



## MINUTES OF COUNCIL MEETING

HELD ON

**TUESDAY 17 DECEMBER 2019**

AT 5.30PM

IN COUNCIL CHAMBERS  
CIVIC CENTRE  
MANDURAH TERRACE MANDURAH

### **PRESENT:**

MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	A ZILANI	NORTH WARD
COUNCILLOR	L RODGERS	EAST WARD
COUNCILLOR	D LEE	EAST WARD
COUNCILLOR	D PEMBER	EAST WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	J GREEN	COASTAL WARD
COUNCILLOR	C DI PRINZIO	COASTAL WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS AND SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	G DAVIES	DEPUTY CHIEF EXECUTIVE OFFICER
MRS	C MIHOVILOVICH	DIRECTOR CORPORATE SERVICES
MS	T JONES	MANAGER GOVERNANCE SERVICES
MR	B DRECKOW	MANAGER PLANNING AND LAND SERVICES
MR	B INGLE	EXECUTIVE MANAGER DEVELOPMENT AND COMPLIANCE
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 former Councillor Gary Brown and the Mandurah Environmental Advisory Group representative.

**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]**

Leave of Absence

Councillor Schumacher

**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]**

**G.1/12/19      KEVIN EMERY: TENDER 19-2019 BEACH PATROL SERVICE**

Mr Ellery asked the following questions:

1. As we will be approached by media (and have been previously), can we all have a basic explanation of how this evaluation process was undertaken?
2. What did the winning tender offer more than our offer?
3. What was it that made the SLSWA tender better than the other two offers?

Responses

*The Manager Governance Services provided the following responses:*

1. *The evaluation process is described within the Request for Tender documentation and the City makes no departures from the process described. In addition, an independent probity adviser was appointed to verify this process was followed. By way of summary the evaluation process includes the following:*
  - *Tenders are checked for completeness and compliance.*
  - *An evaluation panel undertakes a qualitative assessment (without knowledge of the price) by scoring Tenderers response to (addressing of) Selection Criteria within their tendered submissions.*
  - *Once the qualitative scores are finalised the prices are entered into an evaluation matrix where a regional price preference is applied according to the City's Buy 'Local' Policy.*
  - *Financial assessment and referee reports are sourced and assessed to validate the preferred Tenderers status with the evaluation outcome.*
2. *The bids were evaluated based on the criteria within the tender request.*
3. *It is not appropriate for the City to comment on another tenderers submission. Upon award of the tender, all tenderers will be offered the opportunity to attend debriefs to be advised of the strengths and weaknesses of their submissions.*

**PUBLIC STATEMENT TIME [AGENDA ITEM 7]****G.2/12/19      BRAD HOPE: MOBILE TRADER REGULATIONS**

Mr Hope of Muzz Buzz spoke in relation to the impact of mobile traders and requirement for regulation modifications.

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

Nil.

**PETITIONS [AGENDA ITEM 9]**

Nil.

**PRESENTATIONS [AGENDA ITEM 10]**

Nil.

**DEPUTATIONS [AGENDA ITEM 11]**

**G.3/12/19 KELLY BROWN: PROPOSED MODIFICATIONS TO CONDITIONS OF CURRENT APPROVAL: 'THE CUT TAVERN', LOT 1926 ROD COURT, DAWESVILLE (REPORT 2)**

Ms Brown representing the Cut Tavern Bar and Bistro spoke in opposition to the report recommendation.

**G.4/12/19 ALAN WENLOCK: PROPOSED MODIFICATIONS TO CONDITIONS OF CURRENT APPROVAL: 'THE CUT TAVERN', LOT 1926 ROD COURT, DAWESVILLE (REPORT 2)**

Mr Wenlock, Port Bouvard resident, spoke in support of the report recommendation.

**G.5/12/19 SHERYL COATES: PROPOSED MODIFICATIONS TO CONDITIONS OF CURRENT APPROVAL: 'THE CUT TAVERN', LOT 1926 ROD COURT, DAWESVILLE (REPORT 2)**

Ms Coates, resident, spoke in support of the report recommendation.

*Councillor Lynn Rodgers left the Chamber at 5.52pm, returning at 5.54pm.*

**G.6/12/19 PAUL MOTLEY: MODIFICATIONS TO APPROVED STRUCTURE PLAN LOT 1055 PRINCETON DRIVE, WANNANUP (REPORT 3)**

Mr Motley spoke in opposition to the report recommendation.

**G.7/12/19 DANIELA MRDJA: MODIFICATIONS TO APPROVED STRUCTURE PLAN LOT 1005 PRINCETON DRIVE, WANNANUP (REPORT 3)**

Ms Mrdja from Urbanista Town Planning representing the owners of Lot 1005, 17 Princeton Drive, Wannanup spoke in support of the report recommendation.

**G.8/12/19 GENE TURNER / JOHN ELLERY: FALCON FAMILY CENTRE FUTURE DIRECTIONS (REPORT 7)**

Mr Turner and Mr Ellery, representing Falcon Menshed, spoke in support of the report recommendation.

**G.9/12/19      ANDREW MCKERRELL: RETAIL TRADING HOURS CONSULTATION  
PROCESS (REPORT 8)**

Mr McKerrell of the Peel Chamber of Commerce and Industry Inc spoke in opposition to recommendations 1 and 3 of the report.

**G.10/12/19      ROB FILMER: RETAIL TRADING HOURS CONSULTATION PROCESS  
(REPORT 8)**

Mr Filmer of Mandurah IGA spoke in opposition to recommendations 1 and 3 of the report.

**G.11/12/19      HAYDEN BURBIDGE: RETAIL TRADING HOURS CONSULTATION  
PROCESS (REPORT 8)**

Mr Burbidge of Sastin International Pty Ltd spoke in opposition to recommendations 1 and 3 of the report.

**G.12/12/19      JANINE PACE: FULLY FENCED DOG EXERCISE AREA (REPORT 11)**

Ms Pace spoke in opposition to the report recommendation.

**G.13/12/19      KEVIN EMERY: TENDER 19-2019 BEACH PATROL SERVICE (REPORT  
21)**

Mr Emery representing West Coast Water Safety and First Aid Training spoke in opposition to the report recommendation.

**CONFIRMATION OF MINUTES [AGENDA ITEM 12]****G.14/12/19      CONFIRMATION OF COUNCIL MINUTES: TUESDAY 26 NOVEMBER  
2019****MOTION:**

**Moved:** Peter Rogers

**Seconded:** D Pember

That the Minutes of the Council Meeting held on Tuesday 26 November 2019 be confirmed noting the following amendments:

- Minute G.12/11/19 – Amend the name Janine Price to Janine Pace.
- Minute G.18/11/19 – Final paragraph first line, replace name Rodgers with Rogers, third line replace performing with Performing.
- Minute G.37/11/19 – Off Road Vehicles is to include the omitted recommendation 3 as follows:



3. Request that the Director Sustainable Communities provide an updated report by April 2020 on any progress made.

**CARRIED UNANIMOUSLY: 12/0**

*Councillor Matt Rogers left the Chamber at 6.37pm returning at 6.39pm.*

#### **G.15/12/19 ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]**

At the invitation of the Mayor, Councillors updated the meeting on the following recent activities:

Councillor Knight

- City of Mandurah Christmas Pageant, assisted with the judging confirming the fantastic night had by all.

Councillor Jackson

- Mandurah Murray Ulysses Group Annual Christmas Ride was well attended and a great event for the region.

Councillor Pember

- Senior Centre Christmas lunch held on 4 December for approximately 150 seniors. Congratulations and thank you to all volunteers.

Councillor Green

- International Day for People with a Disability was an excellent day of celebration.

Mayor Williams

- Visit Mandurah has been awarded a Regional Economic Development (RED) grant to create a digital tourism hub, develop a walking tour and ambassador program.
- 2019 Alcoa Peel Volunteer of the Year Award, congratulations to the nominees.

#### **G.16/12/19 DECLARATION OF INTERESTS [AGENDA ITEM 14]**

- Mayor Williams declared an impartiality interest in item 7 (resolution G.24/12/19) Falcon Family Centre Future Directions due to him being patron of the Falcon Men' Shed. Mayor Williams declared that he would remain in the Chamber, consider the 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**

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 Peter Rogers, seconded by Councillor Lee), the recommendation of the Audit and Risk Committee meeting of Monday 9 December 2019.

**G.17/12/19 ANNUAL FINANCIAL STATEMENTS 2018-19 (JK) (AR.4/12/19)**Summary

In accordance with the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*, an Audit Committee is to examine the Annual Financial Statements, review any significant matters raised by the auditor and ensure that appropriate action is taken in respect to those matters raised.

