



MINUTES OF COUNCIL MEETING

HELD ON

TUESDAY 26 JUNE 2018

AT 5.30PM

**IN COUNCIL CHAMBERS
CIVIC CENTRE
MANDURAH TERRACE MANDURAH**

PRESENT:

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

MR	A CLAYDON	ACTING CHIEF EXECUTIVE OFFICER
MR	T FREE	DIRECTOR SUSTAINABLE DEVELOPMENT
MR	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE AND GOVERNANCE
MR	B DRECKOW	MANAGER PLANNING AND LAND SERVICES
MR	C JOHNSON	MANAGER RECREATION CENTRES AND SERVICES
MR	D CHRISTY	COORDINATOR RECREATION SERVICES
MRS	L SLAYFORD	MINUTE OFFICER

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

The Deputy Mayor declared the meeting open at 5.32 pm.

ACKNOWLEDGEMENT OF COUNTRY [AGENDA ITEM 2]

Deputy Mayor Councillor Knight acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid her respect to their Elders past and present.

APOLOGIES [AGENDA ITEM 3]

Mayor Williams (on Leave of Absence) and Councillor Lee.

DISCLAIMER [AGENDA ITEM 4]

The Deputy Mayor advised that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(e)) and Council's Consolidated Local Laws (Section 4.86) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

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 resolution of Council, or any advice or information provided by a Member or officer, or the content of any discussion occurring, during the course of the Council meeting.

ANSWERS TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 5]

Officers provided responses to questions taken on notice at the Council meeting held on 22 May 2018 and the Committee of Council meeting held on Tuesday 12 June 2018.

G.1/6/18 MR GENT: CORRESPONDENCE FROM ELECTED MEMBERS (MINUTE G.1/5/18 REFERS)

- 1 Mr Gent referred to a piece of correspondence he had obtained via a Freedom of Information application, which was addressed to him from Hon Councillor Riebeling. The letter made reference to a conversation that had taken place in the carpark of the City. Whilst the letter from Hon Councillor Riebeling was not dated, the naming convention of this document indicated that it originated on 27 July 2016. However, as this conversation had not occurred until 1 November 2016, Mr Gent asked how this letter could be filed in the City's record system?

Response:

The correspondence that Mr Gent has referred to was given the filename Cr Riebeling – Gent letter 27.07.16. The document was subsequently sent to the administrative officer's supervisor for placing on file on 2 August 2016. The original correspondence is unsigned and undated and the City is unable to verify the exact date of the letter, nor able to verify whether Mr Gent received the letter or not. The City has no record of a conversation taking place in November 2016.

- 2 Mr Gent referred to a second piece of correspondence, this one dated 13 February 2018, which he had received from a Councillor. The letter advised of discussions that had taken place with the Chief Executive Officer. In particular, Mr Gent highlighted the contents of the last paragraph 'Rod, we really hope you can move on from this issue. We have done our best to satisfy you and regret that our actions have been insufficient to achieve this'. He asked who was 'we' – officers or Councillors?

Response:

Councillor Wortley was the author of this letter. Councillor Wortley has indicated that in addition to speaking to Councillor colleagues, he had also spoken with appropriate staff (i.e. the Chief Executive Officer, the Director Works & Services and the former Manager Technical Services) about the situation in Merrivale Street, Wannanup. As such, those were the people collectively referred to in the letter.

**G.2/6/18 NORTH MANDURAH WASTE WATER REUSE STUDY: WATER RESOURCE
(MINUTE CC.12/6/18 REFERS)**

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*.

Response:

Consultants commissioned by the City to undertake the Northern Mandurah Waste Water Reuse Study have provided the following response.

When referencing the Investigation Stage 1 of Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Managed Aquifer Recharge. Stage 1 has been completed and a Stage 2 maximal and residual risk has been undertaken (which showed that the risks are low except for salinity).

There are some notable data gaps/issues that still exist ((ie. thickness of fresh water through the north Mandurah corridor, best location for infiltration and effectiveness, extent of Managed Aquifer Recharge (MAR) influence etc.)) which would need to be undertaken to complete Stage 2 in entirety. These will be tailored to the preferred option if this is elected and proceeded with at full-scale.

