



MINUTES OF COUNCIL MEETING

HELD ON

TUESDAY 26 NOVEMBER 2019

AT 5.30PM

**IN COUNCIL CHAMBERS
83 MANDURAH TERRACE
MANDURAH**

PRESENT:

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

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS AND SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	G DAVIES	DEPUTY CHIEF EXECUTIVE OFFICER
MRS	C MIHOVILOVICH	DIRECTOR CORPORATE SERVICES
MR	B DRECKOW	MANAGER PLANNING AND LAND SERVICES
MRS	L SLAYFORD	MINUTE OFFICER

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

The Mayor declared the meeting open at 5.32pm.

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 Schumacher is on leave of absence.

DISCLAIMER [AGENDA ITEM 4]

The Mayor advised that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Consolidated Local Laws (Section 4.86) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

ANSWERS TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 5]

Nil.

PUBLIC QUESTION TIME [AGENDA ITEM 6]**G.1/11/19 P HOWCROFT: FOOD TRUCK OPERATIONS**

Mr Howcroft, owner of foreshore café Cool Eats, asked if Council could accelerate the review of food trucks permitted to operate on the Eastern Foreshore Sunday Markets as it has a negative effect on what should be their busiest day.

The Manager Planning and Land Services advised a similar question had been posed in September 2019 however there are currently no guidelines on markets and events in the city centre. This is a known gap currently under review that will be addressed in the early part of 2020.

PUBLIC STATEMENT TIME [AGENDA ITEM 7]

Nil.

LEAVE OF ABSENCE REQUESTS [AGENDA ITEM 8]

G.2/11/19 LEAVE OF ABSENCE: COUNCILLOR KNIGHT 18 DECEMBER 2019 TO 15 FEBRUARY 2020, INCLUSIVE

MOTION: L Rodgers / A Zilani

That leave of absence be granted to Councillor Knight from 18 December 2019 to 15 February 2020 inclusive.

CARRIED UNANIMOUSLY: 12/0

G.3/11/19 LEAVE OF ABSENCE: COUNCILLOR LYNN RODGERS 1 - 30 JANUARY 2020, INCLUSIVE

MOTION: C Knight / J Green

That leave of absence be granted to Councillor Lynn Rodgers from 1 to 30 January 2020 inclusive.

CARRIED UNANIMOUSLY: 12/0

G.4/11/19 LEAVE OF ABSENCE: COUNCILLOR LEE 1 DECEMBER 2019 TO 29 FEBRUARY 2020, INCLUSIVE

MOTION: Matt Rogers / M Darcy

That leave of absence be granted to Councillor Lee from 1 December 2019 to 29 February 2020 inclusive.

CARRIED UNANIMOUSLY: 12/0

G.5/11/19 LEAVE OF ABSENCE: COUNCILLOR ZILANI 14 TO 24 JANUARY 2020, INCLUSIVE

MOTION: D Pember / D Lee

That leave of absence be granted to Councillor Zilani from 14 to 24 January 2020 inclusive.

CARRIED UNANIMOUSLY: 12/0

G.6/11/19 LEAVE OF ABSENCE: COUNCILLOR ZILANI 6 FEBRUARY 2020 TO 7 MARCH 2020, INCLUSIVE

MOTION: D Pember / D Lee

That leave of absence be granted to Councillor Zilani from 6 February 2020 to 7 March 2020 inclusive.

CARRIED UNANIMOUSLY: 12/0

G.7/11/19 LEAVE OF ABSENCE: COUNCILLOR ZILANI 8 JULY 2020 TO 8 AUGUST 2020, INCLUSIVE

MOTION: D Pember / D Lee

That leave of absence be granted to Councillor Zilani from 8 July 2020 to 8 August 2020 inclusive.

CARRIED UNANIMOUSLY: 12/0

G.8/11/19 LEAVE OF ABSENCE: COUNCILLOR SCHUMACHER 1 DECEMBER 2019 TO 31 MARCH 2020, INCLUSIVE

MOTION: M Darcy / D Pember

That Council:

- 1. Acknowledge the Minister for Local Government's delegated authority approval to grant a further leave of absence to Cr D Schumacher from 1 December 2019 to 31 March 2020, inclusive.**
- 2. Grant a leave of absence to Councillor D Schumacher from 1 December 2019 to 31 March 2020 inclusive, and**
- 3. Forward a copy of the Council minutes to the Department of Local Government, Sport and Cultural Industries.**

CARRIED UNANIMOUSLY: 12/0

PETITIONS [AGENDA ITEM 9]**G.9/11/19 S COATES: APPLICATION FOR PROPOSED AMENDMENTS TO APPROVAL CONDITIONS: THE CUT TAVERN**

Councillor Darcy presented a petition containing the signatures of 46 persons requesting that the proposed amendments to approval conditions in relation to The Cut Tavern not be approved.

MOTION: M Darcy / D Lee

That the petition be received and referred to officers for consideration in determining the application for amendments to approved conditions.

CARRIED UNANIMOUSLY: 12/0

PRESENTATIONS [AGENDA ITEM 10]

G.10/11/19 MEADOW SPRINGS PRIMARY SCHOOL: KIDS TEACHING KIDS SCHOLARSHIP

Year 4 – 6 students from Meadow Springs Primary School presented on their learnings from the 2019 Melbourne Water Kids Teaching Kids Conference. The students were awarded a scholarship by Council to attend the national conference as part of the City's delivery of the annual Perth and Peel Region Kids Teaching Kids Conference.