The audit of the Annual Financial Statements for 2018/19 has now been completed. Although the signed report of the Auditor will not be available until after the Audit and Risk Committee meeting, it is useful to provide a commentary on the Annual Financial Statements and to aid discussions with the auditor. Indication by the Auditor is that the audit report will be unmodified, the City's Annual Financial Statements are fairly and appropriately presented in accordance with the Australian Accounting Standards Board and the *Local Government Act 1995*.

Committee Report Recommendation

*That Council:*

1. *Receive the Annual Financial Statements 2018-19 as detailed in Attachment 1 of the report.*
2. *Note the draft Auditors Report as detailed in Attachment 2 of the report.*
3. *Accept the management response to the Auditor's report points as detailed in Attachment 3 of the report.*

Council Resolution**MOTION:**

**Moved:** Peter Rogers  
**Seconded:** D Lee

**That Council:**

1. **Note the draft Auditors Report as detailed in Attachment 2 of the report.**
2. **Accept the management response to the Auditor's report points as detailed in Attachment 3 of the report.**

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

**REPORTS [AGENDA ITEM 18]****G.18/12/19 FINANCIAL REPORT NOVEMBER 2019 (PB) (REPORT 1)**Summary

The Financial Report for November 2019 together with associated commentaries, notes on investments, balance sheet information and the schedule of accounts are presented for Elected Members' consideration.

Officer Recommendation**That Council:**

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

Total Municipal Fund	\$ 8,685,848.22
Total Trust Fund	\$ <u>56,486.66</u>
	<u>\$ 8,742,334.88</u>
3. Approves the following budget variations:
  - 3.1. Increase in capital expenditure of \$15,268\* for SL Peelwood Parade Reserve
    - Funded from decrease in capital expenditure in MARC squash court roof drainage project of \$15,268\*.
  - 3.2. Increase in capital expenditure of \$150,000\* for Civic Building Tuckey Room
    - Funded from decrease in capital expenditure in the below capital projects:
 

○ Geogrup Boardwalk	\$60,000*
○ Council Chamber Furniture	\$20,000*
○ MARC Systems Integration	\$40,000*
○ Civic Building Tuckey Room	\$30,000*
  - 3.3. Increase in capital expenditure of \$9,680\* for the replacement of an existing crane
    - Funded form decrease in capital expenditure of \$19,148\* for ERS Turbo Washer
  - 3.4. Increase in capital expenditure of \$145,000 for Change Rooms Upgrade Program



3.5.

- Funded from following Projects
  - CSRFF Program – Capital project \$85,000
  - Community facility Planning project – Operating \$10,000
  - Change rooms Upgrade Program \$75,000

\*ABSOLUTE MAJORITY

Council Resolution**MOTION:****Moved:** Peter Rogers**Seconded:** M Darcy**That Council:**

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

Total Municipal Fund	\$ 8,685,848.22
Total Trust Fund	\$ 56,486.66
	<u>\$ 8,742,334.88</u>

3. Approves the following budget variations:

Increase in capital expenditure of \$15,268\* for SL Peelwood Parade Reserve

- Funded from decrease in capital expenditure in MARC squash court roof drainage project of \$15,268\*.
- Funded from decrease in capital expenditure in the below capital projects:
  - Geogrup Boardwalk \$60,000\*
  - Council Chamber Furniture \$20,000\*
  - MARC Systems Integration \$40,000\*
  - Civic Building Tuckey Room \$30,000\*
- Funded form decrease in capital expenditure of \$19,148\* for ERS Turbo Washer
- Funded from following Projects
  - CSRFF Program – Capital project \$85,000
  - Community facility Planning project – Operating \$10,000
  - Change rooms Upgrade Program \$75,000

**CARRIED WITH ABSOLUTE MAJORITY: 12/0**

**G.19/12/19      PROPOSED MODIFICATIONS TO CONDITIONS OF CURRENT  
APPROVAL: 'THE CUT TAVERN', LOT 1926 ROD COURT, DAWESVILLE  
(DB) (REPORT 2)**

Summary

Council is requested to consider a development application for proposed modifications to the conditions of a current approval for a Tavern at the subject site.

Approval was granted for the change of use to a Tavern in June 2018. During assessment of the original application, it was considered that management conditions should be implemented to ensure that the premises would operate in a similar manner to a restaurant. These conditions are important to minimise potential impacts on neighbouring properties and the amenity of the locality given its relatively isolated location with respect to surrounding non-residential properties.

The applicant is seeking permission to use the alfresco area from 10pm until close (midnight) and to permit live acoustic music within the space. The applicant is also requesting that the condition requiring crowd controllers on Friday and Saturday nights be removed and security be provided on a case-by-case basis (i.e. major events or functions).

The proposal was advertised to approximately 76 landowners representing a 150m radius of the site with 16 submissions being received. In addition, Council received a petition at the November meeting (G.9/11/19) containing 46 signatures. Key comments raised relate to noise, antisocial behaviour, security, parking and compliance with current conditions.

The existing conditions are considered appropriate for a tavern located in a residential area and are important harm minimisation measures. Amending/removing some of these conditions could have a detrimental impact on the amenity of surrounding properties, and therefore it is recommended that Council refuse the proposed amendments.

Officer 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 the application for proposed Amendments to Previous Approval (DA9021-3) at Lot 1926, No 8 Rod Court, Wannanup be refused for the following reasons:

1. The proposed amendments would have a detrimental impact on the amenity of surrounding residential properties as a result of potential noise from the alfresco area and disturbances caused by loitering and antisocial behaviour, as referenced in clause 67(g) of the deemed provisions;
2. The proposed amendments would be incompatible with its proposed setting and the relationship of the proposal to development on adjoining land as referenced in clause 67(m) of the deemed provisions; and
3. The proposed amendments would be contrary to the orderly and proper planning of the locality.

Council Resolution

**MOTION:**

**Moved:            Matt Rogers**

**Seconded:       Peter Rogers**

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 the application for proposed Amendments to Previous Approval (DA9021-3) at Lot 1926, No 8 Rod Court, Wannanup be refused for the following reasons:

1. The proposed amendments would have a detrimental impact on the amenity of surrounding residential properties as a result of potential noise from the alfresco area and disturbances caused by loitering and antisocial behaviour, as referenced in clause 67(g) of the deemed provisions;
2. The proposed amendments would be incompatible with its proposed setting and the relationship of the proposal to development on adjoining land as referenced in clause 67(m) of the deemed provisions; and
3. The proposed amendments would be contrary to the orderly and proper planning of the locality.

CARRIED: 10/2

FOR: Mayor Williams, Councillors Darcy, Lee, Lynn Rodgers, Pember, Zilani, Knight, Di Prinzio, Matt Rogers, Peter Rogers  
AGAINST: Councillors Green and Jackson

**G.20/12/19      MODIFICATIONS TO APPROVED STRUCTURE PLAN LOT 1005  
PRINCETON DRIVE, WANNANUP (TF) (REPORT 3)**

Summary

Council is requested to consider modifications to a Local Structure Plan for Lot 1005, No 17 Princeton Drive, Wannanup. The Structure Plan provides for residential development at a density of R40.

The current Structure Plan was approved in 2008 identifying the subject lot as eight multiple dwellings at a height of three storeys adjacent to the northern boundary, and single storey garages being adjacent to the southern boundary.

The modified Structure Plan seeks to remove the reference to multiple dwelling development that applies to a portion of the Structure Plan area, and identify the area as Residential R40 in order to broaden the development potential of the site. Future development of the site would be subject to the approval of a Local Development Plan to outline the interface to the adjoining public open space and/or development approval as per the Residential Design Codes.

The Structure Plan was advertised for a period of 28 days with three submissions being received from residential landowners and two submissions from government agencies.

The approval of a Structure Plan requires that a local government report including any recommendations is required to be submitted to the WAPC. It is recommended that Council provide this report to the WAPC outlining that the proposed modifications to the approved Structure Plan should be approved.



Officer Recommendation

Under Clause 20(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council provides this report to the Western Australian Planning Commission for the 17 Princeton Drive Structure Plan recommending that the Structure Plan be approved.

Council Resolution**MOTION:**

**Moved:** Lynn Rodgers

**Seconded:** C Knight

**Under Clause 20(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council provides this report to the Western Australian Planning Commission for the 17 Princeton Drive Structure Plan recommending that the Structure Plan be approved.**

**CARRIED UNANIMOUSLY: 12/0**

**G.21/12/19      LEASE TO OCCUPY: EOI MANDURAH FAMILY AND COMMUNITY CENTRE (LP/RL) (REPORT 4)**

Summary

In April 2018 Council approved the tenure for an 'Anchor Tenant', Anglicare WA Incorporated, (Anglicare) over a portion of the Mandurah Family and Community Centre (MFCC), 331 Pinjarra Road, Mandurah. A licence to occupy 'Not for Profit Area 1', comprising of offices 1 to 12, was executed in September 2018 upon the completion of the redevelopment of the 'co-located' Centre model.

