



MINUTES OF COUNCIL MEETING

HELD ON

TUESDAY 29 JANUARY 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	D LEE	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE & GOVERNANCE
MRS	L SLAYFORD	MINUTE OFFICER

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

The Mayor declared the meeting open at 5.33pm.

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]

Councillor Lynn Rodgers is on leave of absence, apologies received from Councillors D Schumacher and Shane Jones.

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 5.33PM - CLOSED 5.37PM]**G.1/1/19 R GENT: MERRIVALE STREET RECONSTRUCTION**

Mr Gent requested information from Council in relation to:

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

Mr Gent asked Councillor Knight if she recalled a meeting in which photos were taken as they examined string lines. At this point the Mayor advised that Councillors would not respond to questions directly.

The Mayor advised that this matter had been dealt with and only new questions would be responded to in 2019. Mr Gent was advised that there was no obligation for the City to respond to questions on this item as the matter had been concluded however, questions posed at this meeting would be responded to but may not in future.

PUBLIC STATEMENT TIME [AGENDA ITEM 7]

G.2/1/19 MR C GIBB: DOG BIN RELOCATION

Mr Gibb outlined suggestions for the relocation of the dog bin along McLarty Road, Halls Head and the regular dumping of rubbish in the bin at its current location.

The Mayor advised he would allow this item to be taken as a question as to whether the bin can be relocated and advised Mr Gibb officers would review and correspond their findings accordingly.

G.3/1/19 MR C GIBB: PARKING COMPLIANCE

Mr Gibb spoke of ensuring vehicles do not protrude or stand on Council land for more than 24 hours. Mr Gibb outlined an incident which had occurred in September 2018 which led to this public statement.

The Mayor suggested Mr Gibb discuss this matter following the meeting with the Manager Statutory Services and advised officers would correspond with Mr Gibb on this item.

LEAVE OF ABSENCE REQUESTS [AGENDA ITEM 8]

G.4/1/19 LEAVE OF ABSENCE: HON COUNCILLOR RIEBELING – 20 – 30 MARCH 2019

MOTION: C Knight / Peter Rogers

That leave of absence be granted to Hon Councillor Riebeling from 20 to 30 March 2019.

CARRIED UNANIMOUSLY: 10/0

PETITIONS [AGENDA ITEM 9]

Nil.

PRESENTATIONS [AGENDA ITEM 10]

Nil.

DEPUTATIONS [AGENDA ITEM 11]

Nil.

CONFIRMATION OF MINUTES [AGENDA ITEM 12]**G.5/1/19 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 18 DECEMBER 2018**

MOTION: M Darcy / D Lee

That the Minutes of Council Meeting held on Tuesday 18 December 2018 be confirmed.

CARRIED UNANIMOUSLY: 10/0

G.6/1/19 ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]

- Mayor Williams informed the meeting of City officer Paul Stacey's commendation in regard to the 2019 Waroona and Yarloop bushfire.
- Deputy Mayor Councillor Knight spoke of the Rose Garden dedication attended with Councillor Darcy at Christ's Church Mandurah. The rose garden is located at the site where a carob tree was originally planted with seeds gathered during World War 1.
- Councillor Peter Rogers attended the 16th Annual Australia Day Masters Ocean Swim event organised by the Mandurah Masters Swim Club. Swimmers from the local area participated at Doddies Beach along with many people from surrounding areas.
- Councillor Peter Rogers updated Council on the Open Studio Collective Artist soiree at CASM which allowed resident artists to display their completed works. Tiny Shops on Wheels had been in residence at the facility for 1 month which had allowed them to grow. The Tiny Shops on Wheels contribute to fabric of society by taking tiny shops to various locations with the Mandurah area.
- Mayor Williams summarised the Australia Day event of Saturday, 26 January held on the Eastern Foreshore which included the citizenship ceremony and Citizen of the Year awards.

DECLARATION OF INTERESTS [AGENDA ITEM 14]

Nil.

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.

