



MINUTES OF

COMMITTEE OF COUNCIL MEETING

HELD ON

Tuesday 10 July 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	L RODGERS	EAST WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD
COUNCILLOR	P ROGERS	TOWN WARD
COUNCILLOR	M ROGERS	TOWN WARD

OFFICERS IN ATTENDANCE:

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE DEVELOPMENT
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE & GOVERNANCE
MRS	L PETCHELL	COORDINATOR LAND MANAGEMENT
MR	C JOHNSON	MANAGER RECREATION CENTRES AND SERVICES
MR	A LUCAS	A/MANAGER PLANNING AND LAND SERVICES
MRS	L SLAYFORD	MINUTE OFFICER

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

The Chairman declared the meeting open at 5.35 pm and welcomed Ms Leone Stubbs of the Mandurah Environmental Advisory Group to the meeting.

APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 2]

Hon Councillor Riebeling and Councillors Jackson and Shane Jones.

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]

Officers provided answers to questions taken on notice at the Committee of Council meeting of 12 June, 2018. Response previously submitted to Council Meeting of 26 June, 2018.

CC.1/7/18 NORTH MANDURAH WASTE WATER REUSE STUDY: WATER RESOURCE (MINUTE CC.12/6/18 REFERS)

Councillor Knight asked whether Stage 1 and 2 of the study had addressed all of the issues outlined in *Investigation Stage 1 of Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Managed Aquifer Recharge*.

Response:

Consultants commissioned by the City to undertake the Northern Mandurah Waste Water Reuse Study have provided the following response.

When referencing the Investigation Stage 1 of Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Managed Aquifer Recharge. Stage 1 has been completed and a Stage 2 maximal and residual risk has been undertaken (which showed that the risks are low except for salinity).

There are some notable data gaps/issues that still exist ((ie. thickness of fresh water through the north Mandurah corridor, best location for infiltration and effectiveness, extent of Managed Aquifer Recharge (MAR) influence etc.)) which would need to be undertaken to complete Stage 2 in entirety. These will be tailored to the preferred option if this is elected and proceeded with at full-scale.

That being said, the path this project has taken has differed slightly from the guideline directions as it has become multifaceted. Under the work proposed in quantifying the MAR bucket at Gordon Road, a Stage 2 maximal and residual risk assessment has been included as part of the hydrogeological assessment scope.

The requirement under Stage 3 for a draft risk management plan will be included in the groundwater licence operation strategy (also included in the scope). From there some of the MAR allocation could be used directly by existing bores or potentially new bores within the area of MAR influence.

PUBLIC QUESTION TIME [AGENDA ITEM 5]

Nil.

PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]

Nil.

DEPUTATIONS [AGENDA ITEM 7]

**CC.2/7/18 NIGEL MANN – RESTRUCTURE OF LOAN AND MANAGEMENT MODEL
(CONFIDENTIAL REPORT 3)**

As this item referred to a confidential report it was withdrawn by the Committee for discussion and consideration behind closed doors in accordance with the Local Government Act 1995. Please refer to Minute CC.10/7/18 for further details.

CONFIRMATION OF MINUTES [AGENDA ITEM 8]

CC.3/7/18 CONFIRMATION OF MINUTES

RESOLVED: Tahlia Jones / Peter Rogers

That the Minutes of the Committee of Council meeting of Tuesday 12 June 2018 be confirmed.

CARRIED UNANIMOUSLY: 10/0

DECLARATION OF INTERESTS [AGENDA ITEM 9]

- Mayor Williams declared an impartiality interest in Minute CC.6/7/18 - Lease Variation Department for Education and Port Bouvard Sport and Recreation Club because he holds the position of Chair on the John Tonkin College School Board.

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.4/7/18 AUTHORITY TO EXECUTE DOCUMENTS POLICY AMENDMENT
(NP/LC) (REPORT 1)**

The Authority to Execute Documents Policy recently adopted by Council authorised various positions within the City to execute (sign) documents. The authority for external “Agents” to sign documents on behalf of the City is now also required.

Council is requested to adopt the proposed amendment to the Policy to include Agents.

