



## **MINUTES OF COUNCIL MEETING**

**HELD ON**

**TUESDAY 26 FEBRUARY 2019**

**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	D LEE	EAST WARD
COUNCILLOR	L RODGERS	EAST WARD
COUNCILLOR	S JONES	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE & GOVERNANCE
MR	C JOHNSON	MANAGER SPORT, RECREATION AND EVENTS
MR	N CARROLL	MANAGER MARINA AND WATERWAYS
MRS	L SLAYFORD	MINUTE OFFICER

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

The Deputy Mayor declared the meeting open at 5.30pm.

**ACKNOWLEDGEMENT OF COUNTRY [AGENDA ITEM 2]**

The Deputy Mayor 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 was an apology.

**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]****G.1/1/19            R GENT: MERRIVALE STREET RECONSTRUCTION**

At the Council meeting of 29 January, 2019 Mr Gent requested information from Council in relation to:

1. When will Merrivale Street be returned to the previous 2002 levels and a drainage system installed as stated in the Chief Executive Officer report to Council on 25 June 2013?
2. With regard to the City's correspondence on 18 July 2018, who is the Councillor referred to in the correspondence?
3. Who was the City officer that drew the sketch referred to in the correspondence of 18 July 2018?

**Response:**

1. *As far as the City is concerned Merrivale Street is now at its previous level. The matter has been finalised and no further action is planned.*

2. *The "Councillor" to which you refer is mentioned in a letter from the independent surveyor. The City's records do not identify the specific person.*
3. *The "City officer" to which you refer is mentioned in a letter from the independent surveyor. The City's records do not identify the specific person.*

**PUBLIC QUESTION TIME [AGENDA ITEM 6] [OPEN 5.35PM - CLOSED 5.44PM]**

**G.1/2/19 MR W FAULKNER: CHARLES AND DOROTHY COOTE RESERVE**

Mr Faulkner asked the following questions:

1. Can an officer from the City of Mandurah Council please explain to me how the first proposal for a 24/7 BMX/pump track on the Charles and Dorothy Cootes reserve, rejected by residents, reappear under a different guise?
2. How can the residents' views be over ridden and a third proposal for a bigger 24/7 BMX/pump track be presented again, less than 18 months after the last proposal?
3. What steps will Council take to ensure residents' lives are not turned upside down by the latest proposal?
4. Why is this proposal different to the last proposal?
5. Why does this proposal appear to be against Council's greening goals, i.e. by reducing a natural open area?
6. Why has the proposal for a BMX/pump track only ever been looked at in Madora Bay?

*The City's Manager Sport, Recreation and Events provided the following response.*

*In responding to the questions raised by Mr Faulkner, City Officers have attempted to address the issues under 3 headings:*

- *Proposed Pump Track - Community Engagement Process Background*
- *Managing Anti-Social Behaviour*
- *Lakelands District Open Space – Future Facilities*

**Proposed Pump Track - Community Engagement Process Background**

*In September 2016, City Officers meet with the Madora Bay Community Association and developed a list of future facility upgrades for Coote Reserve and amongst these was the proposal for an entry level Pump Track.*

*In 2017, the City of Mandurah, through the Madora Bay Residents Association received funding of \$60k from the State Government to install a pump track at Coote Reserve.*

*In January 2018, the Madora Bay Residents Association carried out some consultation of local members to measure the community's support for the installation of a Pump Track at Coote Reserve.*

*The feedback was inconclusive with some people in favour and others opposed. As a result, the City sent out a letter to a boarder catchment within Madora Bay which again demonstrated differing views on the proposed installation of a Pump Track at Coote Reserve.*

*With no clear direction delivered through the consultation, the City then investigated the option of a Pump Track being installed as part of a future public open space development. However, this approach was unsuccessful with no new possible locations being identified.*

*In reviewing the process undertaken to date, it was determined that a revised community engagement plan was required. The process that City Officers have now employed is a staged approach that is firstly asking the Madora Bay community to consider 3 possible sites for the installation of a Pump Track facility, being:*

- *Lord Hobart Dr Reserve;*
- *McLennan Reserve; and*
- *the original proposed location – Coote Reserve.*

*Residents have the option of expressing their preference either on line via the Mandurah Matters community engagement website or in person at one of the 3 public workshops that are being held. Once all of the feedback has been received, City Officers should be in a much better position to make a recommendation to Council on the preferred site for the installation of the Pump Track facility or whether the project should be abandoned in Madora Bay and perhaps an alternative suburb considered.*

#### **Managing Anti-Social Behaviour**

*A Pump Track is a recreational facility consisting of a path or circuit of banked turns and features designed to be used by children and youth on bikes and scooters.*

*As is the case with all new facilities, the pump track will be designed so as to limit the potential impacts on local residents with the final design including path linkages and supporting infrastructure largely dependent on the approved location.*

*There is no intent for the pump track facility to be used 24hr a day.*

#### **Lakelands District Open Space – Future Facilities**

*As part of the Lakelands District Open Space Master Plan, consideration has been made for the future development of an activity zone in the south west corner of the reserve.*

*No planning has yet been conducted and the area is not part of the stage 1 design which is currently under construction.*

*As a result, the Lakelands community have not been surveyed on the types of facilities they may like to see included within the future activity zone.*

Mr Faulkner raised a further question as to how the Council will ensure only younger persons utilise the proposed track if it is unsecured.