That being said, the path this project has taken has differed slightly from the guideline directions as it has become multifaceted. Under the work proposed in quantifying the MAR bucket at Gordon Road, a Stage 2 maximal and residual risk assessment has been included as part of the hydrogeological assessment scope.

The requirement under Stage 3 for a draft risk management plan will be included in the groundwater licence operation strategy (also included in the scope). From there some of the MAR allocation could be used directly by existing bores or potentially new bores within the area of MAR influence.

PUBLIC QUESTION TIME [AGENDA ITEM 6]

Nil.

PUBLIC STATEMENT TIME [AGENDA ITEM 7]

Nil.

LEAVE OF ABSENCE REQUESTS [AGENDA ITEM 8]

G.3/6/18 LEAVE OF ABSENCE: COUNCILLOR TAHLIA JONES – 23 – 27 JULY 2018

MOTION: M Rogers / D Schumacher

That leave of absence be granted to Councillor Tahlia Jones from 23 – 27 July 2018.

CARRIED UNANIMOUSLY: 11/0

G.4/6/18 LEAVE OF ABSENCE: COUNCILLOR PETER ROGERS – 23 JULY 2018 – 10 AUGUST 2018

MOTION: M Darcy / T Jones

That leave of absence be granted to Councillor Peter Rogers from 23 July to 10 August 2018.

CARRIED UNANIMOUSLY: 11/0

PETITIONS [AGENDA ITEM 9]

Nil.

PRESENTATIONS [AGENDA ITEM 10]

Nil.

DEPUTATIONS [AGENDA ITEM 11]

Nil.

CONFIRMATION OF MINUTES [AGENDA ITEM 12]

G.5/6/18 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 22 May 2018

MOTION: D Schumacher / P Rogers

That the Minutes of Council Meeting held on Tuesday 22 May 2018 be confirmed.

CARRIED UNANIMOUSLY: 11/0

G.6/6/18 ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]

At the invitation of Deputy Mayor Councillor Knight:

- Councillor Wortley reported on the official dedication of the Nikki Wise Memorial Garden on 25 May. He commended the scholarship to honour Ms Wise created for those requiring assistance.
- On behalf of Council, Councillor Wortley congratulated the 49 individuals from 14 different countries who participated in the Citizenship Ceremony on May 24 which had been attended by the Mayor, Councillors and Minister David Templeman.
- Councillor Tahlia Jones congratulated all involved with the PGA Pro-Am Golf Series conducted May 16 – 18 at the Mandurah Country Club, Meadow Springs Golf Club and the Cut Golf Club. The event attracted over 200 competitors who were able to play on three world class golf courses located within Mandurah.
- Councillor Tahlia Jones advised that along with Mayor Williams, she had attended the unveiling of the restored 101 year old yacht, Canopus, by volunteers associated with the Mandurah Museum. Built in 1912 the yacht was once the “lifeline of Mandurah” delivering food and supplies to the first settlers.
- Councillor Darcy outlined his attendance at the Philippines Independence Day celebrations held on 15 June. He reported over 300 attendees had been treated to an excellent dance and music show performed by the newly formed Philippine Dance Group.

In addition, Deputy Mayor Councillor Knight:

- Reported on her attendance at an informative and practical Joint Local Government Recovery exercise, the WA Feral Cat Symposium and the State Library awards night during May. Councillor Knight congratulated two City staff on their attainment of awards at the State Library event.
- Further updated Councillors on the successful Wearable Art event held in June at which 123 local people participated in the showcase performance. Sixty five percent of all tickets sold were to local Mandurah people, 20% of total entrants along with 20% of finalist were also local. The event also directly involved over 20 local business.

DECLARATION OF INTERESTS [AGENDA ITEM 14]

- Councillor Tahlia Jones declared an impartiality interest in Minute G.9/6/18 - Facility Development Proposal Mandurah Mustangs Football Club - due to her employment with the Department of Primary Industry and Regional Development and funding arrangements to the football club.
- Councillor Lynn Rodgers declared a financial interest in Minute G.11/6/18 - Tuart Avenue Shower Service Model and Licence Variations - due to employment with WestAus Crisis.

