



**MINUTES OF**

**COMMITTEE OF COUNCIL MEETING**

**HELD ON**

**Tuesday 4 December 2018**

**AT 5.30 PM**

**IN COUNCIL CHAMBERS - 83 MANDURAH TERRACE**  
**MANDURAH**

***PRESENT:***

COUNCILLOR	D LEE [CHAIRMAN]	EAST WARD
MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	L RODGERS	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD

***OFFICERS IN ATTENDANCE:***

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

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

The Chairman declared the meeting open at 5.34pm.

**APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 2]**

Councillor Darcy on leave of absence, apologies from Councillors Peter Rogers, Shane Jones and D Schumacher.

**DISCLAIMER [AGENDA ITEM 3]**

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the City of Mandurah unless specific delegation of authority has been granted by Council.

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. 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 advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Committee meeting.

**RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 4]**

Nil.

**PUBLIC QUESTION TIME [AGENDA ITEM 5]**

**CC.1/12/18 SARAH WAY – FAIRY TERN SANCTUARY**

Ms Way submitted the following two questions to the Committee:

1. How is Council addressing irresponsible cat ownership and lack of cat registrations in the City, particularly in areas of significant biodiversity value such as the Mandurah Fairy Tern Sanctuary?

**Response**

*The Acting Executive Manager Finance and Governance advised that the City does have programs in place for community use. For example the public trapping program whereby a residents can pay a bond to hire a device to trap stray cats in their area. This program has been successful in catching cats causing nuisance. A review of this program will be completed in December. The City of Mandurah is one of the highest cat trapping local governments with approximately 260 cats captured. The City also utilises a nuisance animal contractor to assist*

*in problem areas. Various media articles and door knocking of areas has also been undertaken to assist with registration of cats.*

2. Would Council consider developing new by-laws to better manage cat predation impacts on threatened wildlife in environmentally sensitive areas?

Response

*The Acting Executive Manager Finance and Governance informed the Committee that this option continues to be investigated. The introduction of changes to the City's local law encompassing use of restricted areas and fines are difficult to enforce for wandering cats. When cats are captured there is a requirement to store the animals as per the Cat Act. The degree to which the City will do trapping programs and store cats which requires extensive time, effort and expense to administer is also under review.*

**PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]**

**CC.2/12/1/8 MURDOCH UNIVERSITY – FAIRY TERN SANCTUARY PROGRESS 2018**

Claire Greenwell of Murdoch University and the City's Environmental Management officer, Rebecca Cassells delivered a visual progress report in relation to the Fairy Tern Sanctuary.

The program commenced two years ago on a vacant development lot within the Mandurah Ocean Marina and via grant funding a more permanent site was established approximately 120 metres from the initial nesting site.

The program has been heavily supported by volunteers, 'community champions' and John Tonkin College students. Claire Greenwell, Murdoch University, has been undertaking research which has included examining options for attracting and retaining fairy terns at the breeding site.

The largest count for the site included 111 nests containing generally two eggs and some with three. This indicated successful development and establishment of a breeding site for the Fairy Terns. With banded birds in the developing colony further research has been able to be undertaken in relation to movement of the Fairy Terns.

Unfortunately due to cat predation at the site approximately 30 breeding pairs have been lost along with 15 chicks. The community is assisting the City in monitoring the site at night to limit predation losses.

**DEPUTATIONS [AGENDA ITEM 7]**

Nil

**CONFIRMATION OF MINUTES [AGENDA ITEM 8]**

**CC.3/12/18 CONFIRMATION OF MINUTES**

RESOLVED: Tahlia Jones / Ron Wortley

**That the Minutes of the Committee of Council meeting of Tuesday 13 November 2018 be confirmed.**

CARRIED UNANIMOUSLY: 8/0

***DECLARATION OF INTERESTS [AGENDA ITEM 9]***

Nil

**QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION [AGENDA ITEM 10]**

**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 11]**

Nil.

**REPORTS [AGENDA ITEM 12]**

**CC.4/12/18 LEASE – RESERVE 45079 MERLIN STREET FALCON SOUTH  
MANDURAH TENNIS CLUB (RL/LP) (REPORT 1)**

South Mandurah Tennis Club (SMTC) has held a lease over Reserve 45079 Merlin Street, Falcon, since 1994. The Club formally requested, upon the expiry of their current lease on the 28 February 2018, to enter into a new lease agreement with the City.

