



**MINUTES OF COUNCIL MEETING**  
**HELD ON**  
**TUESDAY 24 SEPTEMBER 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
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	B DRECKOW	MANAGER PLANNING AND LAND SERVICES
MR	J KING	MANAGER FINANCIAL SERVICES
MRS	L SLAYFORD	MINUTE OFFICER

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

The Mayor declared the meeting open at 5.33pm, acknowledging Troy Mahoney representing the 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]**Leave of Absence:

Councillor Lynn Rodgers  
Councillor Schumacher

Apologies:

Councillor Lee  
Councillor Jones

**DISCLAIMER [AGENDA ITEM 4]**

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

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

**ANSWERS TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 5]**

Officers provided responses to questions taken on notice at the Council meeting held on Tuesday 27 August 2019 and the Audit and Risk Committee meeting of 9 September, 2019.

**G.1/8/19                    R GENT: MERRIVALE STREET RECONSTRUCTION**

- 1     Mr Gent referred to a letter dated 13 February, 2018 from Councillor Wortley and asked if Councillor Wortley knew that if the fire hydrant cover between 20 and 21 Merrivale Street Wannanup was placed back in its original position of 1982, prior to any road works, the lid would be covered by about 120-130mm of soil.
- 2     Will Councillor Wortley sit down with me again and other Councillors also to listen to my side of the story regarding roadworks in Merrivale Street Wannanup during the period 2002-2016?
- 3     Mr Gent asked Councillors to look at some photos which related to 2018 correspondence from the Director of Works and Services and Councillor Wortley.
- 4     Mr Gent asked Councillors if they were aware of correspondence from the former Corporate Lawyer to the former Manager Technical Services and why the licensed surveyor appointed to the Merrivale Street Reconstruction did not note the fire hydrant level difference between 20 and 21 Merrivale Street Wannanup.

Response:

- 1     *The location, level and position of the fire hydrant is considered adequate for its purpose.*

- 2     *As the Merrivale Street Reconstruction is finalised no further discussion will be entered into.*
- 3     *Photos submitted, copied and distributed to Elected Members.*
- 4     *As the Merrivale Street Reconstruction is finalised no further discussion will be entered into nor contacts made with third parties.*

**AR.2/9/19            OSH ANNUAL REVIEW 2018 - 2019 (PL/RK) (REPORT 1)**

Councillor Peter Rogers requested clarification as to why the number of workplace inspections had reduced from the previous year which was taken on notice.

*Response:*

*The downward trend in OSH inspections from 2017-2018 to 2018-2019 can be explained by the following:*

*In 2017-2018, additional inspections were carried out at the MARC (both aquatic and dry side inspections). This was to accommodate for the recent refurbishments and enable staff to fully understand the key safety and health aspects of the new facilities. In April 2018, the dry side inspections were changed to bi-monthly and the MARC aquatics went from bi-monthly to quarterly.*

*The 2018-2019 data also excluded some inspections as they had not been uploaded into the City's records system (WeConnect) prior to the Audit and Risk Report being compiled.*

*In an effort to improve the timely delivery of the inspection process, the OSH Workplace Inspection Schedule will be updated on a monthly basis with completed inspection dates discussed at monthly OSH Committee meetings.*

**PUBLIC QUESTION TIME [AGENDA ITEM 6] [OPEN 5.34PM – CLOSE 5.40PM]**

**G.1/9/19            L POLICE: MANDJAR MARKETS**

Ms Police requested clarification of the start dates of the coffee/hot food restrictions that have been imposed on the Mandjar Markets for the remainder of its current bookings and for 2020 future bookings on the Eastern Foreshore.

*The Manager Planning and Land Services advised that this matter had arisen due to realignment of trading permit policies regarding events and markets currently being undertaken. This aspect was a work in progress and current operators will be involved in discussions surrounding the changes. Mayor Williams suggested Ms Police meet with officers to discuss any concerns.*

**G.2/9/19            R GENT: MERRIVALE STREET RECONSTRUCTION**

Mr Gent commenced questions and was reminded by Mayor Williams of the City's Standing Orders Local Law and requested to re-consider his question.



