



MINUTES OF

COMMITTEE OF COUNCIL MEETING

HELD ON

Tuesday 12 February 2019

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
COUNCILLOR	S JONES	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	T JONES	COASTAL WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	D SCHUMACHER	TOWN 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	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE & GOVERNANCE
MR	B DRECKOW	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 5.34pm, welcoming Leonie Stubbs of the Mandurah Environmental Advisory Group to the meeting.

APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 2]

Apologies were received from Councillor Matt Rogers.

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.1/2/19 MS A DIXON: BEACH SIGNAGE

Ms Dixon requested to know if snake awareness signs would be installed in the Falcon Bay beach area.

Mayor Williams advised many meetings had previously been held in regard to this matter and that the parties would work together to address the various sites throughout the District.

The Director Works and Services informed the meeting that 98 locations had been identified for signage which included path stenciling and totem signage. There have been approximately 588 pieces of signage placed throughout Mandurah. It is envisaged that the Novara foreshore area will be attended to in the near future.

PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]

Nil.

DEPUTATIONS [AGENDA ITEM 7]

Nil.

CONFIRMATION OF MINUTES [AGENDA ITEM 8]

CC.2/2/19 CONFIRMATION OF MINUTES

RESOLVED: Tahlia Jones / D Schumacher

That the Minutes of the Committee of Council meeting of Tuesday 4 December 2019 be confirmed.

CARRIED UNANIMOUSLY: 11/0

DECLARATION OF INTERESTS [AGENDA ITEM 9]

- Councillor Tahlia Jones declared a financial interest in Minute CC.5/2/19 - Central Mandurah Activity Centre due to ownership of property within the activity centre. Councillor Tahlia Jones advised she will not be participating in discussion or voting on the item.
- Councillor Tahlia Jones declared a perceived impartiality interest in Minute CC.6/2/19 - City Centre Waterfront Concept Plans due to her employment with the Department of Primary Industry and Regional Development. Councillor Tahlia Jones declared that she would remain in the Chamber, consider this matter on its merits and vote accordingly.

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.3/2/19 BUDGET REVIEW 2018/2019 (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.

The City is forecast to generate an improvement to its surplus before depreciation of approximately \$1 million. This has enabled the following additional expenditure items to be presented for approval:

- An additional bushland maintenance team to be recruited in Quarter 4.
- Provision for the pre-funding of the costs of designs for the Waterfront Re-development project.
- The allocation of capital funds for an additional car park, together with expenditure on footpaths, boardwalks and shade sails for playgrounds.

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

Hon Councillor Riebeling moved the report recommendation which was seconded by Councillor Tahlia Jones. Elected Members acknowledged the success in containing expenditure whilst ensuring a strong capital works program remained in place.

RESOLVED TO RECOMMEND: F Riebeling / Tahlia Jones

That Council*:

- 1. Adopts revenues and expenditure as outlined in Attachments 1 and 3 of the report as amendments to the 2018/19 Budget.**
- 2. Approves amendments to Capital expenditure budgets and funding sources set out in Attachment 2 of the report.**

CARRIED ABSOLUTELY: 11/0

**CC.4/2/19 CEMETERIES AMENDMENT LOCAL LAW 2019 FINAL ADOPTION (SL)
(REPORT2)**

Following the statutory advertising period, the Cemeteries Amendment Local Law 2019 is set for final adoption.

As a legal requirement all local laws are to have a purpose and effect. The following is proposed for the Cemeteries Amendment Local Law 2019:

PURPOSE: to amend provisions within the City of Mandurah Cemeteries Local Law 2010.

EFFECT: to ensure the City of Mandurah Cemeteries Local Law 2010 is as clear and effective as possible.

Council is requested to resolve to adopt the Cemeteries Amendment Local Law 2019 in its final form.

RESOLVED TO RECOMMEND: D Schumacher / R Wortley

That Council adopt the *City of Mandurah Cemeteries Amendment Local Law 2019.*

CARRIED ABSOLUTELY: 11/0

Having declared a financial interest in the following item Councillor Tahlia Jones left the Chamber at 5.46 pm.

