieved by conducting the 2018 Winter Wonderland.**

CARRIED UNANIMOUSLY: 11/0

**CC.7/3/18 SMART STREET PRECINCT WORKING GROUP – PROGRESS UPDATE (TF)
(REPORT 4)**

Council is requested to acknowledge the formation of the Smart Street Precinct Working Group which has been established and has made progress on the following items which Council is requested to acknowledge/approve:

- Introduction of security patrols
- Removal of the wall separating Smart Street and the Woolworths carpark
- Modifications to timed parking restrictions in nearby car parks
- Proposed modification to existing local laws to prohibit smoking in Smart Street, which will be subject to a future report to Council
- Identification of improvement opportunities for Crime Prevention through Environmental Design (CPTED)
- Commenced development of a conceptual design for the future of Smart Street

The Working Group was formed following a community information session held on 18 October 2017, and consists of a range of stakeholders including landowners, business operators and residents who have an interest in the precinct.

The Working Group has further work to undertake and further reports will be presented to Council.

Following the distribution of additional information on this item, Mayor Williams moved the report recommendation with alteration to point 4.1 which was seconded by Councillor Lynn Rodgers

Report Recommendation:

- 4.1 *Parking Station No. 7 on the corner of Sholl and Tuckey Street have timed parking restrictions altered to 3 hours between the hours of 9am - 6pm Monday - Friday and 9am - 5pm Saturday unless otherwise signed. Within the car park 10 bays are to be separately signed to provide 30 minute parking at all times in accordance with Attachment 1;*

Alternate Recommendation:

- 4.1 Parking Station No. 7 on the corner of Sholl and Tuckey Street have 10 bays within the car park separately signed to provide 30 minute parking at all times in accordance with Attachment 1.

Discussion ensued regarding processes for policing of anti-social behaviour and smoking within the Smart Street Mall. All concerns and questions were responded to by the Manager Statutory Services.

RESOLVED TO RECOMMEND: R Williams / L Rodgers

That Council:

- 1 Acknowledge that a Smart Street Precinct Working Group has been established;**
- 2 Endorses the engagement of security patrols in the city centre on random days during the week;**
- 3 Supports the removal of the wall between Smart Street and the Woolworths carpark, and the removal of the planter boxes to improve the link and sight lines from Smart Street to Woolworths;**
- 4 Approves the following modifications to the car parking time limits in the City Centre:**

- 4.1 Parking Station No. 7 on the corner of Sholl and Tuckey Street have 10 bays within the car park separately signed to provide 30 minute parking at all times in accordance with Attachment 1;
 - 4.2 Parking Station No. 1 adjacent to the Mewburn Centre and bounded by Sholl Street, Sutton Street and Church Street and noted within Attachment 2 with have timed parking restrictions altered to 4 hour parking unless otherwise signed;
 - 4.3 Parking Station No. 10 adjacent to the Post Office on the corner of Sholl Street and Barracks Lane have timed parking restrictions altered to 3 hours between the hours of 9am - 6pm Monday - Friday and 9am - 5pm Saturday unless otherwise signed. Within the Carpark 5 bays are to be separately signed to provide 30min parking at all times in accordance with Attachment 3.
- 5 Supports the introduction of a Local Law modification to prohibit smoking in Smart Street Mall with a draft local law amendment of the City's *Local Government Property and Public Places Local Law 2016* to be returned to Council for consideration to commence the process as required by the provisions of the Local Government Act 1995.
 - 6 Acknowledges that Smart Street Precinct Working Group will progress the development of a conceptual redesign for Smart Street Mall.

CARRIED UNANIMOUSLY: 11/0

Having declared an impartiality interest in the following item, Mayor Williams left the Chamber at 6.10 pm.

CC.8/3/18 MANDURAH OCEAN MARINA STRUCTURE PLAN MODIFICATIONS LOCAL GOVERNMENT REPORT TO WAPC (BD / AH) (REPORT 5)

Council is requested to consider submissions received in response to the advertising of modifications proposed to the Mandurah Ocean Marina Structure Plan (MOM SP) which included:

- Increasing the minimum car parking requirements for residential dwellings from 1 bay per dwelling to car parking to be in accordance with the requirements of the Residential Design Codes;
- Removing the land use 'Tavern' as permitted land use within the Mandurah Ocean Marina.

