



MINUTES OF

COMMITTEE OF COUNCIL MEETING

HELD ON

Tuesday 13 February 2018

AT 5.30 PM

IN COUNCIL CHAMBERS - 83 MANDURAH TERRACE
MANDURAH

PRESENT:

MAYOR	R WILLIAMS	
COUNCILLOR	D LEE [CHAIRPERSON]	EAST WARD
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
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD

OFFICERS IN ATTENDANCE:

MR	T FREE	ACTING CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MS	L WILKINSON	DIRECTOR PEOPLE & COMMUNITIES
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE AND GOVERNANCE
MR	B DRECKOW	MANAGER PLANNING AND LAND SERVICES
MR	B BRENCHLEY	MANAGER ENVIRONMENTAL SERVICES
MR	S HUDSON	MANAGER INFRASTRUCTURE MANAGEMENT
MR	T HARTLAND	MANAGER COMMUNITY AND SOCIAL DEVELOPMENT
MRS	L SLAYFORD	MINUTE OFFICER

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

The Chairman declared the meeting open at 5.32 pm and welcomed the attendance of Mr Murray Love of the Mandurah Environmental Advisory Group at the meeting.

APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 2]

Councillor D Schumacher submitted apologies for the meeting.

DISCLAIMER [AGENDA ITEM 3]

CC.1/2/18 DISCLAIMER

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]

Nil.

PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]

Nil.

DEPUTATIONS [AGENDA ITEM 7]

**CC.2/2/18 A DRUMMOND: REQUESTED CLOSURE OF PEDESTRIAN ACCESS
EASEMENT LOT 190 (NO. 19) SAN MARCO QUAYS HALLS HEAD**

Mr Drummond, representing the Strata Company and owners of the Quays, presented a deputation supporting the officer's recommendation to the Committee. Work undertaken by the City in regard to this item was acknowledged along with an outline of issues faced by residents abutting the public access easement.

**CC.3/2/18 G MILLER: REQUESTED CLOSURE OF PEDESTRIAN ACCESS
EASEMENT LOT 1289 VILLAGE MEWS, WANNANUP**

A deputation supporting the closure of the pedestrian access easement was delivered by Mr Miller, representative and Chairman of the Waters Edge Strata Company. The rationale, consideration points and alternate access options were expanded upon by Mr Miller.

CONFIRMATION OF MINUTES [AGENDA ITEM 8]

CC.4/2/18 CONFIRMATION OF MINUTES

RESOLVED: F Riebeling / M Darcy

That the Minutes of the Committee of Council meeting of Tuesday, 16 January 2018 be confirmed.

CARRIED UNANIMOUSLY: 12/0

DECLARATION OF INTERESTS [AGENDA ITEM 9]

- Councillor Lynn Rodgers declared an impartiality interest in Minute CC.9/2/18 Tuart Avenue Shower Service Model because of association and employment within the area of crisis management and support services.
- Councillor Merv Darcy declared an impartiality interest in Minute CC.9/2/18 Tuart Avenue Shower Service Model because of association and board membership with a lessor of the facility.
- Mayor Rhys Williams declared a proximity interest in Minute CC.12/2/18 Requested Closure of Pedestrian Access Easement – Lot 1289 Village Mews, Wannanup as he resides in an adjoining street.

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.5/2/18 CHANGE OF ORDER OF REPORT CONSIDERATION

At this juncture of the meeting, in view of the number of interested parties in the public gallery, the Chairman suggested that with the consensus of Committee Members, the order of the agenda be changed and Reports 6 and 7 be considered next relating to the Requested Closure of Pedestrian Access Easement Lot 190 (No. 19) San Marco Quays Halls Head and the Requested Closure of Pedestrian Access Easement – Lot 1289 Village Mews, Wannanup

MOTION: C Knight / D Lee

That the order of the agenda be changed and reports relating to the Requested Closure of Pedestrian Access Easement Lot 190 (No. 19) San Marco Quays Halls Head and the Requested Closure of Pedestrian Access Easement – Lot 1289 Village Mews, Wannanup be now considered.

CARRIED UNANIMOUSLY: 12/0

CC.6/2/18 BUDGET REVIEW 2017/18 (DP/PB) (REPORT 1)

The Budget Review provides a mid-year forecast of Council's financial performance for the current financial year. This review of business unit operating expenditure, revenues and capital works has resulted in an improved end of year financial position.