CC.5/2/19 CENTRAL MANDURAH ACTIVITY CENTRE (AH) (REPORT 3)

The Central Mandurah Activity Centre Plan (ACP) was prepared in order to meet the requirements of State Planning Policy 4.2 – Activity Centres for Perth and Peel, and combined, consolidated and integrated the three existing Precinct Plans (City Centre, Mandurah Terrace and Inner Mandurah) and two existing Outline Development Plans (Mandurah Ocean Marina and Mandurah Junction) so that planning requirements would be consistent and simplified across Central Mandurah.

The draft ACP was adopted for the purposes of advertising at the Council meeting of 27 March 2018, and the plan was subsequently publically advertised for a period of 28 days. During the submission period 19 submissions were received.

Council is requested to consider the submissions received, and resolve to adopt the ACP subject to modifications, for the purposes of forwarding the document to the Western Australian Planning Commission for final approval.

The Manager Planning and Land Services delivered a visual presentation on this item outlining areas to be included, amendments to “mixed use” designations, and planning to ensure conformity across all areas.

Elected Members sought clarification on usage abbreviations, building heights and permitted use definitions to which the Manager Planning and Land Services responded.

Mayor Williams moved the report recommendation with the inclusion of a point three being:

Council supports the work currently undertaken being progressed, and notes that further refinement of the core city centre area will be examined to build upon the increased focus on the city centre by Council, with the view of facilitating further private sector investment.

Councillor Schumacher seconded the amended recommendation.

RESOLVED TO RECOMMEND: R Williams / D Schumacher

That:

1. Under Clause 36(2) of *Planning and Development (Local Planning Schemes) Regulations 2015*, Council provides this report to the Western Australian Planning Commission for the Central Mandurah Activity Centre Plan (Plan Dated August 2018); recommending that the proposed Activity Centre Plan should be approved including the following modifications:
 - (a) Amending the boundary of the Residential Mixed Use and Commercial Mixed Use zone as shown on Attachment 2.
 - (b) Introducing a Restricted Use layer to restrict the approval of Tavern's within the Commercial Mixed Use zone with the exception of identified entertainment precincts as shown on Attachment 2.
 - (c) Removing 'Dining and Entertainment' uses as permitted uses within the Residential Mixed Use zone.
 - (d) Removing the mandatory ground floor design criteria for flexible land use within the Residential Mixed Use zone.
 - (e) Reducing the minimum height requirement within the Mandurah Junction development from three (3) storeys to two (2) storeys.
 - (f) Including Lot 150 Vivaldi Drive within the Commercial Mixed Use zone and removing the semi-active frontage designation from the lot.
 - (g) Designating Lot 400 Peel Street and Lot 402 Rockford Street (Timbertop Caravan Park) as a site subject to a Local Development Plan.
 - (h) Designating all remaining development parcels within Mandurah Junction as sites subject to a Local Development Plan.
 - (i) Modify Clause 2.5.2 to read "Where a development or subdivision is proposed on a corner lot that does not have a standard truncation, a truncation will be required to be created and ceded to the Crown as a condition of approval".
 - (j) Amending the residential density code for Lot 106 Mandurah Terrace from R40 to R100
 - (k) Include Service Station as a permitted use within the Commercial zone
 - (l) Include an additional objective within Section 1.5 relating to the provision of affordable and accessible housing.
2. The Council notes that the existing Precinct Plans and Outline Development Plans covered by the Central Mandurah Activity Centre Plan are replaced upon Commission approval ; and that Council endorses the Mandurah Ocean Marina and Mandurah Junction Outline Development Plans function as a Local Development Plan (subject to the appropriate administrative modifications).

3. Council supports the work currently undertaken being progressed, and notes that further refinement of the core city centre area will be examined to build upon the increased focus on the city centre by Council, with the view of facilitating further private sector investment.

CARRIED UNANIMOUSLY: 11/0

Councillor Tahlia Jones returned to the Chamber at 6.11pm.

