



## MINUTES OF COUNCIL MEETING

HELD ON

**TUESDAY 26 MARCH 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
COUNCILLOR	L RODGERS	EAST WARD
COUNCILLOR	S JONES	EAST WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD

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

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

The Mayor declared the meeting open at 5.32pm acknowledging the recent tragic events in Christchurch, New Zealand and how this tragedy has impacted many communities. One minute silence was held to remember the Christchurch event and all those involved.

Councillor Schumacher informed the meeting of the 'One World, One People' event to be conducted on the Eastern Foreshore commencing at 6.00pm Thursday, 28 March 2019. The event will symbolize love and respect for all people throughout the World, particularly those suffering atrocities occurring in many places such as Christchurch.

The Mayor acknowledged the attendance of Jayne Jamieson and Andrew McKerrell of Peel Chamber of Commerce and Industry.

### **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]**

Hon Councillor Riebeling is on leave of absence and Councillor Tahlia Jones submitted her apologies.

### **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 5.35pm]****G.1/3/19            M O'BRIAN: NAIRNS FORESHORE: MOORING OF HOUSEBOAT  
(G.12/2/19)**

Mr O'Brian submitted the following three questions to Council which were responded to by the Acting Executive Manager Finance and Governance.

1. Has Council communicated since the 26 February 2019 meeting with the owner of the Houseboat?

*The City's solicitors have been instructed to write to the owner of the houseboat. They have requested additional information which will be sent to them during the next two days.*

2. What time limit or deadline has been set for removal of the houseboat from Lot 400?

*The owner will be given 28 days' notice to remove the houseboat.*

3. How much more time has been allowed, after safe removal of the houseboat to another location, for all piles to be removed and for the rock wall to be restored to its original condition?

*The piles will be removed within a few days of the houseboat relocation. The rock wall will be the subject of assessment and maintenance. At the moment no funds are available for possible restoration.*

**G.2/3/19            K SEEVER: COMMUNITY GROUP MEMBERSHIP TO PEEL CHAMBER  
COMMERCE AND INDUSTRY**

Ms Seever asked if the Peel Chamber Commerce and Industry could broaden its membership to include community groups and become the Peel Chamber of Commerce, Industry and Community.

*The Mayor advised this was a question that would require directing to the Peel Chamber of Commerce and Industry as Council did not have authority over this association.*

**G.3/3/19            R GENT: MERRIVALE STREET ROADWORKS**

Mr Gent asked when he would receive the name of the Elected Member who attended a meeting with City officers (Refer previous question submitted), and also if the former Corporate Lawyer had provided information to the Chief Executive Officer regarding boxing out levels and what the Chief Executive Officer was doing in regard to those levels.

*The Mayor advised that the questions would be taken on notice.*



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

Nil.

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

Nil.

**PETITIONS [AGENDA ITEM 9]**

Nil.

**PRESENTATIONS [AGENDA ITEM 10]****G.4/3/19 RECONCILIATION ACTION PLAN (RAP)**

George Walley and Ashlee Otway spoke of how the RAP provided a framework for the City of Mandurah to develop formal relationships throughout the community and assist with improving the economic, social and employment status for indigenous persons.

Highlights of achievements made via the implementation of the RAP over the years have included the Binjareeb Art Awards, development of cultural awareness training, Yaburgurt artwork, dual naming of reserves and creation of education packs for school use.

The City of Mandurah's RAP had moved through the Reflect and Innovate stages with the Stretch phase submitted for endorsement.

**DEPUTATIONS [AGENDA ITEM 11]****G.5/3/19 MR C GRONDAL: TENDER T25-2018 CONTROL OF FERAL ANIMALS**

Mr Grondal delivered a deputation speaking against the Committee of Council recommendation CC.19/3/19. An overview of how NFC Products and Services came into existence to assist the City of Mandurah along with control programs, safety qualifications and support to Ranger Services was outlined. Mr Grondal advised of programs, controls and strategies developed and currently referenced by other Local Governments for the control of feral animals. Relationship developed by NFC Products and Services with community members and City staff were noted as positives in effective feral animal control within the District.

**CONFIRMATION OF MINUTES [AGENDA ITEM 12]****G.6/3/19                    CONFIRMATION OF COUNCIL MINUTES: TUESDAY 26 FEBRUARY 2019**

MOTION:                D Lee / Lynn Rodgers

**That the Minutes of Council Meeting held on Tuesday 26 February 2019 be confirmed.**

CARRIED UNANIMOUSLY: 11/0

**G.7/3/19                    ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]**

- Mayor Williams recognised the April 2019 Local Legend, Mr John Lawrence, who has spent the last ten years supporting charitable and not-for-profit organisations throughout Mandurah.
- Deputy Mayor Councillor Knight spoke of the Madora Bay Community Association event celebrating Madora Bay 60 Years Strong! held on March 21 noting the participation of Mandurah Baptist College students in filming the event for historical purposes.
- Councillor Shane Jones updated the meeting with regard to the Peel Football and Netball League (PFNL) 2019 season launch held on March 25 and the success and growth of the league. It was noted two new women's teams, three men's second grade teams and all age group netball teams were currently filled by the PFNL.
- Councillor Matt Rogers attended the Cities and Regions 4.0 Summit on March 12 – 14 along with Mayor Williams and Hon Councillor Riebeling. Councillor Matt Rogers informed the meeting of the strong West Australian presence at the Summit and of the opportunities to engage and learn what other local governments and state authorities are doing in utilising technology to benefit the community.
- Councillor Peter Rogers informed Council of the 23<sup>rd</sup> Australasian Fire Service Men's Lawn Bowls Carnival held over a week at Halls Head and Port Bouvard Bowling and Recreation clubs. The carnival attracted 160 competitors and guest from across Australia and New Zealand.
- Councillor Jackson acknowledged the 102 new citizens created at the City's Citizenship Ceremony of March 21.
- Mayor Williams further acknowledged another successful Crab Fest event held on the weekend of March 16-17 along with the Yaburgurt Kaaleepga Reserve naming celebration on March 21.

**G.8/3/19                    DECLARATION OF INTERESTS [AGENDA ITEM 14]**

- Councillor Lynn Rodgers previously declared a financial interest in CC.21/3/19 Confidential Report 1 Property Disposal as she is the Chief Executive Officer of Westaus Crisis and Welfare Services Inc. Councillor Lynn Rodgers will not participate in discussion or voting in relation to this item.