QUESTIONS FROM ELECTED MEMBERS [AGENDA ITEM 15]

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 16]

Nil.

RECOMMENDATIONS OF COMMITTEES [AGENDA ITEM 17]

NOTE: Council adopted en bloc (moved by Hon Councillor Riebeling and seconded by Councillor Peter Rogers), the recommendations of the Committee of Council meeting held on Tuesday 12 June 2018, with the exception of items CC.7/6/18, CC.8/6/18, CC.10/6/18 and Confidential Item CC.18/6/1/8 which were dealt with separately.

**G.7/6/18 BALWINA AND BULARA ROAD LOCAL DEVELOPMENT PLAN (BD / AL)
(REPORT 1) (CC.6/6/18)**

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.

MOTION: F Riebeling / Peter Rogers

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: 11/0
(This item was adopted en bloc)

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

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.

Committee Recommendation

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.*

Subject to the inclusion of the following amendment, Councillor Tahlia Jones moved the alternate recommendation that was set out in the Additional Information in the agenda, which was seconded by Councillor Schumacher:

Clause 5.3 – the word ‘to’ be replaced with the word ‘from’.

MOTION: Tahlia Jones / D Schumacher

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 The serving of liquor shall be limited from 10:00am until midnight.
- 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.
- 5.10 After 10:00pm, external speakers shall be switched off and are to remain off until 10:00am the following day.

- 5.11 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

- 5.12 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.
- 5.13 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

- 5.14 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

- 5.15 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.
- 2 The applicant is advised, that notwithstanding Condition 5.3, additional restrictions on the serving of liquor may form part of the Liquor Licence issued by the Department of Local Government, Sport and Cultural Industries (Racing, Gaming and Liquor).

CARRIED UNANIMOUSLY: 11/0

Having declared an impartiality interest in the following item Councillor Tahlia Jones left the Chamber at 5.55 pm.

**G.9/6/18 FACILITY DEVELOPMENT PROPOSAL: MANDURAH MUSTANGS
FOOTBALL CLUB (DC / CJ) (REPORT 3) (CC.8/6/18)**

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.

MOTION: Lynn Rodgers / F Riebeling

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 WITH ABSOLUTE MAJORITY: 10/0

Councillor Tahlia Jones returned to the Chamber at 5.57 pm.

G.10/6/18 PEEL YOUTH MEDICAL SERVICES (PYMS) HEALTH HUB – LAND TENURE (BD) (REPORT 4) (CC.9/6/18)

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.

MOTION: F Riebeling / P Rogers

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: 11/0
(*This item was adopted en bloc*)

Having declared a financial interest in the following item, Councillor Lynn Rodgers left the Chamber at 5.57 pm.

**G.11/6/18 TUART AVENUE SHOWER SERVICE MODEL AND LICENCE VARIATIONS
(NB / TH) (REPORT 5) (CC.10/6/18)**

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.

MOTION: F Riebeling / D Schumacher

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: 10/0

Councillor Lynn Rodgers returned to the Chamber at 6.00pm.

**G.12/6/18 ACCESS AND INCLUSION PLAN: 2017/18 PROGRESS REPORT (TH / PG)
(REPORT 6) (CC.11/6/18)**

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.

MOTION: F Riebeling / Peter Rogers

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: 11/0
(This item was adopted en bloc)

G.13/6/18 NORTH MANDURAH WASTE WATER REUSE STUDY: WATER RESOURCE (AC / DR) (REPORT 7) (CC.12/6/18)

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.

MOTION: F Riebeling / Peter Rogers

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: 11/0
(*This item was adopted en bloc*)

G.14/6/18 CITY CENTRE: PROPOSED EXPANSION OF CHRISTMAS DECORATIONS AND DISPLAY (SH / ML) (REPORT 8) (CC.13/6/18)

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.

MOTION: F Riebeling / 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: 11/0
(*This item was adopted en bloc*)

**G.15/6/18 SMOKEBUSH RETREAT: AMENDMENT TO DEED OF AGREEMENT (AC)
(REPORT 9) (CC.14/6/18)**

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.

