



MINUTES OF COUNCIL MEETING

HELD ON

TUESDAY 27 AUGUST 2019

AT 5.30PM

IN COUNCIL CHAMBERS
CIVIC CENTRE
MANDURAH TERRACE MANDURAH

PRESENT:

MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT [DEPUTY MAYOR]	NORTH WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	S JONES	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	G DAVIES	DEPUTY CHIEF EXECUTIVE OFFICER
MRS	C MIHOVLOVICH	DIRECTOR CORPORATE SERVICES
MRS	L SLAYFORD	MINUTE OFFICER

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

The Mayor declared the meeting open at 5.33pm, acknowledging the attendance of Andrew McKerrell of Peel Chamber of Commerce and Industry along with the junior Mayor and Deputy Mayor, Lilli Richards and Penny Stone.

ACKNOWLEDGEMENT OF COUNTRY [AGENDA ITEM 2]

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

APOLOGIES [AGENDA ITEM 3]

Councillors Schumacher and Lynn Rodgers on leave of absence, apologies from Councillors Darcy and Lee

DISCLAIMER [AGENDA ITEM 4]

The 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]

Nil.

PUBLIC QUESTION TIME [AGENDA ITEM 6] [OPEN 5.34PM – CLOSE 5.37PM]**G.1/8/19 R GENT: MERRIVALE STREET RECONSTRUCTION**

- 1 Mr Gent referred to a letter dated 13 February, 2018 from Councillor Wortley and asked if Councillor Wortley knew that if the fire hydrant cover between 20 and 21 Merrivale Street Wannanup was placed back in its original position of 1982, prior to any road works, the lid would be covered by about 120-130mm of soil.
- 2 Will Councillor Wortley sit down with me again and other Councillors also to listen to my side of the story regarding roadworks in Merrivale Street Wannanup during the period 2002-2016?
- 3 Mr Gent asked Councillors to look at some photos which related to 2018 correspondence from the Director of Works and Services and Councillor Wortley.

- 4 Mr Gent asked Councillors if they were aware of correspondence from the former Corporate Lawyer to the former Manager Technical Services and why the licensed surveyor appointed to the Merrivale Street Reconstruction did not note the fire hydrant level difference between 20 and 21 Merrivale Street Wannanup.

Responses:

With regard to questions 1 and 2 the Mayor advised Mr Gent that Councillor Wortley did not have to respond to questions raised however a generic response would be provided in time.

- 3 *Photos could be submitted.*

- 4 *Taken on notice.*

PUBLIC STATEMENT TIME [AGENDA ITEM 7]

G.2/8/19 L RICHARDS AND P STONE: JUNIOR COUNCIL 2019 PROJECT

The Junior Mayor, Lilli Richards, and Junior Deputy Mayor, Penny Stone, advised Council in relation to the 2019 Junior Council Project – Plastics in Waterways.

The process of selecting a project along with the rationale for the chosen project were outlined. Junior Council will be hosting a beach clean-up in partnership with Coastal Waste Warriors at Town Beach on Sunday, November 3. A stall at the Children's Festival will aim to promote and educate the community in regard to the 2019 project. Activities will be coordinated to assist in educating the community on the impact of water pollution and single use plastics.

G.3/8/19 L POLICE: REVIEW OF POP UP VENDOR EVENTS IN CITY CENTRE

Ms Police delivered an overview of the history and success of Mandjar Markets since its inception in 2008. The Markets ability to showcase local arts/crafts/entertainers whilst also providing support to local businesses and sponsorship of local groups and clubs was noted. Concerns for the continuing operation of the Mandjar Markets were outlined in relation to a recent review undertaken by the City of Mandurah and limitations that may be placed on vendor types, physical location and increased costs.

Mayor Williams noted the review was a process being undertaken and that no proposal had been received nor any decision made in regard to this matter.

LEAVE OF ABSENCE REQUESTS [AGENDA ITEM 8]

G.4/8/19 LEAVE OF ABSENCE: COUNCILLOR SCHUMACHER – 1 SEPTEMBER, 2019 – 1 NOVEMBER, 2019 INCLUSIVE

MOTION: R Williams / S Jones

That leave of absence be granted to Councillor Schumacher from 1 September, 2019 to 1 November, 2019 inclusive.

CARRIED UNANIMOUSLY: 8/0

PETITIONS [AGENDA ITEM 9]

Nil.