At the time Council also acknowledged and supported that a further report would be presented to Council at a later date identifying potential tenant(s) and their prospective lease agreements for the remaining portions of the Centre identified within 'Not for Profit Area 2', being offices 13 to 17, excluding office 14.

In June 2019 officers advertised for 'Expressions of Interest' (EOI) from 'Not for Profit' community organisations with a family and community focus for occupancy of four vacant office spaces within 'Not for Profit Area 2' available within the MFCC. To ensure a clear and transparent process a selection panel consisting of six City officers assessed all applications with two applicants being deemed to be suitable tenants are Anglicare WA Incorporated, to assist in the expansion of their current services and Communicare.

Officer Recommendation

That Council:

1. Approves the relinquishment of the current licence agreement with Anglicare WA Incorporated over 'Not for Profit Area 1' within the Mandurah Family and Community Centre.
2. Approves a lease to Anglicare WA Incorporated over a portion of the Mandurah Family and Community Centre, 331 Pinjarra Road, Mandurah with the following conditions;

- 2.1 Tenure over offices 1-13, 16-17 for a term of approximately four years commencing January 2020 (to align with current licence agreement terms) and expiring on 24 September 2023;
- 2.2 Renewal term of five years, commencing on 25 September 2023 and expiring on 24 September 2028;
3. Approves a lease to Communicare over portion of the Mandurah Family and Community Centre, 331 Pinjarra Road, Mandurah with the following conditions;
  - 3.1 Tenure over office 15 for a term of two years, commencing on the date of execution of the agreement and expiry two years thereafter;
  - 3.2 Renewal term of one year;
4. Approves the document preparation fee as detailed in the City's Fees and Charges Schedule 2019/20 of \$610.00 + GST to be borne by the Lessee's;
5. Acknowledges the hiring of the community space within the Centre will take into consideration the impacts on the day to day operations of the lessees of the facility;
6. Authorises the Chief Executive Officer to finalise the conditions of the Lease agreements.
7. Notes the allocation of Office 14 to be utilised by the City's Place Based Community Development Officer – Central Eastern Mandurah;

#### Council Resolution

#### **MOTION:**

**Moved:** C Knight  
**Seconded:** Peter Rogers

#### **That Council:**

1. Approves the relinquishment of the current licence agreement with Anglicare WA Incorporated over 'Not for Profit Area 1' within the Mandurah Family and Community Centre.
2. Approves a lease to Anglicare WA Incorporated over a portion of the Mandurah Family and Community Centre, 331 Pinjarra Road, Mandurah with the following conditions;
  - 2.1 Tenure over offices 1-13, 16-17 for a term of approximately four years commencing January 2020 (to align with current licence agreement terms) and expiring on 24 September 2023;
  - 2.2 Renewal term of five years, commencing on 25 September 2023 and expiring on 24 September 2028;
3. Approves a lease to Communicare over portion of the Mandurah Family and Community Centre, 331 Pinjarra Road, Mandurah with the following conditions;

- 3.1 Tenure over office 15 for a term of two years, commencing on the date of execution of the agreement and expiry two years thereafter;
- 3.2 Renewal term of one year;
4. Approves the document preparation fee as detailed in the City's Fees and Charges Schedule 2019/20 of \$610.00 + GST to be borne by the Lessee's.
5. Acknowledges the hiring of the community space within the Centre will take into consideration the impacts on the day to day operations of the lessees of the facility.
6. Authorises the Chief Executive Officer to finalise the conditions of the Lease agreements.
7. Notes the allocation of Office 14 to be utilised by the City's Place Based Community Development Officer – Central Eastern Mandurah.

#### Amendment

##### MOTION:

Moved: A Zilani  
Seconded: D Pember

##### Inclusion of an additional recommendation:

8. Approves the utility and cleaning costs for the common areas to be apportioned based on the percentage of leased and hire space of each lessee and the City of Mandurah.

CARRIED 12/0

*Councillor Lynn Rodgers left the Chamber at 7.01pm*

#### Substantive Motion

##### That Council:

1. Approves the relinquishment of the current licence agreement with Anglicare WA Incorporated over 'Not for Profit Area 1' within the Mandurah Family and Community Centre.
2. Approves a lease to Anglicare WA Incorporated over a portion of the Mandurah Family and Community Centre, 331 Pinjarra Road, Mandurah with the following conditions;
  - 2.1 Tenure over offices 1-13, 16-17 for a term of approximately four years commencing January 2020 (to align with current licence agreement terms) and expiring on 24 September 2023;
  - 2.2 Renewal term of five years, commencing on 25 September 2023 and expiring on 24 September 2028;



3. Approves a lease to Communicare over portion of the Mandurah Family and Community Centre, 331 Pinjarra Road, Mandurah with the following conditions;
  - 3.1 Tenure over office 15 for a term of two years, commencing on the date of execution of the agreement and expiry two years thereafter;
  - 3.2 Renewal term of one year;
4. Approves the document preparation fee as detailed in the City's Fees and Charges Schedule 2019/20 of \$610.00 + GST to be borne by the Lessee's;
5. Acknowledges the hiring of the community space within the Centre will take into consideration the impacts on the day to day operations of the lessees of the facility;
6. Authorises the Chief Executive Officer to finalise the conditions of the Lease agreements.
7. Notes the allocation of Office 14 to be utilised by the City's Place Based Community Development Officer – Central Eastern Mandurah;
8. Approves the utility and cleaning costs for the common areas to be apportioned based on the percentage of leased and hire space of each lessee and the City of Mandurah.

**CARRIED UNANIMOUSLY: 11/0**

Reason: The Officer resolution has been amended to add resolution Point 8.

**G.22/12/19      PROPOSED SHARED PARKING AND TRAINING FACILITY - BORTOLO RESERVE (JD/BD) (REPORT 5)**

Summary

Bortolo Reserve in Greenfields is a district level sports facility comprising of 2 multi-purpose ovals and a Clubroom / Pavilion with change room facilities. In 2018, the City installed new sports lighting to the northern oval through a \$200,000 grant as part of the State Government's Local Jobs Local Projects initiative. As a result, there has been increased usage of the northern oval leading to demand for additional parking to support the 45 existing bays that are situated at the southern end adjacent to the Clubroom / Pavilion.

With funding for the City Centre Waterfront Project now secure and planning underway for the redevelopment of the Western Foreshore, the City needs to resolve the issue of relocating the current Fire Training and Competition Track facility.

Over the past 3 years, the City has considered a large number of alternative options, both in Mandurah and surrounding areas, of which none were deemed appropriated for a range of reasons. However, officers have identified an opportunity to develop a Shared Parking and Training Facility at Bortolo Reserve to service the newly lit northern oval as well as accommodate the relocation of the existing fire track from the Western Foreshore.

At its June 2019 meeting, Council deferred the recommendation to approve the proposal for the planned construction of a new Shared Parking and Training Facility at Bortolo Reserve in

order to consider options for the current track to remain on the western foreshore during construction.

The western foreshore options have now been explored and it is considered that any development options to retain the track and relocate it within the Western Foreshore will significantly compromise the outcome of the remaining Western Foreshore master planning.

Council is requested to note that the fire track training facility will be unable to remain on the Western Foreshore following the commencement of the Waterfront redevelopment in May 2020 and to approve the commencement of community engagement for the proposed development of a new shared parking and training facility at Bortolo Reserve.

Councillor Darcy moved the officer recommendation with inclusion of the words "and report back to Council by the end of February 2020" at the conclusion of Point 2. Councillor Peter Jackson seconded the amended recommendation.

*Councillor Lynn Rodgers returned to the Chamber at 7.08pm.*

#### Officer Recommendation

That Council:

1. Note the fire track training facility and associated activities cannot remain on the Western Foreshore following the commencement of the Waterfront redevelopment in May 2020.
2. Approve Officers to commence community engagement for the proposed Shared Parking and Training Facility at Bortolo Reserve.
3. Note that further design planning for the proposed Share Parking and Training Facility will be carried out to determine a more detailed cost estimate; and
4. Note that officers will report back to Council with the outcomes of the community engagement and detailed cost estimates for the proposed facility to inform future decisions.

#### Council Resolution

##### **MOTION:**

**Moved: C Knight**

**Seconded: P Jackson**

That Council:

1. Note the fire track training facility and associated activities cannot remain on the Western Foreshore following the commencement of the Waterfront redevelopment in May 2020.
2. Approve Officers to commence community engagement for the proposed Shared Parking and Training Facility at Bortolo Reserve and report back to Council by end of February 2020.

3. Note that further design planning for the proposed Share Parking and Training Facility will be carried out to determine a more detailed cost estimate.
4. Note that officers will report back to Council with the outcomes of the community engagement and detailed cost estimates for the proposed facility to inform future decisions.
5. Request that external grant funding sources be explored by the City of Mandurah.