MOTION: F Riebeling / P Rogers

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: 11/0
(This item was adopted en bloc)

**G.16/6/18 EASTERN FORESHORE: PROPOSED BOARDWALK LIGHTING (AC)
(REPORT 10) (CC.15/6/18)**

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

MOTION: F Riebeling / Peter Rogers

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 WITH ABSOLUTE MAJORITY: 11/0
(*This item was adopted en bloc*)

**G.17/6/18 PROPOSED ROAD REALIGNMENT: ALDGATE STREET, MANDURAH (AC)
(REPORT 11) (CC.16/6/18)**

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.

MOTION: F Riebeling / P Rogers

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: 11/0
(*This item was adopted en bloc*)

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

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.

MOTION: F Riebeling / P Rogers

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: 11/0
(*This item was adopted en bloc*)

G.19/6/18 CONFIDENTIAL ITEM: RESTRUCTURE OF LOAN AND MANAGEMENT MODEL (CC.18/6/18)

This item was withdrawn by Council for discussion and considered behind closed doors in accordance with the Local Government Act 1995. Please refer to Minute G.33/6/18 below for further details.

NOTE: Council adopted en bloc (moved by Hon Councillor Riebeling and seconded by Councillor Peter Rogers), the recommendations of the Strategy Committee meeting of Tuesday 19 June 2018.

G.20/6/18 ECONOMIC DEVELOPMENT PROJECTS UPDATE (S.3/6/18)

A visual presentation on this item was given to the Strategy Committee at its meeting of 19 June 2018.

MOTION: F Riebeling / Peter Rogers

That Council notes the information presented.

CARRIED UNANIMOUSLY: 11/0
(*This item was adopted en bloc*)

G.21/6/18 WORKING SMARTER BUSINESS CASE (DP/GD) (REPORT 1) (S.4/6/18)

The City's Digital Strategy implementation has identified the need to review the City's core system (known as an Enterprise Resource Planning system) and its ability to deliver e-services to the community and act as a critical tool to improving productivity. A review of the City's current systems architecture and procurement strategy clearly shows that it is restricting our capacity to deliver to our digital strategic objectives and limiting our ability to drive continuous business improvement across the organisation.

The Working Smarter Business Case recommends that the City replace its current mix of Enterprise Resource Planning (ERP) system and best-of-breed business systems with a new solution. In doing so, a business transformation program will be undertaken at a pace that aligns people, processes and technology with organisational goals. By doing this, we will be supporting staff with the necessary tools to align with the City's values and strategic anchors. By making it easier to work with each other as one team, the City will make it easier for customers to do business with the organisation.

The new ERP should allow the City to leverage technology that provides online customer services and self-service, workflow, business process automation, mobility, data analytics, business intelligence and cloud services.

Council is requested to endorse both the Systems & Technology business plan in the replacement of our core "Authority" ERP and best-of-breed business systems and the procurement process which will involve inviting Expressions of Interest leading to the appointment of a preferred tenderer.

MOTION: F Riebeling / Peter Rogers

That Council:

- 1. Endorses the Systems & Technology business plan for the replacement of the City's core system "Authority" and best-of-breed business systems with an integrated Enterprise Resources Planning (ERP) System solution.**
- 2. Notes the inclusion of funds in the draft 2018/19 budget to commence the procurement and implementation process**

CARRIED UNANIMOUSLY: 11/0
(*This item was adopted en bloc*)

G.22/6/18 WORKFORCE PLAN (S.5/6/18)

A visual presentation on this item was given to the Strategy Committee at its meeting of 19 June 2018.

MOTION: F Riebeling / Peter Rogers

That Council notes the information presented.

CARRIED UNANIMOUSLY: 11/0
(*This item was adopted en bloc*)

G.23/6/18 LAKES LAWN CEMETERY (GD/DP) (REPORT 2) (S.6/6/18)

The City of Mandurah manages two cemeteries, the Lakes Lawn Cemetery and the Old Mandurah Cemetery, which operates as a closed cemetery.

The Lakes Lawn Cemetery has been in operation since January 1983, and with growing population and demand for burial, the City's current developed land is reaching capacity and is at a decision point regarding the long-term future operation of the facility.