PRESENTATIONS [AGENDA ITEM 10]

Nil.

DEPUTATIONS [AGENDA ITEM 11]

G.5/8/19 K ALLEN: ESTABLISHMENT OF PROFESSIONAL LIFEGUARD SERVICE

Mr Allen commenced a deputation in support of the recommendation to tender for beach patrol services. Mr Allen commenced an overview relating to the background for establishment of Mr Allen's business was delivered.

Mayor Williams interjected to enable clarification to be received in regard to the item in question becoming a public tender for service. The Chief Executive Officer confirmed that a deputation could be perceived as lobbying of Council and could disqualify a person from the tender process. Mayor Williams advised Mr Allen to consider his deputation so as not to disqualify himself from the proposed tender.

Mr Allen supported the approach to engage professional life guard services, particularly at Falcon Bay and was pleased the service would be attained via tender.

CONFIRMATION OF MINUTES [AGENDA ITEM 12]

G.6/8/19 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 23 JULY 2019

MOTION: S Jones / Peter Rogers

That the Minutes of Council Meeting held on Tuesday 23 July 2019 be confirmed.

CARRIED UNANIMOUSLY: 8/0

G.7/8/19 CONFIRMATION OF SPECIAL COUNCIL MINUTES: TUESDAY 30 JULY 2019

MOTION: R Wortley / Matt Rogers

That the Minutes of Council Meeting held on Tuesday 30 July 2019 be confirmed.

CARRIED UNANIMOUSLY: 8/0

G.8/8/19 ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]

At the invitation of Mayor Williams, Councillors updated the meeting on the following items.

- Councillor Knight attended The National Tree Day event on 28 July, 2019 at Fraser's Landing.
- Councillor Knight also attended the Zonta Club Missing Persons Memorial on August 2.
- Councillor Knight updated Council on the Intergenerational Children's Book Week Event 2019 hosted by Lakelands Library. (The event was very successful with ambulance volunteers attending to read and following up with viewings of ambulances).
- Councillor Peter Rogers undertook the opening and presenting of awards at the Urban Hustle Adventure Challenge on a chilly morning in August.
- Councillor Wortley apprised the meeting of the upcoming National Golf Championship being hosting by the City.
- Mayor Williams Congratulated Councillor Wortley on attaining the WALGA Long and Loyal Service Award presented recently at the WALGA Conference.
- The Mayor advised the City of Mandurah was also recognised at the WALGA Conference for its ten year Waterwise Council participation.

G.9/8/19 DECLARATION OF INTERESTS [AGENDA ITEM 14]

- Mayor Williams declared an impartiality interest in Minute G.19/8/19 – Make Place Financial Support as the proponent was a former employer. Mayor Williams advised he would not participate in discussion or voting on this item and would vacate the Chamber.

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 Councillor Matt Rogers and seconded by Hon Councillor Riebeling), the recommendations of the Committee of Council meeting of Tuesday 13 August 2019 with the exception of Item CC.12/8/19, which was dealt with separately.

**G.10/8/19 ESTABLISHMENT OF PROFESSIONAL LIFEGUARD SERVICE (PM/CJ)
(CC.7/8/19)**

In May 2019, the City sent official correspondence through the Mayor's Office to the Minister for Water, Fisheries, Forestry, Innovation and ICT, Science, seeking approval to re-allocate the \$287,000 grant for the proposed installation of a beach enclosure at Falcon Bay, to support the establishment of a new beach patrol service within the City of Mandurah.

This alternative option is intended to facilitate the delivery of a contracted lifeguard and patrol service at four beach locations within the City for the next 3 years. The proposed service will see a combination of lifeguards and jet-ski and drone patrols employed at key locations to augment beach surveillance activities.

In June 2019, the City of Mandurah was notified that the request had been approved, noting the benefits to the broader Mandurah community. The funding will now be made available to the City via a grant agreement to support the establishment of a Surf Life Saving WA provided beach patrol service at Pyramids Beach, Falcon Bay, Town Beach and San Remo/Madora Beach over the summer period commencing this year (2019/20).

Council is requested to approve the City to commence a sole source of supply arrangement through tender exempt provisions with Surf Life Saving WA to deliver a beach patrol service for the next 3 years (2019/20 – 2021/22) and authorise the Chief Executive Officer to negotiate the conditions of and execute the contract.