The Manager Sport, Recreation and Events confirmed the intent was for younger people and their parents to utilise this facility and outlined how design would be considered to assist in this regard.

#### **G.2/2/19      MR H CORP: NAIRNS FORESHORE: MOORING OF HOUSEBOAT**

Mr Corp asked if the City of Mandurah had undertaken maintenance in recent years on Lot 400 as they are the responsible authority under the lease agreement.

*The Director Works and Services advised that the Department of Water were in control of the waterway and were the authority who provided the original structure for the weed harvesters.*

#### **PUBLIC STATEMENT TIME [AGENDA ITEM 7]**

##### **G.3/2/19 MR W FAULKNER: CHARLES AND DOROTHY COOTE RESERVE**

Mr Faulkner stated that local residents have been lobbying against the proposal for a pump track for four years and have made presentations to two past Council meetings when this item had been considered.

Mr Faulkner outlined perceived flaws including lack of safe pathways, public ablutions, car parking and roadway safety. The meeting was advised that extensive restoration works have been carried out at the reserve recently following community concerns. Issues relating to possible anti-social behaviour and access 24 hours, seven days a week to the BMX/pump track affecting surrounding residential area amenity were also noted by Mr Faulkner.

#### **LEAVE OF ABSENCE REQUESTS [AGENDA ITEM 8]**

Nil.

#### **PETITIONS [AGENDA ITEM 9]**

##### **G.4/2/19 COUNCILLOR SHANE JONES: WALKWAY CLOSURE DUDLEY PARK**

Councillor Shane Jones presented a petition containing the signatures of 41 people requesting the closure of the pedestrian access way joining Vance and Doreen Streets.

MOTION: Shane Jones / Lynn Rodgers

**That the petition be received and referred to officers for investigation and inclusion in the reporting process.**

CARRIED UNANIMOUSLY: 12/0

#### **PRESENTATIONS [AGENDA ITEM 10]**

Nil.

**DEPUTATIONS [AGENDA ITEM 11]****G.5/2/19 MR H CORP: NAIRNS FORESHORE: MOORING OF HOUSEBOAT**

Mr Corp delivered a deputation in opposition to the recommendation on the above item outlining how, over the years, he had contacted the City of Mandurah, Shire of Murray, Department of Transport and Department of Water with regard to mooring at the site but no one took responsibility for the site. He advise that he had previously offered to purchase the pylons from the Department of Water but they had deemed to remove the pylons.

**G.6/2/19 MR M O'BRIAN: NAIRNS FORESHORE: MOORING OF HOUSEBOAT**

Mr O'Brian spoke in support of the recommendation for this item stating that as the neighbour of Lot 400 and the owner of Lot 100 for 30 years with a green title property, he had to ensure compliance with policies, planning regulations and approving bodies for his property, he believed the freehold Lot 400 should be held to the same standards as his neighbouring property is and that a date should be set by Council for compliance on Lot 400.

**CONFIRMATION OF MINUTES [AGENDA ITEM 12]****G.7/2/19 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 29 JANUARY 2019**

MOTION: R Wortley / Tahlia Jones

**That the Minutes of the Council Meeting held on Tuesday 29 January 2019 be confirmed.**

CARRIED UNANIMOUSLY: 12/0

**G.8/2/19 CONFIRMATION OF ANNUAL ELECTOR MINUTES: MONDAY 4 FEBRUARY 2019**

MOTION: M Darcy / Lynn Rodgers

**That the Minutes of the Annual Electors Meeting held on Monday 4 February 2019 be confirmed.**

CARRIED UNANIMOUSLY: 12/0

**G.9/2/19 CONFIRMATION OF SPECIAL COUNCIL MINUTES: THURSDAY 7 FEBRUARY 2019**

MOTION: D Lee / Shane Jones

**That the Minutes of the Special Council Meeting held on Thursday 7 February 2019 be confirmed.**

CARRIED UNANIMOUSLY: 12/0

**G.10/2/19            CONFIRMATION OF SPECIAL COUNCIL MINUTES: TUESDAY 12 FEBRUARY 2019**

MOTION:            D Lee / M Darcy

**That the Minutes of the Special Council Meeting held on Tuesday 12 February 2019 be confirmed.**

CARRIED UNANIMOUSLY: 12/0

**G.11/2/19            ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]**

The Deputy Mayor invited Councillors to speak on the following items.