Officers have been in discussions with the club since late 2017, with the club in a “holding over” of their current lease, to allow officers time to re-assess the leasing and fee structure for sporting clubs. The outcome of this review has resulted in only three clubs varying their fee and leasing structure.

As SMTC is not impacted by the recent review, officers recommend the club's lease now be renewed for a term of five years with a five year renewal term option (5+5 years). With the rental fee aligning with the City's fees and charges schedule for community and sporting groups, which is \$1,000 inclusive of GST per annum.

Council is requested to support the new lease agreement with the South Mandurah Tennis Club, over Reserve 45079 Merlin Street, Falcon, for a term of five years with a five year renewal term option (5+5 years), commencing on or after Minister for Lands consent, together with an annual rental fee of \$1,000 which aligns with the City's schedule of fees and charges. All lease terms and conditions are subject to the approval of the Minister for Lands.

Hon Councillor Riebeling moved the report recommendation acknowledging the efficient and well managed group utilising the facility. Councillor Tahlia Jones seconded the recommendation.

**RESOLVED TO RECOMMEND: F Riebeling / Tahlia Jones**

**That Council:**

- 1. Approves a lease agreement over Reserve 45079 Merlin Street, Falcon, to the South Mandurah Tennis Club with the following conditions:**
  - 1.1 Tenure term of five years with a five year renewal term (5+5 years);**
  - 1.2 Approval and commencement date subject to the Minister for Lands consent;**
  - 1.3 Annual rent and document preparation fee is to align with the Council approved schedule of fees and charges for sporting and community groups;**
- 2. Authorises the Chief Executive Officer to finalise the conditions of the Lease agreement.**

**CARRIED UNANIMOUSLY: 8/0**

**CC.5/12/18 HOLIDAY HOMES (AH) (REPORT 2)**

In April 2018, Council was presented with a petition containing the signatures of 65 residents requesting that Council consider the regulation of the location, size and management of short stay holiday homes within Mandurah. In June 2018 Council resolved, following a Notice of Motion, "that officers prepare a report that considers the establishment of a register of short term residential accommodation (STRA).

Following Council's resolution, officers have undertaken a review of a number of industry based discussion papers and government position papers to investigate alternative approaches to managing holiday homes. The potential impacts of holiday homes on surrounding neighbourhoods are well documented however the method by which these impacts are managed varies from State to State.

Council adopted a 'responsive' approach to Holiday Homes in June 2015, whereby a list of known holiday homes is maintained, with complaints received against a known holiday home being addressed as a matter of high priority. Since this time, of the 131 homes currently on the City's list of Holiday Homes, five properties have been the subject of noise complaints, with officers having been successful in working with landowners to manage issues through measures such as strengthening guest selection criteria, not allowing leavers, hens or bucks parties, and the provision of clear regulations to guests.

The 'responsive' approach to Holiday Homes is viewed to be an effective method for managing issues arising from Holiday Homes at this stage, with complaints regarding holiday homes comprising only a small percentage of total complaints dealt with by the City. As it is three years since the implementation of this approach however, it is suggested that a re-education campaign be conducted to ensure all owners of known holiday homes and adjoining properties are;

- (a) Advised of obligations under the Environmental Protection (Noise) Regulations 1997;  
and
- (b) Advised of the City's complaint handling procedure with regards to Holiday Homes.

Report Recommendation:

*That Council:*

1. *Reiterates its 'responsive' approach to Holiday Homes as an effective means of managing issues arising from Holiday Homes.*
2. *Request officers continue to maintain and review on a bi-annual basis, a list of known holiday homes.*
3. *Request officers undertake a re-education campaign to ensure all owners of holiday homes are:*
  - 3.1. *Advised of obligations under the Environmental Protection (Noise) Regulations 1997, Building Regulations 2012, and City of Mandurah Local Laws;*
  - 3.2. *Advised of the City's complaint handling procedure with regards to Holiday Homes; and*
  - 3.3. *Provided with an information pack detailing recommended management practices.*
4. *Request officers notify adjoining neighbours of known holiday homes of the City's Complaint Handling Procedure.*
5. *Request officers develop an audit process for identified holiday homes to ensure compliance with the Building Regulations 2012.*
6. *Endorse this report as the basis for a submission to the Parliamentary Inquiry into the adequacy of regulation of short term letting in WA.*

Councillor Tahlia Jones moved an alternate recommendation which was seconded by Mayor Williams. In moving the alternate recommendation Councillor Tahlia Jones outlined engagement conducted with the community, requests for monitoring and improvement of the holiday home situation with regard to noise and neighbourhood amenity. Councillor Tahlia Jones acknowledged the current Parliamentary enquiry into short term accommodation and the requirement to wait for the findings to be released and any subsequent legislative changes that may arise.