Council is requested to adopt the revisions to revenues and expenditures as outlined in Attachment 1 together with changes to the budget for capital expenditure Attachment 3.

RESOLVED TO RECOMMEND: F Riebeling / R Williams

That Council*:

- 1. Adopts revenues and expenditure as outlined in Attachments 1 and 3 as amendments to the 2017/18 Budget.**
- 2. Approved amendments to Capital expenditure budgets set out in Attachments 2.**

ABSOLUTE MAJORITY REQUIRED

CARRIED UNANIMOUSLY: 12/0

CC.7/2/18 LOCAL GOVERNMENT ACT REVIEW (DP/NP) (REPORT 2)

The State Government has initiated a review of the *Local Government Act 1995* (the 'Act').

The review is being conducted in two stages, the first phase aims to modernise local governments and better position them to deliver services for the community.

The City has previously provided comments to the Western Australian Local Government Association (WALGA) on the review. However local governments are now invited to provide individual submissions to the Department of Local Government, Sport and Cultural Industries (DLGSCI).

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

Council is requested to approve the prepared submission.

Report recommendation:

That Council:

1. *Approves the submission at Attachment 1*
2. *Notes a forum to discuss the submission will be held Monday, 26 February 2018.*

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

RESOLVED TO RECOMMEND: C Knight / P Rogers

That consideration of the Local Government Act Review be deferred to the Council meeting of 27 February, 2018 to allow for a briefing of Elected Members to be held on 20 February, 2018.

CARRIED UNANIMOUSLY: 12/0

**CC.8/2/18 TENDER T28-2017 – CCTV OPTICAL FIBRE AND CAMERA
 INSTALLATION (TH/NP) (REPORT 3)**

The City of Mandurah invited tenders for the Close-Circuit Television Optical Fibre and Camera Installation in November 2017.

The works to be completed underneath this contract comprises of the installation of new Closed Circuit Television (CCTV) cameras and a new Optic Fibre Network across the Mandurah City Centre.

The project is jointly funded through a grant from the Peel Development Commission and the City budget.

For this tender the Qualitative Criteria and price schedules were divided into Separable Portions, being clearly identifiable and unique elements of the services to be provided under the tender. The portions were:

- Separable Portion One - Close-Circuit Television Optical Fibre
- Separable Portion Two - Camera Installation

Council approval is sought to select Spyker Technologies Pty Ltd as the preferred tenderer for Separable Portion One - Close-Circuit Television Optical Fibre and Separable Portion Two - Camera Installation.

The report recommendation was moved by Councillor Shane Jones and seconded by Councillor Tahlia Jones. Questions from Elected Members in relation to the masterplan, additional works and budget allocations for CCTV within the District were addressed by the Manage Community and Social Development.

RESOLVED TO RECOMMEND: S Jones / T Jones

That Council accepts Spyker Technologies Pty Ltd as the preferred tenderer for Separable Portion One - Close-Circuit Television Optical Fibre and Separable Portion Two - Camera Installation for Tender T28-2017 Close-Circuit Television Optical Fibre and Camera Installation Project.

CARRIED UNANIMOUSLY: 12/0

CC.9/2/18 TUART AVENUE SHOWER SERVICE MODEL (TH) (REPORT 4)

The Tuart Avenue Shower Facility aims to address a gap in service provision for street present and homeless people. A suitable service model is required to ensure the facility is value for money, safe and accessible.

Previously, in November 2015 Council requested for showers to be considered as part of the Mandurah Family and Community Centre refurbishment. This request led to an officer investigation which included engaging local services providers via an interagency meeting held in May 2016 and Elected Members via an Elected Member Briefing Session and Weekly Updates.

In December 2017 a report to council detailed a Shower Service Model with costings with Anglicare as the coordinating agency. In order to deliver the model, Anglicare requested a one off City contribution of \$2,500 per month until Anglicare's tenancy commences at (subject to approval) Mandurah Family and Community Centre later in 2018. The financial contribution was estimated at a maximum of \$25,000 (to be allocated from within the City's Community Development section's budget) for 2018 period and an annual rent waiver of \$13,401 from 2019 onwards.

Council resolved to defer considering the report recommendations to allow for the examination of an alternative model, including volunteer models. This report provides a comparison of a Basic Volunteer Model against the Anglicare Model. The comparison includes outlining the financial impact to the City, as well as safety and risk considerations. Council is requested to consider the information provided and approve a service model for the shower service at Tuart Avenue.