REPORTS [AGENDA ITEM 17]**G.7/1/19 CITIES & REGIONS 4.0 SUMMIT 2019 (MN) (REPORT 1)**

Council is asked to consider the attendance of an Elected Member (s) at the Cities & Regions 4.0 Summit 2019 to be held in Melbourne 12 – 14 March 2019.

The focus for the Cities & Regions 4.0 2019 event will be how technology can be used to make a positive impact on people's everyday lives, jobs, food, safety and mobility - and help shape resilient and sustainable cities.

The Mayor called for nominations to attend the summit advising that more than one Councillor could attend. Hon Councillor Riebeling and Councillor Matt Rogers nominated.

MOTION: P Jackson / D Lee

That Council approves the attendance of Mayor Rhys Williams, Hon Councillor Riebeling and Councillor Matt Rogers at the Cities & Regions 4.0 Summit 2019 to be held in Melbourne, 12 - 14 March 2019.

CARRIED UNANIMOUSLY: 10/0

G.8/1/19 FINANCIAL REPORT DECEMBER 2018 (DP/PB) (REPORT 2)

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

MOTION: F Riebeling / Peter Rogers

That Council:

- 1 **Receives the Financial Report for December 2018.**
- 2 **Receives the Schedule of Accounts for the following amounts:**

Total Municipal Fund	\$ 7,864,904.74
Total Trust Fund	<u>\$ 38,966.35</u>
	<u>\$ 7,903,871.09</u>

CARRIED UNANIMOUSLY: 10/0

G.9/1/19 SHARED OVAL AGREEMENT LAKELANDS RESERVE (LP) (REPORT 3)

With the completion of the secondary school in Lakelands known as Coastal Lakes College, and the construction of two of the three sports ovals which will be completed by February 2019, officers have entered into discussions with the Department of Education regarding the implementation of a shared oval agreement over the site.

In line with the *Lakelands Shared Use School, Sport and Recreation Facilities Master Plan 2014*, the project will provide a shared and efficient use of land that will deliver outcomes for both the City and the Department of Education. This new agreement will ensure sport and recreation activities and facilities are made available to the City's northern suburbs.

The final agreement will include shared use of three ovals, utilised for sporting and active open space, toilets and change rooms, hard courts and additional sport specific infrastructure such as cricket wickets and training nets, together with car parking facilities.

The agreement will initially include all the above amenities excluding the third oval which will be located adjacent to the future primary school site. The third oval will be added to the agreement at a later date via a variation to the licence, the timing of which will be subject to the completion of the primary school site which is yet to be determined.

Council is requested to support a Licence for a Shared Use Agreement with the Department of Education over portions of Reserves 53343 and 53345, and the Department of Education land, for a period of 21 years, subject to the approval of the Minister for Lands.

Deputy Mayor Councillor Knight moved the report recommendation which was seconded by Councillor Wortley. Hon Councillor Riebeling acknowledged the positive outcome achieved with the funding partnership between the City of Mandurah and the Department of Education in this agreement. This was a positive outcome for the community and all parties to the agreement.

MOTION: C Knight R Wortley

That Council:

1. **Approves a Licence over portions of Reserve 53343 and Reserve 53345 and Lots 2500, 600 and 601 Mandurah Road and Banksiadale Gate Lakelands, with the Department of Education for the purpose of a Shared Oval Agreement for a term of 21 years.**
2. **Approves the cost sharing for maintenance to be shared equally between the City and the Department of Education.**

3. **Acknowledges approval and finalisation of the agreement is subject to the consent of the Minister for Lands.**
4. **Acknowledges and approves a variation to the licence that will incorporate the shared use of portions of the Primary School site when constructed.**
5. **Acknowledges each party will cover their own legal costs in relation to the preparation of the Licence Agreement.**
6. **Authorises the Chief Executive Officer to finalise the terms of the agreement and the variation of licence.**

CARRIED UNANIMOUSLY: 10/0

G.10/1/19 ASSIGNMENT OF LEASE BLUE MANNA BOAT HIRE (LP) (REPORT 4)

The lessee of Blue Manna Boat Hire (BMBH) (Kylemark Pty Ltd) have advised officers they have entered into a contract of sale for the business. This contract is conditional upon the assignment of the existing lease to the prospective purchaser Annacar Pty Ltd as trustee for Annacar Family Trust, trading as Blue Manna Boat Hire.