Mr Gent referred to correspondence from the City's former Corporate Lawyer dated 27 March 2014 regarding excess sand on his property in Merrivale Street and requested to know why it was still there.

*The Chief Executive Officer reiterated that the question of excess sand had been addressed by the City, verbally and in writing, to Mr Gent on multiple occasions. As Mr Gent would not consent to authorise the City to enter his land the sand could not be removed.*

**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.

*Mayor Williams requested Ms Neal provide her question in writing for a response from officers.*

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

Nil.

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

**G.4/9/19            LEAVE OF ABSENCE: COUNCILLOR LEE – 25 SEPTEMBER TO 9 OCTOBER, 2019 INCLUSIVE**

MOTION:        F Riebeling / Matt Rogers

**That leave of absence be granted to Councillor Lee from 25 September to 9 October, 2019 inclusive.**

CARRIED UNANIMOUSLY: 8/0

**PETITIONS [AGENDA ITEM 9]**

Nil.

**PRESENTATIONS [AGENDA ITEM 10]**

Nil.



**DEPUTATIONS [AGENDA ITEM 11]****G.5/9/19            B & J HUTCHEN: 2018/19 CITY CENTRE ACHIEVEMENT AND YEAR TWO FRAMEWORK**

Brittney and Jason Hutchen of The Bridge Garden Bar delivered a deputation acknowledging the success of the City Centre activation project undertaken in conjunction with the City of Mandurah. Connections between businesses and the City had been developed over the past two years with events well supported both during the winter and summer seasons.

**CONFIRMATION OF MINUTES [AGENDA ITEM 12]****G.6/9/19            CONFIRMATION OF COUNCIL MINUTES: TUESDAY 27 AUGUST 2019**

MOTION:            F Riebeling / Peter Rogers

**That the Minutes of the Council Meeting held on Tuesday 27 August 2019 be confirmed.**

CARRIED UNANIMOUSLY: 8/0

**G.7/9/19            ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 13]**

At the invitation of the Mayor, Councillors and officers spoke on the following items.

- Councillor Knight spoke of the reserve naming conducted in Dudley Park on 11 September to honour Shirley Joiner.
- Councillor Knight attended the Bushland morning tea at Herron in early September to celebrate the purchase of approximately 10 hectares of natural bushland adjacent to Lake Clifton that would assist in water monitoring in the area.
- Councillor Darcy attended the opening of the second storey addition to the Port Bouvard Surf Lifesaving Club and congratulated all involved for completion of an amazing extension. The event was also attended by State and federal members as funding for the construction was provided by all tiers of government.
- Councillor Peter Rogers ~~performed Master of Ceremony duties at~~ <sup>attended</sup> the WA Government Schools Music Society event held at the Mandurah Performing Arts Centre on September 12 at which many Mandurah schools participated in.
- Councillor Wortley along with several Councillors attended the Peel Community Kitchen 10<sup>th</sup> Anniversary today, 24 September. The service provides meals and sources ingredients to assist those in need within the community.
- Councillor Matt Rogers attended the John Tonkin College 2019 Arts Exhibition Showcase which featured works of photography, visual art, dance and music by students attending the college.
- The City's Chief Executive Officer congratulated Kyle Boardman on his 25 years' service at the City of Mandurah. Kyle has worked extensively in the waste management services

area and has assisted with the Waste Alliance contract, development of the Waste Transfer Station and walking floor technology.

- Mayor Williams congratulated Peel Chamber of Commerce and Industry for the 2019 Alcoa Peel Business Excellence Awards gala night and acknowledged the numerous businesses within the region.
- Mayor Williams updated the meeting in regard to the annual Kids Teaching Kids Conference which promoted a stewardship of the natural environment by our young and emerging leaders.