Councillors L Rodgers and M Darcy left the Chamber at 6.05pm having declared interests in this item.

Report Recommendation:

That Council:

- 1. Acknowledges the City's financial and risk implications of the outlined shower facility service models.*
- 2. Approves the Basic Volunteer Model as the service model for the shower facility at Tuart Avenue.*
- 3. Approves the preparation and implementation of an Expression of Interest process to seek a local organisation to deliver and meet the requirements of the Basic Volunteer Model.*
- 4. Acknowledges negotiation between the City and Anglicare will be required regarding the existing lease over the common use area of the Tuart Avenue Facility.*

Or

That Council:

- 1. Acknowledges the City's financial and risk implications of the outlined shower facility service models.*
- 2. Approves the Anglicare Model as the service model for the shower facility at Tuart Avenue*
- 3. Approves the preparation of a Memorandum of Understanding with Anglicare which outlines the operation and management of the Tuart Avenue Shower Facility.*

Mayor Williams moved the report recommendation for the Basic Volunteer Model which was seconded by Hon. Councillor Riebeling.

Debate ensued as to the model type to be utilised for the service, concerns raised were addressed by the Manager Community and Social Development.

RESOLVED TO RECOMMEND: R Williams / F Riebeling

That Council:

- 1. Acknowledges the City's financial and risk implications of the outlined shower facility service models.**
- 2. Approves the Basic Volunteer Model as the service model for the shower facility at Tuart Avenue.**
- 3. Approves the preparation and implementation of an Expression of Interest process to seek a local organisation to deliver and meet the requirements of the Basic Volunteer Model.**
- 4. Acknowledges negotiation between the City and Anglicare will be required regarding the existing lease over the common use area of the Tuart Avenue Facility.**

CARRIED UNANIMOUSLY: 10/0

Councillors L Rodgers and M Darcy returned to the Chamber at 6.21pm.

**CC.10/2/18 NAMING – YABURGURT KAALEEPGA RESERVE (WINJAN’S CAMP)
(BD) (REPORT 5)**

One of the actions identified under the City’s Reconciliation Action Plan (RAP) as a way to recognise and celebrate local Aboriginal culture and history, is the dual naming of parks and reserves throughout the City. To facilitate this, a group of representatives from various City business units as well as Aboriginal cultural consultants, was formed to identify appropriate locations and names to be applied.

The first site which has been identified for naming approval is Winjan’s Camp, which is located within Reserve 45814 at McLarty Road Halls Head. This site is widely recognised throughout the local community as being the birthplace and home (camp) of the significant Elder Yaburgurt (George) Winjan, who was commemorated by the City in 2015 as part of the Yaburgurt 100 Year Commemoration & Public Artwork Project.

As there is already an officially approved Winjan Reserve and Winjan Place in Mandurah, the reserve is unable to be officially named as Winjan’s Camp. However, an alternative name of Yaburgurt Kaaleepga Reserve, meaning Yaburgurt’s Home in the Noongar language, has been identified as a suitable name for the Reserve.

The name Winjan’s Camp will be added to the approval as a commonly known name.

Council is requested to approve the naming of Reserve 45814 as Yaburgurt Kaaleepga Reserve, and for an application to be made to the Geographic Naming Committee at Landgate.

Councillor P Rogers moved the report recommendation which was seconded by Mayor Williams. Councillor P Rogers requested clarification as to the conditions by which reserves and parks are classified within the title of “Other” as contained within the Reconciliation Action Plan. The Manager Planning and Land Services requested to take this question on notice and to provide the information for the Council meeting of 27 February, 2018.

RESOLVED TO RECOMMEND: P Rogers / R Williams

That Council:

- 1. Approves the name ‘Yaburgurt Kaaleepga Reserve’ for Reserve 45814 McLarty Road, Halls Head;**
- 2. Approves a formal submission to the Geographic Naming Committee (Landgate) requesting support for the naming.**

CARRIED UNANIMOUSLY: 12/0

**CC.11/2/18 REQUESTED CLOSURE OF PEDESTRIAN ACCESS EASEMENT LOT
190 (NO. 19) SAN MARCO QUAYS HALLS HEAD (BD) (REPORT 6)**

In September 2017, Council approved public consultation in relation to the use of a public access easement contained within the property boundary of Lot 190 (19) San Marco Quay Halls Head. The rationale for the public consultation was the result of a request from the strata company for the closure of the easement due to anti-social behaviour.