The current lease was approved by Council in September 2011. Through a resolution of Council in July 2014, the lease was assigned to the current operators Kylemark Pty Ltd. At the commencement of the lease in 2011 the annual rent was \$8,500, since that time annual CPI's have been applied.

The tenure includes both seabed and land areas within the Mandurah Ocean Marina, with a term of two years and seven months still remaining before final expiry of the lease which is due on the 31 July 2021.

Council is requested to approve the assignment of the lease of Blue Manna Boat Hire from Kylemark Pty Ltd as trustee for Frogley Trading Trust, to Annacar Pty Ltd as trustee for Annacar Family Trust trading as Blue Manna Boat Hire. The remaining term and conditions of the current lease will remain in place and will be subject to the Minister for Lands approval.

MOTION: D Lee / F Riebeling

That Council:

1. **Approves the assignment of Blue Manna Boat Hire from Kylemark Pty Ltd as trustee for Frogley Trading Trust to Annacar Pty Ltd as trustee for Annacar Family Trust, trading as Blue Manna Boat Hire.**
2. **Acknowledges that the remaining term and all conditions of the current lease will remain in place.**
3. **Acknowledges that the assignment is subject to the approval of the Minister for Lands**
4. **Acknowledges all costs associated with the assignment are to be borne by Kylemark Pty Ltd as trustee for Frogley Trading Trust and Annacar Pty Ltd as trustee for Annacar Family Trust.**

CARRIED UNANIMOUSLY: 10/0

**G.11/1/19 REQUEST FOR LOAN - SOUTH MANDURAH FOOTBALL CLUB (CJ/PM)
(REPORT 5)**

In March 2018 Council supported the South Mandurah Football Clubs application to the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF), small grants round for the construction of new unisex Change Room facilities. The South Mandurah Football Club is planning to construct a new unisex change room facility adjacent to the Club's leased area at Falcon Reserve. The proposed design for the new change rooms cater for male and female sports, junior and senior players, participants of all abilities and ages in addition to external community groups and casual community hirers.

In July 2018, the South Mandurah Football Club received notification from the Department of Local Government, Sport and Cultural Industries that their CSRFF application had been successful receiving funding of \$60,454.55.

The club had a change of committee in November 2018 and upon notification of the successful grant application, the committee undertook a review of the project. This review identified a funding gap in the clubs contribution due to cost differences quoted from the initial concept design to the detailed design that has now been received by the club.

Council is requested to support the Club's construction of a new unisex change room at Falcon Reserve and approve an interest free loan of \$20,000 repayable over 5 years.

MOTION: Tahlia Jones / M Darcy

That Council:

- 1. Approves an interest-free loan of up to \$20,000 from the Interest-Free Loan Reserve with a repayment term of five years. ***
- 2. Requests the Chief Executive Officer (Manager Financial Services) to finalise loan arrangements with the South Mandurah Football Club.**

CARRIED ABSOLUTELY: 10/0

**G.12/1/19 TENDER T09-2018 PROVISION OF CLEANING SERVICES FOR
BUILDINGS (NP/VL) (REPORT 6)**

The City of Mandurah invited Tenders for the provision of cleaning services for buildings and as a result of the evaluation of tendered submissions, Council is now requested to accept the following tenderers as the preferred tenderers:

1. Separable Portion One: Indigenous Managed Services.
2. Separable Portion Two: Office Cleaning Experts Pty Ltd.
3. Separable Portion Three: Indigenous Managed Services.
4. Separable Portion Four: Indigenous Managed Services.
5. Separable Portion Five: Office Cleaning Experts Pty Ltd.