The modifications were proposed in response to the recommendations of the Mandurah Ocean Marina Working Group, to address concerns regarding car parking and anti-social behaviour in the Marina.

Four submission were received during the advertising period and Council has received two petitions, containing a total of 1440 signatures, opposing the removal of the land use 'Tavern' as a permitted use.

In addition to the above, as a requirement of a recent subdivision approval being granted by the Western Australian Planning Commission, a Local Development Plan has been prepared for Lot 450 Vivaldi Drive. This plan has also been advertised for comment with 6 submissions being

received. The LDP submitted requires a number of changes to the MOM SP provisions, and it is recommended that all requirements be included within the one plan rather than separated.

Council is requested provide this report to the Western Australian Planning Commission arising from the advertising of the modifications to the Mandurah Ocean Marina Structure Plan recommending that the plan be subject to the following modifications:

- Making Taverns a discretionary use (rather than removing tavern as a permitted use);
- Introducing information and assessment criteria for taverns;
- Incorporating parking provisions for taverns where less than 75% of the patrons are seated;
- Incorporating the provisions for Lot 450 Vivaldi Drive and not progressing with a separate Local Development Plan for this lot.

Committee Members requested clarification of planning terms and processes which was provided by the Manager Planning and Land Services.

RESOLVED TO RECOMMEND: C Knight / P Rogers

That under Clause 20(2) of *Planning and Development (Local Planning Schemes) Regulations 2015*, Council provides this report to the Western Australian Planning Commission for the modifications to the Mandurah Ocean Marina Structure Plan (Plan Dated August 2017) recommending that the proposed modified Structure Plan should be approved subject to the inclusion of the following modifications:

- 1 Including the land use 'Tavern' as a discretionary use (D use) within the 'Commercial' and 'Tourist' precinct of the Land Use Table;
- 2 Including the 'Dining and Entertainment' land uses as a discretionary use (D use) within the 'Tourist' precinct of the Land Use Table;
- 3 Incorporating the following provisions as Clause 1.5.1 of the Activity Centre Plan;

1.5.1 Approval of Taverns

An application for development approval for a Tavern shall be accompanied by the following:

- ***A full set of site and floor plans detailing the proposed use and patron capacity of all areas to be licensed and how the design of the building creates an active street frontage. The plans shall demonstrate the availability of designated seating areas catering for a minimum of 75% of total patron capacity, identify proposed waste storage areas and identify locations of proposed security lighting in and around the site, CCTV and amplification or speaker systems. If applicable, the location of any queuing areas, dance floor areas and areas where live performances may occur shall be detailed.***
- ***A site analysis plan (covering a 500m radius of the proposed venue) to detail the proximity of the venue to residential and other sensitive land uses, other licensed venues (including details regarding the services provided), public transport, taxi ranks and public car parks. Details relating to the capability of patrons to leave the area (ie, the timing and routes of public transport services and the average wait times at taxi ranks during peak periods) shall be provided.***

- *A detailed management plan addressing hours of operation; operating style of the venue; the type of music and/or entertainment to be offered (including frequency and hours); the number and location of security staff required; the ability to provide food up until 1 hour before closing time; complaint and reporting procedures; patron control; sale of alcohol; how the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times; and proposed strategies to reduce anti-social behaviour.*
- *An acoustic assessment undertaken by a suitably qualified acoustic consultant identifying all noise sources and proposed methods to be undertaken to control and mitigate noise emissions to achieve compliance with the Environmental Protection (Noise) Regulations 1997.*

The approval of any Tavern shall be subject to the consideration the following:

- *the potential cumulative impact of existing licensed premises within the locality;*
- *existing and potential harm and antisocial behaviour within the locality;*
- *physical design;*
- *trading hours and*
- *other operational characteristics.*

Approval may be subject to conditions relating to the provision of seating, provision of food, operating hours, security and noise management.