**CARRIED UNANIMOUSLY: 12/0**

Reason: The alternative motion that was carried is different to the officer recommendation by adding resolution point 5 and requiring City officers to report back to Council by the end of February 2020 in relation to the results of the community engagement.

#### **G.23/12/19 WIDO PEPPINCK LEGACY FUND (TH) (REPORT 6)**

##### Summary

Wido Peppinck, the City's long time Corporate Lawyer, passed away in 2018 and his family have sought to establish a legacy grant fund in his memory. Instead of buying flowers, people mourning were encouraged to donate into this fund, the City also donated into the fund to help with its establishment.

It is recommended Council formalise the fund in two streams, an Educational Scholarship Fund for young people who need support with education supplies or course entry fees and a Music / Theatre Scholarship for young people wanting to pursue their interest or career in theatre or music.

##### Officer Recommendation

That Council:

1. Supports the establishment of two scholarships for the Wido Peppinck Legacy Fund;
  - 1.1. Educational Scholarship (\$350 each)
  - 1.2. Music / Theatre Scholarship (\$350 each).
2. Supports officers to administer the funds via a panel consisting of City Officers and youth;
3. Notes that once these funds are administered (spent) no further funding remains.

##### Council Resolution

##### **MOTION:**

**Moved: Peter Rogers**

**Seconded: D Lee**

**That Council:**

1. **Supports the establishment of two scholarships for the Wido Peppinck Legacy Fund;**
  - 1.1. **Educational Scholarship (\$350 each)**
  - 1.2. **Music / Theatre Scholarship (\$350 each).**
2. **Supports officers to administer the funds via a panel consisting of City Officers and youth;**
3. **Notes that once these funds are administered (spent) no further funding remains.**

**CARRIED UNANIMOUSLY: 12/0**

**G.24/12/19 FALCON FAMILY CENTRE FUTURE DIRECTIONS (BD/TH) (REPORT 7)**Summary

The Falcon Family Centre was constructed in 1992 on Crown Reserve 42821 (No 60) Linville Street Falcon, and since 1993, the Department of Communities (DoC) have held a lease over the site. The current lease is due to expire 4 March 2020 and the City has been advised by the DoC they will not be exercising the renewal option of a further 5 years, and will be vacating at the end of the lease term and return the Falcon Family Centre back to the City.

As a result, Council will be required to determine the future of the Centre based on the current and planned community facilities in the district, the current condition of the building and current user groups and the future management of the site. In addition, a current occupier of the site, Falcon Men's Shed is seeking expansion and have requested a larger area to be utilised at the site.

It is recommended that Council:

- Commit to the continued usage of the Falcon Family Centre subject to the Department of Communities meeting their lease obligations
- Explore potential for Not for Profit Association to manage the building and its services, through an Expression of Interest process to be carried out; and
- Confirm the Men's Shed as a longer term tenant for a portion of the site, subject to funding being committed by the group for future expansion;

Officer Recommendation**That Council:**

1. Commits to the continued usage of the Falcon Family Centre subject to the Department of Communities meeting their lease obligations.
2. Approves the advertising for Expressions of Interest for a potential Not for Profit Community Group to manage the building and its services delivering Family and Child/Parent programs, (with peppercorn rent arrangement), with general



maintenance and utility costs borne by the lessee (City to maintain structural repairs).

3. Acknowledges a further report will be presented to Council following the advertising for Expressions of Interest and assessment of applicants by officers, with final approval for tenure to be determined by Council.
4. Supports the Men's Shed as a tenant at the site, with final tenure being subject to the outcome of the Expression of Interest process (i.e. licence external shed with City; or sub tenant to head lessee); and any further expansions shall be subject to funding being sourced by the group.

#### Council Resolution

#### **MOTION:**

**Moved: J Green**

**Seconded: D Pember**

#### **That Council:**

1. Commits to the continued usage of the Falcon Family Centre subject to the Department of Communities meeting their lease obligations.
2. Approves the advertising for Expressions of Interest for a potential Not for Profit Community Group to manage the building and its services delivering Family and Child/Parent programs, (with peppercorn rent arrangement), with general maintenance and utility costs borne by the lessee (City to maintain structural repairs).
3. Acknowledges a further report will be presented to Council following the advertising for Expressions of Interest and assessment of applicants by officers, with final approval for tenure to be determined by Council.
4. Supports the Men's Shed as a tenant at the site, with final tenure being subject to the outcome of the Expression of Interest process (i.e. licence external shed with City; or sub tenant to head lessee); and any further expansions shall be subject to funding being sourced by the group.

**CARRIED UNANIMOUSLY: 12/0**

#### **G.25/12/19 RETAIL TRADING HOURS CONSULTATION PROCESS (JMCD) (REPORT 8)**

#### Summary

In line with Council resolution G.31/6/19, officers were requested to undertake a consultation process to determine the community's views on retail trading hours in Mandurah. Council also resolved to engage an independent consultant to provide a report on the economic impact of extending deregulated retail trading hours in Mandurah, and a report on the social impact on retail business owners, their families and their staff.

Requests for quotation were sought from consultants to undertake an analysis of:

- Economic and social impact of extended retail trading hours on the City's businesses, residents and visitors;
- Community and business consultation process in relation to retail trading hours in Mandurah.

Due to the higher than expected cost of the consultation and report quotes, additional funding would need to be procured in order for the community and business consultation, economic impact assessment and social impact assessment to proceed. Council is therefore requested either to approve unbudgeted expenditure of up to \$150,000 to undertake the three-part process in accordance with Council's June resolution, or to defer any further action and revoke the previous decision. Alternatively Council could revoke the previous resolution and resolve to proceed simply with the Community Consultation component.

#### Officer Recommendation

#### RECOMMENDATION 1

That Council authorises unbudgeted expenditure of up to \$150,000 to undertake the retail trading hours three-part consultation process in accordance with Council's June 2019 resolution.

OR

#### RECOMMENDATION 2

That Council revokes G.31/6/19 Retail Trading Hours, which read

*That Council:*

- 1 *Authorises officers to undertake a community and business consultation process in relation to retail trading hours in Mandurah.*
- 2 *Authorises expenditure for the engagement of a consultant to undertake the community and business consultation.*
- 3 *Requests officers to provide a subsequent report to Council on the results of the community and business consultation on Mandurah's retail trading hours.*
- 4 *Authorise expenditure for the engagement of an independent and suitably qualified consultant to provide a report to council of the economic impact of extending deregulating retail trading hours in Mandurah.*
- 5 *Authorise expenditure for the engagement of an independent and suitably qualified community consultant to report on the social impact on retail business owners, their families and their staff in Mandurah.*

Note: Requires one mover and four seconders

OR

#### RECOMMENDATION 3

##### PART 1

That Council revokes G.31/6/19 Retail Trading Hours, which reads:



*That Council:*

- 1 *Authorises officers to undertake a community and business consultation process in relation to retail trading hours in Mandurah.*
- 2 *Authorises expenditure for the engagement of a consultant to undertake the community and business consultation.*
- 3 *Requests officers to provide a subsequent report to Council on the results of the community and business consultation on Mandurah's retail trading hours.*
- 4 *Authorise expenditure for the engagement of an independent and suitably qualified consultant to provide a report to council of the economic impact of extending deregulating retail trading hours in Mandurah.*
- 5 *Authorise expenditure for the engagement of an independent and suitably qualified community consultant to report on the social impact on retail business owners, their families and their staff in Mandurah.*

**PART 2**

Approves the engagement of a consultant to undertake community consultation in relation to Retail Trading Hours.

Note: Requires one mover and four seconders

Council Resolution

**MOTION:**

**Moved:** D Pember

**Seconded:** A Zilani, Matt Rogers, C Knight and P Jackson

That Council revokes G.31/6/19 Retail Trading Hours, which read

*That Council:*

- 1 *Authorises officers to undertake a community and business consultation process in relation to retail trading hours in Mandurah.*
- 2 *Authorises expenditure for the engagement of a consultant to undertake the community and business consultation.*
- 3 *Requests officers to provide a subsequent report to Council on the results of the community and business consultation on Mandurah's retail trading hours.*
- 4 *Authorise expenditure for the engagement of an independent and suitably qualified consultant to provide a report to council of the economic impact of extending deregulating retail trading hours in Mandurah.*
- 5 *Authorise expenditure for the engagement of an independent and suitably qualified community consultant to report on the social impact on retail business owners, their families and their staff in Mandurah.*

**CARRIED WITH ABSOLUTE MAJORITY: 12/0**

Reason: The alternative motion that was carried is different to the officer recommendation due to Council approving recommendation 2.

