



MINUTES OF

**COMMITTEE OF COUNCIL MEETING**

HELD ON

**Tuesday 16 April 2019**

**AT 5.30 PM**

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

***PRESENT:***

COUNCILLOR	D LEE [CHAIRMAN]	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	D SCHUMACHER	TOWN WARD
COUNCILLOR	P ROGERS	TOWN WARD

***OFFICERS IN ATTENDANCE:***

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	C JOHNSON	ACTING EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MR	B DRECKOW	MANAGER PLANNING AND LAND SERVICES
MS	R BARTON	SENIOR LANDSCAPE ARCHITECT
MRS	L SLAYFORD	MINUTE OFFICER

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

The Chairman declared the meeting open at 5.32pm, welcoming Mandurah Environmental Advisory Group representative George Pascott.

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

Mayor Williams.

**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.1/4/19      B HOPE: TRADING PERMIT GUIDELINES REVIEW**

Mr Hope spoke of concern he was aware of amongst business operators in the Silver Sands area with regard to mobile trader operations. Mr Hope provided suggestions for changes to the guidelines including time limits for trading, amendment to the operational commencement time, proof of business registration and a requirement of operators to reside within the Mandurah district.

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

**CC.2/4/19      CONFIRMATION OF MINUTES**

RESOLVED:      D Schumacher / Shane Jones

**That the Minutes of the Committee of Council meeting of Tuesday 12 March 2019 be confirmed.**

CARRIED UNANIMOUSLY: 11/0

**CC.3/4/19      DECLARATION OF INTERESTS [AGENDA ITEM 9]**

- Councillor Lynn Rodgers declared a financial interest in Minute CC.17/4/19 - Demolition: Lot 503 (60) Peel Street, Mandurah due to her position as Chief Executive Officer at WestAus Crisis and Welfare Services who currently lease the property being discussed. Councillor Lynn Rodgers would not be participating in discussion or voting on this item.
- Councillor Tahlia Jones declared an impartiality interest in Minute CC.5/4/19 - Murrayfield Airport Redevelopment: Contributions Toward Business Case due to her employment with Peel Development Commission who are a key partner and funding provider for the business case pertaining to this item. Councillor Tahlia Jones would not be participating in discussion or voting on this item.

**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, the Chairman (Councillor Lee) suggested that with the consensus of Committee Members, the order of the agenda be changed and Report 7 be considered next relating to Trading Permit Guidelines: Update and Review.

**CC.4/4/19 TRADING PERMIT GUIDELINES - UPDATE AND REVIEW (NL) (REPORT 7)**

This report seeks to review the effectiveness of the Trading Permits Guidelines adopted in February 2018, and provide recommendations for changes to improve customer service and reduce red tape.

Over the past 12 month period, the City has received no complaints in relation to commercial and aquatic operators' and one complaint in relation to mobile food vendors, with the submitter seeking a time limit restriction of 2 hours in any one location for mobile traders.

As a part of this review, officers have:

- reconsidered the stated objectives of the document;
- considered possible modifications to the regulatory provisions relating to the locations of trade and the length of time spent in any one trading location;
- considered the inclusion of provisions relating to semi-permanent space activation and markets;
- the initiation of the 'expression of interest' process for key waterfront locations; and
- undertaken a review of the fee structure.

Council is recommended to support the proposed modifications to the stated objectives of the Trading Permits Guidelines, in addition to the modifications to the Schedule of Fees and Charges for 2019/2020.

In March 2019, Council resolved to defer the review of the Trading Permit Guidelines to April 2019 to ensure that all the impacts of the changes are clearly identified and understood by Council before making a decision.

Additional information has been included within this report, relating to the following:

- Restricting trading commencement times;
- Duration of trading hour restrictions;
- Appropriateness of 400m trading distance;
- Appropriateness of Mandurah Terrace, Silver Sands Reserve trading location;
- Set-up time requirements for mobile traders;
- Monetary and staff costs in amending commencement trading times from 7am to 9am.

Additions from the March 2019 report have been identified as italicised text.

The Manager Planning and Land Services delivered a visual presentation outlining aspects of the review which has been conducted over the past 12 months. The review has considered options for offering diversity and choice within the community, activation and further use of spaces within the District as part of the City's place making role. Trading permits are one facet of assistance in developing business operations that has been reviewed for Council's consideration.

