



MINUTES OF

COMMITTEE OF COUNCIL MEETING

HELD ON

Tuesday 14 May 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 [5.37PM]	NORTH WARD
COUNCILLOR	P JACKSON	NORTH 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 [6.03PM]	TOWN WARD

OFFICERS IN ATTENDANCE:

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	D PRATTENT	ACTING EXECUTIVE MANAGER FINANCE AND GOVERNANCE
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY AND BUSINESS PERFORMANCE
MR	B DRECKOW	MANAGER PLANNING AND LAND SERVICES
MR	A DENNISS	MANAGER ECONOMIC DEVELOPMENT
MR	C JOHNSON	EXECUTIVE MANAGER STRATEGY, RECREATION AND EVENTS
MRS	L SLAYFORD	MINUTE OFFICER

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

The Chairman declared the meeting open at 5.32pm.

APOLOGIES / LEAVE OF ABSENCE [AGENDA ITEM 2]

Councillor Lynn Rodgers is on leave of absence, Councillor Schumacher is an apology.

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]

Nil.

PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]

Nil.

DEPUTATIONS [AGENDA ITEM 7]

**CC.1/5/19 MR G ROWE: PROPOSED SUBDIVISION: LOT 2002 MARINA QUAY
DRIVE ERSKINE**

Mr Rowe sought confirmation from the Chairperson that formal withdrawal of Report 4, Proposed Change of Use: Lot 9201 and 2001 Marina Quay Drive Erskine had been received and that there would be no debate on the item. The Chairperson, Councillor Lee, confirmed that the item had been withdrawn and would not be debated at this meeting.

Mr Rowe presented a deputation as the representative of the landowner Mr G Murray, speaking in opposition to the report recommendation.

Councillor Wortley entered the Chamber.

Mr Rowe outlined that the Western Australian Planning Commission was the determining authority in regard to this item and that support from the City of Mandurah was sought via its submission to the Western Australian Planning Commission. Mr Rowe provided an overview of requirements under the 2014 Planning Commission's guidelines informing the meeting that a structure plan is not required prior to approval. A summary pertaining to creation and ownership of Lot 2002 and how it differs to most applications was also provided. The applications consistency with land zoning and density was highlighted along with sound outcomes for the site and the City of Mandurah.

**CC.2/5/19 MR L BAKER: PROPOSED SUBDIVISION: LOT 2002 MARINA QUAY
DRIVE ERSKINE**

Mr Baker represented the Mandurah Quay Home Owner's Association and spoke in support of the report recommendation. Mr Baker advised support for a housing development consistent with existing development ensuring:

- Consistency in block sizes;
- Architectural consistency;
- Covenants on new lots as per existing lots within Mandurah Quay precinct; and
- Submission of a Structure Plan with formal consultation with the Mandurah quays Home Owner's Association.

**CC.3/5/19 MS B BERTRAM: PROPOSED SUBDIVISION: LOT 2002 MARINA QUAY
DRIVE ERSKINE**

Ms Bertram spoke in support of the report recommendation representing Mandurah Quay resident Mr Cliff Brown. Ms Bertram outlined possible impact concerns pertaining to the subdivision including:

- Traffic congestion, particularly Sticks Boulevard;
- Variable lot sizes to current established lots;
- Possible lot servicing impacts e.g. rubbish removal; and
- Environmental impact including loss of wetland, tree removal and loss of public open space.

CONFIRMATION OF MINUTES [AGENDA ITEM 8]

CC.4/5/19 CONFIRMATION OF MINUTES

RESOLVED: Tahlia Jones / Shane Jones

That the Minutes of the Committee of Council meeting of Tuesday 16 April 2019 be confirmed.

CARRIED UNANIMOUSLY: 9/0

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]

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 Report 5 be considered next relating to the proposed subdivision of Lot 2002 Mandurah Quay Drive, Erskine.

MOTION: C Knight / F Riebeling

That the order of the agenda be changed and the report relating to the proposed subdivision of Lot 2002 Mandurah Quay Drive, Erskine be now considered.

CARRIED UNANIMOUSLY: 9/0

**CC.5/5/19 PROPOSED SUBDIVISION: LOT 2002 MARINA QUAY DRIVE ERSKINE
(TF) (REPORT 5)**

Council is requested to consider a subdivision proposal over Lot 2002 Marina Quay Drive, Erskine that has been referred to the City for comment from the Western Australian Planning Commission that proposes 40 residential lots and one commercial lot.

The site is zoned 'Tourist' in Town Planning Scheme No 3 (Scheme 3) and residential development is not the preferred outcome within this zone. Scheme 3 states that Council may permit residential development to a density of R40, and that Council may require a Structure Plan prior to any development approved by Council or subdivision approval by the WAPC.