G.11/11/19 SARAH CURRAN RAGAN: PEEL BRIGHT MINDS 2018/2019 EVENT UPDATE

Peel Bright Minds is a not for profit funded by Peel local governments, Alcoa, RDA and the Peel Harvey Catchment Council. The aim is to inspire a curious community by delivering events and activities to engage and upskill the community in science, technology, engineering and math. Peel Bright Minds utilise a range of event formats to reach the widest audience; such as science café, science film screenings, providing activities at local shows, school events, innovators tea party, Teachers network and industry visits. The presentation showcased events and engagement outcomes.

DEPUTATIONS [AGENDA ITEM 11]

G.12/11/19 JANINE PRICE: FULLY FENCED DOG EXERCISE AREA

Ms Price delivered a verbal deputation to Council informing the meeting of the detrimental effects the current chosen location will have on dogs and the welfare of the general public.

CONFIRMATION OF MINUTES [AGENDA ITEM 12]

G.13/11/19 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 8 OCTOBER 2019

MOTION: Matt Rogers / C Knight

That the Minutes of the Council Meeting held on Tuesday 8 October 2019 be confirmed.

CARRIED UNANIMOUSLY: 12/0

G.14/11/19 CONFIRMATION OF SPECIAL COUNCIL MINUTES: TUESDAY 22 OCTOBER 2019

MOTION: Peter Rogers / D Lee

That the Minutes of the Special Council Meeting held on Tuesday 22 October 2019 be confirmed with page 2 amended to reflect Councillor Zilani as a North Ward member.

CARRIED UNANIMOUSLY: 12/0

G.15/11/19 CONFIRMATION OF SPECIAL COUNCIL MINUTES: TUESDAY 29 OCTOBER 2019

MOTION: D Pember / Lynn Rodgers

That the Minutes of the Special Council Meeting held on Tuesday 29 October 2019 be confirmed.

CARRIED UNANIMOUSLY: 12/0

G.16/11/19 CONFIRMATION OF SPECIAL COUNCIL MINUTES: MONDAY 11 NOVEMBER 2019

MOTION: C Knight / Matt Rogers

That the Minutes of the Special Council Meeting held on Monday 11 November 2019 be confirmed.

CARRIED UNANIMOUSLY: 12/0

G.17/11/19 ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]

Mayor Williams spoke on:

- The City's win at the Parks and Leisure Australia Major Event of the Year Award for its involvement in the Australian Police and Emergency Services Games held in Mandurah in 2018.
- The Crab Fest Hall of Fame Award following the winning of gold awards at the Perth Airport Tourism Awards in the Major Festivals and Events Category.

Mayor Williams invited Elected Members to update the meeting on recent events attended.

- Councillor Peter Rogers attended the City's Citizenship Ceremony on 21 November welcoming 175 new citizens.
- Councillor Darcy updated the meeting on the fun-filled St Damian's Italian ceremony which showcased the talents of all students.

- Councillor Lynn Rodgers spoke of the good work undertaken by the Compassionate Friends and the 50th Anniversary held recently which she attended.
- Councillor Knight attended the Silent March against domestic violence in November and the Confluence Festival of Indian Arts.
- Councillor Matt Rogers attended the Plein Air event conducted during the Mandurah arts festival.
- Councillor Green launched the Senior's Week events at the Mandurah Aquatic and Recreation Centre. Councillor Green also attended the annual Sports Awards conducted in November.
- Councillor Di Prinzie joined the Mandurah Arts Festival events conducted at Hall Park which launched the new three week format.

Mayor Williams updated the meeting on the following:

- Donation to Rocky bay assisting in the purchase of a FES bike for attendees.
- Peel Leadability Graduation which came to Mandurah providing leadership course for persons with disabilities.
- The Outrigger Canoe Titles which were held in Mandurah for the first time.
- The federally funded Wayfarer Project which matches senior's skills with organisations requiring specific skill assistance to benefit both parties.
- Presented the November Local Legend Award to Lisa Kelly for her unique way of uplifting community spirit and pride, assisting to promote Mandurah, local businesses and community events through her quirky 'Where's Wally' persona.

G.18/11/19 DECLARATION OF INTERESTS [AGENDA ITEM 14]

- Councillor Peter Rogers declared an impartiality interest in Item 18.1 Financial Report September 2019 Recommendation 3.2. The interest is declared as Councillor Peter Rogers is one of Council's representatives on the Mandurah Performing Arts Board
- The Chief Executive Officer declared an impartiality interest in Item 18.1 Financial Report September 2019 Recommendation 3.2. The interest is declared as the Chief Executive Officer is one of Council's representative on the Mandurah Performing Arts Board

Councillor Peter Rodgers requested that Item 18.1 be separated to permit himself and the Chief Executive Officer to vacate the Chamber and not participate in debate or voting on the recommendation pertaining to the Mandurah Performing Arts Centre. Consensus of the meeting agreed to the request to separate the recommendations.