Hon. Councillor Riebeling moved the report recommendation which was seconded by Councillor Knight. Discussion ensued in relation to trading commencement times and suggestion for traders to be Mandurah based. Councillor Peter Rogers asked if conditions restricting trading permits to only Mandurah residents would contravene any competition or trading laws. The Chief Executive Officer requested to take this question on notice and provide further information to Council's meeting on 30 April, 2019.

Councillor Wortley foreshadowed his intention to move an alternative recommendation amending trading commencement times should the recommendation by Hon Councillor Riebeling not be carried.

Committee members discussed the number and type of trading permits currently issued, requirements of trading days/times and differences in relation to event licence operators. The Manager Planning and Land Services, Director Sustainable Communities and Chief Executive Officer responded to all items raised.

RESOLVED TO RECOMMEND: F Riebeling / C Knight

**That Council:**

1. **Maintains the current Trading Permit Guidelines as an agreed position on how traders may operate from Council land, subject to the following modifications:**
  - (a) **Modify Section 1.1 of the Trading Permit Guidelines to read**
    - (a) ***“Encourage the use of parks and reserves by commercial and aquatic operators and mobile traders, as a means of enhancing the vibrancy and community activity that flows from this activation of our public spaces, whilst managing the competing needs and interests of pedestrians, consumers and local business proprietors;***
    - (b) ***To facilitate enjoyable, interesting, unique and convenient leisure and recreational options for residents, families and other members of the community to experience in their local area;***
    - (c) ***Encourage and provide entrepreneurial, place-making and tourism opportunities that contribute to the well-being of residents, to the overall experience of visitors to Mandurah and to the growth of small businesses;***
    - (d) ***Provide guidelines and assessment criteria for the consistent decision making of applications for trading permits applications on public land.”***

- (b) Approves modifications that identify the semi-permanent/pop-up style activities from the approved City Centre Waterfront Precinct Concept Plans are included in the 'City Centre Waterfront Trading Locations' and are subject to the expression of interest process outlined in Section 2.8 of the Guidelines.
2. Notes the introduction of a quarterly fee of \$650 for mobile traders to the Schedule of Fees and Charges for 2019/2020 and an update to the fee structure within the guidelines;
  3. Notes the introduction of a monthly fee of \$100 for commercial and aquatic operators to the Schedule of Fees and Charges for 2019/2020 and an update to the fee structure within the guidelines.

CARRIED: 8/3  
FOR: Councillors Tahlia Jones, Shane Jones, Jackson, Peter Rogers, Lee, Darcy, Knight, Hon Councillor Riebeling  
AGAINST: Councillors Wortley, Schumacher, Lynn Rodgers

**CC.5/4/19 MURRAYFIELD AIRPORT REDEVELOPMENT: CONTRIBUTIONS  
TOWARD BUSINESS CASE (TB) (REPORT 1)**

During discussions held between the City of Mandurah and Shire of Murray Chief Executive Officers in February 2019, the Shire of Murray advised that it was preparing a business case on the proposed redevelopment of Murrayfield Airport, located approximately 15km north of Pinjarra. Funding of \$100,000 will be allocated for the business case, with \$25,000 to be provided by the PDC, \$25,000 by Brooks Hire Service, \$20,000 by the Shire of Murray and \$10,000 by the Royal Aero Club of WA. The Shire of Murray requested the City of Mandurah to contribute the final \$20,000 towards the business case.

Council is therefore requested to approve the allocation of \$20,000 from the Chief Executive Officer's Budget towards a business case for proposed redevelopment of Murrayfield Airport.

*Councillor Tahlia Jones left the Chamber at 6.11pm having declared an impartiality interest in item CC.5/4/19.*

Report Recommendation

*That Council approves the allocation of \$20,000 from the Chief Executive Officer's budget towards a business case for the proposed redevelopment of Murrayfield Airport.*

Hon Councillor Riebeling moved for deferral of this item to the May 2019 round of meetings to enable Council to be further briefed on this item, Councillor Schumacher seconded the alternate recommendation.

RESOLVED TO RECOMMEND: F Riebeling / D Schumacher

**That Council defer consideration of the Murrayfield Airport Redevelopment: Contributions Toward Business Case to the Council meeting in May with an Elected Member briefing to be held prior to consideration of the item.**

CARRIED UNANIMOUSLY: 10/0

*Councillor Tahlia Jones returned to the Chamber at 6.12pm*

**CC.6/4/19 CODE OF CONDUCT AMENDMENTS (DP) (REPORT 2)**

The City has three Codes of Conduct covering Elected Members, Committee Members and Employees. Each of these has a procedure for dealing with complaints which require a submission to be made to the Corporate Lawyer. At the moment, this position is not currently within the organisation structure. It is necessary to amend each of the Codes to provide for an alternative.