CC.6/2/19 CITY CENTRE WATERFRONT CONCEPT PLANS (RB) (REPORT 4)

Concept plans were prepared for four City Centre Waterfront priority areas:

- Western Foreshore Recreation Precinct
- Eastern Foreshore South Precinct
- Eastern Foreshore North Precinct
- Smart Street Mall

The draft concepts proposals for these areas were presented to Council in October 2018. Council at its meeting of 23 October 2018 resolved to adopt the Waterfront (Eastern and Western Foreshore) Concept Plans for advertising and adopt advertising three options for the Upgrade of Smart Street.

Based on the support received for the Waterfront proposals, Council is requested to endorse the Concept plans prepared for:

- Western Foreshore Recreation Precinct – LAN360-CO-01/A & LAN358-CO-02/A (dated September 2018).
- Eastern Foreshore South Precinct - LAND358-CO-01/A & LAN358-CO-01/A(dated August 2018)
- Eastern Foreshore North Precinct - LAN360-CO-01/A (dated September 2018)

The concept plans will inform the progression of the project into detail design and construction.

The three options presented for the Smart Street upgrade has continued the debate of vehicle versus pedestrian movements for Smart Street which has been ongoing for some time. It is proposed that Smart Street be subject to further design work, with the intent of presenting to Council in March.

Council is requested to contribute capital funding to contribute to the implementation of the Waterfront Proposals in addition to the State Government commitment of \$10M (through the Royalties for Regions program).

The Manager Planning and Land Services gave a visual presentation pertaining to community consultation undertaken to date on this project. Online surveys undertaken show a high level of support for the proposed plans. Feedback has been very positive for the Western Foreshore area to be youth orientated with the inclusion of basketball and parkour facilities. Further work will be required in relation to the commercial zone and possibly further public ablutions. The meeting was advised that further consultation and planning would be required in relation to Smart Street Mall.

Elected Members discussed parking strategies, relationship with previous plans, economic development and size of the proposed pool enclosure. The Director Works and Services took on notice a request for information on the eastern Foreshore lighting upgrades.

RESOLVED TO RECOMMEND: R Williams / R Wortley

That Council:

1. **Adopts the following Concept Plans for the Mandurah City Centre Waterfront Precincts as the basis of proceeding with detail design and construction documentation:**
 - 1.1 **Western Foreshore Recreation – LAN360-CO-01/A & LAN358-CO-02/A (dated September 2018)**
 - 1.2 **Eastern Foreshore Iconic Waterfront – LAND358-CO-01/A & LAN358-CO-01/A (dated August 2018)**
 - 1.3 **Eastern Foreshore North Boardwalk Precinct – LAN360-CO-01/A (dated September 2018)**
2. **Notes the inclusion of \$400,000 in budget review process in order to be able to engage consultants and progress with investigation, planning, design and approvals required to be able to commence on ground delivery of the project when the Royalties for Regions funding is made available commencing next financial year (2019-2020).**

CARRIED UNANIMOUSLY: 11/0

CC.7/2/19 AMENDMENT 137 TO TOWN PLANNING SCHEME NO 3 – GUIDE PLAN (AH) (REPORT 5)

In July 2017, Council initiated Amendment No. 137 to Town Planning Scheme No. 3 for the purposes of rezoning Lot 21 Southern Estuary Road and Part Lot 7 Dunkeld Drive, Herron from 'Rural' to 'Rural Residential', following an s76 order from the Minister for Planning. In accordance with the requirements of the Planning and Development Act 2015, the amendment was then forwarded to the Environmental Protection Authority for assessment.

In April 2018, the City received a Notice of Intent from the EPA advising that the EPA is inclined to determine that Amendment No. 137 is, by its nature, incapable of being made environmentally acceptable. This is due to the potential impact of the proposal on remnant vegetation, fauna and the nearby Lake Clifton and Estuary. In order to address the concerns raised by the EPA, the applicants have submitted a revised subdivision guide plan which proposes a 16 lot cluster style subdivision and the creation of a 52ha conservation parcel to be ceded free of cost.

In order for the amendment to proceed, and enable the EPA's assessment of the revised subdivision guide plan, Council's in principle support for the revised subdivision guide plan is required.