#### **G.8/9/19          DECLARATION OF INTERESTS [AGENDA ITEM 14]**

- Councillor Knight declared a financial and impartiality interest in Minute Number G.21/9/19 Rates Concession: 91 Allnutt Street Mandurah due to her position as a board member of one of the building tenants. Councillor Knight will vacate the Chamber prior to discussion of 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.

#### **RECOMMENDATIONS OF COMMITTEES [AGENDA ITEM 17]**

**NOTE: Council adopted en bloc (moved by Councillor Wortley and seconded by Councillor Jackson) the recommendations of the Audit and Risk Committee meeting of Monday 9 September 2019.**

#### **G.9/9/19          OSH ANNUAL REVIEW 2018 - 2019 (PL/RK) (AR.2/9/19)**

The City is now operating under our second Three Year Strategic OSH Plan which has been developed referencing the 2018 LGIS Worksafe Plan Audit recommendations. 2018-2019 has seen a continued focus on improving/reviewing our occupational health and safety systems and culture. Council is requested to note the progress being made in continuing the Three

Year Strategic OSH Plan and the ongoing risk identification and management being conducted across the City. Council is also requested to note the City's current OSH performance.

MOTION: R Wortley / P Jackson

**That Council**

- 1. Notes the continuation of the Three Year Strategic OSH Plan.**
- 2. Notes the City's OSH performance for the 2018/19 financial year.**

CARRIED UNANIMOUSLY: 8/0  
(*This item was adopted en bloc*)

**G.10/9/19 AUDITOR GENERAL'S REPORT ON BUILDING APPROVALS (CM)  
(AR.3/9/19)**

The Office of the Auditor General (OAG) has released the findings of the performance audit in relation to Local Government Building Approvals (Report 28 June 2018-19) which was tabled in Parliament on 26 June 2019. The City of Mandurah was selected as one of the local governments to be audited for the regulation, monitoring and enforcement of permits for new houses and major renovations requiring approval for the 2016/17 and 2017/18 financial years. The purpose of the audit was to determine if local government entities effectively regulate residential building permits. The OAG did not review:

- approvals for planning, demolitions and commercial buildings;
- other building activities like patios, retaining walls and swimming pools; or
- how builders inspect the quality of their own work.

In accordance with section 7.12A of the *Local Government Act 1995*, it is recommended that the Audit and Risk Committee recommend to Council that the action plan is submitted to the Minister for Local Government that addresses the significant matters arising from the audit relevant to the City of Mandurah and that this is published on the City of Mandurah's website within 14 days of submitting the report to the Minister for Local Government.

MOTION: R Wortley / P Jackson

**That Council:**

- 1. Note the Office of the Auditor General's performance audit in relation to Local Government Building Approvals (Report 28 June 2018-19) as detailed in Attachment 1 of the report;**
- 2. Approve the action plan (as detailed in Attachment 2 of the report) and submit to the Minister for Local Government; and**
- 3. Publish the action plan on the City of Mandurah's website within 14 days of the report being submitted to the Minister for Local Government.**

CARRIED UNANIMOUSLY: 8/0  
(*This item was adopted en bloc*)



**NOTE: Council adopted en bloc (moved by Councillor C Knight and seconded by Councillor Darcy), the recommendations of the Committee of Council meeting of Tuesday 10 September 2019 with the exception of Items CC.4/9/19 and CC.5/9/19 which were dealt with separately.**

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

In December 2016, Council took over the management of the Mandurah Business Development Centre located at Lot 201 Reserve Drive, Mandurah, following the Mandurah Enterprise Centre Management Committee relinquishing their lease.

The City currently manages the centre and the commercial tenancies who occupy approximately 50 per cent of the centre.

Although the centre currently returns approximately \$65,000 per annum in rental revenue, the facility is still underutilised, therefore officers propose implementing an advertising process, requesting Expressions of Interest for office accommodation.