- Councillor Matt Rogers updated Council on the Crab Fest launch which was a joint celebration of the lead in to Crab Fest and also the continuing partnership with Seven Network as a major sponsor.
- Councillor Lee informed the meeting of the Ring Criterion Cycle series which brings cycling to the public and assists with activating areas. The event included state, national and Olympic participants.
- Councillor Wortley reported on the Future of Mandurah summit held on February 23. The summit's intent was to assist in creating a shared community and leading the vision for the community. Residents were enthused and motivated about future technological advances and the exciting future ahead.
- Councillor Wortley also attended the CASM Alternative Archive Project which opened February 17. This was an exciting state-wide series of group exhibitions which present historical data with a new perspective.

Deputy Mayor Councillor Knight updated the meeting on the following items.

- Congratulations to the City of Mandurah Building Services section for winning the 2019 Master Builders Bankwest Housing Excellence Awards, Local Government Best Practice award presented on Saturday, 23 February.
- Professor Jo Barker AM and Liz Butson AM were the guests of honour at the Australia Day Honours afternoon tea held Tuesday, 19 February.
- An ATAR civic reception was held February 8 where 42 Mandurah students received certificates for their outstanding ATAR performances (ATAR score above 90).

**G.12/2/19            DECLARATION OF INTERESTS [AGENDA ITEM 14]**

- Councillor Tahlia Jones declared a financial interest in Minute G.19/2/18 – Central Mandurah Activity Centre, because of property ownership in the area. Councillor Tahlia Jones advised she would not be participating in the discussion or vote on this item.

- Councillor Tahlia Jones declared an impartiality interest in Minute G.20/2/18 – City Centre Waterfront Concept Plans because of her employment with the Department of Primary Industry and Regional Development. Councillor Tahlia Jones declared that she wished to remain in the Chamber and would consider this matter on its merits and vote accordingly.

## **QUESTIONS FROM ELECTED MEMBERS [AGENDA ITEM 15]**

### **Questions of which due notice has been given**

Nil.

### **Questions of which notice has not been given**

#### **G.13/2/19 HON COUNCILLOR RIEBELING: BUSHFIRE ATTACK LEVEL (BAL) RATINGS**

Hon Councillor Riebeling asked how it is possible to purchase an FZ rated property in Mandurah, what warnings are in place for this, what protection do purchasers have and what actions can Council take?

*The Manager Statutory Services advised people purchasing as well as current landowners were impacted by the BAL rating system and mapping area. The mapping areas and ratings are available to the general public when considering purchasing a property. An FZ rating limits options and often leaves people with a block of land they can't build on or dispose of easily. The City of Mandurah previously wrote to landowners affected by the rating system and has been lobbying since 2016 for legislative changes to the system. The City continues lobbying for change.*

#### **G.14/2/19 COUNCILLOR SCHUMACHER: TRAFFIC COUNTS AND ESTUARY BRIDGE**

Councillor Schumacher asked if Mandurah Bridge had been subject to any traffic counts along with Sutton Street following its connection to Mandurah terrace. He also asked if the City was still looking at an automatic lane changing system for the Estuary Bridge.

*The Director Works and Services advised counts had been recently undertaken in the areas noted and the information should be available shortly, impact of road changes should be identifiable. The Estuary Bridge is controlled by Main Roads Western Australia (MRWA) - Bunbury Region who City officers have met with. MRWA do not warrant the bridge as requiring an automated system. The City will formulate a proposal for the device.*

#### **G.15/2/19 COUNCILLOR WORTLEY: BMX/PUMP TRACK**

Councillor Wortley asked if BMX usage was anticipated for the project noted in the public statement and if lighting would also be provided for 24 hour use.



*The Manager Sport, Recreation and Events confirmed the anticipated design can be utilised by bikes and scooters, including BMX, but not skateboards. BMX bikes were pedal powered vehicles and could therefore utilise. Lighting was not being considered at the moment other than security lighting which will be considered in the design phase.*

#### **G.16/2/19 COUNCILLOR JACKSON: ANTI-SOCIAL BEHAVIOUR**

Councillor Jackson asked what sort of anti-social behaviour could be expected at the proposed Pump Track.