Report Recommendation

That Council:

1. *Approves the City to commence a sole source of supply arrangement through tender exempt provisions with Surf Life Saving WA to deliver a beach patrol service for the next three years (2019/20 – 2021/22) incorporating beach patrols at Pyramids Beach, Falcon Bay, Town Beach and San Remo/Madora Beach.*
2. *Authorises the Chief Executive Officer to negotiate the conditions of and execute the contract.*

3. *Acknowledges that funding has been incorporated into the City's 2019/20 budget and will be required year on year to fund the shortfall in the provision of the service and that any decision to extend the service beyond three years would need to be fully funded by the City.*
4. *Notes that a further report will be presented to Council at the conclusion of the 2021/22 period that will evaluate the service and any extension beyond the three years.*

MOTION: Matt Rogers / F Riebeling

That Council authorises the advertising of a tender for the provision of a beach patrol service for the years 2019/20 to 2021/22 at the Pyramids, Falcon Bay, Town and San Remo/Madora beaches.

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

G.11/8/19 2019-2020 CSRFF SMALL GRANTS (PM/CJ) (CC.8/8/19)

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

The small grants aim to increase participation in sport and recreation, with an emphasis on physical activity through rational development of sustainable, good quality, well designed and well utilised facilities where the total cost does not exceed \$300,000. The application process for submissions involve local governments undertaking an initial assessment to ensure proposed projects are well planned, prioritised and of positive benefit to the community.

The City has received two applications from clubs as part of the CSRFF Small Grants Round and will be submitting one further application on its own behalf. Details of these applications are:

- City of Mandurah – Falcon Pavilion Toilet and Changeroom Upgrade
- Mandurah Tennis Club - Resurface of Courts 9 - 12
- Dudley Park Bowling Club - Resurface of Bowling Green D and upgrade of sports lighting to LED.

Council is requested to support the ratings and priorities of the three 2019/20 CSRFF Small Grants applications submitted and note that an allowance for the City's contributions towards projects is listed in the 2019/20 capital budget, subject to the projects being approved by the Department of Local Government, Sport and Cultural Industries - Sport and Recreation.

MOTION: Matt Rogers / F Riebeling

That Council supports the rankings and ratings for the Community Sport and Recreation Facility Fund Small Grant applications from the following clubs / organisations:

- **City of Mandurah**
Project: Falcon Reserve Toilets and Changeroom Upgrade
Ranking: One
Rating: High

- **Mandurah Tennis Club**
Project: Resurfacing of courts 9 - 12
Ranking: Two
Rating: Medium/High
- **Dudley Park Bowling Club**
Project: Replacement of bowling green D and upgrade of sports lighting to LED
Ranking: Three
Rating: Medium/High

CARRIED UNANIMOUSLY: 8/0

(This item was adopted en bloc)

**G.12/8/19 SOUTH EAST DAWESVILLE CHANNEL FORESHORE MASTER PLAN
(JD/CJ) (CC.9/8/19)**

In July 2017, Council endorsed the South East Dawesville Channel Land Use Plan as a guide to enable the development of a master plan for the public foreshore area of the site.

The City engaged an external consultant to both assist in the facilitation of the community engagement program and to develop the draft master plan for the South East Dawesville Channel Foreshore in line with community and stakeholder feedback.

Community interest in the project was high however differing views on the way forward have been presented. The Channel Heights Residents group has communicated that it does not support the City's staged approach to the master-planning process and would rather see the full site master-planned as public open space as a means to ensure it is used for no other development purposes. Additionally, some members of the Port Bouvard Recreation and Sporting Club would rather the Club retained exclusive use of the foreshore area. However, the wider community has welcomed the City's intent to improve public access to the foreshore area and have provided comprehensive input into the Plan.

Additionally, the City engaged directly with the key stakeholders of the site, the Port Bouvard Recreation and Sports Club and the Department of Education whom have until recently had exclusive access to the northern foreshore within the master-planning site. With significant concerns for the co-location of boat launching facilities, dual use path links and the retention of functional operating space the City has worked closely with the groups to achieve a design that will both support club operations and enable the community to enjoy the space safely when sailing activities are taking place.

One of the key items of feedback throughout the process was the considered lack of parking that is likely to occur when the foreshore is further activated following development. This was acknowledged by City officers and as a result two master plan options have been prepared. Option One delivers the draft South East Dawesville Channel – Foreshore Master Plan within the boundaries identified in the Land Use Plan. Option Two identifies additional parking via a proposed roundabout off Estuary Road which would be located outside of the identified foreshore planning site. Option Two would also offer a designated entry point into the remaining 4.2 hectares of Lot 30624, a preferred feature to the Channel Heights Residents Association as it would eliminate increased traffic via Thisbe Drive into the future.