Report Recommendation

That Council supports 'in principle' the revised subdivision guide plan for the purposes of forwarding the plan to the Environmental Protection Authority for assessment in response to its Notice of Intent dated 17 April 2018 in regard to Amendment 135 to Town Planning Scheme No 3.

Deputy Mayor Councillor Knight moved an alternate recommendation that was seconded by Hon Councillor Riebeling. The Deputy Mayor advised the alternate recommendation added clarity, highlighting points that need to be addressed when considering approval.

RESOLVED TO RECOMMEND: C Knight / F Riebeling

That:

- 1. Council Supports the revised 'Subdivision Concept B' for Lots 21 and 100 Southern Estuary Road being submitted to the Environmental Protection Authority as the applicant's response to the EPA's Notice of Intent dated 17 April 2018 in regard to Amendment 137 to Town Planning Scheme No 3.**
- 2. Notwithstanding the above recommendation, Council advises the applicants that there are reservations regarding the revised 'Subdivision Concept B' due to:**
 - **the potential impacts on significant vegetation;**
 - **the potential impacts on threatened species;**
 - **the ongoing management of the resultant conservation parcel;**
 - **the hydrological impacts on Lake Clifton;**
 - **the ability to meet the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and associated Guidelines; and**
 - **The creation of 16 lots in lieu of the maximum 11 permitted under Council's Local Planning Strategy and Southern Mandurah Rural Structure Plan.**

CARRIED UNANIMOUSLY: 11/0

CC.8/2/19 LEASE: MANDURAH CROQUET CLUB (LP/RL) (REPORT 6)

The Mandurah Croquet and Recreation Club Inc. (MCRC) has held a lease over a portion of Lot 202 (70) Thomson Street, Mandurah, since 1986. The current agreement was approved through Council in 2014, supporting a tenure consisting of a three year term, with two one year renewals (3+1+1 years) this current agreement is due to expire on the 28 February 2019.

After recent discussions with the club officers recommend a new lease of five years with a five year renewal option (5+5 years), together with an annual rental fee aligning with the City's Schedule of fees and charges for Sporting and Community groups.

Council is requested to support a new lease with the Mandurah Croquet and Recreation Club Inc, over a portion of Lot 202 (70) Thomson Street, Mandurah, for a term of five years with a five year renewal option (5+5 years) commencing on the 1 March 2019 with final expiry due the 28 February 2029. An annual rental fee of \$1,000 is proposed in accordance with the City's schedule of fees and charges 2018/19.

RESOLVED TO RECOMMEND: Shane Jones / Lynn Rodgers

That Council:

1. **Approves a lease over a portion of Lot 202 (No. 70) Thomson Street, Mandurah, to the Mandurah Croquet and Recreation Club Incorporated with the following conditions.**
 - 1.1 **Tenure of five years, commencing on 1 March 2019 and expiring on 29 February 2024**
 - 1.2 **Renewal term of five years, commencing on 1 March 2024 and expiring on 28 February 2029.**
2. **Approves the application of the City's Schedule of Fees and Charges 2018/19 to the annual rent for the term of the lease agreement, and the application of the document preparation fee.**
3. **Authorises the Chief Executive Officer will finalise the conditions of the lease agreement.**

CARRIED UNANIMOUSLY: 11/0

CC.9/2/19 LICENCE: NAVAL CADETS SOUTHERN ESTUARY HALLS HEAD

The Unit Committee TS Mandurah Incorporated (Naval Cadets) have held tenure over Southern Estuary Hall, a portion of Reserve 30624 (No. 2) Thisbe Drive, Dawesville, since August 1994. The last licence granted in 2015 saw Council approve a reduction in their licence area from the whole facility to one office, and storage, which has allowed the hall to be utilised for other community activities.

The group have formally requested, upon the expiry of their current licence on the 12 November 2018, to enter into a new licence agreement, this will ensure the exclusive use of their office accommodation continues together with the use of the storage sheds located on site.