Council is requested to approve an interim amendment to each of the Codes to provide for complaints to be made to the Director Corporate Services.

Councillor Knight moved, Councillor Lynn Rodgers seconded the report recommendation as presented. Discussion ensued in relation to triggers and processes of automatic commencement of an independent person if complaints relate to the Chief Executive Officer and/or Mayor. The Chief Executive Officer responded to concerns raised and advised an alternate recommendation expanding point 4.3(2)(c) of the Code of Conduct would be presented at the Council meeting.

RESOLVED TO RECOMMEND: C Knight / Lynn Rodgers

**That Council approves the replacement of Section 4.3 of the Codes of Conduct for Elected Members, Committee Members and Employees with the following:**

**4.3 Procedure for dealing with complaint**

- (1) Where a completed complaint form is received by the Director Corporate Services the matter will be notified to the CEO and/or the Mayor.**
- (2) The CEO and/or Mayor will be responsible for the investigation of allegations of breaches of the Code and must either:**
  - (a) where deemed possible and appropriate by the CEO and/or Mayor try and resolve the issue through discussions with the parties;**
  - (b) investigate the alleged breach; or**
  - (c) engage an independent person to investigate the allegation.**
- (3) Any investigation will follow the rules of procedural fairness. The investigator must:**

- (a) inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them;
  - (b) provide the person/s with a reasonable opportunity to put their case;
  - (c) hear all parties to a matter and consider submissions;
  - (d) make reasonable enquiries before making a decision; and
  - (e) ensure that no person is involved in enquiries in which they have a direct interest.
- (4) Wherever reasonably practical parties will meet with the intent of resolving the issue.
- (5) Wherever reasonably practical investigations will be kept confidential.

CARRIED UNANIMOUSLY: 11/0

**CC.7/4/19 COMMERCIAL SPONSORSHIP MERLIN STREET PAVILION (WM)  
(REPORT 3)**

The City of Mandurah's "Promotions and Advertising Policy" (POL-CMR 04) is designed to manage the use of the City's sport and recreation facilities for advertising purposes with all applications for external corporate signage and venue naming rights to be referred to Council for consideration.

The Halls Head Football Club is a long term seasonal hirer of the Merlin Street Reserve and Pavilion in Halls Head. In 2013, the Club approached the City with a proposal to extend the existing facility and construct a function / social space at their cost. Since the completion of the project, the Club has attracted a couple of significant corporate sponsors including Hardcourts Mandurah and Elite Air-Conditioning.

This year the Club has used an innovative method to replace the naming rights sponsor for the venue. The club has sold 60 raffle tickets at \$250, totalling \$15,000. Each ticket entitled the business an entry into the draw to become the naming rights sponsor for 12 months.

Spartan Security and Data were the winners of the raffle and earned the right to become the Club's naming rights partner in 2019.

Whilst the City is supportive of the Club's ability to attract valuable sponsorship dollars, formal approval is required. The City has received the Club's formal application and is now seeking approval from Council. Provisional approval has been granted to the Club in order to service their sponsor from the commencement of the 2019 season (commencing on 6 April).

Council is requested to provide approval for the Halls Head Football Club to enter into a corporate sponsorship arrangement with Spartan Security and Data for the Merlin Street Pavilion; approve the Club to advertise the reserve and pavilion as "Spartan Stadium" for promotional purposes and note the additional conditions that will be associated with this approval.

RESOLVED TO RECOMMEND: D Schumacher / Tahlia Jones

**That Council:**

1. **Approve the Halls Head Football Club to enter into a corporate sponsorship arrangement with Spartan Security and Data for the Merlin Street Pavilion.**
2. **Approve the Halls Head Football Club to advertise the reserve and pavilion as “Spartan Stadium” for promotional purposes.**
3. **Note the additional conditions that will be associated with this approval:**
  - 3.1 **Only one external facing sign on the northern side of the pavilion and internal facing signage will be permitted.**
  - 3.2 **The Halls Head Football Club will be permitted to advertise the reserve and pavilion as “Spartan Stadium” for Club promotional purposes only. The City will continue to refer to the facility as the Merlin Street Pavilion / Reserve and will book and hire the facilities under this title.**
  - 3.3 **The seasonal hirer of the Merlin Street Pavilion will be given priority access to signage space. If a commercial sponsorship or naming rights proposal is received by another regular hirer (i.e. Peel Diamond Sports), the Halls Head Football Club will only be permitted to erect the approved signage for the duration of their sports season (1 April – 1 October each year).**
  - 3.4 **The Halls Head Football Club is to inform the City of Mandurah in February each year of any changes to the Sponsorship agreement, including changes to sponsor details and signage.**