RESOLVED TO RECOMMEND: C Knight / Lynn Rodgers

That Council adopts the proposed amendments to Policy POL-CPM 06 Authority to Execute Documents.

CARRIED UNANIMOUSLY: 10/0

**CC.5/7/18 SHARED OVAL AGREEMENT DEPARTMENT FOR EDUCATION AND
OAKWOOD PRIMARY SCHOOL MEADOW SPRINGS (DC/LP)
(REPORT 2)**

The City has been approached by the Department of Education with a request to enter into a Shared Use agreement for a junior oval over portion of Lot 988 & 987 Pineknoll Gardens, Meadow Springs being Reserve 48180 which is set aside for Public Recreation.

The Department for Education has begun the construction of the Oakwood public Primary School adjacent to Reserve 48180 with Kindergarten facilities being occupied this year. Plans to extend the primary services at the school are on an ongoing basis to accommodate approximately 1535 students once at capacity.

The Department of Education has commenced the construction of the junior oval, at their cost, which is adjacent to the Oakwood Primary school and will include portion of Reserve 48180. The oval is proposed to be utilised by the school during school hours and will be available to the public at all other times.

The City has undertaken public consultation on the proposal prior to the City's request to the Minister for Lands for Power to Licence over the Reserve 48180. Council is requested to support a Licence for a Shared Oval Agreement with the Department of Education over portion of Lot 988 & 987 Pineknoll Gardens, Meadow Springs, for a period of 21 years, subject to the approval of the Minister for Lands.

RESOLVED TO RECOMMEND: D Schumacher / R Wortley

That Council:

- 1. Approves a Licence over portion of Reserve 48180 to Department for Education for the purpose of a Shared Oval Agreement for a period of 21 years with all maintenance costs to be shared equally between the parties;**
- 2. Acknowledges the Shared Oval Agreement will be subject to the approval of the Minister for Lands, and approval of the Power to Licence, which is required over the City managed Reserve;**
- 3. Acknowledges each party will cover their own costs in relation to the preparation of the Licence for the Shared Oval Agreement;**
- 4. Authorises the Chief Executive Officer to finalise the terms of the licence.**

CARRIED UNANIMOUSLY: 10/0

**CC.6/7/18 LEASE VARIATION – DEPARTMENT OF EDUCATION & PORT
BOUVARD SPORT AND RECREATION CLUB (RL/LP) (REPORT 3)**

At the Council meeting of July 2017, Council granted approval for the endorsement of the draft Land Use Plan for the South East Dawesville Channel Site. Approval was also granted for officers to engage with Port Bouvard Recreation and Sporting Club (PBRSC) and the Department of Education (DoE), who currently hold tenure over part of Reserve 30624, to revise their lease area in line with the draft Land Use Plan. Officers have since engaged with

the relevant lessees in relation to amending their current lease boundary for the betterment of both lessees and the community.

The required variation would see an amendment to the lease area which will enhance a wider range of useable space along the South Eastern foreshore for both lessees and the community. The variation will also assist facilitating a request received from Port Bouvard Recreation and Sporting Club, for additional space to accommodate their need for extra storage within their lease area.

Council is requested to approve a variation of the current lease agreements held between the City, the Department of Education and Port Bouvard Sporting and Recreation Club, as identified in Attachment two of this report. All other terms and conditions of the current lease agreements will remain in place, with the variations being subject to the approval of the Minister for Lands.

Having declared an impartiality interest in this item Mayor Williams vacated the Chamber at 5.41pm

Council Tahlia Jones moved the report recommendation which was seconded by Councilor Knight. Questions surrounding changes to the foreshore boundary were responded to by the Coordinator Land Management. Clarification relating to the expiry date of the lease was taken on notice by the Coordinator Land Management.

RESOLVED TO RECOMMEND: Tahlia Jones / C Knight

That Council:

- 1. Approves the variation of leases held with the Department of Education and Port Bouvard Recreation and Sporting Club over portion of Reserve 30624 as identified in Attachment two of this report. All other terms and conditions of the current lease will remain in place, subject to the approval of the Minister for Lands;**
- 2. Acknowledges all costs associated with the variation will be borne by the City;**
- 3. Authorises the Chief Executive Officer to finalise the conditions of the variation of lease agreements.**

CARRIED UNANIMOUSLY: 9/0

Mayor Williams returned to the Chamber at 5.44pm.