QUESTIONS FROM ELECTED MEMBERS [AGENDA ITEM 15]**Questions of which due notice has been given****G.19/11/19 COUNCILLOR MATT ROGERS: CONTROL MEASURES ASSURANCE**

Councillor Matt Rogers asked, given the recent allegations against the former Assistant Director General of the Department of Communities, if the relevant officer could outline processes and procedures currently in place to provide assurance that a possible similar misappropriation of funds in the procurement and invoicing processes could not take place at the City of Mandurah?

CEO Response

Thank you for the question. The issue of controls across the City's budgeting, purchasing and requisitioning and invoice payment process is extremely important. The City has considerable controls in place and regularly analyses and reviews processes to ensure there is continuous improvement. One major control that is in place is that no one officer has control over budget, requisitions and approvals.

Manager Governance Services Response

In the last six months additional measures have been implemented to build on the governance of procurement processes:

- Amendments to the Procurement of Goods and Services Policy and reduced thresholds resulting in all procurement over \$50,000 being managed centrally by Governance Services;*
- Implementation of new organisational wide process for purchasing and a written quotation form for procurement under \$50k which requires two Officers to sign off on the procurement;*
- Development of procurement training materials and the delivery of 12 training sessions across the City on the procurement processes for under \$50k and process for raising purchase orders; and*
- Establishment of a procurement improvement working group to support ongoing procurement reform.*

Further measures are currently being implemented in the Procurement of Goods and Services Policy including financial authorisations. This policy will be brought back to Council in the early 2020 for consideration and adoption.

Manager Financial Services Response

The City's financial controls that have been implemented include:

- Officers are not able to approve their own purchase orders in the Corporate Business System;*
- Purchase orders are required to be raised before an invoice is processed and paid;*
- Only Officers with a delegated financial authority can approve purchase orders and only up to their individual limit. This is a system setting in the Corporate Business System;*
- For large construction projects, a monthly review by an Accountant in the finance team relating to spending is undertaken;*
- The Corporate Business System will alert the Accounts Payable officer when there is a duplicate invoice number entry, which will raise it to the Finance team's attention.*

- *One Senior Accountant reviews the creditor list for payments and conducts a thorough check of all proposed payments.*
- *The City is also implementing a new Corporate Business System (Tech One) that holds further controls and benefits including:*
 - *Ability to attach quotes and documents to purchase orders*
 - *Improvements to workflow and transparency.*

The Chief Executive Officer further advised that in addition to the controls mentioned above, a secondary employment CEO policy is in its final stages of adoption. Disclosures of secondary employment will be required to be approved by me as the Chief Executive Officer.

Questions of which notice has not been given

G.20/11/19 COUNCILLOR PEMBER: TRANSPORT HUBS

Councillor Pember commented on how transport hubs exist around train stations in other locations and asked if this could be implemented around the Mandurah train station.

The Director Sustainable Communities advised the western side of the train line was controlled by Landcorp while the eastern side, central park development, was privately owned. Planning on both development sites was ambitious in density and the plans for the locations where available for viewing. Since the global financial crisis development has slowed considerably and the visioned plans have not materialised.

BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 16]

Nil.

RECOMMENDATIONS OF COMMITTEES [AGENDA ITEM 17]

NOTE: Council adopted en bloc (moved by Councillor Lee and seconded by Councillor Knight), the recommendations of the Committee of Council meeting of Monday 11 November 2019.

G.21/11/19 NOMINATION OF CHAIRPERSON

The Chief Executive Officer called for nominations for Chairperson at the meeting of the Executive Committee. One nomination was received from Mayor Williams.

MOTION: D Lee / C Knight

That Mayor Williams be appointed as Chairperson of the Executive Committee for two years with the term expiring 15 October, 2021.

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

**G.22/11/19 2018/19 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (GD)
(EX.4/11/19)**

MOTION: D Lee / C Knight

That Council adopts the course of action agreed.

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

**G.23/11/19 CHIEF EXECUTIVE OFFICER ANNUAL REMUNERATION REVIEW (MN/GD)
(EX.5/11/19)**

MOTION: D Lee / C Knight

That Council adopts the course of action agreed.

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

G.24/11/19 CHIEF EXECUTIVE OFFICER ANNUAL REMUNERATION REVIEW (EX.6/11/19)

MOTION: D Lee / C Knight

That Council adopts the course of action agreed.

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

**G.25/11/19 REMUNERATION PACKAGE: CITY EXECUTIVES / DIRECTORS (MN)
(EX.7/11/19)**

MOTION: D Lee / C Knight

That Council adopts the course of action agreed.

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

NOTE: Council adopted en bloc (moved by Councillor and seconded by Councillor), the recommendations of the Audit and Risk Committee meeting of Monday 11 November 2019.

G.26/11/19 NOMINATION OF CHAIRPERSON

The Chief Executive Officer called for nominations for Chairperson at the meeting of the Audit and Risk Committee. One nomination was received from Councillor Jackson.

MOTION: D Lee / C Knight

That Councillor Jackson be appointed as Chairperson of the Audit and Risk Committee for two years with the term expiring 15 October, 2021.

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

REPORTS [AGENDA ITEM 18]

G.27/11/19 FINANCIAL REPORT SEPTEMBER 2019 (PB) (REPORT 1)

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

By consensus of the Council recommendations 1, 2 and 3.1 were dealt with separately.