CARRIED UNANIMOUSLY: 11/0

**CC.8/4/19 FALCON RESERVE ACTIVATION PLAN (JD) (REPORT 4)**

The City is currently undertaking a number of projects at Falcon Reserve that considers the provision of appropriate changing facilities (including the growth of female sports participation), the provision of netball facilities for the Peel Netball and Football League and a timely upgrade to the Falcon Skate and BMX Park. As a result, the City has taken the opportunity to review the Reserve in its entirety with the intent to revitalise and activate the site.

Due to the size, location and function of Falcon Reserve and the number of buildings and structures already insitu, planning to activate the site is largely focused around creating linkages between current infrastructure, the provision of additional passive recreation opportunities such as playgrounds and shelters, improving traffic movements in and around the facilities and implementing strategies that may increase a sense of security process at the reserve.

Stage 1 of the Community Engagement process was carried out in April 2018. This included consultation with resident sports clubs of Falcon Reserve and the regular hirers of the Falcon Pavilion of which the City received very positive feedback on the objectives of the plan and its approach.

In May 2018 the City sought support from Council to carry out wider community engagement for the Falcon Reserve Activation Plan and was given approval to do so with an additional request to carry out focused workshops for the design of the Falcon Skate Park Upgrade.

Between November 2018 and February 2019 the City delivered a comprehensive engagement program to inform the design of the Falcon Skate Park Upgrade. Skate Sculpture were engaged by the City to facilitate the design sessions and deliver both the conceptual and detailed plans for the upgrade.

Simultaneously, the City provided further opportunity for the wider community to provide feedback into the draft Falcon Reserve Activation Plan which once again received a very positive response from the community.

The City now seek Council endorsement of the final Falcon Reserve Activation Plan and the Falcon Skate Park Concept Plan.

The report recommendation was moved by Hon Councillor Riebeling, seconded by Councillor Tahlia Jones. Committee members discussed requirements and timings of the staged works. The Acting Executive Manager Strategy and Business Performance responded to matters raised in this regard.

RESOLVED TO RECOMMEND: F Riebeling / Tahlia Jones

**That Council:**

1. **Note the engagement process carried out for the Falcon Reserve Activation Plan.**
2. **Endorse the Falcon Reserve Activation Plan as a guiding document to the delivery of capital upgrades at Falcon Reserve.**
3. **Endorse the concept plan for the Falcon Skate Park upgrade.**
4. **Note the 2019/20 draft capital budget includes a request for \$620,000 for the delivery of the Falcon Skate Park Upgrade and stage 1 of the district play space.**
5. **Note future stages of the Falcon Reserve Activation Plan implementation will be put forward for consideration as part of the City's annual budget process.**

CARRIED UNANIMOUSLY: 11/0

**CC.9/4/19 MADORA BAY PUMP TRACK (HM/PM) (REPORT 5)**

The City of Mandurah is committed to creating an active and vibrant city through providing a choice of leisure activities that contribute to the health and wellbeing of the community. In 2017, the City of Mandurah received funding from the State Government to install a pump track at Coote Reserve, Madora Bay.

In March 2018, City officers undertook a high level consultation process in conjunction with the Madora Bay Community Association in regards to the proposed installation of a pump track at Coote Reserve. Whilst the feedback indicated a level of support for the project, there was some negative feedback regarding the Coote Reserve site, in particular for neighbouring residents.

In February 2019, City officers completed a comprehensive community engagement process which included seeking feedback on the original location at Coote Reserve plus the option of two other potential locations: Lord Hobart Drive Reserve and McLennan Reserve.

Council is requested to endorse the community engagement process undertaken identifying McLennan Park as the preferred location for the pump track and approve installation at the site.

RESOLVED TO RECOMMEND: C Knight / R Wortley

**That Council:**

- 1. Acknowledge the community consultation process and the results used to determine the preferred pump track location.**
- 2. Approve the installation of the pump track at McLennan Reserve, Madora Bay.**

CARRIED UNANIMOUSLY: 11/0

**CC.10/4/19 SMART STREET UPGRADE – FINAL APPROVAL OF CONCEPT PLAN (RB) (REPORT 6)**

Guided by direction from the Smart Street Working Group (established in October 2017) and feedback from stakeholders and the Community on three advertised options, a final concept design to facilitate the upgrade of Smart Street has been prepared.