Following significant community engagement, City officers are seeking Council's endorsement for the South East Dawesville Channel – Foreshore Master Plan Option Two as a guiding document to the future development of the site and note that a funding strategy will be developed for the future staged delivery of the project.

MOTION: Matt Rogers / F Riebeling

That Council:

1. **Endorse the draft South East Dawesville Channel – Foreshore Master Plan Option Two as a guiding document to the future development of Lot 30624 – Stage One.**
2. **Note that the next step in planning for the South East Dawesville Channel – Foreshore project is to develop a funding strategy for the future staged delivery of the project.**

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

G.13/8/19 BILLY DOWER YOUTH CENTRE OUTDOOR SPACE UPGRADE PROJECT (TH/NL) (CC.10/8/19)

The Billy Dower Youth Centre (BDYC) outdoor area was identified as needing an upgrade to make it more welcoming. Young people using the centre have co-designed an upgrade to the area which includes urban art on the outside walls, basketball court resurfacing and a "chill out" garden area with decking and seating. This project is proposed to be funded through the use of legacy funds received from a former community member's estate.

MOTION: Matt Rogers / F Riebeling

That Council approves the use of a \$32,024 bequest from a former community member for the use of upgrading the Billy Dower Youth Centre Outdoor space.

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

G.14/8/19 T04-2019 CONSTRUCTION OF MANDURAH SOUTHERN DISTRICT BUSH FIRE BRIGADE FACILITY (JS/VL) (CC.11/8/19)

The City of Mandurah invited tenders for the Construction of the Mandurah Southern District Bush Fire Brigade Facility.

The Construction of the Mandurah Southern District Bush Fire Brigade Facility will feature:

- Communications office
- Office
- Meeting and training room
- Two Universal Accessible Toilets
- Kitchen and Store
- Respiratory Cleaning area and
- 136m2 of vehicle storage space

Council is requested to accept Moore Construction Pty Ltd as the preferred tenderer based on the evaluation of tendered submissions.

MOTION: Matt Rogers / F Riebeling

That Council accepts Moore Construction Pty Ltd as the preferred tenderer for Tender Number 04-2019 for the Construction of the Mandurah Southern District Bush Fire Brigade Facility.

CARRIED UNANIMOUSLY: 8/0
(*This item was adopted en bloc*)

**G.15/8/19 MANDURAH BUSHFIRE RISK MANAGEMENT PLAN 2019 – 2023 (MG)
(CC.12/8/19)**

The State Emergency Management Plan for Fire (*State Hazard Plan – Fire*) requires local governments to undertake an integrated approach to developing Bushfire Risk Management Plans, outlining strategies to treat bushfire risk across all land tenures. The City has developed a five year plan aligning with the *WA Bushfire Risk Management Guidelines*.

Bushfire mitigation works are essential and costly, funding has therefore been sought via the State Mitigation Activity Fund to enable 41 treatments on 25 reserves.

Undertaking bushfire risk assessments, identifying assets at risk, and determining suitable treatment options is a rigorous and resource intensive process.

Council is requested to:

1. Endorse the *City of Mandurah Bushfire Risk Management Plan 2019-23*
2. Support the *2019/20 Treatment Schedule* linked to Round 1 Mitigation Activity Funding (\$292,850)

Committee Recommendation:

That Council:

1. *Endorse the City of Mandurah Bushfire Risk Management Plan 2019- 2023*
2. *Support the proposed 2019/20 Treatment Schedule*
3. *Review the City's bushfire prevention measures on an annual basis with the results of the review being used to inform future works.*

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

MOTION: C Knight / F Riebeling

That Council:

1. **Endorse the City of Mandurah Bushfire Risk Management Plan 2019- 2023, subject to additional information being incorporated, outlining the internal process that adopts best practice in terms of flora and fauna management including identification of sites likely to require environmental approvals prior to works being carried out.**

2. **Support the proposed 2019/20 Treatment Schedule**
3. **Review the City's bushfire prevention measures on an annual basis with the results of the review being used to inform future works.**

CARRIED UNANIMOUSLY: 8/0

NOTE: Council adopted en bloc (moved by Councillor Peter Rogers and seconded by Hon Councillor Riebeling), the recommendations of the Strategy Committee meeting of Tuesday 20 August 2019.