Following the consultation process, nine written submissions were received, together with 128 online surveys being completed. Overwhelmingly submissions favoured Option 3, which would result in the easement being modified to the point that allows access only to external parties who require access to the seabed/jetty area contained within Reserve 46013 (northern portion), thus closing the foreshore and groyne land access to the public.

Officers have given further consideration to the request and in consultation with the City's Solicitors consider an amendment to the current easement to suspend public access to the easement area until further notice, which can be rescinded by the City, should public access be required into the future. This will result in any party requiring access to the seabed, jetty, seawalls or unallocated crown land having access via a City approved lock being fitted to the gated easement.

The above recommendation addresses the concerns raised through the strata company, while ensuring that access is maintained to all parties entitled to access. It also secures the City's options ensuring the rights of reinstatement of public access if the need is identified into the future. The amendment is best achieved through surrendering the current easement and granting a new easement stating the variations.

Council is therefore requested to approve the surrender of the current easement, subject to a new easement with varied conditions as detailed in this report.

The report recommendation was moved by Councillor P Rogers and seconded by the Hon. Councillor F Riebeling. Concerns as to specifics of not revoking the public access easement were addressed by the Manager Planning and Land Services.

RESOLVED TO RECOMMEND: P Rogers / F Riebeling

That subject to the agreement of the Grantor of the Public Easement - The owners of The Quays Mandurah (The Grantor) located on Lot 190 (19) San Marco Quay Halls Head, in accordance with The Land Administration Act 1997:

- 1. Council supports the surrender of the current easement, conditional upon grant of a new easement on the same conditions as the existing easement with the following variations;**
 - 1.1 Public access is suspended to the easement area until further notice;**
 - 1.2 The Grantee (City of Mandurah) having rights to revoke the public access suspension, and reinstate public access after first giving 90 days written notice;**
 - 1.3 Grants City officers or its agents unfettered access for the purposes of maintenance and repairs to all relevant crown land including seawalls, groynes, and foreshore area;**

- 1.4 Any lock installed on gates must be a City's lock, with the key to gates being provided to any party having a right of access through the easement, including without limitation any person holding a jetty licence in the adjoining crown reserves;
 - 1.5 All other conditions of the current easement will remain in place;
 - 1.6 The costs of the surrender and replacement easement being borne by the Owners of The Quays Mandurah.
2. The current easement will remain in place, until such time as the new easement is registered at Landgate.

CARRIED UNANIMOUSLY: 12/0

CC.12/2/18 REQUESTED CLOSURE OF PEDESTRIAN ACCESS EASEMENT – LOT 1289 VILLAGE MEWS, WANNANUP (BD) (REPORT 7)

Council is requested to consider the closure of a pedestrian access easement ("the easement") located within Lot 1289 Village Mews, Wannanup. The easement is within the Common Property on Strata Plan 41658 and provides access along the waterfront of the existing development between the 'retail node' and Village Mews, which provides linkage to Westview Parade.

The Waters Edge Strata Company ("the Applicant") has made this request arising from the approval of a tavern at Lot 1301 (No 4) Port Quays. The request seeks the closure of the easement to the public and seeks the installation of lockable gates to allow residents of the strata complex unrestricted access. The operator of the tavern has yet to commence operation, and at this stage is unlikely to do so on the basis of a recent liquor licence refusal. Regardless, the applicant seeks the closure of the easement as a result of anti-social issues which have occurred in the past (i.e. vandalism, trespass and theft).

The easement is in place to provide for access along the waters edge between the beach and the commercial node given the relative density that was proposed at the time of development. The prevailing pedestrian network and small scale of the non-residential activity in the area would suggest that the area in question is not a high priority for retention.

Based on the request, it is recommended that consideration be given to modifying the easement to remove public access for the foreseeable future and that this modification be subject to community consultation. Should no objections be received during the advertising period, modifications to the easement can be progressed as a matter of course.

Having declared an interest in this item Mayor Williams left the Chamber at 5.52pm.

Following the moving of the report recommendation by Hon Councillor Riebeling, seconded by Councillor T Jones, discussion ensued as to rationale for not revoking the public access easement. All points raised were responded to by the Manager Planning and Land Services.