In doing so, however, it should be acknowledged that the design and upgrade is one part of ensuring that Smart Street is seen as a 'successful place'. In reviewing the ingredients for a successful place, the vehicle or pedestrian options are considered secondary concerns when considering:

- Quality of the landscape (infrastructure) treatment;
- Movement of people (in vehicles, by foot or bicycle);
- Tenant mix and quality of storefronts; and
- Activity and activation.

A complete infrastructure upgrade is proposed with the primary focus being to create an adaptable, pedestrian focused, activated street.

Council is requested to adopt the Smart Street Precinct Upgrade Concept (Final), Drawing LAN0356-1819-CO – 1/B Feb 2019 and contribute \$2.5 million capital funding over the next two financial years to implement the plan proposals.

The City's Senior Landscape Architect delivered a visual presentation with artist impressions of the proposed Smart Street Mall upgrade. Committee Members acknowledged the requirement for upgrades to this area and requests for such from the general public and traders. Councillors requested further information be presented in regard to the possibility of constructing a canopy at the Mandurah Terrace end of Smart Street Mall, including approximate costings for such works.

RESOLVED TO RECOMMEND: Peter Rogers / Shane Jones

**That Council:**

1. **Adopts the following Concept Plan for the upgrade of Smart Street Precincts as the basis of proceeding with detail design and construction documentation:  
LAN0356--1819-CO – 1/B Feb 2019 - Smart Street Precinct Upgrade Concept (Final).**
2. **Acknowledges that \$1.5 million is likely to be required in the 2019-20 budget and \$1 million in the 2020-21 budget to implement the proposed upgrade.**
3. **Thank working group members for their contribution.**
4. **Communicate the final concept to the community.**

CARRIED UNANIMOUSLY: 11/0

**CC.11/4/19 PROPOSED MODIFICATIONS TO LOCAL PLANNING SCHEME NO.12 AND LOCAL PLANNING STRATEGY (AH) (REPORT 8)**

In July 2013, Council resolved to prepare a new local planning scheme and in March 2014 Council adopted a draft Scheme (under the heading 'Mandurah Planning Scheme').

The following year, the *Planning and Development (Local Planning Scheme) Regulations 2015* ('LPS Regulations') were prepared, advertised and gazetted and became operative in October 2015. The LPS Regulations resulted in significant changes to the format and operation of local planning schemes requiring the draft Scheme to be rewritten and reformatted.

The revised format Scheme, entitled *City of Mandurah Local Planning Scheme No 12* ('Scheme 12') was adopted by Council at its meeting of 24 January 2017.

In September 2018, the City received advice that the Commission had determined the Scheme was suitable to be advertised in accordance with the Regulations subject to modifications. However, prior to advertising, the documents were required to be referred to the Environmental Protection (EPA) for consideration pursuant to Section 82 of the Planning and Development Act 2005 ('P&D Act').

Scheme 12 was subsequently forwarded to the EPA. Additional information was sought by the EPA and a meeting was held to discuss the key concerns of the EPA with specific reference to:

- The zoning change proposed for Lot 10 Pinjarra Road, Greenfields from 'Tourist' and 'Rural' to 'Urban Development'.

- Lots 2 Old Coast Road and Lots 20 and 21 Estuary Road, Bouvard;
- The zoning change of a number of lots with the Southern Rural Structure Plan area from 'Rural' to 'Rural Residential'.

Officers of the EPA have indicated that the changes in zoning proposed may result in a requirement for a formal environmental assessment of Scheme 12 in its entirety in order for the environmental implications of these changes to be explored in more detail. This could cause significant delays to the Scheme.

The zoning changes proposed relate to a small number of properties, and rather than further delay the progress of the entirety of Scheme 12, it is proposed to amend Scheme 12 to address the concerns of the EPA. The appropriateness of the zoning of the subject properties could then be further explored as a separate process.

It is therefore recommended that the proposed changes be adopted by Council.

*Councillors Peter Rogers and Schumacher left the Chamber at 6.50pm*

The Manager Planning and Land Services delivered an overview of the rationale for requested changes and submission of Local Planning Scheme Number 12.