As a part of the City's commitment to regularly review its services, a service review of the Cemetery operation was undertaken in 2016. A briefing of the options on the future operation of the Lakes Lawn Cemetery was provided at the Elected Member workshop in April 2017. In February 2018 newly Elected Members were briefed on the outcomes of the review and subsequent recommendations from the workshop. A further update to this review was carried out in May 2018 based on the latest financial results and cemetery usage rates.

Council is requested to endorse the closure of the cemetery at the end of Melaleuca section (referred to as the total of Melaleuca S1 & S2) of the Lakes Lawn Cemetery.

MOTION: F Riebeling / Peter Rogers

That Council

- 1. Endorses the City operating the Lakes Lawn Cemetery until the capacity of the Melaleuca section (referred to as the total of Melaleuca S1 & S2) of the cemetery is fully occupied.**
- 2. Puts in place the following operational strategies;**
 - 2.1 Continue to set fees and charges for the cemetery at the rates set by the Metropolitan Cemeteries Board (MCB)**
 - 2.2 Review the performance of cemetery operation annually**
 - 2.3 At the end of Melaleuca section capacity, close the Lakes Lawn Cemetery and operate as a closed cemetery thereafter**

CARRIED UNANIMOUSLY: 11/0
(*This item was adopted en bloc*)

G.24/6/18 CONFIDENTIAL ITEM: MANDURAH VISITOR CENTRE PROPOSED OPERATING MODEL (GD) (CONFIDENTIAL REPORT 1) (S.7/6/18)

MOTION: F Riebeling / Peter Rogers

That Council:

- 1. Approves the Mandurah Visitor Centre operating from 9am – 4pm, 7 days per week effective 1st July 2018.**
- 2. Approves the re-location of MAPTO to locate within the Mandurah Visitor Centre when their lease expires in November 2018 subject to approval of budget.**
- 3. Approves the City to work with MAPTO to transfer the operation of the Visitor Centre to them effective 1st July 2019 including the delivery model and location short and long term.**
- 4. Approves the transfer of Visitor Centre Membership to MAPTO from July 2019.**

5. **Receives a further report on the funding arrangement for MAPTO to operate the Visitor Centre.**
6. **Keep the report confidential with the recommendation made public.**

CARRIED UNANIMOUSLY: 11/0
(*This item was adopted en bloc*)

NOTE: Council adopted en bloc (moved by Hon Councillor Riebeling and seconded by Councillor Peter Rogers), the recommendation of the Executive Committee meeting of Monday 28 May 2018.

G.25/6/18 CONFIDENTIAL ITEM: CHIEF EXECUTIVE OFFICER – APPOINTMENT OF CONSULTANT (EX.5/5/185)

MOTION: F Riebeling / Peter Rogers

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

CARRIED UNANIMOUSLY: 11/0
(*This item was adopted en bloc*)

G.26/6/18 CONFIDENTIAL ITEM: QUARTER 3 PERFORMANCE RESULTS FOR CHIEF EXECUTIVE OFFICER AND EXECUTIVE LEADERSHIP TEAM

MOTION: F Riebeling / Peter Rogers

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

CARRIED UNANIMOUSLY: 11/0
(*This item was adopted en bloc*)

REPORTS [AGENDA ITEM 18]

G.27/6/18 FINANCIAL REPORT MAY 2018 (DP/PB) (REPORT 1)

The Financial Report for May 2018 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Elected Members' consideration.

MOTION: F Riebeling / Shane Jones

That Council:

1. **Receives the Financial Report for May 2018.**

2. Receives the Schedule of Accounts for the following amounts:

Total Municipal Fund	\$ 9,292,807.97
Total Trust Fund	\$ 72,112.02
	<u>\$ 9,364,919.99</u>

3. Approves unbudgeted revenue* of \$1.577 million for Financial Assistance Grant.

- **Offset with increase to Surplus Carried Forward \$1.577 million**

4. Approves unbudgeted expenditure* of \$30,000 for Hermitage Park Capital works noting that funding is available from the following underspent projects:

- **Warrangup Springs – Firebreak \$30,000**

5. Approves the write off of the following boat pen debtors balances:

- **Mr Steven Hinds - \$3,951.33**
- **Mr Kane Datson - \$2,083.65**

CARRIED WITH ABSOLUTE MAJORITY: 11/0

**G.28/6/18 2018 WEST AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)
ANNUAL GENERAL MEETING: NOMINATION OF DELEGATES (MN) (REPORT 2)**

The Western Australian Local Government Association (WALGA) will hold its 2018 Annual General Meeting during the Local Government Convention at the Perth Convention and Exhibition Centre, on Wednesday 1 August 2018. WALGA has requested Council to nominate two voting delegates to the AGM and two Proxy Voting Delegates.