The focus of this campaign is being directed at community groups and cultural/ creative arts start-up businesses who can co-locate with the existing commercial tenancies at least in the short term.

The current commercial tenancies have licenses to remain in the Centre until March 2020. It is recommended that these tenants are offered a further licence of 18 months, which will give the commercial tenancies time to source other accommodation.

Council is requested to approve the advertising for Expressions of Interest from interested community groups, and cultural/creative arts businesses, for a licence term ranging from six months to a maximum three year term. A further report will be presented to Council following the Expression of Interest and assessment process; requesting support to approve new licence agreements.

Hon Councillor Riebeling moved the recommendation which was seconded by Councillor Peter Rogers. 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.

MOTION:            F Riebeling / Peter Rogers

**That Council:**

1. Approves the advertising for Expressions of Interest for rental accommodation at Lot 201 Reserve Drive (No 10 Lively Place), Mandurah with the following criteria:
  - 1.1 Not for Profit Community focus groups or
  - 1.2 Cultural & Creative artists for start-up businesses
  - 1.3 Tenure ranging between six months to maximum three years
2. Acknowledges that the current tenancies will remain in place until 31 March 2020, with an option to enter into new license agreements on 1 April 2020 for a maximum of 18 months;

3. **Acknowledges a further report will be presented to Council following the advertising for expressions of interest and assessment of applicants by officers, with final approval for tenure to be determined by Council.**

CARRIED UNANIMOUSLY: 8/0

**G.12/9/19      2018/19 MOSQUITO MANAGEMENT ANNUAL REPORT (SS/BI) (CC.5/9/19)**

This annual report provides an overview of mosquito management activities, with a specific focus on the City of Mandurah during the 2018/19 season and seeks Council endorsement of the recommendations of the report.

Mosquito management undertaken by the City and in conjunction with the Peel Mosquito Management Group (PMMG) and Department of Health during the 2018/19 season was far less intense than recent seasons in relation to number of aerial treatments required and the overall number of hectares treated.

The combination of environmental conditions that presented throughout the season limited inundation and hatching events and in general made managing mosquito populations for the City and program much easier than recent years.

Thirteen aerial larviciding treatments were undertaken between July 2018 and June 2019. These treatments covered a total of 1438.4 hectares.

Currently the outlook for the remainder of 2019 is ENSO – neutral. The continuation of a positive Indian Ocean Dipole is likely to bring below average winter–spring rainfall to southern and central Australia. Based on this outlook, an average season is expected although the need for intervention by the program is likely to be more frequent and broader than season 2018/19. The program will continue to closely monitor environmental conditions and respond accordingly to manage mosquito populations appropriately.

Hon Councillor Riebeling moved, Councillor Knight seconded, the Committee recommendation. Hon Councillor Riebeling congratulated all involved with the Peel Mosquito Management Group for the success achieved over the past eight years along with the fact that the City of Mandurah is seen as a leader in mosquito management within the State.

MOTION:            F Riebeling / C Knight

**That Council:**

1. **Receives the City of Mandurah Mosquito Management Program: 2018/19 Annual Report.**
2. **Approves the release of these reports to the following key stakeholders:**
  - **Residents of the City of Mandurah via access at Administration Centre and Library, website and media releases**
  - **Department of Health**
  - **The Minister for Health and local Parliamentary Representatives**
  - **Peel Mosquito Management Group member local governments**
  - **Peel Development Commission**
  - **Department of Water Environment and Regulation**
  - **Residents and Progress Associations**
  - **Mandurah Environmental Advisory Group**



3. Notes the City's support for the Department of Health Fight the Bite Campaign.
4. Acknowledges the support provided by the Department of Health in the implementation of improvements in the Peel Mosquito Management Program.
5. Supports ongoing efforts to improve the aerial larviciding capacity of the mosquito management program including the ongoing provision of winter treatments.
6. Acknowledges the importance of the State Government's ongoing commitment to the annual programs, and in accordance with the Dawesville Channel Environmental Review and Management Program.