G.16/8/19 PARLIAMENTARY SELECT COMMITTEE INQUIRY INTO LOCAL GOVERNMENT (DP) (S.5/8/19)

The Parliamentary Select Committee into Local Government was established on 26 June 2019. Although the Committee will sit for approximately 12 months, the deadline for submissions has been set as 13 September 2019.

Council is requested to endorse the City's submission to the inquiry.

MOTION: Peter Rogers / F Riebeling

That Council endorses the submission to the Select Committee into Local Government as attached to this report.

CARRIED UNANIMOUSLY: 8/0
(*This item was adopted en bloc*)

G.17/8/19 CARETAKER POLICY (TJ) (S.6/8/19)

The City of Mandurah (the City) is committed to ensuring that local government Elections are undertaken in a manner that is transparent, open and supports a high standard of integrity. To support this approach the City has developed a Caretaker Period Policy (Policy) to guide the conduct of Elected Members and City employees during the Caretaker Period in the lead up to Election Day.

The proposed Policy does not prevent the Elected Members and City employees carrying on the ordinary business of the Council during the Caretaker Period. Rather it establishes protocols to provide guidance during the Caretaker Period, ensuring that major decisions which would bind an incoming Council are avoided where possible, preventing the use of public resources in ways that could be seen to be advantageous to, or promoting candidates seeking election and also ensuring employees act impartially in relation to all candidates.

The proposed Policy applies to Elected Members and City employees during a Caretaker Period with respect to:

- a. Decisions that are made by the Council;
- b. Media and promotional materials;
- c. Use of the City's resources, access to the City's information and support;
- d. Attendance and participation at events and functions; and
- e. Employee engagement with candidates.

The Caretaker Period for Local Government Elections takes effect from the close of nominations, being 37 days prior to the Council Election Day in accordance with Section 4.49(a) of the *Local Government Act 1995*, until 6pm on Election Day.

Council is requested to consider adopting the Caretaker Period Policy.

MOTION: Peter Rogers / F Riebeling

That Council:

- 1 **Adopts the Caretaker Period Policy POL- GVN 06 with the following amendments:**
 - a) **Point 3.2 (third paragraph) in the Policy to read:**
During the Caretaker Period any requests for information, other than that not publicly available, by Elected Members and candidates will be recorded, along with the response given to those requests.
 - b) **Points 5.1 and 5.2 (second paragraph) in the Policy as noted:**
Delete the words 'and Deputy Mayor (when authorised to perform the duties of the Mayor)' from paragraph two.
- 2 **Notes that prior to any Caretaker Period commencing, the Chief Executive Officer will advise Elected Members and City employees of the application of this Policy.**

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

REPORTS [AGENDA ITEM 18]

G.18/8/19 FINANCIAL REPORT JULY 2019 (JK) (REPORT 1)

The Financial Report for July 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 / R Wortley

That Council:

- 1 **Receives the Financial Report for July 2019 as detailed in Attachment 1 of the report.**
- 2 **Receives the Schedule of Accounts for the following amounts detailed in Attachment 2 of the report:**

Total Municipal Fund	\$ 9,330,465.91
Total Trust Fund	<u>\$ 7,281.69</u>
	<u>\$ 9,337,747.60</u>
3. **Approves unbudgeted expenditure of \$84,000 for Bushfire Brigade Shed*:**
 - **Funded by DFES grant \$84,000***

CARRIED ABSOLUTELY: 8/0

Having declared an interest in the following item Mayor Williams vacated the Chamber at 6.06pm, at which time the Deputy Mayor assumed the Chairperson role.

G.19/8/19 MAKE PLACE FINANCIAL SUPPORT (DP) (REPORT 2)

Council previously resolved to request a detailed plan for the Make Place which would align future funding arrangements with the City's objectives, strategies and priorities. The recommendations stemming from this were scheduled for presentation to Council in May 2019, however due to changes to the Make Place organisation, the presentation did not occur until August 2019.

Following further consultancy and discussions with Make Place Board and staff, Council is requested to approve the following approach:

- Provide funding specifically for a shared working space over a three-year period, reducing annually combined with a requirement to seek alternative funding sources.
- Consider separate funding of one or more Make Place programme offering if there is a fit with an activity defined in the City's business plan.