*The Manager Sport, Recreation and Events advised that each facility design looks at reducing the impact on residents by the location of facilities, sight lines, open areas and how it is connected to the community to ensure the best utilisation, which in turn leads to a reduction in anti-social behaviour.*

#### **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 of Tuesday 12 February 2019 with the exception of Items CC.4/2/19, CC.5/2/19, CC.6/2/19 and CC.10/2/19, which were dealt with separately.**

#### **G.17/2/19 BUDGET REVIEW 2018/2019 (PB) (REPORT 1) (CC.3/2/19)**

The Budget Review provides a mid-year forecast of Council's financial performance for the current financial year. This review of business unit operating expenditure, revenues and capital works has resulted in an improved end of year financial position.

The City is forecast to generate an improvement to its surplus before depreciation of approximately \$1 million. This has enabled the following additional expenditure items to be presented for approval:

- An additional bushland maintenance team to be recruited in Quarter 4.
- Provision for the pre-funding of the costs of designs for the Waterfront Re-development project.
- The allocation of capital funds for an additional car park, together with expenditure on footpaths, boardwalks and shade sails for playgrounds.

Council is requested to adopt the revisions to revenues and expenditures as outlined in Attachment 1 of the report together with changes to the budget for capital expenditure Attachment 3 of the report.

MOTION: F Riebeling / Peter Rogers

**That Council\*:**

1. **Adopts revenues and expenditure as outlined in Attachments 1 and 3 of the report as amendments to the 2018/19 Budget.**
2. **Approves amendments to Capital expenditure budgets and funding sources set out in Attachment 2 of the report.**

CARRIED ABSOLUTELY: 12/0  
(*This item was adopted en bloc*)

**G.18/2/19 CEMETERIES AMENDMENT LOCAL LAW 2019 FINAL ADOPTION (SL)  
(REPORT 2) (CC.4/2/19)**

Following the statutory advertising period, the Cemeteries Amendment Local Law 2019 is set for final adoption.

As a legal requirement all local laws are to have a purpose and effect. The following is proposed for the Cemeteries Amendment Local Law 2019:

PURPOSE: to amend provisions within the City of Mandurah Cemeteries Local Law 2010.

EFFECT: to ensure the City of Mandurah Cemeteries Local Law 2010 is as clear and effective as possible.

Council is requested to resolve to adopt the Cemeteries Amendment Local Law 2019 in its final form.

The Deputy Mayor read aloud the Purpose and Effect to the meeting. Councillor Schumacher moved the motion which was seconded by Hon Councillor Riebeling.

MOTION: D Schumacher / F Riebeling

**That Council adopt the *City of Mandurah Cemeteries Amendment Local Law 2019*.**

CARRIED UNANIMOUSLY: 12/0

*Councillor Tahlia Jones left the Chamber at 6.31pm having declared a financial interest in the following item.*

**G.19/2/19 CENTRAL MANDURAH ACTIVITY CENTRE (AH) (REPORT 3) (CC.5/2/19)**

The Central Mandurah Activity Centre Plan (ACP) was prepared in order to meet the requirements of State Planning Policy 4.2 – Activity Centres for Perth and Peel, and combined, consolidated and integrated 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 would be consistent and simplified across Central Mandurah.

The draft ACP was adopted for the purposes of advertising at the Council meeting of 27 March 2018, and the plan was subsequently publically advertised for a period of 28 days. During the submission period 19 submissions were received.

Council is requested to consider the submissions received, and resolve to adopt the ACP subject to modifications, for the purposes of forwarding the document to the Western Australian Planning Commission for final approval.

MOTION: F Riebeling / R Wortley

**That:**

- 1. Under Clause 36(2) of *Planning and Development (Local Planning Schemes) Regulations 2015*, Council provides this report to the Western Australian Planning Commission for the Central Mandurah Activity Centre Plan (Plan Dated August 2018); recommending that the proposed Activity Centre Plan should be approved including the following modifications:**
  - (a) Amending the boundary of the Residential Mixed Use and Commercial Mixed Use zone as shown on Attachment 2.**
  - (b) Introducing a Restricted Use layer to restrict the approval of Tavern's within the Commercial Mixed Use zone with the exception of identified entertainment precincts as shown on Attachment 2.**
  - (c) Removing 'Dining and Entertainment' uses as permitted uses within the Residential Mixed Use zone.**
  - (d) Removing the mandatory ground floor design criteria for flexible land use within the Residential Mixed Use zone.**
  - (e) Reducing the minimum height requirement within the Mandurah Junction development from three (3) storeys to two (2) storeys.**
  - (f) Including Lot 150 Vivaldi Drive within the Commercial Mixed Use zone and removing the semi-active frontage designation from the lot.**
  - (g) Designating Lot 400 Peel Street and Lot 402 Rockford Street (Timbertop Caravan Park) as a site subject to a Local Development Plan.**
  - (h) Designating all remaining development parcels within Mandurah Junction as sites subject to a Local Development Plan.**
  - (i) Modify Clause 2.5.2 to read "Where a development or subdivision is proposed on a corner lot that does not have a standard truncation, a truncation will be required to be created and ceded to the Crown as a condition of approval".**
  - (j) Amending the residential density code for Lot 106 Mandurah Terrace from R40 to R100**
  - (k) Include Service Station as a permitted use within the Commercial zone**
  - (l) Include an additional objective within Section 1.5 relating to the provision of affordable and accessible housing.**