Council is also requested to note the use of alternative qualitative selection criteria to that in City policy Selection Criteria for Major Procurements in order to support the achievement of key strategies relating to the attraction of local industries to increase opportunities for the unskilled labour market and the unemployed.

Councillor Tahlia Jones moved the report recommendation, Councillor Wortley seconded the motion. Councillor Tahlia Jones congratulated all involved in the progressive actions taken with regard to the tender process. Changes implemented permit opportunities for local business. Elected Members acknowledged the work under taken in the tender processes, congratulated staff for their efforts and looked forward to the increased local business employment these changes would enable.

MOTION: T Jones / R Wortley

That Council:

1. **Accepts Indigenous Managed Services as the preferred tenderer for Tender T09-2018 for the Provision of Cleaning Services Separable Portion One: Offices and Penholders.**
2. **Accepts Office Cleaning Experts Pty Ltd as the preferred tenderer for Tender T09-2018 for the Provision of Cleaning Services Separable Portion Two: Public Buildings Central.**
3. **Accepts Indigenous Managed Services as the preferred tenderer for Tender T09-2018 for the Provision of Cleaning Services Separable Portion Three: Public Buildings North and Operations Centre.**
4. **Accepts Indigenous Managed Services as the preferred tenderer for Tender T09-2018 for the Provision of Cleaning Services Separable Portion Four: South and Operations Centre.**
5. **Accepts Office Cleaning Experts Pty Ltd as the preferred tenderer for Tender T09-2018 for the Provision of Cleaning Services Separable Portion Five: Aquatic and Recreation Centres.**

CARRIED UNANIMOUSLY: 10/0

G.13/1/19 TENDER T21-2018 TUCKEY ROOM RECONFIGURATION AND KITCHEN REFURBISHMENT (JS/VL) (REPORT 7)

The City of Mandurah invited tenders for the Tuckey Room Reconfiguration and Kitchen Refurbishment and as a result of the evaluation of tendered submissions, Council is now requested to accept Palace Homes and Construction Pty Ltd trading as Palace Construction as the preferred tenderer.

The project entails the demolition of existing internal and external walls to the kitchen and Tuckey Room to make way for a new Council Chambers and kitchen area.

MOTION: R Wortley / F Riebeling

That Council accepts Palace Homes and Construction Pty Ltd trading as Palace Construction as the preferred tenderer for Tender T21-2018 for the Tuckey Room Reconfiguration and Kitchen Refurbishment.

CARRIED UNANIMOUSLY: 10/0

G.14/1/19 TENDER T18-2018 CONSTRUCTION AND PLACEMENT OF CONCRETE PATHS AND ASSOCIATED CONCRETE WORKS (CP/EJ) (REPORT 8)

The City of Mandurah invited tenders for the Construction and Placement of Concrete Paths and Associated Concrete Works. As a result of the evaluation of tendered submissions, Council is requested to accept Placid Waters Concrete Services Pty Ltd as the preferred tenderer.

MOTION: Matt Rogers / Tahlia Jones

That Council accepts Placid Waters Concrete Services Pty Ltd as the preferred tenderer for Tender T18-2018 Construction and Placement of Concrete Paths and Associated Concrete Works.

CARRIED UNANIMOUSLY: 10/0

G.15/1/19 TENDER T19-2018 IRRIGATION MAINLINE INSTALLATION HALLS HEAD RECYCLED WATER SCHEME (DL/VL) (REPORT 9)

The Halls Head Recycled Water Scheme extracts ground water that has been infiltrated from the Waste Water Treatment Plant into the underlying ground water aquifer. The recycled water is then used for irrigating public open spaces and the Merlin Reserve and South Halls Head Primary School.

This tender relates to the installation of an irrigation transfer line from the Halls Head Recycled Water Scheme Tank Farm to Quandong Park. The mainline will be upgraded to accommodate the increased water flow and pressure required by the scheme.