RESOLVED TO RECOMMEND: F Riebeling / T Jones

That subject to the agreement of the Grantor of the Public Easement - The owners of Lot 1289 Village Mews, Wannanup (on Strata Plan 41658) (The Grantor) in accordance with The Land Administration Act 1997:

- 1. Council supports the surrender of the current easement, conditional upon grant of a new easement on the same conditions as the existing easement with the following variations:**
 - 1.1 Public access is suspended to the easement area until further notice;**
 - 1.2 The Grantee (City of Mandurah) having rights to revoke the public access suspension, and reinstate public access after first giving 90 days written notice;**
 - 1.3 Any lock installed on gates must be a City's lock, with the key to gates being provided to any party having a right of access through the easement, including without limitation any person holding a jetty licence in the adjoining crown reserves;**
 - 1.4 All other conditions of the current easement will remain in place;**
 - 1.5 The costs of the surrender and replacement easement being borne by the Owners of Lot 1289 Village Mews.**
- 2. That the support to surrender the current easement and replace with a new easement with the conditions listed above be subject to public consultation; and that should no objections be received during the advertising period, procedures required to implement the new easement provisions are implemented.**
- 3. The current easement will remain in place, until such time as the new easement is registered at Landgate.**

CARRIED UNANIMOUSLY: 11/0

Mayor Williams returned to the Chamber at 5.56pm.

CC.13/2/18 THIRD PARTY APPEAL RIGHTS IN PLANNING (BD) (REPORT 8)

Following feedback received from member local governments regarding a discussion paper on third party appeals in planning, the Western Australian Local Government Association (WALGA) State Council resolved to undertake further consultation with members to discuss the various concerns and suggestions raised in response to the discussion paper.

Further consultation was undertaken in the form of a series of workshops to discuss four potential models for third party appeals which broadly captured the range of responses previously provided in support of third party appeals. The workshops were attended by both local government officers and elected members from 25 local government areas and were used to discuss the possible scope and form that any third party appeal rights should take in order to determine a preferred model.

Based on the outcomes of the workshop, WALGA is requesting members consider the preferred model for that support the introduction of Third Party Appeal Rights by local government for decisions made by Development Assessment Panels.

Council has previously resolved to advise WALGA that it is prepared to support further consideration of third party appeals upon the release of a discussion paper by the Department of Planning/WAPC regarding the matter.

Since this time, the Minister for Planning announced a wide ranging review of the planning system to address community concerns around how planning decisions are made, whilst ruling out the introduction of third party appeal rights in WA.

It is therefore recommended that Council reiterate its previous recommendation providing support for the further consideration of third party appeal rights and support the model proposed, however in addition, strongly encourage WALGA to pursue its involvement in the planning review process as a preferred means of addressing concerns with the current decision making framework.

RESOLVED TO RECOMMEND: M Rogers / C Knight

That Council:

- 1. Reiterates its previous advice to the Western Australian Local Government Association that it is prepared to support further consideration of third party appeals in Western Australia for development applications, structure plans and planning scheme amendments upon a discussion paper being released by the Department of Planning/Western Australian Planning commission citing options and examples of third party appeals.**
- 2. Encourages the Western Australian Local Government Association to pursue its involvement in the planning review process, to address member concerns with the current planning framework, in recognition of the State Governments current position on third party appeals.**

CARRIED UNANIMOUSLY: 12/0

CC.14/2/18 TRADING PERMITS GUIDELINES – ADOPTION (BD) (REPORT 9)

Following the adoption of the *City of Mandurah Local Government Property and Public Places Local Law 2016* and a review of the current policy and procedures relating to activities being undertaken on public land, new trading guidelines have been prepared and, if approved, will replace the City of Mandurah's Trading in Public Places Policy (POL-ECD02) and the Commercial Recreation Hire Sites Policy (POL-RCS01).

The proposed Guidelines deal with both Commercial and Aquatic Operators and Mobile Traders, specifying differing application and assessment provisions in an attempt to create an application process which is more streamlined and easier to administer. Processes currently undertaken by various different sections will be consolidated into one application, referral and assessment process. This will provide greater clarity for operators.

Consistent with Council's endorsement of its position on Trading Permits in April 2017, the Guidelines include plans to indicate where activities may be appropriate. In the event that significant interest is generated, an annual 'Expression of Interest' process has been introduced to consider all proposals collectively and annually.

Nine trading zones have been designated (for Mobile Traders) to encourage outdoor, high quality food vending activities in a manner that improves the access, usage, quality and image of the City's public realm.