The Naval Cadets entered into a 'Holding Over' upon the expiry of their current agreement until a new licence can be considered by Council. Due to Southern Estuary Hall nearing end of life, officers recommend the licence be renewed for a term of three years, with an annual rental fee of \$1, this term and fee aligns with the current licence agreement.

Council is requested to approve a licence over a portion of Reserve 30624 – (No. 2) Thisbe Drive, Dawesville to the Unit Committee TS Mandurah Incorporated for a term of three years, commencing on or after the Minister for Lands consent, together with an annual rental fee of \$1, all licence terms and conditions are subject to the approval of the Minister for Lands.

RESOLVED TO RECOMMEND: C Knight / Lynn Rodgers

That Council:

1. Approves the licence agreement over a portion of Reserve 30624 – (No. 2) Thisbe Drive, Dawesville, to the Unit Committee TS Mandurah Incorporated with the following conditions:
 - 1.1 Tenure of three years
 - 1.2 Commencement on or thereafter the Minister for Lands consent
 - 1.3 Annual rent of \$1 per annum
 - 1.4 Subject to the Minister for Lands Consent
2. Approves the waiver of the document preparation fee as detailed in the City's Fees and Charges Schedule 2018/19 of \$450.
3. Authorises the Chief Executive Officer to finalise the conditions of the Licence

CARRIED UNANIMOUSLY: 11/0

CC.10/2/19 NAIRNS FORESHORE: MOORING OF HOUSEBOAT

The City of Mandurah has care, control and management of the public foreshore area, boat ramp and part of the Serpentine River riverbed in Nairn Road/Bertram Street, Coodanup. The foreshore is owned in fee simple by the Shire of Murray however, it is leased to the City of Mandurah.

In a past life, the Department of Water constructed jetty infrastructure to moor weed harvesters as part of their commitment to manage the health of the Peel waterway.

In 2018, the Department of Water and Environmental Regulation (DWER) demolished and removed the jetty infrastructure due to its dilapidated state and no requirement to moor any of its watercraft.

Prior to the jetty removal, a number of houseboats took the opportunity to utilise the facility. The houseboat owners were requested to relocate elsewhere. All but one obliged and returned to this location and moored the vessel adjacent to the public open space.

Council is requested to consider a recommendation to require the houseboat owner to relocate elsewhere, where there is appropriate supporting infrastructure to which a houseboat can be moored.

Honourable Councillor Riebeling moved the report recommendation which was seconded by Councillor Tahlia Jones. Discussion ensued as to authority for waterway and seabed care and control along with the possibility of future jetties/moorings being located at the site. The Director of Works and Services provided an overview of State and Local Government areas of responsibility along with clarifying that there were no jetties or moorings planned for the area.

RESOLVED TO RECOMMEND: F Riebeling / Tahlia Jones

That Council:

- 1. Requires Mr G Corp (owner of the moored houseboat) to remove all mooring ropes, mooring piles, gangplanks and any other means of attaching his houseboat to the land or riverbed.**
- 2. Requires the vessel to vacate any part of Lot 400 Beacham Street, Coodanup.**

CARRIED UNANIMOUSLY: 11/0

**CC.11/2/19 TENDER T22-2018 UNDERGROUND ASSET LOCATION (CP/EJ)
(REPORT9)**

The City of Mandurah invited tenders for the service, Underground Asset Location. This service relates to the finding, locating and depthing of public utility services which is a precursor to most infrastructure design projects.

As a result of the evaluation of tendered submissions, Council is requested to accept A 1Stop Locating Shop Pty Ltd t/a Cable Locates and Consulting as the preferred tenderer.

RESOLVED TO RECOMMEND: F Riebeling / R Williams

That Council accepts A 1Stop Locating Shop Pty Ltd t/a Cable Locates and Consulting as the preferred tenderer for Tender T22-2018 for the Underground Asset Location.

CARRIED UNANIMOUSLY: 11/0

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 14]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 15]

Nil.

CLOSE OF MEETING [AGENDA ITEM 16]

There being no further business, the Chairman declared the meeting closed at 6.48pm.

CONFIRMED:

.....[CHAIRMAN]