*Councillors Peter Rogers and Schumacher returned to the Chamber at 6.53pm*

RESOLVED TO RECOMMEND: F Riebeling / C Knight

**That:**

1. **In accordance with Section 72 of the *Planning and Development Act 2005* and Regulation 21(1) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, Council adopts the modified draft *City of Mandurah Local Planning Scheme No 12 Scheme* (Scheme Text and Scheme Maps dated January 2019), and forward to the Western Australian Planning Commission seeking consent to the advertise the Scheme noting the following modifications from the Scheme Text and Scheme Maps dated January 2017:**
  - (a) **The zoning Lot 10 Pinjarra Road, Greenfields being modified from 'Urban Development' to 'Tourist' and 'Rural' consistent with the zoning under Town Planning Scheme No. 3;**
  - (b) **The zoning of the following sites being modified from Rural Residential and Rural Smallholdings to Rural consistent with the zoning under Town Planning Scheme No. 3:**
    - Lot 74 Old Coast Road, Bouvard;
    - Lot 20 Dalton Road, Herron;
    - Lot 7 Dalton Road, Herron;
    - Lot 21 Southern Estuary Road, Herron; and
    - Lot 101 Southern Estuary Road, Herron.

2. In accordance with Section 81 of the Planning and Development Act 2005, the modified draft *City of Mandurah Local Planning Scheme No 12* be forwarded to the Environmental Protection Authority for its assessment under the provisions of the Environmental Protection Act 1986.
3. Council modifies the draft Local Planning Strategy (dated June 2018) by highlighting the requirement for any significant proposal on the following sites to be referred to the Environmental Protection Authority under s38 of the Environmental Protection Act 1986 under Section 2.3 (Environment and Biodiversity):
  - (a) Lot 10 Pinjarra Road, Greenfields; and
  - (b) the 'Panorama; Development Site located at Lots 20 and 21 Estuary Road Dawesville and Lot 2 Old Coast Road, Bouvard.

CARRIED UNANIMOUSLY: 11/0

#### **CC.12/4/19 BUSHFIRE PREVENTION AND CONTROL (BI) (REPORT 9)**

This report provides information as requested by a Notice of Motion at the Council Meeting of 26 February relating to the City's application of its Bushfire Prevention and Control Policy. The information reviews compliance rates and opportunities to improve voluntary compliance in bushfire preparedness.

The report also undertakes a review of the content of the City's Bushfire Prevention and Control Policy. A number of changes have been recommended that will simplify requirements and reduce administration. The major recommended change requires properties that are under 4000m<sup>2</sup> to slash their properties rather than install firebreaks. The requirement to fully slash properties is currently in place for all properties under 2023m<sup>2</sup>.

There are currently approximately 712 properties that are within the proposed new size range between 2023m<sup>2</sup> and 4000m<sup>2</sup>. It is important to note that of these properties a small number will be required to undertake additional work.

The change aligns clearing and burning permit lot sizes and simplifies the requirement which assists communication with the community. The change would also remove the need for many firebreak variations that are currently issued. It is anticipated this will substantially reduce the administration burden for property owners and the City.

Other changes to the Policy are recommended relating to the recognition of Fire Management Plans within the Policy and altered terminology to assist in its implementation.

The purpose of this report is to request Councils endorsement of the modifications to Council Policy POL – EMS 01- Bushfire Prevention and Control.

RESOLVED TO RECOMMEND: F Riebeling / Peter Rogers

#### **That Council:**

1. Notes modifications to its Bushfire Act 1954 inspection regime to commence inspections in areas outside bushfire prone areas on 4 November with direct

advisory correspondence provided to land owners at the time of inspection for properties that would likely be non-compliant.

2. Approves modifications to Council Policy POL – EMS 01- Bushfire Prevention and Control as noted within *Attachment 1* which will be reflected in the City's 2019/20 Fire Notice.
3. That at the conclusion of the 2019/20 Bushfire season a report be provided to Council detailing the rate of compliance achieved.

CARRIED UNANIMOUSLY: 11/0

**CC.13/4/19 MURDOCH UNIVERSITY RESEARCH PARTNERSHIP PROPOSAL –  
URBAN WILDFIRE MANAGEMENT (BBR) (REPORT 10)**

The City of Mandurah has a long history of partnering with Murdoch University on environmental research. In 2016, the City entered into a three-year partnership with Murdoch to investigate how bandicoots contribute to healthy urban bushland. This project, titled *Backyard Bandicoots*, concludes in October 2019. It has been highly effective in both engaging the local community and increasing the City's knowledge and capacity to manage urban bushland.