2. **The Council notes that the existing Precinct Plans and Outline Development Plans covered by the Central Mandurah Activity Centre Plan are replaced upon Commission approval ; and that Council endorses the Mandurah Ocean Marina and Mandurah Junction Outline Development Plans function as a Local Development Plan (subject to the appropriate administrative modifications).**
3. **Council supports the work currently undertaken being progressed, and notes that further refinement of the core city centre area will be examined to build upon the increased focus on the city centre by Council, with the view of facilitating further private sector investment.**

CARRIED UNANIMOUSLY: 11/0

*Councillor Tahlia Jones returned to the Chamber at 6.33pm.*

**G.20/2/19            CITY CENTRE WATERFRONT CONCEPT PLANS (RB) (REPORT 4)  
(CC.6/2/19)**

Concept plans were prepared for four City Centre Waterfront priority areas:

- Western Foreshore Recreation Precinct
- Eastern Foreshore South Precinct
- Eastern Foreshore North Precinct
- Smart Street Mall

The draft concepts proposals for these areas were presented to Council in October 2018. Council at its meeting of 23 October 2018 resolved to adopt the Waterfront (Eastern and Western Foreshore) Concept Plans for advertising and adopt advertising three options for the Upgrade of Smart Street.

Based on the support received for the Waterfront proposals, Council is requested to endorse the Concept plans prepared for:

- Western Foreshore Recreation Precinct – LAN360-CO-01/A & LAN358-CO-02/A (dated September 2018).
- Eastern Foreshore South Precinct - LAND358-CO-01/A & LAN358-CO-01/A(dated August 2018)
- Eastern Foreshore North Precinct - LAN360-CO-01/A (dated September 2018)

The concept plans will inform the progression of the project into detail design and construction.

The three options presented for the Smart Street upgrade has continued the debate of vehicle versus pedestrian movements for Smart Street which has been ongoing for some time. It is proposed that Smart Street be subject to further design work, with the intent of presenting to Council in March.

Council is requested to contribute capital funding to contribute to the implementation of the Waterfront Proposals in addition to the State Government commitment of \$10M (through the Royalties for Regions program).

Councillor Shane Jones moved an amended motion that included recommendation points 3 and 4 which had been omitted due to an administrative error in relation to this item.

3. Acknowledges that \$1.5 million is likely to be required in the 2019/2020 capital program for the Stage 1 upgrade of Smart Street.
4. Acknowledges that \$1.27 million is likely to be required in the 2019/2020 capital program to contribute to the construction of the Western Foreshore Recreation Precinct.

Councillor Jackson seconded the amended motion.

MOTION: Shane Jones / P Jackson

**That Council:**

1. **Adopts the following Concept Plans for the Mandurah City Centre Waterfront Precincts as the basis of proceeding with detail design and construction documentation:**
  - 1.1 **Western Foreshore Recreation – LAN360-CO-01/A & LAN358-CO-02/A (dated September 2018)**
  - 1.2 **Eastern Foreshore Iconic Waterfront – LAND358-CO-01/A & LAN358-CO-01/A (dated August 2018)**
  - 1.3 **Eastern Foreshore North Boardwalk Precinct – LAN360-CO-01/A (dated September 2018)**
2. **Notes the inclusion of \$400,000 in budget review process in order to be able to engage consultants and progress with investigation, planning, design and approvals required to be able to commence on ground delivery of the project when the Royalties for Regions funding is made available commencing next financial year (2019-2020).**
3. **Acknowledges that \$1.5 million is likely to be required in the 2019/2020 capital program for the Stage 1 upgrade of Smart Street.**
4. **Acknowledges that \$1.27 million is likely to be required in the 2019/2020 capital program to contribute to the construction of the Western Foreshore Recreation Precinct.**

CARRIED UNANIMOUSLY: 12/0

**G.21/2/19            AMENDMENT 137 TO TOWN PLANNING SCHEME NO 3 – GUIDE PLAN (AH) (REPORT 5) (CC.7/2/19)**

In July 2017, Council initiated Amendment No. 137 to Town Planning Scheme No. 3 for the purposes of rezoning Lot 21 Southern Estuary Road and Part Lot 7 Dunkeld Drive, Herron from 'Rural' to 'Rural Residential', following an s76 order from the Minister for Planning. In accordance with the requirements of the Planning and Development Act 2015, the amendment was then forwarded to the Environmental Protection Authority for assessment.