Further, the City's Local Tourism Planning Strategy identifies the site as being within a 'Strategic Tourism Location', and acknowledges the opportunity for a high quality tourism accommodation experience, contemplating a range of tourism uses (activities and accommodation) and the potential for a multi-storey component. The Strategy recommends that a Structure Plan process that determines the tourist development opportunities and the form of development that should occur on the site is required.

In the absence of a determination of the tourist development opportunities on this site and the location in general, it is recommended that Council endorse this report as its referral response to the WAPC to not support the subdivision as presented.

Hon. Councillor Riebeling moved the report recommendation which was seconded by Mayor Williams. Discussion ensued in relation to public consultation pertaining to changes to the site and formal requirements for a structure plan to accompany the application, both with the City of Mandurah and Western Australian Planning Commission. The Manager Planning and Land Services outlined policies and regulations in place with the Planning Commission and City of Mandurah that suggest such plans may be required but not specifically stipulated requirements.

Questions concerning approval by the Western Australian Planning Commission and its ability to include conditions were responded to by the Manager Planning and Land Services.

RESOLVED TO RECOMMEND: F Riebeling / R Williams

That Council provides this report to the Western Australian Planning Commission for the proposed subdivision of Lot 2002 Marina Quay Drive, Erskine (WAPC ref: 157905) recommending that the proposed subdivision should not be approved in the absence of a Local Structure Plan that addresses the following:

- 1. The demand, scale and desirability for long term future tourist development at this location given recommendations of the Local Tourism Planning Strategy;**
- 2. Considerations of State Planning Policy 2.6 in dealing with Coastal Planning;**
- 3. The subdivision and development design (lot and street layout, built form, scale, height, appearance);**
- 4. Existing trees and public open space in the location;**
- 5. Ongoing management and access to the boat ramp, jetties and water body; and**

6. Provides for a period of public advertising.

CARRIED UNANIMOUSLY: 9/0

Councillor Peter Rogers entered the Chamber.

**CC.6/5/19 YALGORUP NATIONAL PARK: RECREATION MASTER PLAN (TB)
(REPORT 1)**

Since Council's decision in 2012 to seek National and eventual World Heritage listing of Lake Clifton and the Yalgorup Lakes System, the City has undertaken various initiatives to ensure the ongoing protection and conservation of Yalgorup National Park. One of these proposed measures is nature-based tourism.

The City's new economic development strategy '*Mandurah and Murray: A Shared Economic Future*', developed in partnership with the Shire of Murray, was adopted by Council in October 2018. The strategy currently contains six broad programs and eight inter-related projects across Mandurah and Murray. One of these projects is 'Peel-Yalgorup Wetlands Trails', which in turn is comprised of two inter-related sub-projects:

- Yalgorup National Park;
- Peel-Harvey Estuary Trails.

These sub-projects aim to develop a range of environmentally sustainable trails, attractions and accommodation within Yalgorup National Park and the Peel-Harvey Estuary.

In February, the City wrote to the Director General of the Department of Biodiversity, Conservation and Attractions (DBCA), seeking a partnership to prepare a Recreation Master Plan for Yalgorup National Park. The Director General responded in March, advising of the Department's willingness to work with the City to develop the recreation master plan.

Also in March, the City's Environmental Services section reported to Council on the outcomes of its Yalgorup National Park National Heritage listing stakeholder engagement. The report advised that strong community support existed for National Heritage listing of Yalgorup, with 96% of respondents in support of its nomination. Council subsequently resolved to support the nomination of Yalgorup National Park for National Heritage listing without an intensive community engagement campaign.

City officers have since met with DBCA officers, and are currently preparing an agreement that will formalise the recreation master plan partnership. The partnership will commence early in the new financial year, and is anticipated to be completed within 12 months.

Council is requested to note progress made to date on '*Mandurah and Murray: A Shared Economic Future*', including the City's intention to undertake and provide funding for the Yalgorup National Park Recreation Master Plan, in partnership with the Department of Biodiversity, Conservation and Attractions.

The report recommendation was moved by Hon Councillor Riebeling, seconded by Councillor Tahlia Jones. Questions relating to industry engagement and contributions to the masterplan were responded to by the Manager Economic Development. Councillor Knight requested this item be presented to the Mandurah Environmental Advisory Group with their comments provided to the May Council meeting.

RESOLVED TO RECOMMEND: F Riebeling / Tahlia Jones

That Council endorses the City's intention to partner with the Department of Biodiversity, Conservation and Attractions to undertake the Yalgorup National Park Recreation Master Plan.