MOTION: C Knight / J Green

That Council:

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

Total Municipal Fund	\$ 7,006,628.42
Total Trust Fund	\$ 17,712.95
	<u>\$ 7,024,341.37</u>
- 3 Approves the following budget variations:**
 - 3.1 Increase in operating expenditure of \$75,000 for the Suicide Prevention Project and increase in operating grant income of \$75,000 from WAPHA grant to undertake the Suicide Prevention Project.**

CARRIED UNANIMOUSLY: 12/0

Having declared impartiality interests Councillor Peter Rogers and the Chief Executive Officer vacated the Chamber at 6.36pm.

G.28/11/19 FINANCIAL REPORT SEPTEMBER 2019 (PB) (REPORT 1)

By consensus of the Council recommendation 3.2 was dealt with separately.

MOTION: C Knight / J Green

That Council:

- 3 Approves the following budget variations:**

3.2 Increase in operating expenditure of \$80,000 for ManPAC and decrease of expenditure of \$80,000 from identified savings in:

- Financial Services subscriptions \$20,000
- Financial Accounting Salaries \$60,000

CARRIED: 11/0

Councillor Peter Rogers and the Chief Executive Officer returned to the Chamber at 6.38pm.

G.29/11/19 FINANCIAL REPORT OCTOBER 2019 (PB) (REPORT 2)

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

MOTION: C Knight / Peter Rogers

That Council:

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

Total Municipal Fund	\$ 9,115,267.66
Total Trust Fund	<u>\$ 27,026.68</u>
	<u>\$ 9,142,294.34</u>
- 3 Approves the following budget variations being increase in operating expenditure of \$250,000 for the ManPAC RVIF Stage 3 and decrease in the cultural reserve of \$225,000 and Building reserve \$25,000.**

CARRIED UNANIMOUSLY: 12/0

G.30/11/19 CHANGE OF AGENDA ORDER

Given the public interest in Report 9 – Fully Fenced Dog Exercise Area it was suggested that the agenda order be reconsidered with report 9 being considered prior to report 3.

MOTION: D Pember / C Knight

That Council amend the agenda order to consider Report 9 Fully Fenced Dog Exercise Area next.

CARRIED UNANIMOUSLY: 12/0

G.31/11/19 FULLY FENCED DOG EXERCISE AREA (BI) (REPORT 9)

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

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

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

Considering the feedback from the consultation campaign, officers have undertaken a more detailed assessment and Council is requested to approve the recommended location for the dog park as Leslie Street, Dudley Park Reserve 40075. Council is also requested to approve the formation of a working group inclusive of community representatives, dog trainers, staff and interested elected members to design a park that meets the needs of a broad range of stakeholders.

Report Recommendation:

That Council:

1. *Approve the progression to a detailed design of a fully fenced dog park at Leslie Street, Dudley Park (Reserve 40075).*
2. *Supports the establishment of a fully fenced dog park design working group consisting of City Officers, Elected Members and interested community members.*
3. *Appoints Councillor _____ and Councillor _____ to the Fully Fenced Dog Park Design Working Group.*

Councillor Pember moved, Councillor Zilani seconded an alternate recommendation replacing Leslie Street, Dudley Park with Mary Street, Mandurah in point 1 of the recommendation. During the discussion that ensued Mayor Williams foreshadowed his intention to move a motion deferring the item to a future council meeting following a briefing with Elected Members should the tabled motion be unsuccessful. The Mover and Seconder of the motion agreed to the suggested foreshadowed motion being tabled. Mayor Williams called for nominations to the working group. One nomination from Councillor Pember was received.

MOTION:

That Council:

1. **Defer consideration of this item to a future Council meeting with a briefing to be held prior to the Council meeting.**
2. **Appoints Councillor Pember to the Fully Fenced Dog Park Design Working Group.**

CARRIED: 10/2

FOR: Mayor Williams, Councillors Pember, Darcy, Lynn Rodgers, Knight, Green, Di Prinzio, Jackson, Zilani, Lee

AGAINST: Councillors Peter Rogers and Matt Rogers

G.32/11/19 TENDER NUMBER 09 PROVISION OF HORTICULTURAL AND GARDEN SERVICES (CP/EJ) (REPORT 3)

The City of Mandurah invited tenders for the Provision of Horticultural and Garden Services Request for Tender (T09-2019) for the provision of suitably qualified and experienced parks and gardens maintenance teams to undertake specific maintenance and project work within the City.

As a result of the evaluation of tendered submissions, Council is now requested to accept Landscape and Maintenance Solutions as the preferred tenderer.

T09-2019 seeks the provision of the required services for a period of two years, together with an option to extend the contract for a further one year subject to satisfactory performance and at the sole discretion of the City.

MOTION: C Knight / Lynn Rodgers

That Council accepts Landscape and Maintenance Solutions as the preferred tenderer for Tender T09-2019 for the Provision of Horticultural and Garden Services for a period of two years, with one option to extend for a further one year at the schedule of rates tendered with CPI increases at each twelve month contract anniversary date.

CARRIED UNANIMOUSLY: 12/0

G.33/11/19 TENDER NUMBER 11 EVENTS INFRASTRUCTURE AND EQUIPMENT FOR CRAB FEST (EJ/MJ) (REPORT 4)

The City of Mandurah (the City) delivers the Mandurah Crab Fest, the City's flagship annual event. Due to the size and scale of the event, the City procures a range of infrastructure and equipment including the necessary technical expertise for the erection, fitting out, testing and removal of facilities.