- The Acting Executive Manager Finance and Governance previously declared an impartiality interest in CC.21/3/19 Confidential Report 1 Property Disposal as he is a board member of Westaus Crisis and Welfare Services Inc. The Acting Executive Manager Finance and Governance will leave the Chamber when this item is presented.
- Councillor Tahlia Jones previously declared an impartiality interest in CC.20/3/19 Report 16 Tender T01-2019 Mandjar Square Stage 4 Walling Works as the contractor is known to Councillor Tahlia Jones via her role as Local Content Advisor with the Department Planning, Infrastructure and Regional Development. Councillor Tahlia Jones will not participate in discussion or voting in relation to this item.
- Councillor Knight declared an impartiality interest in G.36/3/19 Late and Urgent Report Mandurah Water Tower Project as she is the Chairperson of the Peel Harvey Catchment Council. Councillor Knight will not participate in discussion or voting in relation to this item.
- Councillor Matt Rogers declared an impartiality interest in G.34/3/19 Report 6 Falcon Bay: Proposed Beach Enclosure as he is a resident of the Falcon area. Councillor Matt Rogers will consider this item 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 Schumacher and seconded by Councillor Darcy), the recommendations of the Audit and Risk Committee meeting of Monday 11 March 2019.



**G.9/3/19 REVIEW OF PROCUREMENT ACTIVITY (DP) (REPORT 1) (AR.4/3/19)**

The Auditor General has been given the responsibility for both the audit of local government financial statements and the conduct of performance audits. The first performance finalised in October 2018 was aimed at assessing the effectiveness of procurement arrangements in eight local governments of varying sizes in both metropolitan and regional Western Australia.

The City was not one of the local governments to be audited. However it was felt that, because procurement is not only an important activity but a key fraud risk, there should be an independent evaluation of the City's systems and exposure to the risk of fraud. As a result, Deloitte Risk Advisory were engaged to conduct an evaluation of the City's purchasing system. In addition, the City has recently undertaken an internal review of purchasing activity.

Council is requested to note the contents of this report and the actions being implemented to improve systems.

MOTION: D Schumacher / M Darcy

**That Council:**

1. Notes the contents of this report and the key actions to be taken.
2. Notes that a further report will be provided in November 2019 detailing progress on the implementation of the action plan.

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

**G.10/3/19 COMPLIANCE AUDIT RETURN 2018 (LC) (REPORT 2) (AR.5/3/19)**

Each local government is required to complete a Compliance Audit Return (CAR) for the period 1 January to 31 December each year. The compliance audit has been conducted for 2018 which resulted in the City achieving almost full compliance.

One minor non-compliance was identified during the review. This is outlined further in the comments of this report, however, this was a minor administrative oversight and as such considered to be not serious.

There is a statutory requirement to have the compliance audit reviewed by the Audit and Risk Committee and then adopted by council. Once adopted, it will be certified by the Mayor and Chief Executive Officer and then forwarded to the DLGSCI prior to the 31 March 2018 deadline.

Council is requested to consider and adopt the 2018 Compliance Audit Return.

MOTION: D Schumacher / M Darcy

**That Council adopts the City of Mandurah 2018 Compliance Audit Return.**

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

**G.11/3/19            THREE YEAR STRATEGIC OCCUPATIONAL SAFETY AND HEALTH PLAN (PL/RK) (REPORT 3) (AR.6/3/19)**

In August 2018, the City's insurer Local Government Insurance Services (LGIS) was engaged by the City to conduct a 3 Steps to Safety Program audit. The purpose of the audit was to identify gaps within our existing Occupational Safety and Health (OSH) management system and to create the next 3 year strategic plan.

The OSH Plan was developed with the assistance of the City's OSH committees and sets the direction for achieving continuous improvement of the City's OSH systems, performance and culture.

Council is requested to endorse the City's 3 Year Strategic Occupational Health and Safety Plan.

MOTION:            D Schumacher / M Darcy

**That Council**

- 1.    Endorses the 3 Year Strategic Occupational Safety & Health Plan 2019-2022**
- 2.    Notes the Occupational Safety & Health Key Performance Indicators**

CARRIED UNANIMOUSLY: 11/0  
(This item was adopted en bloc)<sup>1</sup>

**NOTE: Council adopted en bloc (moved by Councillor Schumacher and seconded by Councillor Darcy), the recommendations of the Committee of Council meeting of Tuesday 12 March 2019 with the exception of Items CC.10/3/19, CC.19/3/19 and CC.21/3/19, which were dealt with separately.**

**G.12/3/19            SUPPLY OF NEW ENTERPRISE RESOURCE PLANNING (SH) (REPORT 1) (CC.5/3/19)**

In June 2018, Council endorsed the Working Smarter business case that highlighted issues related to our current systems procurement strategy and existing technology systems. The report highlighted the fact that the current systems and procurement strategy were preventing the City from delivering our digital strategic objectives. It was recommended that if the organisation were to keep up with changing citizen demands and improve business performance, it would require a new system capable of providing;

- Citizen e-Services;
- 360° views of the customer and property;
- Workforce mobility;
- Business Intelligence and Data Analytics;
- Process workflow and automation; and
- Functionality that removed organisational silos.

In September 2018, an evaluation team comprising managers representing core functional areas across the City, was formed to procure and deliver an enterprise wide resource planning (ERP) system that would provide the above capabilities. The new ERP system would replace the current Civica "Authority" ERP system and a suite of best-of-breed systems that support it.



After an initial system capability assessment of all ERP suppliers was undertaken by the Governance and Tenders Team and the Working Smarter Team, it was determined that only TechnologyOne had the ability to deliver a solution that could meet the City's requirements. Council endorsed the recommendation to procure the system as sole provider in November 2018.

The evaluation team in collaboration with key users and teams across the organisation, developed 1400 detailed functional and technical business requirements, and issued this to TechnologyOne through eQuotes on November 2018. The evaluation which included 3 stages of evaluation against the stated functional and technical requirements is now effectively complete.

Council approval is sought to select TechnologyOne to deliver a new ERP system to the City.