4 Incorporating the following provisions into the parking requirements of the Structure Plan:

- | | |
|-------------------------|---|
| • 75% or greater seated | 1 per 8 seats (unless a specific site states otherwise) |
| • 60 – 75% seated | 1 per 4m ² standing / bar area |
| • 60% or less seated | 1 per 2m ² standing / bar area |

Where a development cannot provide for car parking bays on site, Council may accept a cash in lieu payment for bays not provided on site.

5 Including Lot 450 Vivaldi Drive into the Residential Sub Precinct 4A and including the following additional provisions into Precinct 4A under the heading, “Lot 450 Vivaldi Drive – Specific Provisions”:

“In addition the provisions of Precinct 4A, the following specific provisions apply:

- 1. Minimum setbacks as depicted on the Lot 450 Vivaldi Drive plan.*
- 2. Side loading garages may be setback 0m from Vivaldi Drive subject to openings and quality materials/colours being provided on the ground floor elevation facing the street.*
- 3. Garages shall have a minimum height of two storeys incorporating floor space above the ground floor capable of use for residential living, as a home office, and/or for short stay use. Major openings shall address the street.*
- 4. Awnings may project 1.5m into the street.*

5. **Access to lots shall be via shared easements from Vivaldi Drive.**
6. **Major openings shall address public open space and streets.**
7. **A uniform wall / fence shall be installed by the developer adjacent to public open space, to a maximum height of 1m. Pedestrian access adjacent to public open space shall be provided."**

CARRIED UNANIMOUSLY: 10/0

Mayor Williams returned to the Chamber at 6.19pm.

In accordance with section 5.65 of the ^{impartiality} Local Government Act 1995, Councillor Tahlia Jones and Councillor Peter Rogers disclosed ~~financial and proximity~~ interests in the following item. However, with the consensus of the meeting, and in accordance with section 5.68 of the Act, the Committee allowed the disclosing members to remain in the Chamber and participate in discussions and the decision making procedure relating to this matter, given that Councillors Tahlia Jones and Peter Rogers had disclosed the extent of their interests, and it was decided that the interest was common to a significant number of electors and/or ratepayers. amended
10/4/18

**CC.9/3/18 CENTRAL MANDURAH ACTIVITY CENTRE PLAN: ADOPT FOR ADVERTISING
(BD / AH) (REPORT 6)**

Mandurah is identified as a Strategic Centre with *State Planning Policy 4.2 – Activity Centres for Perth and Peel*, and as part of SPP4.2's implementation, is for a Strategic Centre to be guided by an Activity Centre Plan.

In accordance with SPP4.2 and the provisions of draft Local Planning Scheme 12, an Activity Centre Plan for the central Mandurah area has been prepared for Council's adoption and advertising.

This Activity Centre Plan sets out the planning framework for future land use and built form design outcomes in a manner that:

- Combines, consolidates and integrates the three existing Precinct Plans (City Centre, Mandurah Terrace and Inner Mandurah) and two existing Outline Development Plans (Mandurah Ocean Marina and Mandurah Junction) so that planning requirements are consistent and simplified;
- Provides for an number of areas located outside the existing Precinct Plans to be included for the purposes of having built form requirements outlined rather than through a combination of local planning scheme and policy requirements;
- Replaces the 'strategic plan' for the Strategic Centre that has generally be provided by the 2002 Mandurah Inner Area Strategic Plan;
- Has been prepared to assist the Western Australian Planning Commission progress the endorsement of Local Planning Scheme 12 to the next stages of approval; and
- Has been prepared so that additional areas can be included when detailed considerations of appropriate residential densities adjacent to the area covered by the plan.

In accordance with the requirements of the *Deemed Provisions for Local Planning Schemes*, Council is requested to consider adopting the Central Mandurah Activity Centre Plan for the purposes of advertising, and if required by the Western Australian Planning Commission, integrating elements of the plan into the draft Local Planning Scheme No 12.

Mayor Williams moved the recommendation set out in the report, which was seconded by Councillor Knight. Discussion ensued as to successes and achievements within the Peel Region with regard to promoting tourism.