CARRIED UNANIMOUSLY: 8/0

**G.13/9/19 BUILDING ACT AMENDMENTS: AUTHORISATION AND DELEGATION REQUIREMENTS (GW/SG) (CC.6/9/19)**

Amendments to the *Building Regulations 2012* (gazetted 26 April 2019) created new offences for which local government permit authorities may issue infringement notices.

Regulation 70 of the *Building Regulations 2012* was amended correcting its reference to, and alignment with, sections 9.19 and 9.20 of the *Local Government Act 1995* relating to the extension of time to pay a modified penalty and the withdrawal of an infringement notice.

Council is requested to approve amendments to the delegation of authority DA-LWE 07 Authorised Officers to provide the Chief Executive Officer the ability to appoint authorised officers to undertake the issuing of infringement notices for certain offences under the *Building Act 2011* and *Building Regulations 2012*.

MOTION: C Knight / M Darcy

**That Council adopts amended Delegation of Authority DA-LWE 07 Authorised Officers.**

CARRIED UNANIMOUSLY: 8/0  
(*This item was adopted en bloc*)

**G.14/9/19 TENDER 08-2019 EVENTS TRAFFIC MANAGEMENT (AH/EJ) (CC.7/9/19)**

The City of Mandurah invited tenders for Traffic Management Services for major public events. The City stages large events near main roads and these events need to be managed in a way that ensures safety for all involved, and minimises disruptions to the normal daily usage and function of our road network.

As a result of the evaluation of tendered submissions, Council is now requested to accept Peak Traffic Management as the preferred tenderer.



MOTION: C Knight / M Darcy

**That Council accepts Peak Traffic Management as the preferred tenderer for Tender T08-2019 for the Events Traffic Management.**

CARRIED UNANIMOUSLY: 8/0  
(*This item was adopted en bloc*)

**G.15/9/19 2021 ULYSSES MOTORCYCLE CLUB NATIONAL AGM (MJ) (CC.8/9/19)**

In 2016 the City put in a joint bid with the Perth Convention Bureau for Mandurah to host the Ulysses Motorcycle Club Annual General Meeting in 2020. Council supported this application and acknowledged the cost of \$40,000 for the bid would be allocated in a future budget prior to the AGM.

In 2017, the City was informed that the bid was unsuccessful in securing the 2020 AGM, however Mandurah was selected as host destination for the 2021 event. The AGM will be held on 22 – 28 March 2021 and expects to attract between 1700 and 2000 people to Mandurah for seven days. The resulting economic impact has been estimated at approximately \$3.8million.

Council is requested to note the City's in-kind support and that \$40,000 will be listed for consideration in the 2020/21 Operating Budget to assist the delivery of the event.

MOTION: C Knight / M Darcy

**That Council:**

- 1. Notes that \$40,000 will be listed for consideration in the City's 2020/21 Operating Budget to support the delivery of the 2021 Ulysses National AGM.**
- 2. Notes that \$30,000 will be provided as in-kind support to assist the event organisers with covering the extra costs applicable to hosting the event on an outdoor reserve.**

CARRIED UNANIMOUSLY: 8/0  
(*This item was adopted en bloc*)

**NOTE: Council adopted en bloc (moved by Councillor C Knight and seconded by Councillor Peter Rogers) the recommendations of the Strategy Committee meeting of Monday 16 September 2019.**

**G.16/9/19 2018/19 CITY CENTRE ACHIEVEMENTS AND YEAR TWO FRAMEWORK (MN) (S.2/9/19)**

The City Centre's place vision is to reinvigorate the City Centre as a sociable, lovable place that showcases the best of Mandurah places, people and businesses.

Over the last 12 months the City Centre team has delivered a range of projects and made solid progress across all four focus areas within the endorsed Framework.