MOTION: D Schumacher / M Darcy

**That Council:**

- 1. Awards TechnologyOne the contract to supply the City a new ERP system for the period of ten years commencing 1 April 2019.**
- 2. Authorises the Chief Executive Officer to undertake negotiations of the final contract.**

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

**G.13/3/19 A SHARED ECONOMIC FUTURE: MEMORANDUM OF UNDERSTANDING (TB) (REPORT 2) (CC.6/3/19)**

In January 2018, Council authorised the City to prepare a new economic development strategy – in partnership with the Shire of Murray - to replace the previous *Southern City Strategy*, which was adopted by Council in 2008.

In October 2018, Council adopted the newly created strategy, *'Mandurah and Murray: A Shared Economic Future'* as the City's new economic development strategy. Further, Council endorsed the programs and projects contained within the new strategy, and committed to a program of advocacy to ensure State and Federal Government support and investment in the strategy's projects.

In November 2018, Council authorised liaison to take place between the leaders of both Councils over a suitable cooperative Memorandum of Understanding for the delivery of *Mandurah and Murray: A Shared Economic Future*. Council also approved commencement of a process to create a suitably skilled Strategic Advisory Group, comprising of (as a minimum) the City of Mandurah Mayor and CEO, the Shire of Murray President and CEO, and four business representatives.

Council also authorised officers to examine the potential to create a Regional Subsidiary for the delivery of the economic development strategy beyond June 2020. Council also noted that the draft budget would recommend allowance for extra resources within the Mandurah/Murray Economic Development Unit to focus on Markets and Investments, Portfolio Development, and Business and Industry.

Leaders from the two Councils met on 11 February to discuss the proposed Memorandum of Understanding (MOU), and Council is requested to endorse this.

MOTION: D Schumacher / M Darcy

**That Council endorses the signing of the MOU as presented in the report and instructs both the Mayor and Chief Executive Officer of the City of Mandurah to sign and formalise the document.**

CARRIED UNANIMOUSLY: 11/0

*(This item was adopted en bloc)*

#### **G.14/3/19 DISPOSAL OF COMPACTION TRAILERS (DP) (REPORT 3) (CC.7/3/19)**

The City disposes of its waste to the Dardanup landfill facility. Waste is compacted at the Waste Management Centre (WMC), compacted, and transported in specialised trailers. The City owns the compaction equipment at the WMC and the trailers, and a transport company provides the prime mover and hauls the trailers to Dardanup.

As waste volumes have grown, the haulier has used its own fleet of compaction trailers to augment the City's fleet. The company has expressed an interest in acquiring the City's trailers to add to its existing stock.

From the City's point of view, a sale of trailers provides a minor annual saving. However, a sale represents an opportunity to avoid the future costs of maintenance, replacement and addition to a relatively expensive fleet of trailers.

Council is requested to approve the sale of four compaction trailers to Allpoint Nominees Pty Ltd trading as K Trans WA.

MOTION: D Schumacher / M Darcy

**That Council:**

- 1. Notes the sale of compaction trailers will be advertised publicly for submissions.**
- 2. Approves, in the event that there are no submissions, the sale of its compaction trailers to Allpoint Nominees Pty Ltd, trading as K Trans WA.**
- 3. Notes that, if submissions are received, a further report will be provided to Council.**

CARRIED UNANIMOUSLY: 11/0

*(This item was adopted en bloc)*

**G.15/3/19 RECONCILIATION ACTION PLAN 2019-2022 (TH) (REPORT 4)  
(CC.8/3/19)**

The City of Mandurah developed and endorsed its first Reconciliation Action Plan (RAP) in 2012 and its second in 2014. The RAP journey has provided the City with opportunities to build meaningful, mutually beneficial relationships with local Aboriginal community. It has also enabled the organisation to deliver a number of quality outcomes for the City and for Mandurah's Aboriginal community.

The City began a process of consulting with the Aboriginal community throughout 2017 to establish priorities and new ideas for the City's third RAP. An Expression of Interest for a new RAP Steering Group was advertised in late 2017, which attracted a pleasingly wide range of applicants. The result has been a new RAP Steering Group with members representing a broad range of perspectives based on work and life experience, with connections to local Elders. The City ran a series of planning meetings with the RAP Steering group throughout 2018, where the group were invited to develop actions for an 'aspirational' Stretch RAP.

This report seeks council endorsement for the City's third Reconciliation Action Plan 2019-2022.

MOTION: D Schumacher / M Darcy

**That Council endorse the City of Mandurah's STRETCH Reconciliation Action Plan 2019 – 2022.**

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

**G.16/3/19 YALGORUP NATIONAL HERITAGE LISTING (BB/BR) (REPORT 5)  
(CC.9/3/19)**

The Yalgorup National Park, inclusive of Lake Clifton and the other Yalgorup lakes, is one of the most important environmental assets in Mandurah and the broader Peel region.

In April 2017, Council resolved to undertake a community engagement campaign to assess and build community support for the National Heritage listing of the park. This was based on initial stakeholder engagement which indicated that the success of the nomination would be reliant on strong community support and political support at the State Government level.

Officers conducted targeted community and stakeholder engagement from July 2017 to October 2018. Results from this engagement show strong community support for the nomination of Yalgorup National Park for National Heritage listing, with 96% of respondents in support of nomination. Of the 248 people surveyed, 47 people indicated a willingness to be involved in helping with the nomination process and ten people indicated that they were willing to join a steering group to guide the process.

The engagement process also highlighted a strong community affinity with the environmental features of the park, with its provision of natural habitat, protection of native flora and fauna and the thrombolites being the three aspects most valued by respondents. However, a slight lack of understanding of the environmental significance of Yalgorup was also noted, with 57% of respondents indicating they know only "a little" about the park.



Going forward, instead of continuing community engagement specific to the nomination of Yalgorup National Park for National Heritage listing, it is recommended that support is channelled into raising community awareness of Mandurah's environmental value more broadly, with specific attention to places such as Yalgorup National Park. This includes the development of an appropriate tourism vision and identity for the National Park. This vision should be developed in conjunction with researchers and qualified tourism professionals to ensure all potential impacts of tourism are identified and accounted for.