The City invited tenders for the Events Infrastructure and Equipment for Crab Fest Tender (T11-2019) and as a result of the evaluation of tendered submissions, Council is now requested to accept Carlisle Events Hire as the preferred tenderer.

T11-2019 seeks the provision of the required services for a period of two years, with one option to extend for a further two years subject to satisfactory performance and at the sole discretion of the City.

MOTION: C Knight / Lynn Rodgers

That Council accepts Carlisle Event Hire as the preferred tenderer for Tender T11-2019 for the Event Infrastructure and Equipment for Crab Fest for a period of two years, with one option to extend for a further two years at the schedule of rates tendered with CPI increases at each twelve month contract anniversary date.

CARRIED UNANIMOUSLY: 12/0

**G.34/11/19 TENDER NUMBER 13-2019 SUPPLY AND INSTALLATION OF
LANDSCAPE CONCRETE KERBING (CP/EJ) (REPORT 5)**

The City of Mandurah invited tenders for the Supply and Installation of Landscape Concrete Kerbing Tender (T13-2019) for ongoing maintenance of concrete landscape kerbing on roads and footpaths in addition to major streetscape upgrade projects.

As a result of the evaluation of tendered submissions, Council is now requested to accept BSTH Pty Ltd ATF the M & J Griffiths Family Trust, TA Landscape Kerbing as the preferred tenderer.

T13-2019 seeks the provision of the required goods and services for a period of three years, to satisfactory performance of the City.

MOTION: Matt Rogers / M Darcy

That Council accepts BSTH Pty Ltd t/a Griffiths Family Trust t/a Landscape Kerbing as the preferred tenderer for Tender 13-2019 for the Supply and Installation of Landscape Concrete Kerbing for the period of three years at the schedule of rates tendered with CPI increases at each twelve month contract anniversary date.

CARRIED UNANIMOUSLY: 12/0

**G.35/11/19 TENDER NUMBER 14-2019 PROVISION OF PLUMBING AND GAS
(SH/EJ) (REPORT 6)**

The City of Mandurah invited tenders for the Provision of Plumbing and Gas Services (T14-2019) for Facilities which covers plumbing and gas maintenance, installation and related services for buildings and community facilities. The City has a large number of plumbing assets in buildings and open spaces that require ongoing maintenance and occasional renewal. Furthermore the City requires a 24 hour emergencies response service.

As a result of the evaluation of tendered submissions, Council is now requested to accept Tunnel Vision (WA) Pty Ltd as the preferred tenderer.

MOTION: Lynn Rodgers / P Rogers

That Council accepts Tunnel Vision (WA) Pty Ltd as the preferred tenderer for Tender 14-2019 for the Provision of Plumbing and Gas Services for a period of three years with an option to extend for a further two one year extension periods at the schedule of rates tendered with CPI increases at each twelve month contract anniversary date.

CARRIED UNANIMOUSLY: 12/0

**G.36/11/19 TENDER NUMBER 12 EVENTS INFRASTRUCTURE AND EQUIPMENT
EXCLUDING CRAB FEST (EJ/MJ) (REPORT 7)**

Councillor Knight moved an alternate recommendation pertaining to this item. Mayor Williams suggested the item be moved to confidential items to enable discussion in relation to the confidential component of the report.

MOTION: R Williams / C Knight

That consideration of Report 7 Tender Number 12 Events Infrastructure and Equipment Excluding Crab Fest be conducted within Agenda Item 23 Confidential Items.

CARRIED UNANIMOUSLY: 12/0

G.37/11/19 OFF ROAD VEHICLES (BI) (REPORT 8)

On 30 April 2019, Council resolved to review the impact of, and investigate opportunities to improve the City's response to complaints relating to the use of off-road vehicles in public areas. This followed increasing concerns expressed by residents.

This report identifies a number of actions that can be implemented to provide more clarity to residents about the process for reporting. It also explains actions the City is taking in collaboration with the Mandurah Police to reduce the local impact of off-road vehicles.

MOTION: M Darcy / Peter Rogers

That Council:

1. **Notes the approach taken by the City in the management of Off-Road Vehicles and response to concerns raised by the community.**

2. **Supports further investigation into options for providing a suitable Off-Road vehicle facility that can provide an alternative riding location for local riders.**

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

CARRIED UNANIMOUSLY: 12/0

Councillor Matt Rogers left the Chamber at 7.02pm, returning at 7.04pm

G.38/11/19 CLIMATE CHANGE IN WESTERN AUSTRALIA ISSUES PAPER CITY OF MANDURAH SUBMISSION (BB) (REPORT 10)

MOTION:

The *Climate Change in Western Australia – Issues Paper* was released in September 2019 by the Department of Water and Environmental Regulation and interested parties have been invited to provide feedback via submission. The *Climate Change in Western Australia – Issues Paper* is a precursor to the development of a State Climate Policy. The City has an opportunity to influence this policy and a submission has been prepared for Council's consideration.

Report Recommendation

That Council endorses Attachment 1 of the report as the City of Mandurah's submission to the Department of Water and Environmental Regulations' Climate Change in Western Australia Issues Paper, dated September 2019.