RESOLVED TO RECOMMEND: R Williams / C Knight

That:

- 1 In accordance with clause 34 of the Deemed Provisions, adopt the Central Mandurah Activity Centre Plan for the purposes of advertising.
- 2 Council notes that advertising of the Activity Centre Plan will be undertaken in conjunction with the advertising of Local Planning Scheme No 12 and the Local Planning Strategy once endorsed by the Western Australian Planning Commission.
- 3 Council notes that the land use table for the draft Central Mandurah Activity Centre Plan (as shown in Attachment 5) may required by the Western Australian Planning Commission to be included in Local Planning Scheme 12 in order to be endorsed for advertising purposes.

CARRIED UNANIMOUSLY: 11/0

Having declared a perceived impartiality interest in the following item, Mayor Williams declared he would remain in the Chamber, consider this matter on its merits and vote accordingly.

CC.10/3/18 MANDURAH PERFORMING ARTS CENTRE WATER FEATURE – FUTURE OPTIONS (AC / JH) (REPORT 7)

The future of Mandurah Performing Arts Centre (MPAC) water feature needs to be considered to address ongoing issues of water quality, water use, visual amenity, recurrent costs and safety.

The 2014 adopted Mandjar Square Redevelopment Master Plan recommended reducing the overall size of the water feature. When this plan was presented to Council, clarification as to the past and ongoing maintenance cost for the water feature at the Mandurah Performing Arts Centre was sought and is the subject of this report.

Three proposed options for the future of the water feature (including capital and recurrent costs) were prepared by the City are the subject of this report and are to be read in conjunction with Drawings LAN0341-1718-C-01, 02 and 03-2017.

The three options are:

1. Retain as is
2. Reduce the size of the water feature
3. Water feature decommissioned and replaced with landscaping and integration with Mandjar Square

Council is requested to endorse Option 3.

Councillor Wortley moved the report recommendation. Councillor Knight seconded the motion requesting a modification to point 2 of the recommendation, shown below. The modified recommendation was endorsed by Councillor Wortley.

Report Recommendation (Point 2)

2. Endorse option 3 landscape concept noting that further refinement of the plan will be undertaken to ensure integration into the Mandjar Square masterplan.

Modified Point 2

2. Endorse option 3 landscape concept noting:
 - 2.1 That further refinement of the plan will be undertaken to ensure integration into the Mandjar Square masterplan.
 - 2.2 That it includes the retention of the current art work.

Questions from Committee Members in regard to design elements and the ability to incorporate pop-up commercial spaces were addressed by the Director Works and Services. The Executive Manager Strategy and Business Performance provided clarification in regard to communication strategies for advising the community of changes to the facility.

RESOLVED TO RECOMMEND: R Wortley / C Knight

That Council:

1. **Approve the existing Mandurah Performing Arts Centre water feature being decommissioned and the area landscaped, to address ongoing issues of water quality, water use, visual amenity, recurrent costs and safety.**
2. **Endorse option 3 landscape concept noting:**
 - 2.1. **That further refinement of the plan will be undertaken to ensure integration into the Mandjar Square masterplan.**
 - 2.2. **That it includes the retention of the current art work**

CARRIED UNANIMOUSLY: 11/0

**CC.11/3/18 WASTE AVOIDANCE AND RESOURCE RECOVERY STRATEGY
CONSULTATION PAPER: CITY OF MANDURAH RESPONSE (AC / KB)
(REPORT 8)**

The *Waste Avoidance and Resource Recovery Act 2007* requires a statutory review of the Waste Strategy every five years. The first Waste Strategy was released in 2012 and a review of this Strategy is now due.

The Waste Authority is seeking stakeholder feedback on the Waste Avoidance and Resource Recovery Strategy Consultation Paper to inform its review of the Western Australian Waste Strategy: *Creating the right environment*.

The Consultation Paper suggests a number of key changes to the existing Strategy as follows:

- Renaming the existing objectives as foundations
- Introduce new objectives
- Refine the focus and establish priority areas
- Introduce the circular economy
- Establish the principles which are considered to underpin best practice approaches to waste management.

Submissions on the Consultation Paper closed on 1 March 2018. City officers have prepared a written submission to the Consultation Paper and have submitted this to the Waste Authority in order to meet the submission deadline.