Voting delegates may be either Elected Members or officers. Delegates must be registered with WALGA to be eligible to attend and represent their respective Councils. Proxy voting is available for councils that are unable to be represented by two delegates.

Notice of the Annual General Meeting, Procedural Information and Submission of Motions has been received however WALGA has not yet released the agenda for the AGM. Once this has been done, the agenda will be forwarded to Elected Members. It is important that the Elected Members representing Council as voting delegates are given some authority in relation to Executive and Member motions that are put forward to the meeting.

Council is requested to approve the nominations of its Peel Zone delegates Mayor Rhys Williams and Councillor Caroline Knight to attend the 2018 WALGA AGM on Wednesday 1 August.

MOTION: D Schumacher / Matt Rogers

That:

- 1 Peel Zone delegates Mayor Rhys Williams and Councillor Caroline Knight be nominated as the City of Mandurah voting delegates to the 2018 Western Australian Local Government Association Annual General Meeting, to be held at the Perth Convention and Exhibition Centre on Wednesday 2 August.**

- 2 The Deputy Peel Zone Member Hon Councillor Fred Riebeling JP and Chief Executive Officer be registered as the Proxy Voting Delegate should either Voting Delegate be unable to attend**

CARRIED UNANIMOUSLY: 11/0

**G.29/6/18 TENDER T07-2018 PROVISION OF GAS AND RELATED SERVICES (SH/NP)
(REPORT 3)**

The City of Mandurah invited tenders for gas related services which includes supply to all City buildings and account management for twelve buildings including the three largest consuming sites being the Mandurah Aquatic & Recreation Centre, Ocean Marina Chalets and the Meadow Springs Sporting Facility. For this tender, an external energy management and procurement consultant was sourced to assist with the tender evaluation process.

Following the evaluation of tendered submissions, Council is now requested to accept Perth Energy Pty Ltd as the preferred tenderer.

MOTION: F Riebeling / R Wortley

That Council accepts Perth Energy Pty Ltd as the preferred tenderer for Tender T07-2018 for the Provision of Gas and Related Services.

CARRIED UNANIMOUSLY: 11/0

Councillor Lynn Rodgers left the Chamber at 6.06 pm.

**G.30/6/18 TENDER T04-2018 PRUNING OF TREES AND ASSOCIATED WORKS (MH/NP)
(REPORT 4)**

The City of Mandurah invited tenders for the pruning of trees and associated works which includes the full range of tree pruning and powerline clearances, together with stump and root grinding, and root barrier installation.

As a result of the evaluation of tendered submissions, Council is requested to accept Tuckey's Tree and Garden Services as the preferred tenderer.

MOTION: T Jones / D Schumacher

That Council accepts Tuckey's Tree and Garden Services as the preferred tenderer for Tender T04-2018 for the Pruning of Trees and Associated Works.

CARRIED UNANIMOUSLY: 10/0

Councillor Lynn Rodgers returned to the Chamber at 6.09 pm.

G.31/6/18 WASTE LEVY DISCUSSION PAPER (AC) (REPORT 5)

The Waste Avoidance and Resource Recovery Levy (the Levy) is an economic instrument which has the potential to incentivise waste diversion from landfill and fund strategic waste management initiatives. The Levy operates in a complex environment and is not the only mechanism which should be relied upon to achieve these outcomes.

The Western Australian Local Government Association (WALGA) is seeking comment on a prepared Discussion Paper which reviews the WALGA Waste Levy and Strategic Waste Funding Policy Statement. It provides background information on the current situation regarding the Levy, then discusses each section of the Policy Statement and identifies if there is a need for change.