**That Council:**

- 1. Reiterates its 'responsive' approach to Holiday Homes as an effective means of managing issues arising from Holiday Homes due to the minimal impact of holiday homes in Mandurah.**
- 2. Request officers continue to maintain and review on a bi-annual basis, a list of known holiday homes.**
- 3. Request officers undertake a re-education campaign to ensure all owners of holiday homes are:**
  - 3.1. Advised of obligations under the Environmental Protection (Noise) Regulations 1997, Building Regulations 2012, and City of Mandurah Local Laws;**
  - 3.2. Advised of the City's complaint handling procedure with regards to Holiday Homes;**
  - 3.3. Provided with an information pack detailing recommended management practices;**
  - 3.4. Update communications material on the City's website to provide relevant information for prospective holiday home operators for individual dwellings and those within strata developments;**
  - 3.5. Liaise with the local police with respect to dealing with the noise and anti-social behaviour relating to holiday homes; and**
  - 3.6. Establishing additional data capture options with the Customer Request Management system in conjunction with the new Enterprise System.**
- 4. Request officers notify adjoining neighbours of known holiday homes of the City's Complaint Handling Procedure and ensure website information is updated accordingly.**
- 5. Request officers develop an audit process for identified holiday homes to ensure compliance with the Building Regulations 2012.**
- 6. Endorse this report as the basis for a submission to the Parliamentary Inquiry into the adequacy of regulation of short term letting in WA.**

**RESOLVED TO RECOMMEND:** Tahlia Jones / R Williams

**CARRIED UNANIMOUSLY:** 8/0

#### **CC.6/12/18 CITY CENTRE PROJECT FRAMEWORK (MN) (REPORT 3)**

At its meeting of 28 November 2017, Council resolved to support for the establishment of a City Centre business unit to focus on the development and activation of Mandurah's City Centre.

The City Centre project team phased in its commencement since earlier in 2018 with a focus on the City Centre Waterfront project, its Community Reference Group and the implementation of Winter Wonderland 2018. A primary focus for the team was to also engage internally and externally to develop a preliminary framework to identify its overall vision, objective, focus areas, activities and measures.

This report outlines the process and the final framework for Council consideration and an overview of the 2018/19 projects.

The City Centre Place Manager and Coordinator Recreation Services delivered a visual update on this item following the twelve month establishment of the team. An overview of events undertaken, trials commenced and engagement with businesses in the city centre was delivered to the Committee. Information pertaining to security patrols and incident response times were discussed with Elected Members.

RESOLVED TO RECOMMEND: R Williams / R Wortley

**That Council:**

- 1. Endorses the City Centre Framework**
- 2. Acknowledges the 2018/19 projects and activities**

CARRIED UNANIMOUSLY: 8/0

#### **CC.7/12/18 MURDOCH UNIVERSITY SCHOLARSHIPS (TH) (REPORT 4)**

Since 2005 the City has supported a number of scholarships in partnership with Murdoch University. In 2015 Council endorsed a three year agreement where four annual scholarships were supported, this agreement has now expired. This report seeks consideration from Council for entering into a new three year agreement which builds on the past success, extends support and increases opportunities.

Council approval is sought for three x \$4,000 a year rolling scholarships over three years of study, financially committing the City over five years, commencing in 2019 and resulting in nine students a year being funded at its peak.

It is recommended two scholarships would be available for any undergraduate course of study and one scholarship would be available for an Aboriginal student undertaking any course of study, each being for first year undergraduate students only and one of the three scholarships being awarded for a student studying at the Mandurah Campus only, with the remainder available for either Mandurah or South Street campuses at the discretion of the selection panel.

Approval is also sought in support of funding Murdoch University's outreach activities for year 10 students to undertake an intensive Science, Technology, Engineering and Maths STEM four day workshop. The Murdoch University supported course is entitled the 'Conoco-Philips Science Experience' and would be available solely to students who reside in Mandurah and at a total cost of \$3,000 per annum over three years.

RESOLVED TO RECOMMEND: C Knight / F Riebeling

**That Council:**

- 1. Approves three scholarships annually, with two being for First Year Undergraduate students and one being for a First Year Undergraduate Aboriginal Student, with a minimum of one Undergraduate scholarship being**



for the Mandurah Campus only and a maximum of two being for any Murdoch University Campus.