Council is requested to consider the Waste Strategy Consultation Paper and endorse the City's written submission.

Councillor Tahlia Jones moved the recommendation which was seconded by Councillor Shane Jones. Councillor Knight requested officers forward a copy of the report to Mandurah Environmental Advisory Group (MEAG) to ensure they are aware of issues being faced in this regard.

RESOLVED TO RECOMMEND: T Jones / S Jones

That Council:

- 1 Receives and notes the Waste Avoidance and Resource Recovery Strategy Consultation Paper.**
- 2 Endorses the City's written submission to the Waste Authority on the Waste Avoidance and Resource Recovery Strategy Consultation Paper that was submitted on 1 March 2018.**
- 3 Request the Mayor to seek a meeting with the Minister for Environment to support the City's response to the Waste Avoidance and Recovery Strategy Consultation paper.**

CARRIED UNANIMOUSLY: 11/0

CC.12/3/18 POINT REPOSE FORESHORE RESERVE - PROPOSED PICNIC TABLES AND SHADE SHELTER (TB / JH) (REPORT 9)

A petition containing 18 signatures from local residents requesting the installation of permanent seating and shelters along the estuary path in Reserve 44417, Bouvard, was presented to Council in June 2016. Council resolved to receive the petition and refer it to officers for consideration and inclusion in the reporting process.

The shelter and seats are consistent with the reserve purpose as it enhances community recreational use of the reserve and estuary environment and supports the aims of the Draft Point Repose Foreshore Management Plan, 1999. The 2017/2018 budget allocation for the project is \$35,000.

Reserve 44417 is a 5.782 hectare, "C" Class reserve created for the purpose of Public Recreation and Foreshore Management with the responsible authority being the Department of Water and Environmental Regulation (DWER).

Currently in order for the project to proceed, the responsible authority needs to approve of the structure on their land. Indications are this will not be forthcoming from DWER.

As the land is under the care, control and management of the Department of Water and Environmental Regulation, Council is requested to advise the petitioners that as this proposed project is on land controlled by another agency, the project will not proceed.

RESOLVED TO RECOMMEND: R Williams / T Jones

That Council:

- 1 Not proceed with the proposed picnic tables and shade shelter at Point Repose Foreshore Reserve because the reserve is not under the care and control of the City of Mandurah.**
- 2 That the petitioners be advised accordingly.**

CARRIED UNANIMOUSLY: 11/0

Having declared a perceived impartiality interest in the following item, Mayor Williams declared he would remain in the Chamber, consider this matter on its merits and vote accordingly.

**CC.13/3/18 TENDER 26-2017 – MANDURAH PERFORMING ARTS CENTRE LIFT
INSTALLATION (SH / NP) (REPORT 10)**

The Mandurah Performing Arts Centre (MPAC) was constructed in 1997. The design made provision for the future installation of a lift from the foyer lobby to the mezzanine level.

There is a need to provide the option for universal access to the facility and therefore the City invited tenders for the Mandurah Performing Arts Centre Lift Installation in December 2017.

As a result of the evaluation of tendered submissions, Council approval is sought to select Kone Elevators Pty Ltd as the preferred tenderer.

RESOLVED TO RECOMMEND: L Rodgers / R Wortley

That Council accepts Kone Elevators Pty Ltd as the preferred tenderer for Tender 26-2017 for the Mandurah Performing Arts Centre Lift Installation.

CARRIED UNANIMOUSLY: 11/0

**CC.14/3/18 TENDER 31-2017 - ARCHITECTURAL CONSULTANCY SERVICES FOR
LAKELANDS SHARED SPORTS FACILITY (SH / NP) (REPORT 11)**

The Lakelands District Open Space is a proposed shared use school, sport and recreation facility to be constructed in an area bounded by Mandurah Road and Banksiadale Gate in Lakelands.

The City of Mandurah has worked in partnership with the Department of Education to secure land for the development through the consolidation of developer public open space contributions, the co-location of primary and secondary school sites and strategic land acquisitions to form an education and public recreation precinct.