**CC.7/7/18 SPONSORSHIP OF VOLUNTEERS TO ATTEND AUSTRALIAN
ASSOCIATION OF ENVIRONMENTAL EDUCATORS NATIONAL
CONFERENCE 2018 (BB/BBR) (REPORT 4)**

The City has entered a submission in partnership with the WA Chapter of the Australian Association of Environmental Education (AAEE) to host the 2020 AAEE national conference in Mandurah. The submission is likely to be successful and it is expected that a delegation will be

sent to the 2018 AAEE national conference to showcase what will be on offer at the 2020 conference.

The 2018 conference is being held on the Gold Coast from October 22-25. It is suggested that a delegation be formed that consists of two officers, an elected member and two environmentally-focused volunteers to demonstrate the partnerships that form the foundation of environmental education in Mandurah.

In addition, volunteer attendance at this conference would further build capacity of local environmental volunteers. However, to ensure the attendance of two volunteers at an interstate conference is feasible, it is proposed the City provides a \$2,000 scholarship to each of the two successful applicants to cover the cost of conference registration, flights and accommodation. Volunteer nominations for this scholarship would be requested from registered participants of the Mandurah Environmental Volunteer Action Committee (MEVAC).

The scholarship application process would mimic that currently used by the City to select the Kids Teaching Kids Melbourne Conference Scholarship. Applicants will be invited to enter a submission in whatever format they choose, responding to two basic questions:

1. Describe how you have contributed to promoting environmental education in Mandurah?
2. How will you use the experience of attending the 2018 National AAEE conference to further promote environmental education in Mandurah?

Submissions will be presented to a selection panel consisting of two officers, two Elected Members and a representative of the Mandurah Environmental Advisory Group (MEAG).

The Chairperson called for delegate and panel nominations. Councillor Knight nominated Mayor Williams as a delegate, Councillors Peter Rogers and C Knight nominated as panel members. With no further nominations received Councillor Lynn Rodgers moved the recommendation which was seconded by Councillor D Schumacher.

RESOLVED TO RECOMMEND: Lynn Rodgers / D Schumacher

That Council:

- 1. Support sending a delegation of two officers, an Elected Member and two volunteers that are registered participants of MEVAC to the 2018 Australian Association for Environmental Education national conference in the Gold Coast to showcase Mandurah as the host of the 2020 conference.**
- 2. Appoint Mayor Williams as part of the delegation that is sent to the 2018 Australian Association for Environmental Education national conference in the Gold Coast.**
- 3. Appoints Councillors Peter Rogers and Caroline Knight to form part of the selection panel that will select the two volunteers that will form part of the delegation that is sent to the 2018 Australian Association for Environmental Education national conference in the Gold Coast.**

CARRIED UNANIMOUSLY: 10/0

**CC.8/7/18 PARTNERSHIP FUNDING FOR CLONTARF FOUNDATION –
COODANUP CLONTARF ACADEMY (TH) (REPORT 5)**

The Clontarf Foundation operates the highly successful 'Coodanup Clontarf Academy' which is located at the Coodanup Community College, with almost 70 local Aboriginal youth currently in the program. The Foundation has approached the City and seeks Council's consideration for support of a community partnership funding agreement of \$18,000 per annum, over three years, the funds will support their program to further develop.

The Foundation also seek Council's support to enter into an agreement, to establish a framework for improved opportunities for their participant's employment, training and volunteering in partnership with the City.