MOTION: D Schumacher / M Darcy

**That Council:**

1. **Acknowledges the update on the National Heritage listing of the Yalgorup National Park including Lake Clifton and the Yalgorup lakes.**
2. **Acknowledges the results of the Yalgorup National Heritage Listing Community Engagement Campaign.**
3. **Supports the nomination of Yalgorup National Park for National Heritage listing without an intensive and ongoing community engagement campaign, understanding that this may impact the length of the nomination assessment period.**

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

**G.17/3/19 EMBRACE A SPACE (TR/VA) (REPORT 6) (CC.10/3/19)**

At the meeting in April 2018, Council resolved that the City considers an Embrace a Space Program to enable the community to adopt and participate in the management of public spaces in Mandurah. In response to this, a community-led Embrace a Space Program has been developed which will operate alongside existing environmental volunteer groups and be supported through the Mandurah Environmental Volunteer Action Committee (MEVAC).

The Embrace a Space Program encourages community members to adopt and contribute to the management and activation of their favourite public space. It aims to strengthen community connections by creating a positive sense of ownership in spaces across Mandurah.

The Embrace a Space Program will be delivered by community and supported by City staff. The program will include a facilitation Toolkit and Activity Plan. The Toolkit will enable residents and the local community to facilitate a community workshop, to develop a vision for their space and to identify volunteer opportunities for their group. This will result in an Activity Plan being developed by group members and presented to relevant City officers, to enable collaboration between community and City operational activities.

Minor expenditure is expected and can be accommodated via the existing Volunteer Support program. If successful, this budget will continue to be used to support the Embrace a Space program in the future.

Council is being requested to acknowledge the Embrace A Space program and support the implementation of the Embrace A Space toolkit.

Report Recommendation:

*That Council acknowledges the Embrace a Space Program and supports the implementation of the Embrace a Space Toolkit and Activity Plan.*

Committee recommendation:

*That this item be deferred to the 26 March, 2019 Council meeting to enable feedback to be provided to officers on this item.*

Mayor Williams moved for this item to be deferred as Councillor Tahlia Jones had requested to provide feedback at the Committee of Council meeting of March 12. Given Councillor Tahlia Jones' absence tonight this was considered to be the appropriate action to take. Councillor Schumacher seconded the deferment motion.

MOTION: R Williams / D Schumacher

**That Council defer consideration of the Embrace a Space item to the April 2019 round of meetings.**

CARRIED UNANIMOUSLY: 11/0

**G.18/3/19 TRADING PERMIT GUIDELINE REVIEW (NL) (REPORT 7) (CC.11/3/19)**

This report seeks to review of the effectiveness of the Trading Permits Guidelines adopted in February 2018, and provide recommendations for changes to improve customer service and reduce red tape.

Over the past 12 month period, the City has received no complaints in relation to commercial and aquatic operators' and one complaint in relation to mobile food vendors, with the submitter seeking a time limit restriction of 2 hours in any one location for mobile traders.

As a part of this review, officers have:

- reconsidered the stated objectives of the document;
- considered possible modifications to the regulatory provisions relating to the locations of trade and the length of time spent in any one trading location;
- considered the inclusion of provisions relating to semi-permanent space activation and markets;
- the initiation of the 'expression of interest' process for key waterfront locations; and
- have undertaken a review of the fee structure.

Council is recommended to support the proposed modifications to the stated objectives of the Trading Permits Guidelines, in addition to the modifications to the Schedule of Fees and Charges for 2019/2020.

Report Recommendation:

*That Council:*

1. *Maintains the current Trading Permit Guidelines as an agreed position on how traders may operate from Council land, subject to the following modifications:*



(a) *Modify Section 1.1 of the Trading Permit Guidelines to read*

- (a) *"Encourage the use of parks and reserves by commercial and aquatic operators and mobile traders, as a means of enhancing the vibrancy and community activity that flows from this activation of our public spaces, whilst managing the competing needs and interests of pedestrians, consumers and local business proprietors;*
  - (b) *To facilitate enjoyable, interesting, unique and convenient leisure and recreational options for residents, families and other members of the community to experience in their local area;*
  - (c) *Encourage and provide entrepreneurial, place-making and tourism opportunities that contribute to the well-being of residents, to the overall experience of visitors to Mandurah and to the growth of small businesses;*
  - (d) *Provide guidelines and assessment criteria for the consistent decision making of applications for trading permits applications on public land."*
  - (b) *Approves modifications that identify the semi-permanent/pop-up style activities from the approved City Centre Waterfront Precinct Concept Plans are included in the 'City Centre Waterfront Trading Locations' and are subject to the expression of interest process outlined in Section 2.8 of the Guidelines.*
2. *Notes the introduction of a quarterly fee of \$650 for mobile traders to the Schedule of Fees and Charges for 2019/2020 and an update to the fee structure within the guidelines;*
3. *Notes the introduction of a monthly fee of \$100 for commercial and aquatic operators to the Schedule of Fees and Charges for 2019/2020 and an update to the fee structure within the guidelines.*

MOTION: D Schumacher / M Darcy

**That Council:**

1. **Defer consideration of this item to the April 2019 round of meetings;**
2. **Receive further information from officers in relation to:**
  - 2.1 **Restricting trading commencement times;**
  - 2.2 **Duration of trading hour restrictions;**
  - 2.3 **Appropriateness of 400 metre trading distance;**
  - 2.4 **Appropriateness of Mandurah Terrace, Silver Sands trading location;**
  - 2.5 **Set-up time requirements for mobile traders;**
  - 2.6 **Monetary and staff costs in amending commencement trading time to 9.00am from the stated 7.00am**
3. **Receive a copy of the reviewed trading guidelines prior to consideration of the item in April 2019.**



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

**G.19/3/19 NAMING RESERVE 49425 SHIRLEY JOINER RESERVE (LP/VK)  
(REPORT 8) (CC.12/3/19)**

The City is proposing to commemorate the late Mrs Shirley Joiner, who made a significant contribution to the community through her environmental advocacy and volunteering works, with the naming of a reserve in her honour.

Mrs Joiner, who passed away in 2017, meets the specific Landgate policy requirements for commemorative naming through her many years of community service for organisations including the Peel Preservation Group, Mandurah Environmental Advisory Group, Friends of Rivers Peel and the Mandurah Uniting Church.

Due to Mrs Joiner's passion for the environment, the naming of a reserve which holds environmental significance is considered to be an appropriate commemoration. Bushland Reserve 49425 in Tuckey Cove Dudley Park has been selected on the basis that it meets this criteria, with an endangered species of flora upon it and, as well, it is located in what was Mrs Joiner's home suburb.