The project delivery involved:

1. Business Partnership
  - Events and activities (within venues and public spaces)
  - Marketing and promotion
2. City Centre Infrastructure Development
  - Waterfront projects: Eastern and Western Foreshores
  - Smart Street Mall

This report provides an update on the business partnership successes, shared marketing lessons, land owner engagement and outlines the new City Centre Year Two Framework for 2019/20 and associated projects for Council's consideration.

MOTION: C Knight / Peter Rogers

**That Council:**

1. **Acknowledges the successes of the 2018/19 City Centre projects and activities**
2. **Endorses the City Centre Framework Year Two 2019-2021**
3. **Acknowledges the 2019/20 projects and activities**

CARRIED UNANIMOUSLY: 8/0  
(This item was adopted en bloc)

**G.17/9/19 RECREATION CENTRES BUSINESS IMPROVEMENT PLAN (CT)  
(S.3/9/19)**

Following the completion of the Mandurah Aquatic and Recreation Centre Redevelopment in May 2017, City officers identified a number of new initiatives aimed at improving the financial and operational performance of the Mandurah and Halls Head Recreation Centre facilities. These projects were consolidated into the City of Mandurah Recreation Centres Two Year Business Improvement Plan (2017/18 – 2018/19).

At the conclusion of this period, City officers have reviewed outcomes against the plan and developed a new Two Year Business Improvement Plan to guide the evolution of the business through to 30 June 2021.

Council is requested to note the Recreation Centre's 2018/19 end of financial year performance, note the achievements against the initial Two Year Business Improvement Plan and endorse the next Recreation Centres Two Year Business Improvement Plan 2019 - 2021.

MOTION: C Knight / Peter Rogers

**That Council:**

1. **Notes the performance of the Recreation Centres business during the 2018/19 financial year;**
2. **Notes the City's progress against the City of Mandurah Recreation Centres Two Year Business Improvement Plan (2017/18 – 2018/19);**

3. **Endorses the City of Mandurah Recreation Centres Two Year Business Improvement Plan (2019/20- 2020/21);**
4. **Notes that City officers will report annually to Council on the achievements of the City's Recreation Centres against key performance indicators and the outcomes of the business improvement initiatives through the Corporate Business Planning process.**

CARRIED UNANIMOUSLY: 8/0  
*(This item was adopted en bloc)*

## **REPORTS [AGENDA ITEM 18]**

### **G.18/9/19 FINANCIAL REPORT AUGUST 2019 (JK) (REPORT 1)**

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

MOTION: F Riebeling / Peter Rogers

#### **That Council:**

- 1 **Receives the Financial Report for August 2019 as detailed in Attachment 1 of the report.**
- 2 **Receives the Schedule of Accounts for the following amounts as detailed in Attachment 3 of the report:**

Total Municipal Fund	\$ 9,858,637.85
Total Trust Fund	\$ 24,494.00
	<u>\$ 9,883,131.85</u>
- 3 **Approves unbudgeted expenditure of \$292,850 for the Bushfire mitigation activities which are to be funded through an additional operating grant of \$292,850 from DFES.\***
- 4 **Approves the proposed 2019/20 carryover projects from the 2018/19 financial year, as detailed in Attachment 2 of the report.\***
- 5 **Approves the reallocation of expenditure of \$60,000 for the WMC Recovery Facility Hardstand Security works and reduce the Hardstand Capital works project by \$60,000.\***
- 6 **Approves the proposed changes to the road resealing and shared path program as reallocated expenditure as detailed in page 9 of Attachment 1 of the report.\***

CARRIED ABSOLUTELY: 8/0



**G.19/9/19            RATES EXEMPTION: 48 AND 50 PINJARRA ROAD AND 1-3 DAVEY STREET, MANDURAH (CM) (REPORT 2)**

The City has received a request from the landowner for charitable rating exemptions for the following properties:

- 48 Pinjarra Road, Mandurah
- 50 Pinjarra Road, Mandurah
- 1-3 Davey Street, Mandurah

The landowner leases the land and buildings of the abovementioned properties to SMYL Community College, 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 due to the complex nature of the circumstances legal advice was sought to determine whether the land is used exclusively for charitable purposes in accordance with section 6.26(2)(g) of the *Local Government Act 1995*. SMYL Community College Inc. is a non-government school that caters for students in year's 9 to 12 that have not been attending main stream education. The legal advice has been received and as the rate exemption is determined on the use of the land being for charitable purposes (not ownership), City officers are recommending that Council grant a rate exemption for 48 and 50 Pinjarra Road and 1-3 Davey Street, Mandurah.