Subject to the inclusion of the following words at the end of Clause 3.4, Mayor Williams moved the recommendation set out in the report, which was seconded by Councillor Peter Rogers:

3.4 The Foundation submitting an annual report to the City *on outcomes of the Coodanup Clontarf Academy*.

RESOLVED TO RECOMMEND: R Williams / Peter Rogers

That Council:

- 1. Agrees to a three year 2018/19 to 2020/21 Community Partnership Fund Agreement with the Clontarf Foundation for the Coodanup Clontarf Academy.**
- 2. Approves the annual grant expenditure to the Clontarf Foundation for 2018/19 to 2020/21 for \$18,000.**
- 3. Approves entering into a Memorandum of Understand between the City of Mandurah and the Clontarf Foundation which establishes agreement on:**
 - 3.1. Introducing Clontarf Foundation to local businesses/potential funders**
 - 3.2. Developing employment options for Coodanup Clontarf Academy graduates, with consideration of providing traineeships and opportunities to gain work experience**
 - 3.3. Providing access to facilities such as sporting grounds**
 - 3.4. The Foundation submitting an annual report to the City on outcomes of the Coodanup Clontarf Academy.**
- 4. Authorises the City's Chief Executive Officer to finalise funding agreements and a Memorandum of Understanding with the Clontarf Foundation.**

CARRIED UNANIMOUSLY: 10/0

**CC.9/7/18 'MODERNISING WESTERN AUSTRALIA'S PLANNING SYSTEM'
GREEN PAPER CITY OF MANDURAH SUBMISSION (BD/NL)
(REPORT 6)**

At this juncture of the meeting, the Chairman (Darren Lee) suggested that with the consensus of Committee Members, the order of the agenda be changed and Report 6 'Modernising Western Australia's Planning System' Green Paper City of Mandurah Submission be

considered following conclusion of the confidential items to assist public members making a deputation. Refer to minute CC.19/7/18 in regard to discussion of this item.

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 14]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 15]

RESOLVED: Lynn Rodgers / C Knight

That the meeting proceeds with closed doors at 5.51pm in accordance with Section 5.23(2)(e) of the Local Government Act 1995, for discussion of confidential items.

CARRIED UNANIMOUSLY: 10/0

Members of the media, non-senior employees and persons in the gallery left the meeting at this point. The Minute officer, Acting Manager Planning and Land Services, Manager Recreation Centres and Services and Coordinator Land Management remained with Senior Officers.

THE MEETING PROCEEDED WITH CLOSED DOORS AT 5.51PM

DEPUTATIONS

**CC.10/7/18 NIGEL MANN: CONFIDENTIAL ITEM: LOAN AND LEASE MODEL
RESTRUCTURE**

Mr Mann delivered an overview of the Club's successes, amended operating practices and financial progress in support of the report recommendation.

**CC.11/7/18 CONFIDENTIAL ITEM: RENT ARREARS (LC/LP) (CONFIDENTIAL
REPORT 1)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: C Knight / R Williams

- 1 That Council adopts the course of action agreed.**
- 2 Keeps this report confidential, and makes the resolution public once considered by Council.**

CARRIED UNANIMOUSLY: 10/0

CC.12/7/18 CONFIDENTIAL ITEM: LAND SALES (DC) (CONFIDENTIAL REPORT 2)

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: D Schumacher / Lynn Rodgers

- 1 That Council adopts the course of action agreed.**
- 2 Keeps this report and resolutions confidential until considered by Council.**

CARRIED UNANIMOUSLY: 10/0

Councillor Tahlia Jones left the Chamber at 6.08pm.

CC.13/7/18 CONFIDENTIAL ITEM: LAND SALES (DC) (CONFIDENTIAL REPORT 2)

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: D Schumacher / Lynn Rodgers

- 1 That Council adopts the course of action agreed.**
- 2 Keeps this report and resolutions confidential until considered by Council.**

CARRIED UNANIMOUSLY: 9/0

Councillor Tahlia Jones returned to the Chamber at 6.10pm.

**CC.14/7/18 CONFIDENTIAL ITEM: LOAN AND LEASE MODEL RESTRUCTURE (DC)
(CONFIDENTIAL REPORT 3)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: R Wortley / D Schumacher

- 1 That Council adopts the course of action agreed.**
- 2 That this motion remains confidential until considered by Council.**

CARRIED UNANIMOUSLY: 10/0

**CC.15/7/18 CONFIDENTIAL ITEM: LOAN AND LEASE MODEL RESTRUCTURE (DC)
(CONFIDENTIAL REPORT 4)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: R Williams / R Wortley

- 1 That Council adopts the course of action agreed.**
- 2 Approves for this report and its recommendations to remain confidential until the new license agreement has been finalised.**

TIED VOTE: 5/5

FOR: Mayor Williams, Councillors Peter Rogers, D Lee, R Wortley, Matthew Rogers

AGAINST: Councillors C Knight, M Darcy, Lynn Rodgers, Tahlia Jones, D Schumacher

The Chairman exercised his casting vote, voting for the motion, and declared the motion carried.