Council is requested to select Total Eden Pty Ltd as the preferred tenderer.

Deputy Mayor Councillor Knight moved the recommendation which was seconded by Hon Councillor Riebeling. Hon Councillor Riebeling commended the project's approach in utilising recycled water noting that as usage volumes increase the quality of water must be maintained.

MOTION: C Knight / F Riebeling

That Council accepts Total Eden Pty Ltd as the preferred tenderer for Tender T19-2018 for the Irrigation Mainline Installation Halls Head Recycled Water Scheme.

CARRIED UNANIMOUSLY: 10/0

G.16/1/19 TENDER T20-2018 CONSTRUCTION OF FALCON BAY SEAWALL STAGE 2 (DL/EJ) (REPORT 10)

The City has commenced a major staged landscape redevelopment of the Falcon Bay Foreshore. The staged redevelopment consists of upgrades to landscaping, car parks and playground. In order to provide erosion protection to significant existing and planned foreshore reserve infrastructure, a seawall is required to be constructed prior to the capital investment made to further improve the foreshore amenity. Stage 1 of the redevelopment commenced in 2018 with the installation of a steel sheet pile seawall and upgrades to the foreshore reserve and related infrastructure.

The works for this tender continue the construction of the seawall with a second stage of sheet piling, associated scour protection and beach access stairs.

The City of Mandurah invited tenders for the Construction of Falcon Bay Seawall - Stage 2 and as a result of the evaluation of tendered submissions, Council is requested to accept Neo Infrastructure as the preferred tenderer.

MOTION: M Darcy / F Riebeling

That Council accepts Neo Infrastructure as the preferred tenderer for Tender T20-2018 for the Construction of Falcon Bay Seawall Stage 2.

CARRIED UNANIMOUSLY: 10/0

G.17/1/19 2018/19 BUDGET OF WORKS: PROPOSED REALLOCATION OF ROAD FUNDING (TD) (REPORT 11)

The 2018/19 works program is substantially underway with a number of projects already completed.

A review of the Works and Services project budget has resulted in an opportunity to implement some amendments that will result in better community outcomes and ensure the City meets its funding obligations.

The funding required to complete the reconstruction of the intersection of Dower Street with Pinjarra Road and Coolibah Avenue is greater than the project allocation proposed in 2019/2020. The intersection needs to be reconstructed in one stage rather than in stages due to the configuration and traffic signal layout. An opportunity exists to reallocate funding from an existing project and enable works to commence in May 2019 and carry through into the beginning of the 2019/2020 financial year. To achieve this, a reallocation of road funding from Gibson Street to Dower Street is requested.

The proposed reallocation of funds is as follows:

Road Construction

From: Gibson Street	-\$425,000	Revised project scope completed.
To: Dower Street / Pinjarra Road / Coolibah Avenue	\$750,000	Additional funding will ensure the reconstruction of the signalised intersection is completed as one project.

Council is requested to approve the reallocation of road funding from Gibson Street to the reconstruction of Dower Street/Pinjarra Road/Coolibah Avenue in order to achieve project efficiencies, the opportunity to ensure funding obligations are met and to achieve better community outcomes.

The report recommendation was moved by Councillor Wortley, seconded by Councillor Lee. Elected Members discussed project timing to assist in minimising effects to businesses on the Western side of Dower Street.

MOTION: R Wortley / D Lee

That Council:

1. Approves the reallocation of the balance of Gibson Street project funds of \$425,000 to the Dower Street intersection with Pinjarra Road and Coolibah Avenue project.
2. Acknowledges that this will allow works to commence in May 2019 and carry through into the 2019/2020 financial year thus enabling the project to be completed in one stage.

CARRIED UNANIMOUSLY: 10/0

G.18/1/19 APPOINTMENT OF ELECTORAL COMMISSIONER TO CONDUCT ELECTIONS (LC / NP) (REPORT 12)

The Electoral Commissioner was appointed by Council to be responsible for the conduct of City elections and polls via the postal voting method since 2006. The elections have been well conducted with no significant issues identified. The appointment term for the Electoral Commissioner has now expired.