Councillor Wortley moved, Hon Councillor Riebeling seconded the report recommendation. Elected members queried the total amount of rate concessions and/or write-offs including the RAAFA estates. The Chief Executive Officer advised concessions totalled approximately \$2 million. Elected Members agreed the concession would assist tenants and trusted the landowner would pass on the concession.

MOTION:            R Wortley / F Riebeling

**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.   48 Pinjarra Road, Mandurah**
  - 1.2.   50 Pinjarra Road, Mandurah**
  - 1.3.   1-3 Davey Street Mandurah**
- 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: 8/0

**G.20/9/19            RATES EXEMPTION: 26 HALL STREET, MANDURAH (CM) (REPORT 3)**

The City has received a request from the landowner for a charitable rate exemption for 26 Hall Street, Mandurah.

The landowner leases the land and building on the abovementioned property to WestAus Crisis and Welfare Services Inc., who is a registered charity under the *Charities Act 2013* and is registered with the Australian Charities and Not-for-profits Commission. WestAus Crisis and Welfare Services Inc. provide emergency relief services and funds to people who are at risk of having essential services removed, in need of money for food, at risk of losing their accommodation, support services to people who have been placed into emergency accommodation and assist these people to access and maintain long term accommodation. They work with the City to support homeless people in Mandurah who need to access shower facilities. City officers are recommending that Council, in accordance with section 6.26(2)(g) of the *Local Government Act 1995*, grant a rate exemption for 26 Hall Street, Mandurah.

MOTION: C Knight / R Wortley

**That Council:**

- 1 **Grants that 26 Hall 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: 8/0

*Having declared an interest in the following item Councillor Knight left the Chamber at 6.14pm.*

**G.21/9/19 RATES CONCESSION: 91 ALLNUTT STREET, MANDURAH (CM)  
(REPORT 4)**

The City has received a request from the landowner for a charitable rate exemption for 91 Allnutt Street, Mandurah.

The landowner leases the land and building, known as the Peel Health Hub, on the abovementioned property to the following not-for-profit organisations:

1. GP Down South Peel Youth Medical Service
2. Palmerston Association
3. Allambee Counselling
4. Youth Focus
5. 360 Health and Community
6. JSW Training and Community Services
7. Child and Adolescent Mental Health Service (CAMHS)

The landowner is GP Down South, who is a registered charity under the *Charities Act 2013* and is registered with the Australian Charities and Not-for-profits Commission. GP Down South provide services to people at risk who are marginalised and in regional areas and includes services relating to mental health, sexual health, Indigenous health services, chronic disease management and integrated care management. City officers are recommending that



Council, in accordance with section 6.26(2)(g) of the *Local Government Act 1995*, grant a rate exemption for 91 Allnutt Street, Mandurah.

Legal advice has been obtained confirming that the City cannot grant the landowner the rate exemption because Child and Adolescent Mental Health Service (CAMHS) is not a charity but a State Government service and therefore the land is not used exclusively for charitable purposes.