The Project will deliver three senior multi-use active reserves, a district level community clubroom facility, car parking and sports floodlighting across all three reserves. The total project cost is estimated at approximately \$7.9M, with the City successfully securing an election commitment of \$2.5M from the State government towards the delivery of the Community Clubroom Facility.

The City invited tenders for the Architectural Consultancy Services for Lakelands Shared Sports Facility (Community Clubroom Facility). Council approval is sought to select Bollig Design Group Pty Ltd ATF the BDG Trust as the preferred tenderer.

RESOLVED TO RECOMMEND: C Knight / R Wortley

That Council accepts Bollig Design Group Pty Ltd, ATF the BDG Trust as the preferred tenderer for Tender 31-2017 for the Architectural Consultancy Services for Lakelands Shared Sports Facility.

CARRIED UNANIMOUSLY: 11/0

**CC.15/3/18 TENDER 33-2017 – GROUNDWATER BORE CONSTRUCTION (TB / NP)
(REPORT 12)**

The Lakelands District Open Space will be a shared use school, sport and recreation facility to be constructed in an area bounded by Mandurah Road and Banksiadale Gate, Lakelands.

The City uses groundwater from the artesian and superficial aquifers to irrigate sporting reserves and recreational parks and as such a bore is required to reticulate the open space.

The City invited tenders for one Artesian Groundwater Bore Construction during December 2017.

Council approval is sought to select Welltechnics Pty Ltd, trading as Darling Downs Drilling as the preferred tenderer.

RESOLVED TO RECOMMEND: P Rogers / T Jones

That Council accepts Welltechnics Pty Ltd, trading as Darling Downs Drilling as the preferred tenderer for Tender 33-2017 for the Groundwater Bore Construction for the Lakelands District Open Space.

CARRIED UNANIMOUSLY: 11/0

CC.16/3/18 JETTIES, WATERWAYS & MARINA AMENDMENT LOCAL LAW 2018 (NP / NC) (REPORT 13)

A review of the Jetties, Waterways and Marina Local Law 2010 has identified the need for some minor amendments to clarify provisions within the local law and bring the local law into line with current drafting practices.

As a legal requirement, all local laws are to have a purpose and effect where the following is proposed for the Waterways and Marina Amendment Local Law 2018:

In accordance with Regulation 3 of the Functions and General Regulations 1996, the Chairperson drew the Committee's attention to the purpose and effect, with the purpose being to amend provisions within the *City of Mandurah Jetties, Waterways and Marina Local Law 2010*, and the effect which was to ensure that the *City of Mandurah Jetties, Waterways and Marina Local Law 2010* was as clear, concise and effective as possible.

Council is requested to adopt the proposed Jetties, Waterways and Marina Amendment Local Law 2018 for advertising.

The report recommendation was moved by Mayor Williams and seconded by Councillor P Rogers. Upon request from members the Manager Marina and Waterways provided a verbal overview of minor amendments proposed.

RESOLVED TO RECOMMEND: R Williams / P Rogers

That Council:

- 1 Adopt the proposed City of Mandurah Jetties, Waterways and Marina Amendment Local Law 2018 for advertising.**
- 2 Note that any public and Ministerial responses will be reported to Council for consideration prior to the making of the local law and publication in the Government Gazette.**

CARRIED UNANIMOUSLY: 11/0
ABSOLUTE MAJORITY REQUIRED

CC.17/3/18 PROPOSED CEMETERIES AMENDMENT LOCAL LAW 2018 (NP / DP) (REPORT 14)

A review of the City's Cemeteries Local Law 2010 has identified the need for some minor amendments to provide clarity to clauses, align with current City administrative practices, and to ensure the safety of the community and City officers whilst visiting or working within City Cemeteries.

As a legal requirement, all local laws are to have a purpose and effect where the following is proposed for the Cemeteries Amendment Local Law 2018:

In accordance with Regulation 3 of the Functions and General Regulations 1996, the Chairperson drew the Committee's attention to the purpose and effect, with the purpose being to amend provisions within the *City of Mandurah Cemeteries Local Law 2010*, and the effect which was to ensure the *City of Mandurah Cemeteries Local Law 2010* is as clear and effective as possible.