Extensive consultation, to both the residents who live within the vicinity of the reserve and the wider community, has been carried out, with overwhelming support to the proposal received.

MOTION: D Schumacher / M Darcy

**That Council:**

1. Approves formal submission to the Geographic Naming Committee at Landgate for the official naming of Reserve 49425, Lot 1995 Sharperton Meander, Dudley Park, as Shirley Joiner Reserve;
2. Acknowledges upon approval of the name by the Geographic Naming Committee, holds a suitable ceremony to officially name the reserve.

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

**G.20/3/19 LEASE: LIONS CLUB OF MANDURAH (LP/RL) (REPORT 9) (CC.13/3/19)**

The current lease with the Lions Club of Mandurah Incorporated (Lions) is due to expire on the 30 June 2019, with the renewal term being fully exercised upon this date. The group has formally requested to enter into a new lease agreement with the City upon the expiry of the current term.

The Lions club occupy Lot 24 and a portion of Lot 25 Park Road, Mandurah, being City freehold owned land, with a total lease area of 3,395 square metres, the City's operations Centre is located adjacent to this site on Lot 31.

Due to the strategic nature, the possible redevelopment potential of the site together with the access required by the City via the lease area to the adjoining dog pound, on Lot 31, officers consider that a tenure term of three years with a two year renewal option (3+2 years) is appropriate, along with a reduced rental rate of \$50 per annum. These conditions align with the current lease agreement between the group and the City.

Council is requested to support a new lease with the Lions Club of Mandurah Incorporated, over Lot 24 and a portion of Lot 25 Park Road, Mandurah, for a term of three years with a two year renewal option (3+2 years) commencing on the 1 July 2019 with final expiry due on the 30 June 2024. An annual rental rate frozen at \$50 per annum until the lease expires or until the dog pound access is no longer required by the City.

MOTION: D Schumacher / M Darcy

**That Council:**

1. Approves a lease over Lot 24 and a portion of Lot 25 Park Road, Mandurah, to the Lions Club of Mandurah Incorporated with the following conditions;
  - 1.1 Tenure of three years, commencing on 1 July 2019 and expiring on 30 June 2022;
  - 1.2 Renewal term of two years, commencing on 1 July 2022 and expiring on 30 June 2024;
2. Approves the application of the City's Fees and Charges Schedule 2018/19 to the term of lease being suspended, with rent being fixed at \$50 per annum until expiry of the lease, or until the dog pound is removed;
3. Approves the waiver of the documentation preparation fee as detailed in the City's Fees and Charges Schedule 2018/19 of \$600;
4. Authorises the Chief Executive Officer to finalise the conditions of the Lease.

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

**G.21/3/19 LICENCE: MANDURAH NETBALL ASSOCIATION (LP/RL) (REPORT 10)  
(CC.14/3/19)**

The Mandurah Netball Association Incorporated (MNA) have held tenure over a portion of Reserve 19312, Lot 503 (No. 20) Thomson Street, Mandurah, since 1995. Their current licence is due to expire on the 31 March 2019, with all renewal options being fully exercised upon this date.

After recent discussions with the club officers recommend a new licence agreement with the same tenure to their existing agreement, of three years with a two year renewal option (3+2 years), together with an annual rental fee aligning with the City's Schedule of Fees and Charges for Sporting and Community groups.

Council is requested to support a new licence with the Mandurah Netball Association Incorporated, over a portion of Reserve 19312 Thomson Street, Mandurah, for a term of three years with a two year renewal option (3+2 years) commencing on or after the Minister for Lands consent, together with an annual rental fee of \$1,000 proposed in accordance with the City's Schedule of Fees and Charge and all licence terms and conditions are subject to the approval of the Minister for Lands.

MOTION: D Schumacher / M Darcy

**That Council:**

1. **Approve a licence over portion of Reserve 19312, Lot 503 (No. 20) Thomson Street, Mandurah, to the Mandurah Netball Association Incorporated with the following conditions;**
  - 1.1 **Tenure of three years, with a two year renewal option (3+2 years);**
  - 1.2 **Commencement on or after the Minister for Lands consent;**
2. **Authorises the Chief Executive Officer to finalise the conditions of the licence agreement.**

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

**G.22/3/19      2019/2020 COMMUNITY SPORT AND RECREATION FACILITY FUND  
SUMMER ROUND (NG) (REPORT 11) (CC.15/3/19)**

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

The small grants aim to increase participation in sport and recreation, with an emphasis on physical activity through rational development of sustainable, good quality, well designed and well utilised facilities where the total cost does not exceed \$200,000. The application process for submissions involve Local Governments undertaking an initial assessment to ensure proposed projects are well planned, prioritised and of positive benefit to the community.

The City has received two applications from clubs as part of the Community Sport and Recreation Facility Fund (CSRFF) Small Grants – Summer Round. Details of these applications are:

- Mandurah Tennis Club Resurfacing of Courts 9-12
- South Mandurah Tennis Club Resurfacing of Courts 7-10

Council is requested to support the ratings and priorities of the two (2) 2019/20 Community Sport and Recreation Facility Fund (CSRFF) Small Grants applications submitted and note that an allowance for the City's contributions towards each project will be listed in the 2019/20 draft capital budget, subject to the projects being approved by the Department of Local Government, Sport and Cultural Industries - Sport and Recreation.



MOTION: D Schumacher / M Darcy

That Council:

1. **Supports the rankings and ratings for the Community Sport & Recreation Facility Fund Small Grant applications from the following clubs / organisations:**
  - **Mandurah Tennis Club**  
Project – Resurfacing of courts 9 - 12  
Ranking – one  
Rating - Medium/High
  - **South Mandurah Tennis Club**  
Project - Resurfacing of courts 7 - 10  
Ranking – Two  
Rating – Medium/High
2. **Notes that if any of the following applications are successful, the City will be required to commit the following amounts through the 2019/20 capital budget:**
  - **Mandurah Tennis Club**
    - Project – Resurfacing of courts 9 – 12 - \$12,411.00
  - **South Mandurah Tennis Club**
    - Project - Resurfacing of courts 7 - 10 - \$10,625.30

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

**G.23/3/19 PROPOSED TRAFFIC MANAGEMENT SCHEME SPINAWAY  
PDE/PANAMUNA DVE FALCON (TC) (REPORT 12) (CC.16/3/19)**

In response to resident's concerns, a traffic management scheme has been developed for Spinaway Parade and Panamuna Drive, Falcon.