Note: A statement of legal impact was provided to Elected Members in relation to the options relating to the revocation of the original motion. The statement of financial impact is outlined in the report under the heading of economic implications.

## **G.26/12/19 CITY'S APPROACH TO CARBON ABATEMENT (KW/BB) (REPORT 9)**

### Summary

The City's approach to reducing its corporate carbon footprint has evolved considerably since it first made a public commitment to taking action to address climate change by signing up to the Cities for Climate Protection Program (CCP) in 1999. Given the quickly changing trends and introduction of disruptive technologies in the energy industry, the traditional approach of preparing a long-term prescriptive strategy is not flexible enough to guide the City's work in this space moving forward. Also, previous methods of measuring carbon abatement have not best reflected the effort and achievements of the City.

In order to better represent the City's carbon abatement work and guide future work, it is proposed that a renewable energy target be set and reported against in the City's Community Strategic Plan reporting mechanism.

Officers are requesting that Council:

1. Acknowledges that the City is pursuing a number of different options to reduce our reliance on non-renewable energy sources that may involve partnership with external parties.
2. Agrees to enter into a Memorandum of Understanding with private entities pursuing funding for a fuel cell/electric vehicle mobility trial in Mandurah.
3. Supports officers continuing to engage with external parties interested in renewable energy to work with the City to explore carbon abatement options, including entering into Memorandum of Understandings and Mutual Confidentiality Agreements.
4. Continues to lobby the State Government on the issue of LED street lighting until clear costings and resource availability are provided that will enable the City to conduct LED street light retrofitting.
5. Adopts the target of 25% of the City's total energy consumption to be supplied by renewable sources by 2030.

### Officer Recommendation

That Council:

1. Acknowledges that the City is pursuing a number of different options to reduce our reliance on non-renewable energy sources that may involve partnership with external parties.
2. Agrees to enter into a Memorandum of Understanding with private entities pursuing funding for a fuel cell/electric vehicle mobility trial in Mandurah.

3. Supports officers continuing to engage with external parties interested in renewable energy to work with the City to explore carbon abatement options, including entering into Memorandum of Understandings and relevant agreements.
4. Continues to lobby the State Government on the issue of LED street lighting until clear costings and resource availability are provided that will enable the City to conduct LED street light retrofitting.
5. Adopts the target of 25% of the City's total energy consumption to be supplied by renewable sources by 2030.

#### Council Resolution

#### **MOTION:**

**Moved:** C Knight

**Seconded:** Matt Rogers

#### **That Council:**

1. Acknowledges that the City is pursuing a number of different options to reduce our reliance on non-renewable energy sources that may involve partnership with external parties.
2. Agrees to enter into a Memorandum of Understanding with private entities pursuing funding for a fuel cell/electric vehicle mobility trial in Mandurah.
3. Supports officers continuing to engage with external parties interested in renewable energy to work with the City to explore carbon abatement options, including entering into Memorandum of Understandings and relevant agreements.
4. Continues to lobby the State Government on the issue of LED street lighting until clear costings and resource availability are provided that will enable the City to conduct LED street light retrofitting.
5. Adopts the target of 25% of the City's total energy consumption to be supplied by renewable sources by 2030, and:
  - 5.1. That a report be prepared for Council every two years in relation to the target;
  - 5.2. The results be published on the City's website.

Reason: Inclusion of 5.1 and 5.2 of the Council resolution.

#### **G.27/12/19 YOUTH ADVISORY GROUP (TM/NL) (REPORT 10)**

#### Summary

It is proposed that a Youth Advisory Group for young people aged 15-24 is formed to create a formal process for youth consultation. The City currently has no formal process to obtain youth opinions to assist in informing Council decisions.

*Councillor Green left the Chamber at 7.34pm, returning at 7.36pm.*

Officer Recommendation

That Council:

1. Support the creation of a Youth Advisory Group for young people aged 15-24 years, to provide advice to Council on matters affecting young people.
2. Acknowledge that Terms of Reference will be co-developed with the newly appointed group and referred to Council for approval.
3. Authorises officers to call for nominations for the new Youth Advisory Group, which will be referred to Council for final approval.

Council Resolution**MOTION:**

**Moved:** Lynn Rodgers

**Seconded:** Peter Rogers

That Council:

1. Support the creation of a Youth Advisory Group for young people aged 15-24 years, to provide advice to Council on matters affecting young people.
2. Acknowledge that Terms of Reference will be co-developed with the newly appointed group and referred to Council for approval.
3. Authorises officers to call for nominations for the new Youth Advisory Group, which will be referred to Council for final approval.

**CARRIED UNANIMOUSLY: 12/0**

**G.28/12/19 FULLY FENCED DOG EXERCISE AREA (BI) (REPORT 11)**Summary

Fully fenced dog parks are becoming an increasingly popular public facility provided by local government. These parks provide a secure environment for dog socialisation, exercise and training and also provide owners with an opportunity for social interaction particularly those with reduced mobility.

In December 2017, Council received a petition containing over 562 signatures requesting the City investigate the viability of a fully fenced dog park. Feedback from the community has been consistent that a facility of this type would be very popular.

Commencing 5 April, the City undertook an extensive community consultation seeking direction from the community about seven potential locations. The campaign was strongly supported with an estimated 4901 visitors to the Mandurah Matters Enclosed Dog Park page and active participation in identifying preferred locations or providing feedback on why locations would not be appropriate.

Considering the feedback from the consultation campaign, officers have undertaken a more detailed assessment and Council is requested to approve the recommended location for the dog park as Leslie Street, Dudley Park Reserve 40075.

Council is also requested to approve the formation of a working group inclusive of community representatives, dog trainers and relevant staff to design a park that meets the needs of a broad range of stakeholders.

#### Officer Recommendation

That Council:

1. Approve the progression to a detailed design of a fully fenced dog park at Leslie Street, Dudley Park (Reserve 40075).
2. Supports the establishment of a fully fenced dog park design working group consisting of City Officers, Elected Members and interested community members including professional dog handlers.

#### Council Resolution

##### **MOTION:**

**Moved:** M Darcy

**Seconded:** C Knight

That Council:

1. Approve the progression to a detailed design of a fully fenced dog park at Leslie Street, Dudley Park (Reserve 40075).
2. Supports the establishment of a fully fenced dog park design working group consisting of City Officers, Elected Members and interested community members including professional dog handlers.

**CARRIED:** 10/2

**FOR** Mayor Williams, Councillors Darcy, Lee, Lynn Rodgers, Knight, Green, Jackson, Di Prinzio, Matt Rogers, Peter Rogers

**AGAINST:** Councillors Pember and Zilani

**G.29/12/19 CITY OF MANDURAH: ORGANISATION BRAND REFRESH (JPB)  
(REPORT 12)**

#### Summary

Since 2015, the City has been working to update the current City of Mandurah identity which has been in place for over 20 years. There have been a number of strategic inputs during development of the organisational brand strategy including the development of the City's purpose and values - endorsed by Council in July 2015, the implementation of the four strategic pillars and the Mandurah Matters community vision development during 2018/19.

As part of the extensive Mandurah Matters community consultation campaign, a new place vision and aspiration for Mandurah has now been developed. The next step in the process is

for the City of Mandurah's organisational brand to capture and reflect this community-led vision.

Council is requested to endorse the new City of Mandurah organisation brand strategy and note that the roll out will begin during the first quarter of 2020.

Officer Recommendation

That Council

1. Endorses the new City of Mandurah organisation brand strategy.
2. Notes that the roll out of the brand will commence in the second quarter of 2020.

Council Resolution

**MOTION:**

**Moved:** Peter Rogers

**Seconded:** C Knight

That Council:

1. Endorses the new City of Mandurah organisation brand strategy.
2. Notes that the roll out of the brand will commence in the second quarter of 2020.

**CARRIED UNANIMOUSLY: 12/0**

**G.30/12/19 ANNUAL REPORT 2018/19, ANNUAL FINANCIAL STATEMENTS 2018/19  
AND ANNUAL ELECTORS MEETING (JPB/GD/CM) (REPORT 13)**

Summary

Council's acknowledgement and receipt of the Annual Report for 2018/19, Annual Financial Statements 2018/19 and the selection of a date during February 2020 for the Annual Electors' Meeting is sought. Monday 3 February 2020 at 7.00 pm in the Council Chambers is the suggested date and venue for holding the Annual Electors meeting.

Officer Recommendation

That Council:

1. Receives the 2018/19 Annual Report for the year ending 30 June 2019 as detailed in Attachment 1 of the report.
2. Receives the Annual Financial Statements 2018/19 as detailed in Attachment 2 of the report.
3. Convenes a meeting of Annual Electors on Monday 3 February 2020 at 7.00 pm in the Council Chambers.