To build on the success of the Backyard Bandicoots project, the City of Mandurah, the Department of Biodiversity, Conservation and Attractions and Murdoch University have developed a new research project proposal, titled *Urban Wildlife Management: Manual Fuel Load Reduction for Biodiversity*.

This three-year project aims to address the important issue of managing fire risk in urban bushland in a way that has minimal impact on plants and wildlife. This also addresses an important problem for the City (and local government more broadly) because managing bushfire risk is fundamental for the protection of property and lives. The aim of this project is to identify how this work can be achieved in a way that also preserves the amenity and biodiversity values of these important remnants of native vegetation, which are vital habitat for urban wildlife. In addition, the project aims to involve the community in the mitigation of bushfire risk in urban bushland, therefore providing valuable educational and capacity building opportunities that can be utilised by landholders on private land. The objectives of this research partnership are to:

- Develop tools for protection of human lives and property in urban landscapes.
- Identify the impacts of manual fuel load reduction on biodiversity values such as tree health, soil condition, community perception and habitat for fauna.
- Address community values for urban bushland and increase manageability for emergency services.

The scientific, community and management outcomes of this project are:

- Greater confidence and engagement with wildfire management strategies.
- More urban residents engaged with conservation of their local urban bushland and urban wildlife.
- Long-term monitoring and conservation action.

Murdoch University have requested \$50,000 per annum for the three-year project, in addition to in-kind support in the form of officer time. The remainder of the project funding will be requested through an Australian Research Council Linkage Grant.

RESOLVED TO RECOMMEND: C Knight / R Wortley

**That Council:**

- 1. Endorses the submission of a joint application for an Australian Research Council Linkage Project grant with Murdoch University.**
- 2. Supports the provision of \$50,000 per year for three years towards the Urban Wildfire Management research partnership commencing in 2019/20, subject to the Council Budget approval and successful Australian Research Council application.**
- 3. Authorises the Chief Executive Officer to enter into a funding agreement with Murdoch University.**

CARRIED UNANIMOUSLY: 11/0

#### **CC.14/4/19 EMBRACE A SPACE PROGRAM (TR/VA) (REPORT 11)**

At the meeting in April 2018, Council resolved that the City considers an Embrace a Space Program to enable the community to adopt and participate in the management of public spaces in Mandurah. In response to this, a community-led Embrace a Space Program has been developed which will operate alongside existing environmental volunteer groups and be supported through the Mandurah Environmental Volunteer Action Committee (MEVAC).

The Embrace a Space Program encourages community members to adopt and contribute to the management and activation of their favourite public space. It aims to strengthen community connections by creating a positive sense of ownership in spaces across Mandurah.

The Embrace a Space Program will be delivered by community and supported by City staff. The program will include a facilitation Toolkit and Activity Plan. The Toolkit will enable residents and the local community to facilitate a community workshop, to develop a vision for their space and to identify volunteer opportunities for their group. This will result in an Activity Plan being developed by group members and presented to relevant City officers, to enable collaboration between community and City operational activities.

Minor expenditure is expected and can be accommodated via the existing Volunteer Support program. If successful, this budget will continue to be used to support the Embrace a Space program in the future.

Council is being requested to acknowledge the Embrace A Space program and support the implementation of the Embrace A Space toolkit.

#### Report Recommendation:

*That Council acknowledges the Embrace a Space Program and supports the implementation of the Embrace a Space Toolkit and Activity Plan.*

Councillor Tahlia Jones moved an alternate recommendation to defer this item to the Council meeting of 30 April, 2019 which was seconded by Councillor Schumacher. The deferral would enable further information relating to a policy and guidelines around this item to be presented.

RESOLVED TO RECOMMEND: Tahlia Jones / D Schumacher

**That consideration of this item be deferred to the April 30 Council meeting to allow further information to be presented.**

CARRIED UNANIMOUSLY: 11/0

**CC.15 /4/19 VARIATION OF LEASE EMACC PTY LTD HANS CAFE (LP) (REPORT 12)**

The directors of EMACC Pty Ltd (EMACC) have identified a proposal to expand their business beyond its current operation as an Asian Cuisine trading as Hans Café (Hans).

EMACC request Council support to redevelop the upstairs function area of the building into a small bar, to be known as Brew Vino. As this new enterprise would be independent of the lower floor tenancy, a separate entrance and emergency exit are required.