City officers have undertaken public consultation for a proposed traffic management treatment on Spinaway Parade and Panamuna Drive around the Falcon Bay Foreshore development.

The proposal includes:

- a) the installation of speed cushions at two locations in Spinaway Parade adjacent to the Falcon Bay Foreshore development (locations 2 and 3 on below plan) to protect pedestrians and drivers entering and exiting the on street parking bays at this location,  
  
and
- b) the installation of a separation kerb with delineation around the bend between Panamuna Drive and Spinaway Parade (location 1 on below plan) to address vehicle speeds and separation at the bend.

Council is requested to endorse the implementation of the proposed traffic management measures as shown on Plan TM 2512 of the report.

MOTION: D Schumacher / M Darcy

**That Council approves the installation of rubber speed cushions on Spinaway Parade along with separation kerbing at the bend between Panamuna Drive and Spinaway Parade as shown on Plan TM 2512 of the report.**

CARRIED UNANIMOUSLY: 11/0

*(This item was adopted en bloc)*

**G.24/3/19 TENDER T23-2018 SUPPLY AND DELIVERY OF PREMIX CONCRETE (CP/EJ/BN) (REPORT 13) (CC.17/3/19)**

The City of Mandurah invited tenders for the Supply and Delivery of Premix Concrete and as a result of the evaluation of tendered submissions, Council is requested to accept the following tenderers as the preferred tenderers:

1. Separable Portion One General Premixed Concrete: The Gill Family Trust & The Ockwell Family Trust (trading as Mandurah U-Cart).
2. Separable Portion Two Coloured Premixed Concrete: The Gill Family Trust & The Ockwell Family Trust (trading as Mandurah U-Cart).
3. Separable Portion Three Fibre Reinforced Concrete: The Gill Family Trust & The Ockwell Family Trust (trading as Mandurah U-Cart).
4. Separable Portion Four Exposed Aggregate Concrete: BGC Concrete
5. Separable Portion Five Liquid Limestone: Reject all Tenderers.

MOTION: D Schumacher / M Darcy

**That Council:**

1. **Accepts The Gill Family Trust & The Ockwell Family Trust (trading as Mandurah U-Cart) as the preferred tenderer for T23-2018 for the Supply and Delivery of Premix Concrete Separable Portion One General Premixed Concrete.**
2. **Accepts The Gill Family Trust & The Ockwell Family Trust (trading as Mandurah U-Cart) as the preferred tenderer for T23-2018 for the Supply and Delivery of Premix Concrete Separable Portion Two Coloured Premixed Concrete.**
3. **Accepts The Gill Family Trust & The Ockwell Family Trust (trading as Mandurah U-Cart) as the preferred tenderer for T23-2018 for the Supply and Delivery of Premix Concrete Separable Portion Three Fibre Reinforced Concrete.**
4. **Accepts BGC Concrete as the preferred tenderer for T23-2018 for the Supply and Delivery of Premix Concrete Separable Portion Four Exposed Aggregate Concrete.**
5. **Declines to accept all tenders for T23-2018 for the Supply and Delivery of Premix Concrete Separable Portion Five Liquid Limestone.**

CARRIED UNANIMOUSLY: 11/0

*(This item was adopted en bloc)*



**G.25/3/19            TENDER T24-2018 COASTAL EARTHWORKS LARGE MACHINERY HIRE  
(NC/VL) (REPORT 14) (CC.18/3/19)**

The City of Mandurah invited tenders for Coastal Earthworks - Large Machinery Hire. During the evaluation process, it was identified that there was no suitable tender that would achieve value for money.

Council approval is sought to decline to accept all tenders and note that the City will review the tender specification before re-tendering in the future.

MOTION:            D Schumacher / M Darcy

**That Council decline all tenders for Tender T24-2018 for the Coastal Earthworks – Large Machinery Hire**

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

**G.26/3/19            TENDER T25-2018 CONTROL OF FERAL ANIMALS (CP/EJ) (REPORT  
15) (CC.19/3/19)**

The City of Mandurah invited tenders for the Control of Feral Animals and as a result of the evaluation of tendered submissions, Council is requested to accept Terrestrial Ecosystems as the preferred tenderer.

Councillor Wortley moved the Committee recommendation which was seconded by Councillor Darcy. Discussion ensued in regard to post-tendering discussions offered to local suppliers with the Chief Executive Officer advising of debriefs offered to all tenderers.

MOTION:            R Wortley / M Darcy

**That Council accepts Terrestrial Ecosystems as the preferred tenderer for Tender T25-2018 for the Control of Feral Animals.**

CARRIED UNANIMOUSLY: 11/0

**G.27/3/19            TENDER 01-2019 MANDJAR SQUARE STAGE 4 WALLING WORKS  
(FK/VL) (REPORT 16) (CC.20/3/19)**

The City of Mandurah invited tenders for the Mandjar Square Stage 4 – Walling Works. The works include the supply of all labour and materials to construct in-situ concrete walls around the Mandurah Performing Arts Centre and is a key component of the Mandjar Square Redevelopment Project.

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

MOTION:            D Schumacher / M Darcy

**That Council accepts Quality Assured Contracting Pty Ltd as the preferred tenderer for T01-2019 for the Mandjar Square Stage 4 – Walling Works.**



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

**G.28/3/19      CONFIDENTIAL ITEM: PROPERTY DISPOSAL (REPORT 1) (CC.21/3/19))**

Confidential discussion ensued, refer minute G.37/3/19.

**REPORTS [AGENDA ITEM 18]**

**G.29/3/19      FINANCIAL REPORT FEBRUARY 2019 (DP/PB) (REPORT 1)**

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

MOTION:          D Schumacher / D Lee

**That Council:**

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

Total Municipal Fund	\$ 7,388,707.60
Total Trust Fund	<u>\$ 72,285.97</u>
	<u>\$ 7,460,993.57</u>
- 3      **Approves unbudgeted expenditure of \$108,000 for Casuarina Drive:**
  - Funded from Mulga Drive shared path project \$95,000;
  - Funded from Surplus \$13,000.
- 4      **Approves unbudgeted expenditure of \$12,000 for Blue Bay ablution:**
  - Funded from Warrangup Springs Ablution \$28,000;
  - Added to Surplus \$16,000.

