



## MINUTES OF COUNCIL MEETING

HELD ON

**TUESDAY 8 OCTOBER 2019**

AT 5.30PM

IN COUNCIL CHAMBERS  
CIVIC CENTRE  
MANDURAH TERRACE MANDURAH

**PRESENT:**

MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	L RODGERS	EAST WARD
COUNCILLOR	S JONES	EAST WARD
COUNCILLOR	D LEE	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	M DARCY	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
MRS	C MIHOVILOVICH	DIRECTOR CORPORATE SERVICES
MR	C JOHNSON	ACTING DEPUTY CHIEF EXECUTIVE OFFICER
MRS	L SLAYFORD	MINUTE OFFICER

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

The Mayor declared the meeting open at 5.31pm.

### 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 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]**

Officers provided responses to questions taken on notice at the Council meeting held on Tuesday 24 September 2019.

**G.3/9/19. B NEAL: SECURITY PRESENCE HERRON / LAKE CLIFTON**

Ms Neal asked what can be done regarding more police / ranger or security presence in the Herron / Lake Clifton area.

Response:

*The City has recently implemented a place based Community Development approach and a Senior Community Development Officer (Mandurah South) has recently commenced and will be making contact with Ms Neal. Officers will liaise between WA Police, Ms Neal and other support agencies as needed and this will be an ongoing focus in the location to build capacity and increase meaningful connections and awareness.*

**G.11/9/19 MANDURAH BUSINESS DEVELOPMENT CENTRE EXPRESSIONS OF INTEREST (LP/LC) (CC.4/9/19)**

Hon Councillor Riebeling requested clarification as to the number of tenants who have vacated the premises during the time it has been managed by the City. Officers requested to take this question on notice.

Response:

*The Centre held seven tenancies when the City took over the management of the facility in April 2017. Since 2017, four tenants have left the facility due to sourcing suitable alternative accommodation. Officers have since replaced all four vacating tenants ensuring the centre maintains a consistent revenue stream.*

**PUBLIC QUESTION TIME [AGENDA ITEM 6]**

Nil.

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

Nil.

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

**G.1/10/19 LEAVE OF ABSENCE: COUNCILLOR SCHUMACHER – 1 – 30 NOVEMBER, 2019 INCLUSIVE**

MOTION: R Wortley / L Rodgers

**That leave of absence be granted to Councillor Schumacher from 1 – 30 November, 2019 inclusive.**

CARRIED UNANIMOUSLY: 11/0

**PETITIONS [AGENDA ITEM 9]**

Nil.

**PRESENTATIONS [AGENDA ITEM 10]**

Nil.

**DEPUTATIONS [AGENDA ITEM 11]**

Nil.

**CONFIRMATION OF MINUTES [AGENDA ITEM 12]****G.2/10/19 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 24 SEPTEMBER 2019**

Hon Councillor Riebeling moved the motion which was seconded by Councillor Peter Rogers with two amendments being:

- Minute G.7/9/19 – Fourth paragraph remove reference to Master of Ceremony duties.
- Minute G.12/9/12 - Final line in paragraph six, the word 'he' to read 'the'.

MOTION: F Riebeling / P Rogers

**That the Minutes of Council Meeting held on Tuesday 24 September 2019 be confirmed with the amendments noted.**

CARRIED UNANIMOUSLY: 11/0

**ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]**

Nil.

**G.3/10/19 DECLARATION OF INTERESTS [AGENDA ITEM 14]**

- Councillor Lynn Rodgers declared an impartiality interest in Minute G.5/10/19 Rate Exemption: 3 Gibson Street, Mandurah due to the association of Halo Team Inc. and WestAus Crisis where Councillor Lynn Rodgers is the Chief Executive Officer. Councillor Lynn Rodgers will not participate in discussion or voting on the item.

**QUESTIONS FROM ELECTED MEMBERS [AGENDA ITEM 15]**

**Questions of which due notice has been given**

Nil.