In April 2018, the City received a Notice of Intent from the EPA advising that the EPA is inclined to determine that Amendment No. 137 is, by its nature, incapable of being made environmentally acceptable. This is due to the potential impact of the proposal on remnant vegetation, fauna and the nearby Lake Clifton and Estuary. In order to address the concerns raised by the EPA, the applicants have submitted a revised subdivision guide plan which proposes a 16 lot cluster style subdivision and the creation of a 52ha conservation parcel to be ceded free of cost.

In order for the amendment to proceed, and enable the EPA's assessment of the revised subdivision guide plan, Council's in principle support for the revised subdivision guide plan is required.

Report Recommendation

*That Council supports 'in principle' the revised subdivision guide plan for the purposes of forwarding the plan to the Environmental Protection Authority for assessment in response to its Notice of Intent dated 17 April 2018 in regard to Amendment 135 to Town Planning Scheme No 3.*

MOTION: F Riebeling / Peter Rogers

That:

1. **Council Supports the revised 'Subdivision Concept B' for Lots 21 and 100 Southern Estuary Road being submitted to the Environmental Protection Authority as the applicant's response to the EPA's Notice of Intent dated 17 April 2018 in regard to Amendment 137 to Town Planning Scheme No 3.**
2. **Notwithstanding the above recommendation, Council advises the applicants that there are reservations regarding the revised 'Subdivision Concept B' due to:**
  - **the potential impacts on significant vegetation;**
  - **the potential impacts on threatened species;**
  - **the ongoing management of the resultant conservation parcel;**
  - **the hydrological impacts on Lake Clifton;**
  - **the ability to meet the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and associated Guidelines; and**
  - **The creation of 16 lots in lieu of the maximum 11 permitted under Council's Local Planning Strategy and Southern Mandurah Rural Structure Plan.**

CARRIED UNANIMOUSLY: 12/0  
(*This item was adopted en bloc*)

**G.22/2/19 LEASE: MANDURAH CROQUET CLUB (LP/RL) (REPORT 6) (CC.8/2/19)**

The Mandurah Croquet and Recreation Club Inc. (MCRC) has held a lease over a portion of Lot 202 (70) Thomson Street, Mandurah, since 1986. The current agreement was approved through Council in 2014, supporting a tenure consisting of a three year term, with two one year renewals (3+1+1 years) this current agreement is due to expire on the 28 February 2019.

After recent discussions with the club officers recommend a new lease of five years with a five year renewal option (5+5 years), together with an annual rental fee aligning with the City's Schedule of fees and charges for Sporting and Community groups.

Council is requested to support a new lease with the Mandurah Croquet and Recreation Club Inc, over a portion of Lot 202 (70) Thomson Street, Mandurah, for a term of five years with a five year renewal option (5+5 years) commencing on the 1 March 2019 with final expiry due the 28 February 2029. An annual rental fee of \$1,000 is proposed in accordance with the City's schedule of fees and charges 2018/19.

MOTION: F Riebeling / Peter Rogers

**That Council:**

- 1. Approves a lease over a portion of Lot 202 (No. 70) Thomson Street, Mandurah, to the Mandurah Croquet and Recreation Club Incorporated with the following conditions.**
  - 1.1 Tenure of five years, commencing on 1 March 2019 and expiring on 29 February 2024**
  - 1.2 Renewal term of five years, commencing on 1 March 2024 and expiring on 28 February 2029.**
- 2. Approves the application of the City's Schedule of Fees and Charges 2018/19 to the annual rent for the term of the lease agreement, and the application of the document preparation fee.**
- 3. Authorises the Chief Executive Officer will finalise the conditions of the lease agreement.**

CARRIED UNANIMOUSLY: 12/0  
(*This item was adopted en bloc*)

**G.23/2/19 LICENCE: NAVAL CADETS SOUTHERN ESTUARY HALLS HEAD (LP)  
(REPORT 7) (CC.9/2/19))**

The Unit Committee TS Mandurah Incorporated (Naval Cadets) have held tenure over Southern Estuary Hall, a portion of Reserve 30624 (No. 2) Thisbe Drive, Dawesville, since August 1994. The last licence granted in 2015 saw Council approve a reduction in their licence area from the whole facility to one office, and storage, which has allowed the hall to be utilised for other community activities.

The group have formally requested, upon the expiry of their current licence on the 12 November 2018, to enter into a new licence agreement, this will ensure the exclusive use of their office accommodation continues together with the use of the storage sheds located on site.

The Naval Cadets entered into a 'Holding Over' upon the expiry of their current agreement until a new licence can be considered by Council. Due to Southern Estuary Hall nearing end of life, officers recommend the licence be renewed for a term of three years, with an annual rental fee of \$1, this term and fee aligns with the current licence agreement.