Council is now requested to adopt the Trading Permit Guidelines and revoke the existing Trading in Public Places Policy (POL-ECD02) and the Commercial Recreation Hire Sites Policy (POL-RCS01).

Subject to the inclusion of the following additional clause, Hon Councillor Riebeling moved the recommendation set out in the report, which was seconded by Councillor P Rogers:

6 Requests a review of permit guidelines in 12 months with a report submitted to Council.

RESOLVED TO RECOMMEND: F Riebeling / P Rogers

That Council:

- 1. Adopt the Trading Permits Guidelines for the assessment and determination of Trading Permits.**
- 2. Revoke the existing Trading in Public Places (POL-ECD 02) and Commercial Recreation Hire Site Policies (POL-RCS01).as these policies are now considered redundant with the introduction of the new Guidelines on Trading Permits.**
- 3. Continue to seek approval from the Department of Transport to include commercial and aquatic operations within the existing jetty licences located within and surrounding Mandjar Bay in order to allow for Trading Permits to be issued for activities that utilise jetties rather than a non-exclusive jetty licence.**
- 4. Continue to request that the Western Australian Planning Commission exempt the need for development approval for the use of reserved land under the Peel Region Scheme where a permit has been issued under a Local Government Local Law.**
- 5. Notes that the current Street Activity Policy, which covers Busking/Street Performance, Raffles, Street Appeals, Street Markets and associated procedures will continue to operate without modification.**
- 6. Requests a review of Trading Permit Guidelines be undertaken after 12 months with a report submitted to Council.**

CARRIED UNANIMOUSLY: 12/0

**CC.15/2/18 'GIVIT' DONATION MANAGEMENT MEMORANDUM OF
UNDERSTANDING (TF) (REPORT 10)**

The City continues to play a key role in local emergency planning, proactively preparing for worst case scenarios, in order to minimize impact on the community, Council and environment.

During large scale disasters communities will react and want to help, to donate money, goods and services. GIVIT is an award winning, not for profit organisation, with an online donation management system. GIVIT supports charitable organisations, helping them manage the distribution of 'pledged' physical donations, discouraging the impulsive drop off and mass stockpiling of unwanted goods.

The GIVIT virtual warehouse runs year round, before, during and after an emergency event, promoting recycling and reuse of quality items, supporting the needs of community organisations.

In emergencies donations of cash through designated appeals such as the Lord Mayors Appeal remain the most effective way to support victims. This will remain the Councils key message. GIVIT, however, provides a coordinated, controlled response to one of emergency management's greatest concerns, physical donation management which are a reality in the communities desire to assist those in need.

Council is requested to enter into a Memorandum of Understanding with GIVIT to manage pledges of physical donations in an emergency and to adopt the reviewed Local Recovery Plan 2018 to reflect this approach.

The City's Coordinator Emergency Management gave a visual presentation on this item.

RESOLVED TO RECOMMEND: R Wortley / L Rodger

That Council

- 1. Agrees to enter into a Memorandum of Understanding with GIVIT Listed Ltd to manage the donation of goods in times of emergency.**
- 2. Adopts the updated Mandurah Local Recovery Plan 2018.**

CARRIED UNANIMOUSLY: 12/0

**CC.16/2/18 WESTERN POWER COMMUNITY POWER BATTERY BANK PROPOSAL
(BB) (REPORT 11)**

Western Power is seeking support from the City of Mandurah to run a trial of a 'Community Power Bank' (Power Bank) in Meadow Springs. The 'Meadow Springs Community Power Bank' will provide local customers who have solar panels the ability to store excess power which they can access later. The project offers benefits to multiple stakeholders including individual consumers, the electricity consumer group as a whole, the network operator (Western Power) and the energy retailer (Synergy).

By supporting the project, the City of Mandurah will be part of advancing the technologies required for a more sustainable energy future, whilst addressing network capacity issues in the area. High level findings generated by the trial regarding consumer behaviour and attitudes will also be shared with the City.

Council is requested to endorse

- The signing of a Memorandum of Understanding between the City of Mandurah and Western Power so a twelve month trial of the project can proceed on City managed land
- The use of the City of Mandurah logo for co-branding purposes
- The execution of an easement or excision at the end of the trial period so the infrastructure can remain on City managed land and tenure may be granted to Western Power.

Councillor C Knight moved the report recommendation which was seconded by Councillor T Jones. Benefits of the new technology along with benefits to the community were acknowledged. Clarification of the community consultation process was provided by the Manager Environmental Services.