CARRIED UNANIMOUSLY: 10/0

CC.7/5/19 MANAGEMENT OF BOUNDARY ISLAND (LP) (REPORT 2)

A local business operator has contacted the City requesting consideration be given to the future potential and possible use of Boundary Island as a unique tourist attraction to Mandurah and the Peel region.

The commercial proposal outlined could see boating and crabbing tours, together with fishing, bird watching and other non-motorised water sports, while acknowledging the environmental impacts need appropriate management.

Boundary Island is currently managed by the State Government, and is known as Unallocated Crown Land (UCL) as such the City does not control and manage the site, and therefore cannot approve any change to the current operation of the site.

Due to the unresolved Native Title Claim (NTC), the Department of Planning, Land and Heritage are unable to progress any requests for management of UCL land until the NTC is resolved. The Department have however advised that regardless of the status of the tenure, they will not support a lease or full commercial operation being run from Boundary Island, as the site is used and will remain for community purposes.

Should the City wish to take on the management of Boundary Island, consideration needs to be given not only to the financial costs but also assess the infrastructure and human resources required to undertake the care and management which would be required to ensure an acceptable level of service is provided, as per community expectation. At this time, no specific investigations into these ongoing costs have been established.

Council is requested to endorse the Mayor writing to the local members of parliament, requesting that the Department of Biodiversity Conservation and Attractions (DBCA), take on the management of Boundary Island, with in part a focus on eco-tourism.

RESOLVED TO RECOMMEND: R Wortley / F Riebeling

That Council:

- 1. Endorses the Mayor writing to the Member for Mandurah and the Member for Dawesville requesting the State Government grant the management and responsibility to the Department of Biodiversity, Conservation and Attractions for Boundary Island, and that the request include the Council's**

desire that eco-tourism be permitted, acknowledging that any such decision cannot be made until the Native Title Claim is finalised;

- 2. Requests that the City advise commercial operators wishing to gain non-exclusive access, to liaise directly with the Department of Planning, Lands and Heritage and the Department of Transport, until such time as a managing body is appointed management over Boundary Island.**

CARRIED UNANIMOUSLY: 10/0

**CC.8/5/19 SUBLEASE: RESERVE 48150 LOT 22 (187) BREAKWATER PARADE
MANDURAH WESTMEN INVESTMENTS PTY LTD (LP/RL) (REPORT 3)**

Westmen Investments Pty Ltd (Westmen) have held a lease over a 15,323 square metre portion of Lot 22 (No. 187) Breakwater Parade Mandurah since January 2002. In 2003 Westmen constructed workshops and office accommodation over a portion of their lease area to facilitate the sub-letting of units to local business operators offering marine related services to the marina precinct, such as marine maintenance, repairs and chandlery.

Westmen approached officers in March 2019 requesting approval to enter into a new sub-lease, which will offer the services of marine trimming, upholstery manufacturing and sales over Unit 5, 187 Breakwater Parade Mandurah for a proposed term of two years with a three year renewal term option (2+3 years).

Council is requested to approve the sub-lease between Westmen Investments Pty Ltd and Cowan & Grundy Marine Covers Pty Ltd as the Trustee for the Cowan & Grundy Trust, trading as Breakwater Marine Covers, over a portion of Reserve 48150, Unit 5, 187 Breakwater Parade Mandurah for a term of two years with a three year renewal term option (2+3 years), subject to the approval of the Minister for Lands.

RESOLVED TO RECOMMEND: C Knight / Shane Jones

That Council:

- 1. Approves the sub-lease between Westmen Investments Pty Ltd and Cowan & Grundy Marine Covers Pty Ltd, as trustee for the Cowan & Grundy Trust trading as Breakwater Marine Covers over Unit 5, 187 Breakwater Parade, Mandurah with the following terms and conditions;**
 - 1.1 Term of approximately two years to commence on or after the Minister for Lands consent;**
 - 1.2 Further term of approximately three years, expiring in March 2024;**
 - 1.3 Subject to the Minister for Lands consent;**
- 2. Acknowledge all legal costs associated with the preparation of the sub-lease are to be borne by the head-lessee;**
- 3. Acknowledges the City is only consenting to the agreement and not party to the sub-lease.**

CARRIED UNANIMOUSLY: 10/0

**CC.9/5/19 PROPOSED CHANGE OF USE: LOT 9201 AND 2001 MARINA QUAY
DRIVE ERSKINE (TF) (REPORT 4)**

Council is requested to consider a development application seeking a change of use from 'short stay accommodation' to 'residential dwellings' at the above mentioned site.