Council is requested to approve a licence over a portion of Reserve 30624 – (No. 2) Thisbe Drive, Dawesville to the Unit Committee TS Mandurah Incorporated for a term of three years, commencing on or after the Minister for Lands consent, together with an annual rental fee of \$1, all licence terms and conditions are subject to the approval of the Minister for Lands.

MOTION: F Riebeling / Peter Rogers

**That Council:**

- 1. Approves the licence agreement over a portion of Reserve 30624 – (No. 2) Thisbe Drive, Dawesville, to the Unit Committee TS Mandurah Incorporated with the following conditions:**
  - 1.1 Tenure of three years**
  - 1.2 Commencement on or thereafter the Minister for Lands consent**
  - 1.3 Annual rent of \$1 per annum**
  - 1.4 Subject to the Minister for Lands Consent**
- 2. Approves the waiver of the document preparation fee as detailed in the City's Fees and Charges Schedule 2018/19 of \$450.**
- 3. Authorises the Chief Executive Officer to finalise the conditions of the Licence**

CARRIED UNANIMOUSLY: 12/0  
(*This item was adopted en bloc*)

**G.24/2/19      NAIRNS FORESHORE: MOORING OF HOUSEBOAT (REPORT 8)  
(CC.10/2/19))**

The City of Mandurah has care, control and management of the public foreshore area, boat ramp and part of the Serpentine River riverbed in Nairn Road/Bertram Street, Coodanup. The foreshore is owned in fee simple by the Shire of Murray however, it is leased to the City of Mandurah.

In a past life, the Department of Water constructed jetty infrastructure to moor weed harvesters as part of their commitment to manage the health of the Peel waterway.

In 2018, the Department of Water and Environmental Regulation (DWER) demolished and removed the jetty infrastructure due to its dilapidated state and no requirement to moor any of its watercraft.

Prior to the jetty removal, a number of houseboats took the opportunity to utilise the facility. The houseboat owners were requested to relocate elsewhere. All but one obliged and returned to this location and moored the vessel adjacent to the public open space.

Council is requested to consider a recommendation to require the houseboat owner to relocate elsewhere, where there is appropriate supporting infrastructure to which a houseboat can be moored.

Hon Councillor Riebeling moved the motion which was seconded by Councillor Schumacher. Councillor Lee foreshadowed his intention to move an alternative motion for deferral of this item should the original motion not be accepted.



Debate ensued regarding control of the site, differences and criteria for 'anchoring' and 'mooring'. The Director Works and Services and Manager Marina and Waterways clarified all points raised. The Manager Marina and Waterways provided clarification on length of stay permitted under the City's Local Laws.

MOTION: F Riebeling / D Schumacher

**That Council:**

- 1. Requires Mr G Corp (owner of the moored houseboat) to remove all mooring ropes, mooring piles, gangplanks and any other means of attaching his houseboat to the land or riverbed.**
- 2. Requires the vessel to vacate any part of Lot 400 Beacham Street, Coodanup.**

CARRIED: 10/2

FOR: Hon Councillor Riebeling, Councillors Knight, Peter Rogers, Matt Rogers, Lynn Rodgers, Shane Jones, Tahlia Jones, Darcy and Wortley

AGAINST: Councillors Lee and Jackson

**G.25/2/19 TENDER T22-2018 UNDERGROUND ASSET LOCATION (CP/EJ)  
(REPORT 9) (CC.11/2/19))**

The City of Mandurah invited tenders for the service, Underground Asset Location. This service relates to the finding, locating and depthing of public utility services which is a precursor to most infrastructure design projects.

As a result of the evaluation of tendered submissions, Council is requested to accept A 1Stop Locating Shop Pty Ltd t/a Cable Locates and Consulting as the preferred tenderer.

MOTION: F Riebeling / Peter Rogers

**That Council accepts A 1Stop Locating Shop Pty Ltd t/a Cable Locates and Consulting as the preferred tenderer for Tender T22-2018 for the Underground Asset Location.**

CARRIED UNANIMOUSLY: 12/0  
(*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 Public Art Committee meeting of Monday 18 February 2019.**

**G.26/2/19 TENDER T17-2018 MANDURAH BRIDGE PUBLIC ARTWORK (EA/VL)  
(REPORT 1) (PA.3/2/19)**

Stage three evaluation of the three stage procurement process for the Mandurah Bridge Public Artwork is now complete.

As a result of the evaluation of tendered submissions, Council is requested to accept Chris Nixon as the preferred tenderer.