**Questions of which notice has not been given**

Nil.

**BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 16]**

Nil.

**REPORTS [AGENDA ITEM 17]****G.4/10/19 CAPITAL FUNDING REFINANCE (PB) (REPORT 1)**

The 2019/20 Annual Budget included interest and principal repayments for loans 318 (i) to (v) and 345 to 351 assuming that these loans were to be refinanced from 1 July 2019 as a result of extending the loan terms by a further five years. The notes to the 2019/20 Annual Budget did not reflect the refinancing proposal by outlining these as new loans and paying off (closing) loans 318 (i) to (v) and 345 to 351. As a result, Council are required to advertise the new loans for the purpose of refinancing existing loans 318 (i) to (v) and 345 to 351 by extending the existing loan term by five years.

In accordance with the *Local Government Act 1995*, if the new loan is not included in the annual budget, then the City is required to advertise the proposed new loans for the purpose of refinancing before it is put in place. The refinancing of these loans was to decrease the required principal payments and interest paid annually which has already been reflected in the 2019/20 Annual Budget.

It is proposed that the changes will take effect 1 January 2020. The proposed amendments require an adjustment to the budget principal and interest repayments for these loans to include six months at the existing loan terms and six months at the refinanced loan terms.

The financial impact is that an additional \$672,910 has been paid off the principal loan amount which reduces the principal amount outstanding at 30 June 2020. As a result of the principal amount of these loans being reduced, there is a decrease in the loan interest (savings) for 2019/20 of \$18,904. The additional principal repayments for these loans are being proposed to be funded from the surplus carried forward from 1 July 2019. The 2019/20 Annual Budget stated that there would be a carry forward surplus of \$500K. Whilst the annual financial statements are still being finalised and the audit is still to be carried out, the estimated surplus as at 1 July 2019 is \$1.5 million.

Hon Councillor Riebeling moved the report recommendation with the inclusion of point 4 being:

4. Ensure that the Long Term Financial Plan includes a Borrowings Policy that incorporates strategies that will provide flexibility to ensure the City maximises loan cost savings.

Councillor Knight seconded the amended motion.

MOTION: F Riebeling / C Knight

**That Council:**

- 1 Exercise its power to borrow and refinance loans 318 (i) to (v) and 345 to 351 as detailed in Attachment 1.**
- 2 Give one month's local public notice of the proposal.**
- 3 Allocate \$654,006 to fund the additional loan repayments (additional \$672.910 in principal loan repayments and decrease \$18,904 in loan interest) and that this be funded from the additional opening surplus that is carried forward on 1 July 2019.**

4. **Ensure that the Long Term Financial Plan includes a Borrowings Policy that incorporates strategies that will provide flexibility to ensure the City maximises loan cost savings.**

CARRIED ABSOLUTELY: 11/0

*Having declared an interest in the following item Councillor Lynn Rodgers vacated the Chamber at 5.42pm.*

**G.5/10/19 RATE EXEMPTION: 3 GIBSON STREET MANDURAH (JK) (REPORT 2)**

The City has received a request from the landowner for a charitable rating exemption for 3 Gibson Street, Mandurah.

The landowner leases the land and building to Halo Team Inc., who is a registered charity under the *Charities Act 2013* and is registered with the Australian Charities and Not-for-profits Commission. The landowner is a commercial entity and the City has previously sought legal advice to determine whether the land could still be exempt even though the landowner is not holding the land for charitable purposes. The legal advice confirms that the charitable rating exemption only applies to the use of the land (if it is used exclusively for charitable purposes) and it is irrelevant that the land is held and owned for non-charitable purposes.

Halo Team Inc. is a charitable organisation that provides a number of benefits including support and assistance for people in need, financial aid, material aid, return to work programs, student training, food assistance and homeless support. As the rate exemption is determined based on the use of the land, being for charitable purposes (not ownership), City officers are recommending that Council grant a rate exemption for 3 Gibson Street, Mandurah, in accordance with section 6.26(2)(g) of the *Local Government Act 1995*.