Town Planning Scheme No 3 (Scheme 3) identifies the site as being zoned 'Tourist'. Residential development is not the preferred outcome within this zone, however Scheme 3 states that Council may permit residential development to a density of R40, and that Council may require a Structure Plan prior to any development approved by Council or subdivision approval by the WAPC.

The City's Local Tourism Planning Strategy identifies the broader site as being within a "Strategic Tourism Location", and acknowledges the opportunity for a high class tourism accommodation experience, contemplating a range of tourism uses (activities and accommodation) and the potential for a multi-storey component.

It is recommended that Council refuse the proposal on the grounds that the proposal is inconsistent with the intent of the zone and that a Structure Plan has not been prepared over the site.

Report Recommendation

That in accordance with Clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes), that Council refuse development approval for a proposed change of use from 'short stay accommodation' to 'residential dwellings' at Lot 9201 and 2001 Marina Quay Drive, Erskine (DA9182) subject to the following reasons:

- 1. Pursuant to clause 4.10.1 of Town Planning Scheme No. 3, the provision of entirely 'residential dwellings' is inconsistent with the objectives of the 'Tourist' zone, given the purpose of the zone is to encourage short term accommodation.*
- 2. Pursuant to clause 4.10.3.2 of Town Planning Scheme No. 3, it has not been demonstrated that the proposal will contribute to the overall amenity of the area.*
- 3. Pursuant to clause 4.10.3.4.1 of Town Planning Scheme No. 3, a Structure Plan has not been prepared and approved for the subject site as recommended in Council's Local Tourism Planning Strategy (as adopted by the Western Australian Planning Commission in December 2009).*

The Chairperson advised the meeting that the applicant has withdrawn the change of use application and this item is no longer required to be considered by Council.

**CC.10/5/19 MANDURAH AQUATIC AND RECREATION CENTRE: OPERATING
HOURS REVIEW (AT) (REPORT 6)**

In August 2018, Council approved a trial to change the weekend operating hours at the Mandurah Aquatic and Recreation Centre (MARC) over the 2018/19 summer period, with a report on the levels of attendance to be presented back to Council upon the conclusion of the trial period.

The trial was conducted from Saturday 3 November 2018 to Sunday 7 April 2019. Initially the trial was intended to conclude on Sunday 3 March 2019, however it was extended to Sunday 7 April, being the end of School Term 1/2019 and the conclusion of the competitive summer swimming calendar. The success, particularly on Saturdays, of the initiative was another reason to extend the trial to that date.

Following the conclusion of the trial, Council is requested to approve a change to the weekend operating hours at the MARC on an ongoing basis with opening times being 6.30am on Saturdays and remaining at 7.30am on Sundays commencing 28 September 2019, (the start of the next summer season).

This permanent change would take effect at the start of the next summer period to allow sufficient time to communicate the change to Centre users and the local community.

Councillor Shane Jones moved, Councillor Wortley seconded the report recommendation. Committee members discussed avenues for containing costs and membership increases generated within and by the extended operating hours. The Executive Manager Strategy, Recreation and Events advised impact on membership is difficult to measure but appears to have had been minimal however pressures on morning aquatic requirements had lessened with the implementation of extended hours.

RESOLVED TO RECOMMEND: Shane Jones / R Wortley

That Council approves a change to the weekend operating hours at the Mandurah Aquatic and Recreation Centre with the facility to open at 6.30am on Saturdays and 7.30am on Sundays on an ongoing basis commencing 28 September 2019.

CARRIED UNANIMOUSLY: 10/0

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 14]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 15]

RESOLVED: Tahlia Jones / P Jackson

That the meeting proceeds with closed doors at 6.18pm in accordance with Section 5.23(2)(e) of the Local Government Act 1995, for discussion of a confidential item.

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 and Manager Planning and Land Services remained with Senior Officers.

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.18PM

**CC.11/5/19 CONFIDENTIAL ITEM: LAND ACQUISITION (VK/LP) (CONFIDENTIAL
REPORT 1)**

Confidential discussion ensued regarding this issue.

RESOLVED TO RECOMMEND: C Knight / R Wortley

- 1 That Council adopts the course of action agreed.**
- 2 That the report and resolution remain confidential until after settlement of the property.**

CARRIED UNANIMOUSLY: 10/0

CC.12/5/19

MOTION: Shane Jones / R Wortley

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 10/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.25PM

CC.13/5/19

MOTION: P Jackson / Shane Jones

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 10/0

CLOSE OF MEETING [AGENDA ITEM 16]

There being no further business, the Chairman declared the meeting closed at 6.25pm.

CONFIRMED:

.....[CHAIRMAN]