Council has the following options in relation to GP Down South's application:

- Option One: Refuse the rates exemption and grant no rates concession. A rates exemption is only allowed if the land is being used exclusively for charitable purposes. Due to one of the lessees being a State Government department, Council do not have to grant a rate concession if they do not wish to.
- Option Two: Grant a partial rate concession to GP Down South using the proportion of the building area rented to charitable institutions compared to the total building area as the basis of the rates concession charged on the land. The Peel Health Hub was supported by all three tiers of government which aims to improve the mental, social and physical health of those in need. It has brought charitable institutions into one premises, to deliver a range of programs for individuals (including youth, adults, families and carers) that are in need of the support from the health service providers.
- Option Three: Grant a full rate concession to GP Down South for the land. The State Government has many services operating in the City of Mandurah. It is recommended that where a State Government operates a service within the City of Mandurah, that they should pay their contribution to rates, and this cost should not be passed onto the remaining City of Mandurah ratepayers. Currently, the Council does not grant a concession for any other State Government service.

City officers are recommending that Council approve option two to grant a partial rate concession to GP Down South.

The report recommendation was moved by Councillor Wortley, seconded by Councillor Jackson. Discussion ensued regarding the landowners responsibility via its lease agreements to pass the rate concession to tenants at the facility. Elected Members agreed this was not a precedent for rate concession for State Government service sites and acknowledged the community benefits offered by the Peel Health Hub and subsequent benefit of such a rate concession.

MOTION: R Wortley / P Jackson

**That Council:**

- 1 Grants a partial rates concession to the landowner of 91 Allnutt Street, Mandurah of \$63,350.40.**
- 2 Advise the landowner that Council can only grant concessions up to 30 June of each year and the landowner will be required to provide information in relation to the lease holdings annually.**

**Note: The reason for the concession is that the Peel Health Hub was supported by all three tiers of government which aims to improve the mental, social and physical health of the those in need. It has brought charitable institutions into one premises, to deliver a range of programs for individuals (including youth, adults, families and carers) that are in need of the support from the health service providers.**

CARRIED UNANIMOUSLY: 7/0



*Councillor Knight returned to the Chamber at 6.21pm.*

**G.22/9/19            MANDURAH RETAIL TRADING HOURS CHRISTMAS 2019 (MN)  
(REPORT 5)**

Retail Trading hours for Mandurah are currently in accordance with the *Retail Trading Hours (City of Mandurah) Variation Order (No2) 2013*. Council is requested to consider extending trading hours for the 2019 Christmas period, on a similar basis to recent years.

Due to the requirements to seek quotations in accordance with Council's recent resolution (G.31/6/19) to undertake a specific community and business consultation process in relation to general retail trading hours, the standard Christmas consultation process that officers and Peel Chamber of Commerce would conduct each year is difficult to complete in time, and potentially confusing to the community.

Peel Chamber of Commerce has been notified of the time constraints, and has agreed to the officer's proposal to not undertake the standard Christmas consultation, and to adopt extended trading hours, for the Christmas period similar to 2018 (*Attachment 1*).

The Chief Executive Officer has deemed that the urgency for this matter to be dealt with necessitates it being presented to Council during the caretaker period.

Council is recommended to adopt extended Christmas trading hours for 2019 Christmas trading for Mandurah similar to those adopted in 2018.

Councillor Darcy moved the report recommendation amending the fourth dot point to a 5.00pm close as per previous years' trading. Councillor Knight seconded the amended recommendation.

MOTION:            M Darcy / C Knight

**That Council authorises officers to apply to the Department of Commerce for a short term adjustment to extended Christmas Trading hours for:**

- **Sunday 15 and 22 December 2019, 8.00am – 6.00pm**
- **Monday 16, Tuesday 17, Wednesday 18, Friday 20 and Monday 23 December 2019, 8.00am - 9.00pm**
- **Thursday 26 December 2019, 8.00am – 6.00pm**
- **Wednesday 1 January 2020, 8.00am – 5.00pm.**

CARRIED UNANIMOUSLY: 8/0

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

Nil.

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

Nil.

**LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 22]**

Nil.

**CONFIDENTIAL ITEMS [AGENDA ITEM 23]**

Nil.

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

There being no further business, the Mayor declared the meeting closed at 6.23pm.

CONFIRMED

..... (MAYOR)