MOTION CARRIED: 6/5

CC.16/7/18

MOTION: Matthew Rogers / Peter Rogers

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 10/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.51PM

CC.17/7/18

MOTION: C Knight / Peter Rogers

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 10/0

Councillor Matthew Rogers left the Chamber at 6.51pm and returned at 6.54pm

Councillor Lynn Rodgers left the Chamber at 6.52pm

CC.18/7/18 SUSPENSION OF CITY'S STANDING ORDERS 8.5.1 AND 8.6.1

RESOLVED: Peter Rogers / Matthew Rogers

That the City's Standing Orders 8.5.1 and 8.6.1 be suspended at 6.53pm in order to facilitate debate.

CARRIED: 8/1

FOR: Mayor Williams, Councillors Peter Rogers, D Lee, R Wortley, Matthew Rogers, C Knight, M Darcy, Tahlia Jones

AGAINST: Councillor D Schumacher

**CC.19/7/18 'MODERNISING WESTERN AUSTRALIA'S PLANNING SYSTEM'
GREEN PAPER CITY OF MANDURAH SUBMISSION (BD/NL)
(REPORT 6)**

The Minister for Planning has commissioned an independent review of the planning system to identify ways to make it more efficient, open and understandable. A Green Paper has been developed by the Planning Reform team, led by Evan Jones, proposing five key reform areas – strategically-led, legible, transparent, efficient and delivering smart growth.

The Minister has released the green paper for public comment and all feedback will help inform the preparation of a White Paper that will be provided to the State Government for consideration. The Green Paper is a discussion paper and does not commit the State Government to adopt the proposals. It does, however, include many detailed reform initiatives which officers have provided review and comment.

Broadly, many of the reform initiatives are supported in light of recent experience in preparing and presenting a Local Planning Strategy and Local Planning Scheme to the Western Australian Planning Commission. As a result, it is recommended that Council endorse this report as the City's submission prepared in response to the Green Paper.

The Acting Manager Planning and Land Services, Aaron Lucas, delivered a visual presentation on this item. An overview of issues, considerations to be made and suggested adaptations were outlined.

Councillor Matthew Rogers moved the report recommendation which was seconded by Councillor Knight.

RESOLVED TO RECOMMEND: Matthew Rogers / C Knight

That Council:

- 1. Supports reform to the WA planning system and endorses this report and the detailed comments included in the Response Template in Attachment 1, to be forwarded as part of the City's submission on the Green Paper Reform May 2018.**
- 2. Supports City Officer's being actively involved and engaged in opportunities to be a pilot Local Government for the implementation of Comprehensive Local Planning Scheme.**

- 3. Advises the Green Paper Reform Team that further reforms could be identified such as:**
 - 3.1 Integrating regional and local planning provisions therefore abolishing the need for a regional planning scheme and dual development approvals under local planning schemes and region planning schemes;**
 - 3.2 Integrate references to the 'Responsible Authority' into local planning schemes to make a clearer understanding of the approval body for various proposals, whether this be the WAPC, DAP or local government, together with delegation arrangements for regional reserved land and zoned land under Clause 21 of the Peel Region Scheme and Clause 32 Metropolitan Region Scheme;**
 - 3.3 Modifications are required to the Regulations so that local planning schemes (including deemed provisions) are subject to ongoing update and review, therefore abolishing the need for a review of the scheme or the need for new schemes; and**
 - 3.4 Improve integration between approvals and outcomes for subdivision and development by modifying Section 143 of the Planning and Development Act 2005 to require local planning schemes to be considered in determining subdivision applications;**

CARRIED UNANIMOUSLY: 10/0

CLOSE OF MEETING [AGENDA ITEM 16]

There being no further business, the Chairman declared the meeting closed at 7.07pm.

CONFIRMED:[CHAIRMAN]