The sections discussed are:

1. Basis for Local Government support for the Levy
2. Application of the Levy to waste generated in the non-metropolitan area
3. Rationale for the Levy
4. Differential Levies
5. Basis for Setting Levy rates
6. Administration of the Levy
7. Funding Scope
8. New Section: Regulation of the Levy

Council is requested to consider the Waste Levy Discussion Paper and endorse the proposed response from City officers.

MOTION: F Riebeling / Shane Jones

That Council:

1. **Receives and notes the Western Australian Local Government Association Discussion Paper Review of the Waste Levy Policy Statement 2009.**
2. **Advises the Western Australian Local Government Association of its preferred position in relation to the Waste Levy Policy Statement including:**
 - 2.1. **The Waste Levy should not be applied to non-metropolitan areas.**
 - 2.2. **There is no support for Levy funds to be administered by an independent statutory authority.**
 - 2.3. **There is support for the introduction of differential levies.**
 - 2.4. **Open and transparent reporting on the effectiveness of the Levy and expenditure on strategic waste management initiatives is still required.**
 - 2.5. **The Levy funds need to be expended in a timely manner.**
 - 2.6. **The belief that the existing regulatory regime is adequate however, their strategic direction may need to be reviewed and refocused.**
3. **Advises the Western Australian Local Government Association that it reaffirms its position in relation to waste to energy processing as follows:**
 - 3.1. **The City supports in principle, the State Government's move towards a Circular Economy, but believes that further work is required to quantify the costs and benefits in transitioning to a Circular Economy. It should also recognise the role of waste to energy plants within the system.**

- 3.2. The landfill levy is an incentive to minimise waste being disposed of in landfill sites. It follows then, that there should be no levy applied to waste to energy processing of municipal solid waste as it is not being placed in landfill.**

CARRIED UNANIMOUSLY: 11/0

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN [AGENDA ITEM 20]

**G.32/6/18 SHORT TERM RESIDENTIAL ACCOMMODATION (STRA) REGISTER:
COUNCILLOR TAHLIA JONES**

Councillor Tahlia Jones circulated an amended Notice of Motion at the meeting in respect of the establishment of a Short Term Residential Accommodation Register (STRA).

Councillor Tahlia Jones spoke of the benefits to the organisation and residents in maintaining a basic register with contact information and accommodation configurations. The potential to gain a better understanding of STRAs in the District, enhance tourism opportunities and build communication channels would all benefit from the creation of such a register.

MOTION: Tahlia Jones / M Darcy

That officers prepare a report to be considered at the ordinary Council meeting on 28 August 2018 that considers the establishment of a register of short term residential accommodation (STRA).

CARRIED UNANIMOUSLY: 11/0

NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING [AGENDA ITEM 21]

Nil.

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 22]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 23]

RESOLVED: L Rodgers / M Rogers

That the meeting proceeds with closed doors at 6.28pm in accordance with Section 5.23(2)(e) of the Local Government Act 1995, to allow for the confidential discussion of an item containing commercially sensitive information.

CARRIED UNANIMOUSLY: 11/0

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 Minute Officer remained with Senior Officers.

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.28PM

**G.33/6/18 CONFIDENTIAL ITEM: RESTRUCTURE OF LOAN AND MANAGEMENT
MODEL (CONFIDENTIAL REPORT 1) (CC.18/6/18)**

Confidential discussion ensued regarding this issue.

MOTION: M Darcy / D Schumacher

**That consideration of this item be deferred to the next ordinary Council meeting to be held on
24 July 2018.**

CARRIED: 10/1

FOR: Councillors Knight, P Rogers, M Rogers, L Rodgers, T Jones, S Jones, M Darcy,
P Jackson, D Schumacher and Hon Councillor Riebeling

AGAINST: Councillor R Wortley

G.34/6/18

MOTION: F Riebeling / Lynn Rodgers

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 11/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.52PM

G.35/6/18

MOTION: R Wortley / F Riebeling

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 11/0

CLOSE OF MEETING [AGENDA ITEM 24]

There being no further business, the Deputy Mayor declared the meeting closed at 6.52 pm.

CONFIRMED (MAYOR)