RESOLVED TO RECOMMEND: C Knight / T Jones

That Council:

- 1. Authorise the Chief Executive Officer to sign Memorandum of Understanding between the City of Mandurah and Western Power for the purpose of the Community Power Battery Bank Trial**
- 2. Authorise the use of the City of Mandurah logo for the purpose of co-branding the Community Power Battery Bank**
- 3. Authorise City officers to request and easement or excision for Reserve 48824 Glenbrook Lane, Meadow Springs upon completion of the trial in favour of Western Power.**

CARRIED UNANIMOUSLY: 12/0

**CC.17/2/18 FOOD SAFETY FUNCTIONS ANNUAL REPORT 2016/17 (BI/KF)
(REPORT 12)**

The City of Mandurah has a vibrant and diverse food environment which is enjoyed by the community in various ways such as completing their routine grocery shop at the local supermarket, eating from a temporary food stall at a local event or dining out at one of the many restaurants and bars across the City.

It is critical food business operators have a thorough understanding of the necessary processes and procedures that must be implemented to ensure they are producing food that is safe for the community whilst also achieving compliance with the relevant legislation.

The City undertakes a range of food safety activities to ensure food businesses are complying with their obligations under the provisions of the *Food Act 2008* (the Act) and subsidiary legislation. It is also acknowledged that in addition to the City's enforcement and compliance role it is vital that an educational approach is also incorporated into its core businesses to ensure food businesses are receiving a high level customer service and support from the City to support them in preparing safe food.

Section 121 of the Act requires all local governments to provide a report to the Department of Health (DoH) on their performance of their statutory functions. The report is required to be submitted annually to coincide with the DoH's financial year reporting legal obligations.

On 29 August 2017, City Officers prepared and submitted the report via the DoH's online reporting survey portal to ensure the City meets its reporting obligations under the Act.

The purpose of this report is to provide elected members an overview of the City's role and functions that were included in the abovementioned mandatory report in addition to other key functions.

RESOLVED TO RECOMMEND: R Williams / F Riebeling

That Council acknowledges the information provided within this report and information contained within the City's *Food Act 2008* submission provided in Attachment 2.

CARRIED UNANIMOUSLY: 12/0

**CC.18/2/18 TENDER 24-2017 MANDURAH FORESHORE BOARDWALK
REMEDICATION STAGE 2 (SH/NP) (REPORT 13)**

The City of Mandurah invited tenders for the Mandurah Foreshore Boardwalk Remediation – Stage 2 on 18 November 2017.

The request for tender is a lump sum contract to carry out the renovation works to the second stage of the Mandurah Foreshore Boardwalk. The tender includes the removal of the old decking and joists, the abrasive blasting and coating of the steel substructure, installation of new hardwood timber joists and a merbau deck to match stage one.

Council approval is sought to select Mandurah Jetty Construction as the preferred tenderer for Mandurah Foreshore Boardwalk Remediation – Stage 2.

The report recommendation was moved by Hon. Councillor Riebeling, seconded by Councillor C Knight. The Manager Infrastructure Management provided clarification in relation to project contaminants and timeframes for undertaking the works.

RESOLVED TO RECOMMEND: F Riebeling / C Knight

That Council accepts Mandurah Jetty Construction as the preferred tenderer for Tender T24-2017 for the Mandurah Foreshore Boardwalk Remediation Stage 2.

CARRIED UNANIMOUSLY: 12/0

CC.19/2/18 TENDER 25-2017 – STREET TREE INVENTORY (MH/NP) (REPORT 14)

The City of Mandurah invited tenders to undertake a Street Tree Inventory which required a suitably qualified and experienced arboricultural consultant to undertake an inventory of 20,000-30,000 street trees, inclusive of a spatial survey and collection of tree attribute data.

Ongoing maintenance of our street tree assets in terms of annual street tree planting, formulation of street tree masterplans and day to day maintenance can be much better informed through collection of accurate street tree data including information on the health and condition of various tree species. Street tree data will be used internally to aid in proactive maintenance of the City's trees, for reporting, and planning and design of future street tree plantings.

Council approval is sought to select The Trustee for Ben and Rachael Kenyon Family Trust T/as Homewood Consulting Pty Ltd as the preferred tenderer for the Street Tree Inventory project.

Questions in relation to urban tree canopy targets were raised following the report recommendation being moved by Councillor T Jones and seconded by Councillor C Knight. The Acting Chief Executive Officer provided responses to all questions raised.