Council Resolution**MOTION:****Moved:** C Knight**Seconded:** D Lee**That Council:**

1. **Receives the 2018/19 Annual Report for the year ending 30 June 2019 as detailed in Attachment 1 of the report.**
2. **Receives the Annual Financial Statements 2018/19 as detailed in Attachment 2 of the report.**
3. **Convenes a meeting of Annual Electors on Monday 3 February 2020 at 7.00pm in the Council Chambers.**

**CARRIED UNANIMOUSLY: 12/0****G.31/12/19 CITY OF MANDURAH STRATEGIC COMMUNITY PLAN 2020-2040 (TW)  
(REPORT 14)**Summary

In September 2017, Council adopted the City of Mandurah Strategic Community Plan 2017-2037.

In line with the requirements of the Western Australian Government's Integrated Planning and Reporting Framework (IPRF) the Plan was due for a desktop review in June 2019. In late 2018, the City of Mandurah launched one of its biggest community engagement initiatives to date, Mandurah Matters. In order to ensure the outcomes of Mandurah Matters was incorporated in to our strategic direction for the future, the City undertook a major review of the Plan, in place of a desktop review, during the 2019/20 financial year.

The Mandurah Matters engagement process commenced by asking the community what matters to them, with over 1,600 people contributing to Mandurah's shared vision. During the first stage, survey responses helped to define the four key focus areas. In the second stage, these focus areas were explored in workshops, and the results laid the ground work for stage three - the Future of Mandurah Summit. At this Summit a group of delegates worked together to develop Mandurah's Story, which formed the basis of our shared vision and the current priorities of the Mandurah community. Community feedback in conjunction with Council direction has now shaped the new 20 Year Strategic Community Plan 2020-2040.

The process from here is for Council to endorse the draft Plan (Attachment 1) to be advertised for public comment for a period not less than four weeks. Following the public comment period, a report will be presented to Council for final approval.

Council is requested to endorse the Strategic Community Plan 2020-2040 to be made available for public comment, and note that the final Plan will be presented to Council for approval following the public comment period.

Officer Recommendation

That Council:

1. Endorses the Strategic Community Plan 2020-2040 to be made available for public comment.
2. Notes that a further report will be presented to Council at the end of the public comment period, for final adoption of the 20 Year Strategic Community Plan 2020-2040.

Council Resolution**MOTION:**

**Moved:** D Lee

**Seconded:** C Knight

That Council:

1. Endorses the Strategic Community Plan 2020-2040 to be made available for public comment.
2. Notes that a further report will be presented to Council at the end of the public comment period, for final adoption of the 20 Year Strategic Community Plan 2020-2040.

**CARRIED UNANIMOUSLY: 12/0**

**G.32/12/19 APPOINTMENT OF ELECTED MEMBERS TO ADVISORY GROUPS, EXTERNAL AGENCIES, WORKING GROUPS AND PANELS (TJ) (REPORT 15)**

Summary

At the Special Council Meeting held on 29 October 2019, Council resolved to appoint Elected Members to advisory groups, external agencies, working groups and panels that were considered critical in nature. Appointments to these groups were either for a two-month period ending December 2019 or for a period of two-years ending 15 October 2021. These appointments included groups whereby an external organisation had requested nominations, where there was a statutory requirement or considered necessary for Elected Member involvement.

Following the Special Council Meeting, a Council workshop was held in November 2019 to enable new and existing Elected Members to further consider whether Elected Member representation was required on advisory groups, external agencies, working groups and panels. City officers have taken the feedback from Council and have made recommendations regarding the representation of each group.

Council is now requested to:

- Resolve to disband the Mandurah Roadwise Committee and the Crab Fest Working Group;

- Note that Elected Member attendance is no longer recommended for the five waterways committees including Eastport Canal, Mandurah Quay, Mariner's Cove Canal, Port Bouvard Canal and Waterside Canal Waterways Advisory Group;
- Note that appointment is not recommended, at this stage, to the Community Assistance Grants Scheme, whilst a review is being undertaken and City officers will present the findings at a future Council workshop;
- Appoint Elected Members to the remainder of the advisory groups, external agencies, working groups and panels.

#### Officer Recommendation

That Council:

1. Approve the Elected Member appointments to the following Council advisory groups, working groups and selection panels for a term expiring on 15 October 2021:

- 1.1 Mandurah Matters Steering Group

Councillor C Knight, Deputy Mayor  
Councillor D Pember  
Councillor J Green  
Councillor C Di Prinzio  
Councillor A Zilani  
Councillor M Rogers  
Councillor P Rogers  
Mayor R Williams

As appointed at the Special Council meeting of 29 October 2019.

- 1.2 Australia Day Awards Selection Panel

Councillor L Rodgers  
Councillor C Di Prinzio  
Councillor P Jackson  
Councillor C Knight, Deputy Mayor  
Councillor D Lee

As appointed at the Special Council meeting of 29 October 2019.

- 1.3 Reconciliation Action Plan Steering Group

Councillor L Rodgers  
Councillor P Rogers  
Councillor D Pember  
Mayor R Williams

As appointed at the Special Council meeting of 29 October 2019.

- 1.4 Mandurah Liquor Accord

Councillor P Jackson  
Councillor J Green

As appointed at the Special Council meeting of 29 October 2019.

- 1.5 City of Mandurah Convention Scholarship Assessment Panel

\_\_\_\_\_  
\_\_\_\_\_

- 1.6 City of Mandurah Sports Awards

\_\_\_\_\_  
\_\_\_\_\_

## 1.7 Kids Teaching Kids: School Selection Panel

\_\_\_\_\_  
\_\_\_\_\_

## 1.8 Murdoch University Undergraduate Nursing Scholarship Selection Panel

\_\_\_\_\_  
\_\_\_\_\_

## 1.9 Peel Mosquito Management Group

Deputy \_\_\_\_\_

## 1.10 Strategic Street Present &amp; Homeless Working Group

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Approve the Elected Member appointments to the following Council external agencies for a term expiring 15 October 2021:

2.1 Visit Mandurah Board  
Chief Executive Officer or \_\_\_\_\_

2.2 Peel Chamber of Commerce and Industry

Deputy \_\_\_\_\_

2.3 Peel Harvey Biosecurity Group

\_\_\_\_\_

3. Resolve to disband the Mandurah RoadWise Advisory Group.

- a. Acknowledge the work of the many volunteer community members and organisations that have contributed to the Mandurah RoadWise Advisory Group since its inception; and
- b. Agree to maintain a commitment to internal funding and resourcing to progress State RoadWise strategies and initiatives.

4. Resolve to disband the Crab Fest Working Group.

5. Acknowledge the contribution of the Eastport Canal, Mandurah Quay, Mariner's Cove Canal, Port Bouvard Canal and Waterside Canal Waterways Advisory Groups and write to these groups advising that the membership will no longer include Elected Members, noting that Elected Members may attend from time to time as required or if any invitation is extended to an Elected Member on a particular occasion.

Council Resolution

**MOTION:**

**Moved:** C Knight

**Seconded:** D Lee

**That Council:**

1. Approve the Elected Member appointments to the following Council advisory groups, working groups and selection panels for a term expiring on 15 October 2021:

- 1.1 Mandurah Matters Steering Group

Councillor C Knight, Deputy Mayor  
Councillor D Pember  
Councillor J Green  
Councillor C Di Prinzio  
Councillor A Zilani  
Councillor M Rogers  
Councillor P Rogers  
Mayor R Williams

As appointed at the Special Council meeting of 29 October 2019.

- 1.2 Australia Day Awards Selection Panel

Councillor L Rodgers  
Councillor C Di Prinzio  
Councillor P Jackson  
Councillor C Knight, Deputy Mayor  
Councillor D Lee

As appointed at the Special Council meeting of 29 October 2019.

- 1.3 Reconciliation Action Plan Steering Group

Councillor L Rodgers  
Councillor P Rogers  
Councillor D Pember  
Mayor R Williams

As appointed at the Special Council meeting of 29 October 2019.

- 1.4 Mandurah Liquor Accord

Councillor P Jackson  
Councillor J Green

As appointed at the Special Council meeting of 29 October 2019.

- 1.5 City of Mandurah Convention Scholarship Assessment Panel

Mayor R Williams  
Councillor J Green

- 1.6 City of Mandurah Sports Awards

Councillor D Lee  
Councillor M Darcy

- 1.7 Kids Teaching Kids: School Selection Panel

Councillor C Knight, Deputy Mayor  
Councillor A Zilani

- 1.8 Murdoch University Undergraduate Nursing Scholarship Selection Panel

Councillor C Knight, Deputy Mayor  
Councillor D Pember



**1.9 Peel Mosquito Management Group**

Councillor M Darcy  
Deputy Councillor J Green

**1.10 Strategic Street Present & Homeless Working Group**

Mayor R Williams  
Councillor L Rodgers  
Councillor P Jackson  
Councillor A Zilani

**1.11 Mandurah Community Museum Advisory Group**

Councillor M Rogers  
Councillor M Darcy

**2. Approve the Elected Member appointments to the following Council external agencies for a term expiring 15 October 2021:**

**2.1 Visit Mandurah Board**

Chief Executive Officer Mark Newman appointed to attend on behalf of Council.