MOTION: F Riebeling / Peter Rogers

**That Council:**

**That Council accepts Chris Nixon as the preferred tenderer for Tender T17-2018 for the Mandurah Bridge Public Artwork.**

CARRIED UNANIMOUSLY: 12/0  
(*This item was adopted en bloc*)

**NOTE: Council adopted en bloc (moved by Councillor Tahlia Jones and seconded by Councillor Peter Rogers), the recommendations of the Strategy Committee meeting of Tuesday 19 February.**

**G.27/2/19 MANDURAH CULINARY SCHOOL FEASIBILITY PROJECT (S.1/2/19)**

The Peel Development Commission, Murdoch University and Brighthouse Strategic Consulting presented a detailed overview of the feasibility study undertaken in relation to the development of a culinary institute in Mandurah.

MOTION: Tahlia Jones / Peter Rogers

**That the City of Mandurah pursue a \$5million Federal Government pre-election funding commitment for the development of a Culinary Science School in Mandurah.**

CARRIED UNANIMOUSLY: 12/0  
(*This item was adopted en bloc*)

**G.28/2/19 CONFIDENTIAL ITEM: ORGANISATIONAL STRATEGY (MN) (REPORT 1) (S.5/2/19)**

MOTION: Tahlia Jones / Peter Rogers

**That consideration of this item be deferred to the Ordinary Council meeting of 26 February 2019.**

CARRIED UNANIMOUSLY: 12/0  
(*This item was adopted en bloc*)

**REPORTS [AGENDA ITEM 18]**

**G.29/2/19 FINANCIAL REPORT JANUARY 2019 (PB/DP) (REPORT 1)**

The Financial Report for January 2019 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 January 2019.**
- 2 Receives the Schedule of Accounts for the following amounts:**

Total Municipal Fund	\$ 7,388,707.60
Total Trust Fund	<u>\$ 72,285.97</u>
	<u>\$ 7,460,993.57</u>
- 3 Approves unbudgeted expenditure of \$128,000 for Halls Head Parade Resurfacing – No. 38 to No.41.**
  - **Funded from Old Coast Road/Fistina Ramble Resurfacing (\$128,000)**

CARRIED UNANIMOUSLY: 12/0

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

##### **G.30/2/19 HON COUNCILLOR RIEBELING: ENFORCEMENT OF THE CITY'S FIRE COMPLIANCE NOTICE**

Hon Councillor Riebeling outlined the number of ratepayers who have contacted him concerned about the harshness of the City's application of its Fire Compliance Notice. A report on the matter would allow Council to consider whether the current approach is appropriate and explore opportunities to achieve voluntary resident compliance with reduced need for enforcement action.

MOTION: F Riebeling / Matt Rogers

**That Council requests officers to present a report regarding the enforcement of the City's Annual Fire Compliance Notice under the Bushfires Act 1954 that provides information on:**

- 1. The rates of compliance by the City's residents over the last three years including details of the enforcement action taken by the City under the Bushfires Act 1954.**
- 2. How many fire infringement notices resulted in court action in the last three years.**
- 3. The current measures undertaken to advise residents of the requirements of the Fire Compliance Notice.**
- 4. Recommendations about how greater opportunity could be provided to residents to meet Bushfire Act 1954 requirements voluntarily before enforcement action is necessary.**

CARRIED UNANIMOUSLY: 12/0

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

Nil.

*Councillor Shane Jones left the Chamber at 6.54pm.*

**LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 22]**

Nil

**CONFIDENTIAL ITEMS [AGENDA ITEM 23]**

RESOLVED: D Schumacher / Matt Rogers

**That the meeting proceeds with closed doors at 6.55pm in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, to allow for the confidential discussion of items.**

CARRIED UNANIMOUSLY: 11/0

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

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.55PM

*Councillor Matt Rogers left the Chamber at 6.57pm at which time Councillor Shane Jones returned. Councillor Matt Rogers returned at 7.00pm.*

**G.31/2/19 CONFIDENTIAL ITEM: ORGANISATIONAL STRUCTURE (MN) (REPORT 1)**

Confidential discussion ensued regarding this issue.

MOTION: Lynn Rodgers / D Schumacher

- 1 That Council adopts the course of action agreed.**
- 2 That the report remains confidential and the recommendations remain confidential until such time as the changes are implemented.**

CARRIED UNANIMOUSLY: 12/0

**G.32/2/19**

MOTION: Shane Jones / R Wortley

**That the meeting proceeds with open doors.**

CARRIED UNANIMOUSLY: 12/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 7.34PM

**G.33/2/19**

MOTION: Lynn Rodgers / R Wortley

**That Council endorses the resolutions taken with closed doors.**

CARRIED UNANIMOUSLY: 12/0

**CLOSE OF MEETING [AGENDA ITEM 24]**

There being no further business, the Mayor declared the meeting closed at 7.35pm.

CONFIRMED ..... (MAYOR)