CARRIED UNANIMOUSLY: 11/0

**G.30/3/19      FUTURE OF LOCAL GOVERNMENT SUMMIT (MN) (REPORT 2)**

Council is asked to consider the attendance of an Elected Member(s) at the 2019 Future of Local Government National Summit in Melbourne on Thursday 23 and Friday 24 May 2019. The National Summit is being convened by the Municipal Association of Victoria (MAV) on behalf of local government nationally and held at The Angliss Conference Centre, Melbourne.

The Summit has been designed to provide Elected Members and Council officers with an interest in influencing the future of Local Government who wants to make a difference and add value to their communities and to the sector generally now and in the future.

Mayor Williams called for nominations to attend the May 2019 Summit. Councillor Lee nominated to attend.

Councillor Matt Rogers moved, Councillor Schumacher seconded the motion.

MOTION: Matt Rogers / D Schumacher

**That Council consider the attendance of Councillor Lee at the 2019 Future of Local Government National Summit: *The Future of LG Journey (examining the role of local government)* in Melbourne on Thursday 23 and Friday 24 May 2019.**

CARRIED UNANIMOUSLY: 11/0

#### **G.31/3/19 LOCAL GOVERNMENT ACT REVIEW PHASE 2 (SL) (REPORT 3)**

The Department of Local Government Sport and Cultural Industries (DLGSCI) have released discussion papers for phase two of the *Local Government Act 1995* (the 'Act') review and have invited submissions from Local Governments and the community.

Participating in the review process presents an opportunity for local governments to enact change and propose significant amendments to the legislation that guides us.

Council is requested to approve the prepared submission as shown at Attachment 1 in the report.

MOTION: Shane Jones / P Jackson

**That Council approves the submission as per Attachment 1 of the report.**

CARRIED UNANIMOUSLY: 11/0

#### **G.32/3/19 FENCING AMENDMENT LOCAL LAW 2018 (SL) (REPORT 4)**

Following the statutory advertising period, the Fencing 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 Fencing Amendment Local Law 2018:

PURPOSE: to amend provisions within the City of Mandurah Fencing Local Law 2015.

EFFECT: to ensure the City of Mandurah Fencing Local Law 2015 is as clear and effective as possible.

Council is requested to adopt the Fencing Amendment Local Law 2018 in its final form.

Mayor Williams stated the purpose and effect of the Local Law with Councillor Matt Rogers moving the motion which was seconded by Councillor Shane Jones.

MOTION: Matt Rogers / Shane Jones

**That Council adopt and advertise the City of Mandurah Fencing Amendment Local Law 2018.**

CARRIED WITH ABSOLUTE MAJORITY: 11/0

**G.33/3/19 PROPOSED DEVELOPMENT WORKS RUSHTON PARK PRECINCT (BD)  
(REPORT 5)**

A development proposal has been received from Peel Thunder Football Club to make improvements to the corner of Clarice and Dower Street on the south eastern corner of Rushton Park. The proposal involves a number of components:

- A retaining wall and garrison style fencing (security fencing) around the perimeter of the existing reserve to provide a for a 'secure parking area' of 19 bays together with an access driveway off of Clarice Street;
- A storage shed and retaining wall surrounding the existing tanks in close proximity to the existing gatehouse to house the Club's two buses;
- Digital signage consisting of two large signs facing both directions of Dower Street with the intent to promote club events and activities and acknowledge club sponsors.

These works are proposed to be funded and constructed by the Club.

In response to the submitted proposal, officers have reviewed the proposal and have recommended a number of modifications that seeks to improve the design outcome for the precinct but accommodate the Club's request by modifying the following:

- Ensuring a minimum 5m verge remains between the road kerb of Dower Street (including the intersection of Clarice) and the proposed fence and retaining wall to provide for a continuation of the footpath and verge treatments recently completed adjacent to the Mandurah Forum Shopping Centre to improve the pedestrian environment in this location;
- Modifying the access to the car parking and shed to maintain the two existing tuart trees on site;
- Modifying the fencing and car parking design to ensure entry plaza pavement treatments can be provided between Dower Street and the gatehouse / main entrance and
- Moving the location of the shed to ensure that views to the gatehouse / main entrance to the stadium are maintained from Dower Street.

Council approval is sought for these works being undertaken on Crown Land under the Management of the City by a third party.



Further the submitted design concept requires Council's consideration of an upgrade to the footpath and paving treatment along Dower Street to match existing treatments which should be included in the design and funding allocated accordingly. It is considered that this upgrade continues the upgrades that have been ongoing in the Precinct following the completion of the Mandurah Forum and street upgrades in Dower Street to ensure continuity of linkages between the important spaces that support pedestrian movement, particularly with Rushton Park being a significant event and recreation space in Mandurah.

It is recommended that Council acknowledge the proposal as submitted and support Peel Thunder Football Club making improvements to this part of the Precinct.

MOTION: R Wortley / Shane Jones

**That Council**

1. Grants consent to the Peel Thunder Football Club to undertake development works over Crown Reserve 19312, Dower Street, Mandurah for works that include retaining, fencing, parking, signage and storage shed as outlined on Plan No 05/007/020 Dated 14 March 2019 (as generally shown in Attachment 2) subject to the following conditions and/or requirements:
  - 1.1 Ensuring that all retaining works and buildings are granted a Building Permit prior to any works taking place;
  - 1.2 Detailed civil design being submitted for the proposed car park and access prior to any works taking place that includes details relating to stormwater, which is to be contained on site;
  - 1.3 Approves a licence to occupy portion of Reserve 19312 for the purpose of a shed and storage, for a term of five years with a five year renewal option (5+5 years) with a rental fee of \$1 per annum. The licence will be subject to the Minister for Lands approval;
  - 1.4 The Club notes that the fencing, retaining wall and parking remain on land that is within land under the management of the City of Mandurah and that the City reserves the right to remove and/or replace such works at its discretion;
  - 1.5 The Club notes that the proposed digital signage cannot be granted a licence and therefore once constructed will become the property of the City of Mandurah and that all content of the signage must be limited to:
    - (a) Related to an event to be held at the Ground;
    - (b) A club or City event being held within the Facility; and
    - (c) To recognise Club and Event Sponsors.
2. Notes that an amount of \$40,000 will be included in the 2019/20 draft Capital Budget as a City of Mandurah contribution to the overall project specifically for the verge paving and landscape works along Dower Street.