MOTION: F Riebeling / S Jones

That Council authorise the Chief Executive Officer to prepare and execute a Memorandum of Understanding with Make Place which includes the following:

1. Three-year funding package for Make Place for the provision and operation of a co-working space as follows:
 - 2019/20 \$130,000 (included in the 2019/2020 budget)
 - 2020/21 \$110,000
 - 2021/22 \$ 90,000

Note: The City will provide the pro-rata contribution on a quarterly basis, in advance, subject to an invoice being presented.

2. The provision of funding is subject to the following conditions:
 - 2.1 A three-year Strategic Business Plan received by 30 November 2019, which demonstrates how Make Place align to the City of Mandurah's economic strategy in the Strategic Community Plan of developing a creative and entrepreneurial community, developing key performance indicators and demonstration of financial viability;
 - 2.2 Proposed Annual Budget for 2019/2020 received by 30 September 2019 and by 1 June for every financial year after;
 - 2.3 Annual Business Plan for 2019/2020 received by 30 September 2019 and by 1 June for every financial year after;
 - 2.4 Quarterly reports must be provided for Make Place and must be received within 30 days of the end of the quarter. As a minimum, the reports should include details of actual performance against KPI's, details of utilisation, other funding sources applied for and received, and unaudited quarterly financial statements;
 - 2.5 Make Place will be required to acquit the funding on an annual basis and submit audited annual financial statements; and
 - 2.6 Annual Report detailing the performance against the measures identified in the Strategic Business Plan and Annual Business Plan.

CARRIED UNANIMOUSLY: 7/0

Mayor Williams returned to the Chamber at 6.11pm and resumed the role of Chairperson.

**G.20/8/19 ANIMALS ENVIRONMENT AND NUISANCE AMENDMENT 2 LOCAL LAW
2019 AND UNDERTAKING (TJ) (REPORT 3)**

The City of Mandurah *Animals Environment and Nuisance Amendment Local Law 2019* was adopted by Council at its meeting of 28 May 2019. The Joint Standing Committee on Delegated Legislation (JSCDL) has requested an undertaking that a minor amendment be made.

As a legal requirement, all local laws are to have a purpose and effect where the following is proposed for the Animals Environment and Nuisance Amendment Local Law No. 2 2019:

PURPOSE: The *Animals Environment and Nuisance Local Law 2010* provides protection against nuisances and hazards for the following areas; Keeping of Animals (birds, farm animals and bee keeping), Building, Development and Land Care and Nuisances and Dangerous Things (including Pest Plants).

EFFECT: To ensure the *City of Mandurah Animals Environment and Nuisance Local Law 2010* is as clear and effective as possible.

Council is requested to adopt Animals Environment and Nuisance Amendment Local Law No.2 2019 as detailed in Attachment 1 of the report.

Report Recommendation:

That Council:

1. *Resolves to amend Clause 2.10(1) of the Animals Environment and Nuisance Amendment Local Law 2019 (Attachment 2) with the proposed change outlined in Attachment 1.*
2. *Will not enforce the Animals Environment and Nuisance Amendment Local Law 2019 in a manner contrary to the undertaking.*
3. *Where the Animals Environment and Nuisance Amendment Local Law 2019 has been made publicly available, whether in hard copy or electronic form (including on the City's website), ensure that it is accompanied by a copy of the undertaking.*
4. *Publish Clause 2.10(1) of the Animals Environment and Nuisance Amendment Local Law No. 2 2019 in the Government Gazette and provide a local public notice stating the purpose and effect of the local law, when the local law will come into operation and that copies are available for public inspection.*
5. *Advise the Joint Standing Committee on Delegated Legislation that the City of Mandurah has implemented the undertaking.*

The Director Corporate Services provided an overview of the reasoning behind the alternate recommendation contained within the Additional Information distributed at the meeting.

MOTION: P Jackson / F Riebeling

That Council:

1. **Resolves to amend Clause 2.10(1) of the *Animals Environment and Nuisance Amendment Local Law 2019 (Attachment 2 of the report)* with the proposed change outlined in Attachment 1 of the report.**

2. Will not enforce the Animals Environment and Nuisance Amendment Local Law 2019 in a manner contrary to the undertaking.
3. Ensure that where the Animals Environment and Nuisance Amendment Local Law 2019 has been made publicly available, whether in hard copy or electronic form (including on the City's website), that it is accompanied by a copy of the undertaking.
4. Adopt the Animals, Environment and Nuisance Amendment Local Law No.2 2019 for advertising.
5. Note that any public and Ministerial responses will be reported to Council for consideration prior to the making of the local law and publication in the Government Gazette.
6. Advise the Joint Standing Committee on Delegated Legislation that the City of Mandurah has implemented the undertaking.