Councillor Knight moved an alternate recommendation which was seconded by Councillor Peter Rogers.

Alternate Recommendation

That Council endorses Attachment 1 of the report as the City of Mandurah's submission to the Department of Water and Environmental Regulations' Climate Change in Western Australia Issues Paper, dated September 2019 with the following inclusion:

The City acknowledges the State Government has set an aspirational net zero emissions target by 2050, which is consistent with the science published by the IPCC. However, the State Government's target does not consider the need for emissions to peak by 2020 and without immediate requirement to lower emissions the likely result will be an increase in the trajectory of WA's emissions for the short to medium term.

The City urges the State Government to consider adopting interim emissions targets as without immediate reduction in emissions, actions taken by individuals and organisations to address climate change will be significantly compromised.

During the ensuing debate it was suggested that the City's submission be expanded in regard to Recommendation 4 and Recommendation 15. The Mover and Seconded agreed to the suggested inclusions.

MOTION: C Knight / P Rogers

That Council:

- 1. Endorses Attachment 1 of the report as the City of Mandurah's submission to the Department of Water and Environmental Regulations' Climate Change in Western Australia Issues Paper, dated September 2019 with the following inclusion:**
 - 1.1 The City acknowledges the State Government has set an *aspirational* net zero emissions target by 2050, which is consistent with the science published by the IPCC. However, the State Government's target does not consider the need for emissions to peak by 2020 and without immediate requirement to lower emissions the likely result will be an increase in the trajectory of WA's emissions for the short to medium term.**
 - 1.2 The City urges the State Government to consider adopting interim emissions targets as without immediate reduction in emissions, actions taken by individuals and organisations to address climate change will be significantly compromised.**
 - 1.3 Submission Recommendation 4 to include: That the State Government (via Western Power), as a matter of priority, develop and issue clear costings and increase capabilities for retrofitting streetlights with LED and solar powered technology under the recently introduced tariffs and consider making electricity supply for streetlights contestable.**

- 1.4 Submission Recommendation 15.1 stating: That Town Planning Schemes legislate that a majority of developments, particularly on new greenfields, the road network is orientated to run east and west to ensure the housing design is able to be orientated in a sustainable position incorporating solar passive design with living spaces having a northerly orientation**

CARRIED UNANIMOUSLY: 12/0

G.39/11/19 COMMUNITY OUTREACH PILOT PROJECT (TH) (REPORT 11)

The City hosted a Community Safety Summit as an outcome from a notice of motion endorsed by Council in June 2019. At the summit advocacy discussion papers relating to community and social programs and support were presented to the Minister for Police and the Member for Mandurah. This report provides a summary of outcomes and update of actions from this. One of the key outcomes of the summit, Council is also requested to support the 'assertive homelessness and vulnerable street present community outreach pilot project', to operate in central Mandurah.

Approval is sought to redirect \$350,000 State Government Funding, received for CCTV Cameras and Infrastructure, to this project. If approved the project will be delivered externally via a competitive tender process and it is recommended that the Homelessness and Street Present Outreach Working Group develop the deliverables for the pilot.

MOTION: Lynn Rogers / Peter Rogers

That Council:

- 1. Notes key outcomes and actions relating to social and community projects and program support, from the City's Community Safety Summit**
- 2. Approves the budget variation:**
 - 2.1 redirecting \$350,000 from capital grant funding, received under the Local Projects/Local Jobs, Western Australian State Government, to operating grants to facilitate a Homelessness and Street Present Outreach Group.**
 - 2.2 Reallocation of \$350,000 of capital expenditure for CCTV project to Homelessness and Street Present Outreach Working Group operating expenditure**
- 3. Supports the Homelessness and Street Present Outreach Working Group and WA Police to work with the City in developing the deliverables of the outreach program**
- 4. Trial Assertive Homelessness and Street Present Outreach Program by entering into an agreement with a suitably qualified Community Services Sector Not for Profit to deliver the service**
- 5. Approves the establishment of a Multi-Agency Street Present Intervention Team and nominates the Mayor as Council's representative on the group.**

CARRIED WITH ABSOLUTE MAJORITY: 12/0

**G.40/11/19 DEED OF AGREEMENT PEET MANDURAH SYNDICATE LTD
LAKELANDS (BD/LP) (REPORT 12)**

The City entered into a deed of agreement with Peet Mandurah Syndicate Ltd ('Peet') in 1996 arising from the rezoning and development of Lakelands Estate.

Part of the agreement required Peet to provide two community facilities in a two staged approach. The first was satisfied with the construction and hand over of the Lakelands Community House in Dalona Parkway, with the second stage requiring the transfer of one hectare of land in freehold to the City, however a number of options were available to Council in how this one hectare of land would be provided. In 2014, Council resolved to accept 0.5ha of land to be provided in the Lakelands Town Centre and a payment of cash in lieu for the other 0.5ha of land.

At the time, however an additional Community Purpose site was shown on the Lakeland East Structure Plan, and in order to provide certainty to Peet, Council support a modification to the Structure Plan to remove this site in August 2017. The Western Australian Planning Commission (WAPC) refused this modification (due to the removal of a commercial site), and through State Administrative Tribunal mediation approved the Structure Plan in July 2019. As a result, the transfer of the land parcel located at Lot 2300 Seppings Parade and the payment of the cash in lieu have been delayed. Peet advise they are now in a position to transfer the Seppings Parade site, and make a cash payment of in order to satisfies their obligations under the Agreement.