Council is requested to declare the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary election together with any other elections or polls which may be required up to and including the 2023 ordinary election.

Council is also requested to note the proposed cost of the 2019 ordinary election and that until a time an appropriate electronic method of voting is introduced, the voting method of conducting the elections is to continue as the postal ballot method.

Councillor Peter Rogers moved the report recommendation with the inclusion of point 4:

4. *Requests City officers to prepare a report to Council which will assess the rules and benefits of electronic methods of voting and consider a request to the West Australian electoral commission to become a trial site for electronic voting.*

Deputy Mayor Councillor Knight seconded the updated motion.

MOTION: Peter Rogers / C Knight

That Council:

1. **Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary election together with any other elections or polls which may be required up to and including the 2023 ordinary election.**
2. **Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting elections and polls will be the postal ballot method until another more suitable alternative is introduced.**
3. **Note that the cost for the upcoming 2019 ordinary election will be approximately \$241,000.**

4. **Requests City officers to prepare a report to Council which will assess the rules and benefits of electronic methods of voting and consider a request to the West Australian electoral commission to become a trial site for electronic voting.**

CARRIED ABSOLUTELY: 10/0

**G.19/1/19 BUSH FIRE BRIGADES AMENDMENT LOCAL LAW 2018 (BI/NP)
(REPORT 13)**

Following the statutory advertising period, the Bush Fires Brigades Amendment Local Law 2018 is ready for final adoption.

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

PURPOSE: to amend provisions within the City of Mandurah Bush Fires Brigades Local Law 2010.

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

Council is requested to adopt the proposed Bush Fires Brigades Amendment Local Law 2018 in its final form.

MOTION: R Wortley / C Knight

That Council adopt the City of Mandurah Bush Fires Brigades Amendment Local Law 2018.

CARRIED ABSOLUTELY: 10/0

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN [AGENDA ITEM 18]

G.20/1/19 COUNCILLOR KNIGHT: CAT MANAGEMENT

Via State legislation the City has been responsible for Cat Management for a number of years. As part of our community's drive to protect our natural environment, the issue of cats and their impact on the environment ought to be considered. It is proposed that the working group will focus on immediate actions, which the City could undertake to assist in the improvement of cat management within Mandurah with a focus on protecting our natural environment.

There were positives out of the Fairy Tern Sanctuary project but the impact of a cat on the successful nesting has highlighted a concern that many have about the protection of native species from cats.

This motion is to explore options that will result in real improvements in environmental outcomes for our most threatened fauna.

MOTION: C Knight / F Riebeling

1. That the City form a working group consisting of relevant staff, up to two members of MEAG and interested Elected Members, to identify opportunities to reduce the impact of cats on native species within the City including investigating the merit of the following:
 - Lobbying for improvements to Federal and State laws relating to cat management, including the importance of the inclusion of Feral Cats on the Biosecurity and Agriculture Management (BAM) Act for protection of WA's unique biodiversity.
 - Collaboration with WALGA and other Local Governments for opportunities to create a Local Law which is practical and effective for real improvements to environmental outcomes.
 - The designation and protection of environmentally sensitive locations from cats.
 - Reviewing the City of Mandurah's Cat Management Program.
2. The working group should engage with relevant stakeholders i.e. PHCC, DBCA, Peel Harvey Biosecurity Group and report to Council as appropriate during 2019.
3. That the City undertakes a review of the outcomes of the Fairy Tern Sanctuary project at Breakwater Parade Mandurah Ocean Marina and advises the Elected Members of their findings.

CARRIED UNANIMOUSLY: 10/0

NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING [AGENDA ITEM 19]

Nil.

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 20]

Nil

CONFIDENTIAL ITEMS [AGENDA ITEM 21]

RESOLVED: P Jackson / F Riebeling

That the meeting proceeds with closed doors at 6.14pm in accordance with Section 5.23(2)(e) of the *Local Government Act 1995*, to allow for the confidential discussion of items.