CARRIED ABSOLUTELY: 8/0

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

G.21/8/19 MAYOR WILLIAMS: POINT GREY MARINA NAVIGATIONAL CHANNEL

The Point Grey proposal, including the proposed Marina, is located within the Shire of Murray, and therefore sits outside of our jurisdiction, however given the implication of the proposed navigational channel to accommodate the Marina, I believe it is important that Council reaffirm previous position, and work with the Shire of Murray on an advocacy strategy to communicate this position. As such, I seek Councils endorsement for the City to advocate alongside the Shire of Murray in its engagement of State and Federal Ministers and members of parliament in relation to the proposed channel

Discussion ensued regarding the impact of a navigation channel to the estuary health, RAMSAR listed wetlands and the authority responsible for dredging maintenance, both coordination and payment of. Elected Members encouraged the local community to lobby State and Federal members to ensure environmental and cost issues were addressed in a satisfactory manner for the district.

MOTION: R Williams / F Riebeling

That Council:

1. Confirms its position as resolved in 2011 in relation to the Point Grey Marina and associated navigational channel, and advises the relevant Ministers that the City of Mandurah will not be maintaining the proposed navigational channel;
2. Authorises the Mayor to advocate alongside the Shire of Murray in their engagement with State and Federal Ministers and Members of Parliament in relation to the proposed navigational channel across the Peel -Harvey Estuary from Point Grey to the Dawesville Channel.

CARRIED UNANIMOUSLY: 8/0

G.22/8/19 MAYOR WILLIAMS: TRANSPARENCY REFORMS

As a Council, we have a long-held commitment to empowering the community to be actively involved in civic contribution and local decision making. This commitment is based on the belief that by giving community greater power to be involved in decision making, we are better able to deliver the needs of those we represent.

We have a well-established reputation for being a Council of openness, transparency and good governance and an organisation wide commitment to these principles.

To reaffirm this commitment, and further empower our community to engage in our civic process, I believe it is appropriate for us to take a wide look at reforms being implemented across the Local Government sector nationally, particularly those created as a result of new technologies, and consider, based on this analysis, relevant reforms to our current practises.

Discussion ensued in regard to live streaming of meetings and information privacy controls. Elected Members endorsed a review of processes and procedures to confirm best practice in operations.

MOTION: R Williams / Peter Rogers

That Council:

1. Notes the City of Mandurah's longstanding commitment to transparency, good governance and community engagement practises;
2. Requests Officers to undertake analysis of best practise approaches across the Local Government sector in relation to increased transparency and accountability measures, including the feasibility of live streaming of Council meetings, and provide a report to Council outlining the findings of this analysis, and recommendations on potential reforms for the City of Mandurah;
3. Request Officers to facilitate a workshop with Elected Members (post the October 2019 elections) to explore the scope of potential transparency reforms to help guide Officers in this analysis.

CARRIED UNANIMOUSLY: 8/0

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

Nil.

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 22]**G.23/8/19 ACCEPTANCE OF LATE AND URGENT BUSINESS ITEM**

MOTION: C Knight / S Jones

That Council accept and consider the item of late and urgent business.

CARRIED UNANIMOUSLY: 8/0

G.24/8/19 CHANGE OF MEETING DATE: SEPTEMBER STRATEGY COMMITTEE

The Chief Executive Officer outlined the conflict between the scheduled Strategy Committee and Citizenship Ceremony with both scheduled for 17 September, 2019. It was proposed that the Strategy Committee be moved to occur on Monday 16 September, 2019.

MOTION: Peter Rogers / C Knight

That Council reschedule the Strategy Committee of Tuesday, 17 September 2019 to Monday, 16 September 2019.

CARRIED UNANIMOUSLY: 8/0

CONFIDENTIAL ITEMS [AGENDA ITEM 23]

Nil.

CLOSE OF MEETING [AGENDA ITEM 24]

Mayor Williams took the opportunity to welcome the new Director Corporate Services, Casey Mihovilovich, to Council.

There being no further business, the Mayor declared the meeting closed at 6.40pm.

CONFIRMED (MAYOR)