**2.2 Peel Chamber of Commerce and Industry**

Elected Member appointment not required

**2.3 Peel Harvey Biosecurity Group**

Councillor C Knight, Deputy Mayor

**3. Resolve to disband the Mandurah RoadWise Advisory Group.**

**3.1 Acknowledge the work of the many volunteer community members and organisations that have contributed to the Mandurah RoadWise Advisory Group since its inception; and**

**3.2 Agree to maintain a commitment to internal funding and resourcing to progress State RoadWise strategies and initiatives.**

**4. Resolve to disband the Crab Fest Working Group.**

**5. Acknowledge the contribution of the Eastport Canal, Mandurah Quay, Mariner's Cove Canal, Port Bouvard Canal, Waterside Canal Waterways and Port Mandurah Canal Advisory Groups and write to these groups advising that the membership will no longer include Elected Members, noting that Elected Members may attend from time to time as required or if any invitation is extended to an Elected Member on a particular occasion.**

**CARRIED WITH ABSOLUTE MAJORITY: 12/0**

Reason: The Elected Members who were appointed to the working groups have been included. Resolution point 1.11 has been added to include the appointment of Elected Members to the Mandurah Community Museum Advisory Group. Resolution point 5 now includes the Port Mandurah Canal's Advisory Group.

**G.33/12/19 MEMBERSHIP, POWERS AND DUTIES OF COUNCIL'S STRATEGY AND PLANNING COMMITTEE AND COUNCIL MEETING SCHEDULE 2020 (TJ) (REPORT 16)**

Summary

In accordance with section 5.8 of the *Local Government Act 1995* (the Act) and *City of Mandurah Standing Orders Local Law 2016*, the Council has the ability to form committees to assist with the delivery of local government functions, decision-making functions and responsibilities. At the Special Council meeting held on 29 October 2019, Council adopted the terms of reference for the Audit and Risk Committee and the Executive Committee.

Following extensive consultation with Elected Members on the most appropriate committee structure to support good governance and decision making, Council is requested to consider and adopt the powers and duties of the Strategy and Planning Committee and appoint members for a term expiring on 15 October 2021.

Council is also requested to set the meeting dates for 2020. In accordance with Section 5.25(1)(g) of the Act and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, Council is required to resolve to advertise each year the days and times when Ordinary Council and Committee meetings will be held.

Council is requested to endorse the Ordinary Council and Committee meeting dates for 2020 and advertise via local public notice and the City's noticeboards and website.

Officer Recommendation

That Council:

1. Approve the establishment of, powers and duties of Council's Strategy and Planning Committee as detailed in Attachment 1 of the report, and appoint the following Elected Members until 15 October 2021:

Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_  
Councillor \_\_\_\_\_

2. Resolve:
  - 2.1 To disband the Committee of Council, Public Art Committee and Strategy Committee.
  - 2.2 That the Minutes of the Committee of Council Meeting held on Tuesday 10 September 2019 be confirmed.
  - 2.3 That the Minutes of the Strategy Committee held on Monday 16 September 2019 be confirmed.
  - 2.4 That the Minutes of the Public Art Committee held on Monday 18 February 2019 be confirmed.

3. Approve the following Ordinary Council Meeting dates commencing at 5:30pm, to be held in the Council Chambers, and advertise via local public notice:

Meeting Type	Date
Ordinary Council Meeting	28 January 2020
Ordinary Council Meeting	25 February 2020
Ordinary Council Meeting	24 March 2020
Ordinary Council Meeting	28 April 2020
Ordinary Council Meeting	26 May 2020
Ordinary Council Meeting	23 June 2020
Ordinary Council Meeting	28 July 2020
Ordinary Council Meeting	25 August 2020
Ordinary Council Meeting	22 September 2020
Ordinary Council Meeting	27 October 2020
Ordinary Council Meeting	24 November 2020
Ordinary Council Meeting	15 December 2020

4. Approve the following Strategy and Planning Committee Meeting dates commencing at 5:30pm, to be held in the Council Chambers, and advertise via local public notice:

Meeting Type	Date
Strategy and Planning Committee	11 February 2020
Strategy and Planning Committee	10 March 2020
Strategy and Planning Committee	14 April 2020
Strategy and Planning Committee	9 June 2020
Strategy and Planning Committee	11 August 2020
Strategy and Planning Committee	13 October 2020
Strategy and Planning Committee	8 December 2020

5. Approve the following Audit and Risk Committee Meeting dates commencing at 5:30pm, to be held in the Council Chambers, and advertise via local public notice:

Meeting	Date
Audit and Risk Committee	17 March 2020
Audit and Risk Committee	16 June 2020
Audit and Risk Committee	15 September 2020
Audit and Risk Committee	7 December 2020 (Monday)

6. Approve the following Executive Committee Meeting dates commencing at 4:00pm, to be held in the Council Chambers:

Meeting	Date
Executive Committee	10 March 2020
Executive Committee	12 May 2020
Executive Committee	11 August 2020
Executive Committee	13 October 2020

Council Resolution**MOTION:****Moved:** R Williams**Seconded:** D Pember**That Council**

1. Items pertaining to the creation of committees be deferred to the January 2020 Council Meeting.
2. Adopt the proposed Council meeting dates for 2020 commencing at 5.30pm, to be held in the Council Chamber and advertise via local public notice:

Meeting Type	Date
Ordinary Council Meeting	28 January 2020
Ordinary Council Meeting	25 February 2020
Ordinary Council Meeting	24 March 2020
Ordinary Council Meeting	28 April 2020
Ordinary Council Meeting	26 May 2020
Ordinary Council Meeting	23 June 2020
Ordinary Council Meeting	28 July 2020
Ordinary Council Meeting	25 August 2020
Ordinary Council Meeting	22 September 2020
Ordinary Council Meeting	27 October 2020
Ordinary Council Meeting	24 November 2020
Ordinary Council Meeting	15 December 2020

**CARRIED UNANIMOUSLY: 12/0**

Reason: Council deferred officer recommendations 1,2,4,5 and 6, relating to the Committees of Council.

**G.34/12/19 CAT LOCAL LAW 2019 (LC/TJ) (REPORT 17)**Summary

At the Council meeting of 23 July 2019, Council resolved to advertise the proposed City of Mandurah Cat Local Law 2019 (local law). The consultation period closed on 13 September 2019, with 30 submissions received from the community, environmental groups, Department of Local Government, Sport and Cultural Industries (DLGSC) and Minister for Environment which included input from the Department of Biodiversity, Conservation and Attraction.

DLGSC proposed an amendment relating to the exemptions for a permit to ensure consistency with the *Cat Act 2011* and *Cat (Uniform Local Provisions) Regulations 2013* and other minor amendments to the local law. The Minister for Environment recommended the inclusion of a penalty for failing to comply with an abatement notice. The City has accepted the amendments and the local law has been updated to reflect these inclusions.

Following the statutory advertising period, the City of Mandurah Cat Local Law 2019 is presented for final adoption.

Officer Recommendation

1. The Presiding Member to read aloud the City of Mandurah Cat Local Law 2019 purpose and effect:
  - 1.1. The purpose of this local law is to make provisions about the keeping of cats, to control the number of cats that can be kept, the places where cats can be kept and prescribe areas in which cats are prohibited.
  - 1.2. The effect of this local law is to extend the control over cats which exist under the Cat Act 2011.

That Council resolve to:

2. Adopt the City of Mandurah Cat Local Law 2019 in *Attachment 1*.
3. Cause the City of Mandurah Cat Local Law 2019 to be published in the Government Gazette, and provide a local public notice stating the purpose and effect of the local law, when the law will come into operation and that copies are available for public inspection.
4. Authorises the Chief Executive Office to complete and sign, with the Mayor, the Explanatory Memorandum and Statutory Procedures Checklist for the process, as required to be provided to the Joint Standing Committee on Delegated Legislation and the Minister for Local Government; Heritage; Culture and The Arts within ten days of the Gazettal Notice publication date.

Council Resolution**MOTION:**

Moved: C Knight  
Seconded: D Pember

1. The Presiding Member to read aloud the City of Mandurah Cat Local Law 2019 purpose and effect:



- 1.1. The purpose of this local law is to make provisions about the keeping of cats, to control the number of cats that can be kept, the places where cats can be kept and prescribe areas in which cats are prohibited.
- 1.2. The effect of this local law is to extend the control over cats which exist under the Cat Act 2011.