RESOLVED TO RECOMMEND: T Jones / C Knight

That Council accepts The Trustee for Ben and Rachael Kenyon Family Trust T/as Homewood Consulting Pty Ltd as the preferred tenderer for Tender T25-2017 Street Tree Inventory.

CARRIED UNANIMOUSLY: 12/0

CC.20/2/18 TENDER 27-2017 – INSTALLATION OF SPORTS GROUND LIGHTING AT BORTOLO RESERVE (SH/NP) (REPORT 15)

The City of Mandurah invited tenders for the Installation of Sports Ground Lighting at Bortolo Reserve on 29 November 2017.

The works consist of the installation of four 25 metre tall galvanised light towers each with four 150watt lamps that will achieve a lighting standard of 100Lux over the oval. In addition to the installation of the towers and luminaires on the northern oval, a new Halytech controller system will also be installed to control the new lights and will also be connected to, and control the existing seven lights.

The project is wholly grant funded by the Peel Development Commission.

Council approval is sought to select Citylight Holdings Pty Ltd t/as Auriemma Electrical Services as the preferred tenderer for Installation of Sports Ground Lighting at Bortolo Reserve.

RESOLVED TO RECOMMEND: P Rogers / R Wortley

That Council accepts Citylight Holdings Pty Ltd t/as Auriemma Electrical Services as the preferred tenderer for Tender T27-2017 for the Installation of Sport Ground Lighting at Bortolo Reserve.

CARRIED UNANIMOUSLY: 12/0

**CC.21/2/18 TENDER 29-2017 – ELECTRICAL CONSULTANCY SERVICES (SH/NP)
(REPORT 16)**

Tenders for an Electrical Consultancy Services contract which provides for the provision of design advice to the City, and aid in delivery of capital, maintenance and compliance works, were invited early December 2017.

Council approval is sought to select Powerlyt Group Pty Ltd as the preferred tenderer for Electrical Consultancy Services.

RESOLVED TO RECOMMEND: S Jones / F Riebeling

That Council accepts Powerlyt Group Pty Ltd as the preferred tenderer for Tender T29-2017 Electrical Consultancy Services.

CARRIED UNANIMOUSLY: 12/0

**CC.22/2/18 TENDER 30-2017 ARCHITECTURAL CONSULTANCY SERVICES
(SH/NP) (REPORT 17)**

Tenders for the Architectural Consultancy Services contract provides for the provision of architectural design and construction contract administration services were invited early December 2017. The contract will aid in the delivery of the capital and maintenance budgets.

Council approval is sought to select Cox Architecture Pty Ltd as the preferred tenderer for architectural consultancy services.

RESOLVED TO RECOMMEND: C Knight / P Rogers

That Council accepts Cox Architecture Pty Ltd as the preferred tenderer for Tender T30-2017 Architectural Consultancy Services.

CARRIED UNANIMOUSLY: 12/0

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 13]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 14]

RESOLVED: F Riebeling / T Jones

That the meeting proceeds with closed doors at 6.59pm in accordance with Section 5.23(2)(a) of the Local Government Act 1995, for discussion of confidential information about a business and its financial affairs.

CARRIED UNANIMOUSLY: 12/0

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

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.59pm

**CC.23/2/18 CONFIDENTIAL ITEM: RELINQUISH LEASE (REPORT 1) (BD)
(F0000126789)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: F Riebeling / C Knight

That Council:

- 1. Approves the termination of the ground lease with the Mandurah Marina Dive Centre over an approximate 145 square metre portion of Reserve 46854, Fathom Turn Mandurah effective as at 31 December 2017;**
- 2. Acknowledges that the lessee (Mandurah Marina Dive Centre) will pay all outstanding rental monies for the period 1 September 2017 to 31 December 2017, to be paid in full by 31 July 2018;**
- 3. Requests that the relinquished lease area be re-advertised for expressions of interest to use the site for commercial purposes;**
- 4. Keeps this report confidential and makes the recommendation public.**

CARRIED UNANIMOUSLY: 12/0

CC.24/2/18

MOTION: L Rodgers / M Rogers

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 12/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 7.14PM

CC.25/2/18

MOTION: P Rogers / S Jones

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 12/0

CLOSE OF MEETING [AGENDA ITEM 15]

There being no further business, the Chairman declared the meeting closed at **7.14pm**

CONFIRMED:[CHAIRMAN]