CARRIED UNANIMOUSLY: 11/0

**G.34/3/19      FALCON BAY: PROPOSED BEACH ENCLOSURE (AC) (REPORT 6)**

The City of Mandurah was officially notified in June 2017 that the State Government is committed to working with the City to create a beach enclosure at Falcon Bay.

The Minister for Water, Fisheries, Forestry, Innovation and ICT, Science advised that a one off grant of \$200,000 would be provided to assist with the creation of 'a beach enclosure at Falcon Bay to provide a safe area for use by swimmers'. The grant is for the purchase and installation of a shark barrier specifically for Falcon Bay.

Council considered this proposal and undertook a public consultation program for a beach enclosure to be installed at Falcon Bay. A feasibility study was also undertaken during this period.

Recent events and the State Government's recent response to beach safety as part of its Sea Sense campaign has resulted in a rethink of the City of Mandurah's approach to safe swimming initiatives.

An alternative option to a fixed in place beach enclosure at Falcon Bay is to utilise the services of Surf Life Saving Western Australia (SLSWA) to provide a professional lifeguard service at four key beach locations within the City. This service provides for professional lifeguards to be in attendance at key locations and utilise jet-ski and drone patrols to augment the beach surveillance activities.

Council is requested to consider the alternative proposal to engage the services of Surf Life Saving Western Australia to provide professional lifeguard services from December to April each year for a trial period of three years commencing in December 2019.

This recommendation has followed discussions with both members of the Legislative Assembly Mr Zak Kirkup (Dawesville) and Mr David Templeman (Mandurah) who have strongly supported this proposal.

Report Recommendation:

*That Council:*

1. *Advise the Minister for Fisheries that it does not support the installation of a shark barrier at Falcon Bay.*
2. *Endorse the Mayor writing to the Minister for Fisheries requesting the grant funding be reallocated for the purpose of supporting beach patrols.*
3. *Note a further report will be provided to Council once a response has been received from the State Government.*
4. *Request officers to continue in actively monitoring the continuing development of non-lethal shark detection and deferred technologies to further protect beachgoers.*

Mayor Williams moved an altered motion which was seconded by Councillor Jackson. Councillor Schumacher foreshadowed his intention to move for a deferral of this item if the current motion was unsuccessful.



Elected Members discussed the change in position to looking at alternative options as fixed shark barriers were price prohibitive to install at multiple locations and required costly annual maintenance to be undertaken. The possibility of adverse effects on Mandurah's dolphin population was also spoken of.

Discussion ensued regarding shark deterrent technologies and Council's ability to look at available options and conduct discussions with other parties. At this stage however, approval for diversion of State funding was required before any actions could be implemented.

MOTION: R Williams / P Jackson

**That Council:**

1. Advise the Minister for Fisheries that it does not support the installation of a shark barrier at Falcon Bay.
2. Endorse the Mayor writing to the Minister for Fisheries requesting the grant funding be reallocated for the purpose of supporting beach patrols.
3. Endorse the City to conduct an online engagement process to test the community's support for a beach patrol service.
4. Note a further report will be provided to Council with the outcomes of the community engagement process and the State Government's response to the beach patrol proposal.
5. Request officers to continue in actively monitoring the continuing development of non-lethal shark detection and deferred technologies to further protect beachgoers.

CARRIED: 10/1

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

AGAINST: Councillor Schumacher

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

Nil.

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

Nil.

#### **G.35/3/19 LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 22]**

RESOLVED: Lynn Rodgers / D Lee

**That Council accept the report on the Water Tower Artworks Project as a late and urgent item for consideration.**



CARRIED UNANIMOUSLY: 11/0

*Having declared an interest in the following item Councillor Knight left the Chamber at 6.35pm.*

**G.36/3/19 WATER TOWER ART PROJECT (MN)**

In May 2018 Council resolved to support the proposed Mandurah Water Tower Art Project.  
Council resolved to:

- 1 Notes the inclusion of \$100,000 in the draft 2019/20 budget towards the project.
- 1 Requests Peel Harvey Catchment council to make a formal presentation to Council on the project and its merits.

Subsequently funding (\$100,000) was included in the 2018/19 budget as a contribution towards the project.

In January Peel Harvey Catchment Council (PHCC) wrote to Council on the necessity to scale back the project but were still hoping that Council would commit \$100,000 towards the project.

Council is asked to consider the various options.

RESOLVED: L Rodgers / P Jackson

**That Council advise Peel Harvey Catchment Council that it is prepared to allocate \$100,000 towards the Water Tower Artwork Project for the Caddadup and Allan Place, Halls Head towers.**

CARRIED UNANIMOUSLY: 10/0

*Councillor Knight returned to the Chamber at 6.37pm.*

**CONFIDENTIAL ITEMS [AGENDA ITEM 23]**

RESOLVED: Jones Shane / C Knight

**That the meeting proceeds with closed doors at 6.38pm in accordance with Section 5.23(2)(e) of the *Local Government Act 1995*, to allow for the confidential discussion of items.**

CARRIED UNANIMOUSLY: 11/0

*Councillor Lynn Rodgers, members of the media, non-senior employees and persons in the gallery left the meeting at this point. The Minute Officer and Manager Planning and Land Services remained with Senior Officers.*

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.38PM

**G.37/3/19      CONFIDENTIAL ITEM: PROPERTY DISPOSAL (DC/LP) (CC.21/3/19)**

Confidential discussion ensued regarding this issue.

MOTION:      D Schumacher / S Jones

**That Council note Westaus Crisis Care and Welfare Services Inc. have withdrawn the request for a lease extension with the previously approved expiry date of 30 June 2019 remaining.**

CARRIED UNANIMOUSLY: 10/0

**G.38/3/19**

MOTION:      D Schumacher / S Jones

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

CARRIED UNANIMOUSLY: 10/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.42PM

**G.39/3/19**

MOTION:      Matt Rogers / C Knight

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

CARRIED UNANIMOUSLY: 10/0

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

There being no further business, the Mayor declared the meeting closed at 6.43pm.

CONFIRMED ..... (MAYOR)