That Council resolve to:

2. Adopt the City of Mandurah Cat Local Law 2019 in *Attachment 1*.
3. Cause the City of Mandurah Cat Local Law 2019 to be published in the Government Gazette, and provide a local public notice stating the purpose and effect of the local law, when the law will come into operation and that copies are available for public inspection.
4. Authorises the Chief Executive Office to complete and sign, with the Mayor, the Explanatory Memorandum and Statutory Procedures Checklist for the process, as required to be provided to the Joint Standing Committee on Delegated Legislation and the Minister for Local Government; Heritage; Culture and The Arts within ten days of the Gazettal Notice publication date.

CARRIED UNANIMOUSLY: 12/0

**G.35/12/19      TENDER NUMBER 16-2019 FALCON SKATE PARK (GP/EJ/JD)  
(REPORT 18)**

Summary

In April 2019 Council endorsed the Falcon Reserve Activation Plan. The Plan is focused on improving passive recreation opportunities for the local community within the existing reserve. An upgrade to Falcon Skate Park was one of the main components of the Activation Plan.

The upgrade of the skate and BMX park will include:

- Demolition of a small portion of the existing park;
- New concrete and steel features for the skate park as transitions, ledges, stairs, rails and banks;
- New storm water drainage;
- New shade structure;
- Concrete paths and;
- Gardens and landscape.

The City of Mandurah (the City) has been successful in gaining a Lotterywest grant of \$200,000 to support the delivery of the upgrade.

The City invited tenders for the Falcon Skate Park Upgrade (T16-2019) for the construction of the new upgrade and as a result of the evaluation of tendered submissions, Council is now requested to accept Concrete Skateparks ATF Lewers Family Trust as the preferred tenderer.

Officer Recommendation

That Council accepts Concrete Skateparks ATF Lewers Family Trust as the preferred tenderer for Tender 16-2019 for the Falcon Skate Park for the lump sum of \$344,138.45 excl GST.

Council Resolution**MOTION:**

**Moved:** Peter Rogers  
**Seconded:** D Pember

**That Council accepts Concrete Skateparks ATF Lewers Family Trust as the preferred tenderer for Tender 16-2019 for the Falcon Skate Park for the lump sum of \$344,138.45 excl GST.**

**CARRIED UNANIMOUSLY: 12/0**

**G.36/12/19 TENDER NUMBER 17-2019 - WATERFRONT PROJECT SKATE PARK  
DESIGN AND CONSTRUCTION (DM/VL) (REPORT 19)**

Summary

Council at its meeting of 26 February 2019 resolved to adopt the Western Foreshore Recreation drawings which incorporated a destination level Skate and Activity Space with separate skill zones and supporting recreation facilities and social spaces.

The City of Mandurah (the City) invited tenders for the Waterfront Project Skate Park Design and Construction Tender (T17-2019) on 21 September 2019.

As a result of the evaluation of tendered submissions, Council is now requested to accept Convic Pty Ltd as the preferred tenderer.

Officer Recommendation

That Council accepts Convic Pty Ltd as the preferred tenderer for Tender 17-2019 for the Waterfront Project Skate Park Design and Construction at the lump sum price of \$2,148,293.91.

Council Resolution**MOTION:**

**Moved:** C Knight  
**Seconded:** Lynn Rodgers

**That Council accepts Convic Pty Ltd as the preferred tenderer for Tender 17-2019 for the Waterfront Project Skate Park Design and Construction at the lump sum price of \$2,148,293.91.**

**CARRIED UNANIMOUSLY: 12/0**

**G.37/12/19      TENDER NUMBER 18-2019 PHOTOVOLTAIC POWER SYSTEMS FOR CITY BUILDINGS PHASE FIVE (KW/VL) (REPORT 20)**Summary

Every year since 2014 the City of Mandurah (the City) has been rolling out rooftop solar PV systems on City owned buildings via the City's Solar Plan. To date the eleven systems installed have resulted in operational savings in excess of \$350,000 and GHG emissions reductions of 820 t CO<sub>2</sub>-e. Phase 5 of the Solar Plan was to install 200 kW on the Mandurah Aquatic Centre resulting in a further savings of \$73,000 and 230 t CO<sub>2</sub>-e per year.

The City invited tenders for the Photovoltaic Power Systems for City Buildings – Phase Five (T18-2019). As a result of the evaluation of tendered submissions, Council is now requested to accept Solargain PV Pty Ltd as the preferred tenderer.

Officer Recommendation

That Council accepts Solargain PV Pty Ltd as the preferred tenderer for Tender 18-2019 for the Photovoltaic Power Systems for City Buildings – Phase Five at the lump sum price of \$310,930.00.

Council Resolution**MOTION:****Moved:            D Lee****Seconded:       C Knight**

That Council accepts Solargain PV Pty Ltd as the preferred tenderer for Tender 18-2019 for the Photovoltaic Power Systems for City Buildings – Phase Five at the lump sum price of \$310,930.00.

**CARRIED UNANIMOUSLY: 12/0****G.38/12/19      TENDER NUMBER 19-2019 BEACH PATROL SERVICES (TJ/EJ) (REPORT 21)**Summary

The City of Mandurah invited tenders for Beach Patrol Services (RFT T19-2019) on 16 November 2019 for the provision of Beach Patrol Services with additional service options for jet-ski/inflatable rescue boat (IRB) and complementary beach patrols services as required. The RFT seeks the provision of the required services for a period of three years, commencing on 20 January 2020.

As a result of the evaluation of tendered submissions, Council is now requested to accept Surf Life Saving Western Australia Incorporated as the preferred tenderer.

The beach patrol services will be delivered at four locations, over a three year trial period. Following the completion of the trial, Council will determine whether the services will continue or explore alternative options.

Officer Recommendation

That Council accepts Surf Life Saving Western Australia Incorporated as the preferred tenderer for Tender 19-2019 for the Beach Patrol Services for a period of three years at the lump sum price of \$558,329.42 and the schedule of rates tendered for the additional services.

Council Resolution**MOTION:**

**Moved:** M Darcy

**Seconded:** C Knight

**That Council accepts Surf Life Saving Western Australia Incorporated as the preferred tenderer for Tender 19-2019 for the Beach Patrol Services for a period of three years at the lump sum price of \$558,329.42 and the schedule of rates tendered for the additional services.**

**CARRIED UNANIMOUSLY: 12/0**

**G.39/12/19 ELECTED MEMBER ENTITLEMENTS POLICY (TJ) (REPORT 22)**Summary

The City of Mandurah (the City) has recently undertaken a review of policies relating to Elected Member support and entitlements. This included a review of Council Policies that addressed fees and allowances, reimbursement of expenses, Mayoral vehicle and other entitlements for Elected Members to ensure consistency with the *Local Government Act 1995* (the Act), the *Local Government (Administration) Regulations 1996* and the *Salaries and Allowances Act 1975*.

This review has resulted in the development of the proposed Elected Member Entitlements Policy which provides guidance and clarity with regard to the allowances and expenses that will be paid to Elected Members to enable them to effectively carry out their functions.

The Policy also details other support provided to Elected Members to support the delivery of their functions, including equipment and other supplies, insurance cover provided while performing the official duties of office and gifts from the local government.

Following extensive consultation, Elected Members are now requested to adopt the Elected Member Entitlements Policy GVN 07.

Officer Recommendation

That Council:

1. Adopt the Elected Member Entitlements Policy GVN 07 as per Attachment 1 of the report.
2. Resolve to revoke the Mayoral Vehicle Usage Policy GVN 05 as per Attachment 2 of the report.
3. Resolve to revoke the Elected Member Support and Development Policy GVN 04 as per Attachment 2 of the report.

4. Authorises the Chief Executive Officer to approve Elected Member training and development, up to the annual allocation of \$4,000 for each Elected Member, until such time as the Elected Member and Chief Executive Training, Development, Travel and Events Policy is presented to Council in January 2020.

Council Resolution

**MOTION:**

**Moved:** Peter Rogers

**Seconded:** D Pember

**That Council:**

1. Adopt the Elected Member Entitlements Policy GVN 07 as per Attachment 1 of the report.
2. Resolve to revoke the Mayoral Vehicle Usage Policy GVN 05 as per Attachment 2 of the report.
3. Resolve to revoke the Elected Member Support and Development Policy GVN 04 as per Attachment 2 of the report.
4. Authorises the Chief Executive Officer to approve Elected Member training and development, up to the annual allocation of \$4,000 for each Elected Member, until such time as the Elected Member and Chief Executive Training, Development, Travel and Events Policy is presented to Council in January 2020.

**CARRIED WITH ABSOLUTE MAJORITY: 12/0**

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

Nil.

**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]**

Nil.



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

There being no further business, the Mayor declared the meeting closed at 8.15pm.

CONFIRMED ..... (MAYOR)

CONFIRMED