MOTION: S Jones / Peter Rogers

**That Council:**

- 1 **Grants that 3 Gibson Street, Mandurah, is not rateable land for the purposes of it being used exclusively for charitable purposes.**
- 2 **Advise the landowner:**
  - 2.1 **That the rates exemption will cease if the land is no longer being used exclusively for charitable purposes; and**
  - 2.2 **The City may conduct a review of the land use and the rates exemption at any time.**

CARRIED UNANIMOUSLY: 10/0

*Councillor Lynn Rodgers returned to the Chamber at 5.45pm.*

**G.6/10/19            RATE EXEMPTION: REVIEW 59 & 60, 98 MANDURAH TERRACE  
MANDURAH (JK) (REPORT 3)**

The City currently applies a charitable rating exemptions for the following properties:

- 59/98 Mandurah Terrace, Mandurah
- 60/98 Mandurah Terrace, Mandurah

The abovementioned properties are owned by Community First International Ltd (who merged with two other service providers in 2017 to form Chorus Australia Ltd), a registered charity under the *Charities Act 2013* and registered with the Australian Charities and Not-for-profits Commission. Chorus Australia Limited (formally Community First International Ltd) provide a range of in-home and community care services to people in need of assistance to live independently in their own home. As a result of the merger, a review of the charitable rating exemption status was carried out.

The Council has previously approved the charitable rate exemption. City officers are recommending that Council continue to grant a rate exemption for units 58 and 60, 98 Mandurah Terrace, Mandurah, in accordance with section 6.26(2)(g) of the *Local Government Act 1995*.

MOTION:            Lynn Rodgers / S Jones

**That Council:**

- 1. Grants that the following land is not rateable land for the purposes of it being used exclusively for charitable purposes:**
  - 1.1. 59/98 Mandurah Terrace, Mandurah**
  - 1.2. 60/98 Mandurah Terrace, Mandurah**
- 2. Advise the applicant:**
  - 2.1. That the rates exemption will cease if the land is no longer being used exclusively for charitable purposes; and**
  - 2.2. The City may conduct a review of the land use and the rates exemption at any time.**

CARRIED UNANIMOUSLY: 11/0

**G.7/10/19            TENDER 10-2019 LAKELANDS SPORT FACILITY (JS/VL) (REPORT 4)**

The City of Mandurah received funding from the State Government, Department of Local Government, Sport and Cultural Industries (DLGSC), Department of Education and the Australian Football League to develop 9.5 ha of public open space in Lakelands into three multipurpose sports fields with a shared sports facility. The purpose of the facility being to provide changing facilities, storage and a clubhouse to users of the three ovals.

The City of Mandurah invited tenders for the Construction of Lakelands Shared Sports Facility. The construction of the Lakelands Shared Sports Facility will feature:

- Four change rooms
- Two umpires change rooms
- Six storage areas
- Kitchen, wash up and bar area
- Function area
- Meeting room

Council is now requested to accept BE Projects (WA) Pty Ltd as the preferred tenderer based on the evaluation of tendered submissions.

MOTION: C Knight / R Wortley

**That Council accepts BE Projects (WA) Pty Ltd as the preferred tenderer for Tender 10-2019 for the Construction of Lakelands Shared Sports Facility.**

CARRIED UNANIMOUSLY: 11/0

At this juncture of the meeting Mayor Williams thanked all Councillors for their time as members of the City of Mandurah Council and wished all candidates every success at the upcoming election. Congratulations and thanks, from Elected Members, were directed to Hon Councillor Riebeling who was retiring from Council.

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

Nil.

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

Nil.

**LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 20]**

Nil.

**CONFIDENTIAL ITEMS [AGENDA ITEM 21]**

Nil.

**CLOSE OF MEETING [AGENDA ITEM 22]**

There being no further business, the Mayor declared the meeting closed at 6.04pm.

CONFIRMED ..... (MAYOR)