Council is requested to adopt the proposed Cemeteries Amendment Local Law 2018 for advertising.

RESOLVED TO RECOMMEND: c Knight / R Wortley

That Council:

- 1 Adopt the proposed City of Mandurah Cemeteries Amendment Local Law 2018 for advertising.**
- 2 Note that any public and Ministerial responses will be reported to Council for consideration prior to the making of the local law and publication in the Government Gazette.**

CARRIED UNANIMOUSLY: 11/0
ABSOLUTE MAJORITY REQUIRED

Councillor Lynn Rodgers left the Chamber at 6.51 pm..

Having declared an impartiality interest in the following item, Deputy Mayor Councillor Knight left the Chamber at 6.51 pm.

CC.18/3/18 RATES EXEMPTION – 21 & 43 OAKMONT AVENUE, MEADOW SPRINGS (PB) (REPORT 15)

The City has received a request from Amana Living for exemptions for a retirement village at 21 Oakmont and vacant land at 43 Oakmont Avenue, Meadow Springs. Until February 2018 this village and land was owned by a commercial operator.

Amana Living meet the requirements for assessing the use of land for charitable purposes for the retirement village located on 21 Oakmont Avenue. The vacant land situated at 43 Oakmont Avenue has been assessed as not for charitable purposes. Council is requested to approve non-rateable status for 21 Oakmont Avenue.

RESOLVED TO RECOMMEND: R Williams / R Wortley

That Council

- 1 Approves non-rateable status form the 1 February 2018 for 21 Oakmont Avenue, Meadow Springs (SL: 1 SP: 382100).**
- 2 Confirms the continued rateable status of vacant land situated at 43 Oakmont Avenue, Meadow Springs (Lot 98 DP: 52205).**

CARRIED UNANIMOUSLY: 9/0

Deputy Mayor Councillor Knight and Councillor Lynn Rodgers returned to the Chamber at 6.55 pm.

CC.19/3/18 ROSTERING SOFTWARE PURCHASE (GD / RK) (REPORT 16)

The City of Mandurah last year commenced the procurement for a Human Resources Management System (HRMS). As part of the evaluation process it was identified that the acquisition of an 'all-inclusive' system posed integration issues with the City's current Enterprise Resource Planning (ERP) system Civica Authority. However the rostering element of the solutions were considered viable.

Given the City could not award just one element of the tender, Council rejected all tenders and noted that work would be undertaken to examine suitable alternative solutions. So far, the City has examined the most suitable solution for rostering.

Council approval is sought for the purchase of the Riteq Workforce Rostering System.

RESOLVED TO RECOMMEND: S Jones / P Rogers

That Council endorses the purchase of the Riteq Workforce Rostering System.

CARRIED UNANIMOUSLY: 11/0

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 14]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 15]

RESOLVED: T Jones / S Jones

That the meeting proceeds with closed doors at 6.56pm in accordance with Section 5.23(2)(a) of the Local Government Act 1995, for discussion of confidential items.

CARRIED UNANIMOUSLY: 11/0

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

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.56pm

**CC.20/3/18 CONFIDENTIAL ITEM: RECYCLING PROCESSING COSTS (MN / AC)
(CONFIDENTIAL REPORT 1)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: R Wortley / C Knight

1 That Council adopts the course of action agreed.

2 That this recommendation remains confidential.

CARRIED UNANIMOUSLY: 11/0

**CC.21/3/18 CONFIDENTIAL ITEM: RIVERS REGIONAL COUNCIL – AMENDMENTS
TO WASTE SERVICES AGREEMENT (AC) (CONFIDENTIAL REPORT 2)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: L Rodgers / R Wortley

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

CARRIED UNANIMOUSLY: 11/0

CC.22/3/18 CONFIDENTIAL ITEM: BUILDING COMPLIANCE ISSUE (MRN)

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: L Rodgers / R Wortley

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

CARRIED UNANIMOUSLY: 11/0

CC.23/3/18

MOTION: S Jones / P Jackson

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 11/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 7.30PM

CC.24/3/18

MOTION: T Jones / P Jackson

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 7.31pm.

CONFIRMED:.....[CHAIRMAN]