Council is requested to:

- approve the transfer of Lot 2300 Seppings Parade Lakelands, in freehold to the City;
- accept the cash in lieu payment of \$1,172,500 (inc GST); and
- confirm that Peet's obligations under the 1996 Deed of Agreement and 2011 Deed of Variation between Peet and the City have been fulfilled.

MOTION: C Knight / P Jackson

That Council:

1. **Accepts, at no cost to the City, the transfer of Lot 2300 Seppings Parade Lakelands from Peet Mandurah Syndicate Ltd to the City of Mandurah in freehold;**
2. **Accepts a cash payment from Peet Mandurah Syndicate Ltd of \$1,172,500 (inclusive of GST) in lieu of a second 5000 square metre land parcel in the Lakelands Estate as outlined in the Deed of Agreement;**
3. **Acknowledges that on the completion of the actions in Recommendation 1 and 2, that all obligations under the original Deed of Agreement (1996) and Deed of Variation (2011) relating to the Lakelands development have been met by both parties.**
4. **Approve the non-operating contribution of \$1,172,500 to be placed in a new Lakelands Community Infrastructure Reserve fund. The purpose of the Lakelands Community Infrastructure Reserve is to contribute to the construction of the community infrastructure that will be built on Lot 2300 Seppings Parade Lakelands.**

CARRIED WITH ABSOLUTE MAJORITY: 12/0

**G.41/11/19 REQUEST FOR SPONSORSHIP: PEEL LIGHTNING NETBALL CLUB
(PM/CJ) (REPORT 13)**

The Peel Football & Netball League (PFNL) have recently been successful in their application for a license to compete in the Gold Industry Group West Australian Netball League (WANL), which is the premier state level Netball competition. This will see PFNL field one team in the Open League Division as well as the Under 20's competition, under a new club Peel Lightning Netball Club.

The City has received correspondence from the Peel Lightning Netball Club requesting financial or in-kind support in establishing the club in terms of assistance in basing their operations at the Mandurah Aquatic and Recreation Centre for all training and home games.

Council is requested to approve in-kind support for the Peel Lightning Netball Club in the form of court hire and gym memberships for players at the Mandurah Aquatic and Recreation Centre for the first two seasons to enable the Club to establish itself within the new competition.

MOTION: Peter Rogers / D Lee

That Council approve in-kind support of the new Peel Lightning Netball Club with an estimated value of \$26,400 per annum for use of the Mandurah Aquatic and Recreation Centre stadium courts and gymnasium and Halls Head Recreation Centre courts, for the 2020 and 2021 seasons.

CARRIED UNANIMOUSLY: 12/0

Councillor Lynn Rogers left the Chamber at 7.28pm

**G.42/11/19 RESPONSE TO CEO STANDARDS AND GUIDELINES AND
MANDATORY CODE OF CONDUCT FOR COUNCIL (TJ) (REPORT 14)**

On 27 June 2019, the *Local Government Legislation Amendment Act 2019 (Amendment Act)* was passed in Parliament. The Amendment Act includes a requirement for the introduction of:

- Mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO); and
- Mandatory code of conduct for council members, committee members and candidates.

The Department of Local Government, Sport and Cultural Industries has recently sought feedback from local governments with regard to its proposed Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination (CEO Standards), and Standards and Guidelines for Mandatory Code of Conduct for Council Members, Committee Members and Candidates (Mandatory Code of Conduct).

Council is requested to endorse the prepared response to the CEO Standards and Mandatory Code of Conduct.

MOTION: Peter Rogers / D Pember

That Council endorses the City of Mandurah's submissions, provided as Attachments One and Two of the report in response to the Department of Local Government, Sport

and Cultural Industries' invitation to comment on its Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, and Standards and Guidelines for Mandatory Code of Conduct for Council Members, Committee Members and Candidates.

It should be noted that a declaration of interest would not be able to be made if a blind curriculum vitae was being assessed.

CARRIED: 11/0

Councillor Lynn Rogers returned to the Chamber at 7.39pm

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

Nil.

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

Nil.

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 22]

Nil

CONFIDENTIAL ITEMS [AGENDA ITEM 23]

RESOLVED: C Knight / D Pember

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

CARRIED UNANIMOUSLY: 12/0

Members of the media, non-senior employees and persons in the gallery left the meeting at this point. The Minute Officer, Manager Governance Services, Manager Community Development, Executive Manager Strategy, Recreation and Events and Executive Officer remained with Senior Officers.

THE MEETING PROCEEDED WITH CLOSED DOORS AT 7.40PM

G.43/11/19 CONFIDENTIAL ITEM: RESTRUCTURE (CM) (REPORT 1)

Confidential discussion ensued regarding this issue.