2. Allocates annual scholarship funding to Murdoch University as follows:
  - 2.1. 2019 x \$12,000 3 scholars (2019 cohort) \*three new scholarships
  - 2.2. 2020 x \$24,000 6 scholars (2019 and 2020 cohort) \*three new scholarships
  - 2.3. 2021 x \$36,000 9 scholars (2019, 2020 and 2021 cohort) \*three new scholarships
  - 2.4. 2022 x \$24,000 6 scholars (2020 and 2021 cohort)
  - 2.5. 2023 x \$12,000 3 scholars (2021 cohort)
3. Approves the following eligibility criteria:
  - 3.1. Student must be an Australian citizen or permanent resident;
  - 3.2. Student must be a current resident of the City of Mandurah;
  - 3.3. Student must intend to enrol or be enrolled full-time in an Undergraduate degree at Murdoch University Peel Campus (one scholarship) or at any Murdoch Campus (two scholarships).

CARRIED UNANIMOUSLY: 8/0

*Councillor Wortley left the meeting to attend a Council event at 6.35pm and did not return.*

#### **CC.8/12/18 PROPOSED ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2019 (NP/SL) (REPORT 5)**

As part of the continuing process of updating and improving the City's local laws, a review has now been conducted of the Animals, Environment & Nuisance Local Law 2010.

Amendments are proposed to reduce the need for approvals whilst still retaining an ability to enforce requirements where required. The changes remove duplication with other legislation, provide increased flexibility and bring the local law up to date with the City's preferred approach to legislation enforcement.

As a legal requirement, all local laws are to have a purpose and effect where the following is proposed for the Animals, Environment & Nuisance Amendment Local Law 2019:

**PURPOSE:** to amend provisions within the City of Mandurah Animals, Environment & Nuisance Local Law 2010.

**EFFECT:** to ensure the City of Mandurah Animals, Environment & Nuisance Local Law 2010 is as clear and effective as possible.

Council is requested to adopt the proposed Animals, Environment & Nuisance Amendment Local Law 2019 for advertising.

RESOLVED TO RECOMMEND: C Knight / L Rodgers

**That Council:**

- 1 Adopt the proposed City of Mandurah Animals, Environment & Nuisance Amendment Local Law 2019 for advertising.**
- 2 Note that any public and Ministerial responses will be reported to Council for consideration prior to the making of the local law and publication in the Government Gazette.**

CARRIED ABSOLUTELY: 7/0

**CC.9/12/18 PROPOSED FENCING AMENDMENT LOCAL LAW 2018 (NP/SL)  
(REPORT 6)**

As part of the continuing process of updating and improving the City's local laws, a review has now been conducted of the Fencing Local Law 2015.

Amendments are proposed to differentiate between the fencing requirements of residential properties with different density requirements.

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

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

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

Council is requested to adopt the proposed Fencing Amendment Local Law 2018 for advertising.

RESOLVED TO RECOMMEND: C Knight / R Williams

**That Council:**

- 1 Adopt the proposed City of Mandurah Fencing Amendment Local Law 2018 for advertising.**
- 2 Note that any public and Ministerial responses will be reported to Council for consideration prior to the making of the local law and publication in the Government Gazette.**

CARRIED ABSOLUTELY: 7/0

**LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 14]**

Nil.

**CONFIDENTIAL ITEMS [AGENDA ITEM 15]**

RESOLVED: P Jackson / C Knight

**That the meeting proceeds with closed doors at 6.39pm in accordance with Section 5.23(2)(e) of the Local Government Act 1995, for discussion of confidential items containing financial information.**

CARRIED UNANIMOUSLY: 7/0

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

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.39pm.

**CC.10/12/18      CONFIDENTIAL ITEM: ROAD DEDICATION (DC/LP) (REPORT 1)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: L Rodgers / C Knight

- 1 That Council adopts the course of action agreed.**
- 2 That the report and recommendations remain confidential until the purchase of the road land is complete.**

CARRIED UNANIMOUSLY: 7/0

MOTION: P Jackson / C Knight

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

CARRIED UNANIMOUSLY: 7/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.41PM

**CC.11/12 /18**

MOTION: R Williams / Tahlia Jones

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

CARRIED UNANIMOUSLY: 7/0

**CLOSE OF MEETING [AGENDA ITEM 16]**

There being no further business, the Chairman declared the meeting closed at 6.42pm.

CONFIRMED: .....[CHAIRMAN]