CARRIED UNANIMOUSLY: 10/0

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

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.14PM

G.21/1/19 CONFIDENTIAL ITEM: LAND SALES (LP/DC) (REPORT 1)

Confidential discussion ensued regarding this issue.

MOTION: F Riebeling / C Knight

That Council:

3. **Acknowledges that immediately following the tender process a six month direct to market sales campaign will commence, with the direct to market sale prices being adopted as detailed in Table One of the report.**
5. **Authorises the Chief Executive Officer to finalise the sale and settlement of any property that meets Council approved criteria for all lots during the term and six month marketing campaign.**
6. **Acknowledges that a further report will be presented to Council at the completion of the six month direct to market sales campaign.**
7. **Authorise this report and resolutions to remain confidential until all lots in the estate have been sold, except for resolutions 3, 5 and 6.**

CARRIED UNANIMOUSLY: 10/0

G.22/1/19 CONFIDENTIAL ITEM: BUILDING ORDER (DP) (REPORT 2)

Confidential discussion ensued regarding this issue.

MOTION: P Jackson / D Lee

That Council:

- 1 **Adopts the course of action agreed.**
2. **Authorise this report and recommendation to remain confidential until compliance with the building order is achieved.**

CARRIED: 9/1

FOR: Mayor Williams, Councillors Knight, Jackson, Tahlia Jones, Peter Rogers,
Matt Rogers, Wortley, Lee, Darcy

AGAINST: Hon Councillor Riebeling

Senior employees were excused from the meeting at 6.39pm. The Executive Manager Strategy and Business Performance and Minute Officer remained in the Chamber.

G.23/1/19 CONFIDENTIAL ITEM: EMPLOYMENT CONTRACT (GD) (REPORT 3)

Confidential discussion ensued regarding this issue.

Councillor Lee left the meeting at 7.01pm

At this juncture the Mayor suggested that the meeting be adjourned to allow Elected Members to conduct confidential discussion on this item.

MOTION: Matt Rogers / Peter Rogers

That the meeting adjourn at 7.03pm for confidential discussion.

CARRIED UNANIMOUSLY: 9/0

THE MEETING ADJOURNED AT 7.03PM AND RECONVENED AT 8.00PM

The Executive Manager Strategy and Business Performance and Minute Officer returned to the Chamber at 8.00pm.

MOTION: F Riebeling / Matt Rogers

That Council:

- 1 Adopts the course of action agreed.**
- 2. Authorise this report and resolution to remain confidential indefinitely, noting that the contract is a publicly available document.**

CARRIED: 8/1

FOR: Mayor Williams, Councillors Jackson, Matt Rogers, Tahlia Jones, Peter Rogers, C Knight, F Riebeling and Darcy

AGAINST: Councillor Wortley

The Mayor and Executive Manager Strategy and Business Performance left the Chamber at 8.02pm. The Mayor returned at 8.09pm.

THE MEETING ADJOURNED AT 8.09PM AND RECONVENED AT 8.20PM

The Minute Officer returned to the Chamber at 8.20pm.

G.24/1/19 CONFIDENTIAL ITEM: ORGANISATIONAL STRUCTURE (MN) (REPORT 4)

Confidential discussion ensued regarding this issue.

MOTION: F Riebeling / Tahlia Jones

That Council defer consideration of this item to the Strategy Committee meeting to be held 19 February 2019.

CARRIED UNANIMOUSLY: 9/0

G.25/1/19

MOTION: C Knight / Peter Rogers

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 9/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 8.22PM

The Chief Executive Officer and Executive Manager Strategy and Business Performance returned to the Chamber at 8.22pm.

G.26/1/19

MOTION: Matt Rogers / F Riebeling

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 9/0

CLOSE OF MEETING [AGENDA ITEM 22]

There being no further business, the Mayor declared the meeting closed at 8.23pm.

CONFIRMED (MAYOR)