MOTION: C Knight / P Rogers

That Council:

- 1. Subject to the Minister of Lands consent, approves a lease over portion of Reserve 42050, 75 Mandurah Terrace Mandurah to Mandurah Tourism Incorporated trading as Visit Mandurah incorporating the conditions outlined in the report;**
- 2. Approves a waiver of the document preparation fee of \$610 and community lease fee of \$1020 per annum as detailed in the City's Fees and Charges Schedule 2019/20;**
- 3. Approves the Chief Executive Officer to enter into a Memorandum of Understanding with Mandurah Tourism Incorporated incorporating the conditions outlined in the report.**
- 4. Approves a budget variation of \$323,000 from employee costs to materials and contracts in the Visitor Centre business unit as part of the conditions outlined in the report.**
- 5. Ensure the report remains confidential with the resolution made public.**

CARRIED WITH ABSOLUTE MAJORITY: 12/0

G.44/11/19 CONFIDENTIAL ITEM: CONCESSION (LP/VK) (REPORT 2)

Confidential discussion ensued regarding this issue.

MOTION: Lynn Rodgers / D Pember

That Council:

- 1. Approves a rent free term to EMACC Pty Ltd in accordance with the variation of the Head Lease agreement over portion of Reserve 42050 and Lot 4265 James Service Place, for a 73 square metre portion only, from the commencement date of the variation of lease being 4 July 2019 until 31 December 2019;**
- 2. Acknowledges the total waiver of rent equates to \$3,905.26, EMACC will continue to make full rental payments due on the remaining 400 sq. metres of lease area;**
- 3. Acknowledge all other conditions of the variation and head lease will remain in force;**
- 4. Keeps this report confidential until the 31 December 2019, with the recommendations to be made public.**

CARRIED UNANIMOUSLY: 12/0

G.45/11/19 CONFIDENTIAL ITEM: AWARDS (CLM) (REPORT 3)

Confidential discussion ensued regarding this issue.

MOTION: C Knight / Lynn Rodgers

That Council:

- 1 Adopts the course of action agreed.**
- 2 Keeps the report confidential and notes that all award category winners remain confidential until announced on Sunday 26 January 2020.**

CARRIED UNANIMOUSLY: 12/0

G.46/11/19 TENDER NUMBER 12 EVENTS INFRASTRUCTURE AND EQUIPMENT EXCLUDING CRAB FEST (EJ/MJ) (REPORT 7)

The City of Mandurah delivers five major events annually including Mandurah Crab Fest, Children's Festival, Community Christmas Pageant, New Year's Eve Celebrations and Australian Day Celebrations. To support the delivery of these events the City procures a range of infrastructure and equipment from suppliers including technical expertise for the erection, fitting out, testing and removal of facilities.

The scale of these events varies significantly, with the largest event being the Mandurah Crab Fest which was delivered under a separate tender (refer to Report 4 Tender Number 11 Events Infrastructure and Equipment for Crab Fest).

The Major Events Infrastructure and Equipment Excluding Crab Fest (T12-2019) included five separate portions to enable greater local business participation in the tendering process.

The City invited tenders for the T12-2019 and as a result of the evaluation of tendered submissions, Council is now requested to accept the following tenderer as the preferred tenderer:

Separable Portion One	Mandurah Children's Festival	Carlisle Event Hire
Separable Portion Two	Community Christmas Pageant	Carlisle Event Hire
Separable Portion Three	New Year's Eve Celebrations	Carlisle Event Hire
Separable Portion Four	Australia Day Celebrations	Carlisle Event Hire
Separable Portion Five	Australia Day Celebrations	Carlisle Event Hire
	Community Breakfast	

T12-2019 seeks the provision of the required goods and services for a period of two years, with one option to extend for a further two years subject to satisfactory performance and at the sole discretion of the City.

Report Recommendation

That Council:

- 1. Accepts Carlisle Event Hire as the preferred tenderer for Tender 12-2019 for Major Events Infrastructure and Equipment Excluding Crab Fest - Separable Portion One - Mandurah Children's Festival for a period of two years, with one option to extend*

for a further two years at the schedule of rates tendered with CPI increases at each twelve month contract anniversary date.

2. *Accepts Carlisle Event Hire as the preferred tenderer for Tender 12-2019 for Major Events Infrastructure and Equipment Excluding Crab Fest - Separable Portion Two - Community Christmas Pageant for a period of two years, with one option to extend for a further two years at the schedule of rates tendered with CPI increases at each twelve month contract anniversary date.*
3. *Accepts Carlisle Event Hire as the preferred tenderer for Tender 12-2019 for Major Events Infrastructure and Equipment Excluding Crab Fest - Separable Portion Three - New Year's Eve Celebrations for a period of two years, with one option to extend for a further two years at the schedule of rates tendered with CPI increases at each twelve month contract anniversary date.*

Confidential discussion ensued regarding this issue.

Councillor Knight moved, Councillor Pember seconded the alternate recommendation.

MOTION: C Knight / D Pember

That Council:

1. **Declines to accept all tenders for Tender Number 12-2019 Major Events Infrastructure and Equipment Excluding Crab Fest to enable Council to have the flexibility to assess these events and adjust infrastructure for programs as required to ensure that the events are meeting the City's objectives.**
2. **Make the recommendation public.**

CARRIED UNANIMOUSLY: 12/0

G.47/11/19

MOTION: Matt Rogers / C Di Prinzio

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 12/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 7.52PM

G.48/11/19

MOTION: Lynn Rodgers / D Pember

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 12/0

CLOSE OF MEETING [AGENDA ITEM 24]

There being no further business, the Mayor declared the meeting closed at 7.53pm.

CONFIRMED (MAYOR)

CONFIRMED