In order to facilitate the conversion, stairs and a lift would need to be constructed outside the current lease area. The additional land required to rationalise a new lease boundary equates to an extra 73 square meters of City owned and Crown reserved land into the current lease area.

The head lease would require a variation to reflect the new lease footprint, and a change of permitted use from Asian restaurant trading as Hans Café to restaurant and small bar, in order to provide additional flexibility regarding the use of the building.

The sublease between EMACC and Hans will also need a variation allowing the relinquishment of the top storey of the building from their sub-lease, together with Council support to allow a new sub-lease between EMACC and Brew Vino over the proposed new sublease area.

Council is requested to support the proposal by EMACC together with the necessary variances to the lease and sub-leases which are all subject to the Minister for Lands approval.

RESOLVED TO RECOMMEND: D Schumacher / F Riebeling

**That Council:**

- 1. Approves the advertising of and if no submission received the disposal of a further 73 square metres of lease area resulting in a total ground lease area of 473 square metres to EMACC Pty Ltd;**
- 2. Approves a variation of the head lease for the permitted purpose to change to restaurant and small bar;**
- 3. Approves the variation of the sublease between EMACC and TJD Sayoco Pty Ltd trading as Hans Café to reflect a reduction in their sublease area only;**
- 4. Approves a sublease between EMACC and Brew Vino over the top storey of the Hans Café building, stairs and lift areas with an expiry date on or before the 30 August 2026;**

5. **Acknowledges all variations to agreements and the new sublease will be subject to the Minister for Lands approval;**
6. **Approves the Chief Executive Officer to finalise the variations of the head lease.**

CARRIED UNANIMOUSLY: 11/0

**CC.16/4/19 ROAD DEDICATION FAITH COURT, COODANUP (VK/LP) (REPORT 13)**

Lot 66 Faith Court, Coodanup is currently identified as a public Right of Way (ROW) but is constructed as a road with under the care, control and maintenance of the City, to provide the road access to Lots 288-291.

The road was constructed in 2001, and it was officially named and the lots addressed as Faith Court, however, the process to formally dedicate the ROW as road was not undertaken.

The irregularity was identified when the Local Government Road Inventory Data Declaration process was undertaken in 2018, and the irregular land tenure caused officers to query whose responsibility it was to maintain the ROW.

As Faith Court is a fully constructed and operational public road, which is currently being maintained by the City, the current land tenure is not correct and leads to confusion and risks such as funding being missed.

The Department of Planning, Lands & Heritage are able to dedicate the ROW, subject to a Council resolution indemnifying the Minister and confirmation that the ROW has been utilised by the public for over 10 years as a fully constructed road, which it has.

Council is, therefore, requested to approve the dedication of the Public Right of Way being Lot 66 on Diagram 70947, as road, pursuant to *Section 56 of the Land Administration Act 1997 (LAA)*; and to indemnify the Minister for Lands against any claims for compensation in respect of the road dedication.

RESOLVED TO RECOMMEND: F Riebeling / R Wortley

**That Council:**

1. **Requests the Minister for Lands to approve the dedication as road of the Public Right of Way, being Lot 66 on Diagram 70947, pursuant to Section 56 of the Land Administration Act 1997.**
2. **Indemnifies the Minister for Lands against any claims for compensation in respect of the road dedication pursuant to Section 56 of the Land Administration Act 1997.**

CARRIED UNANIMOUSLY: 11/0

*Councillor Lynn Rodgers left the Chamber at 7.08pm having declared a financial interest in the following item. Councillor Lynn Rodgers did not return to the Chamber.*

**CC.17/4/19      DEMOLITION: LOT 503 (60) PEEL STREET, MANDURAH (LP/DC)  
(REPORT 14)**

The current lease agreement with WestAus Crisis and Welfare Services Inc. (WestAus) over Lot 503 (60) Peel Street, Mandurah is due to expire on the 30 June 2019. The City has been advised by WestAus that they will be vacating at the end of the current lease term.

In 2016, Council resolved to dispose of the property at the end of this current term, as officers have raised concerns regarding the high risk associated with the ongoing management of residential housing.

The decline in the condition of the home, coupled with the City undertaking only basic repairs required as a residential landowner, the City would need to commit substantial funds to undertake the maintenance and repairs required to bring the property up to a residential rental standard, it is recommended that the demolition of buildings on site take place.

Council is requested to approve the demolition of the buildings on Lot 503 (60) Peel Street upon expiry of the current lease ending 30 June 2019 or at the time of the house being vacant by the existing tenant.

RESOLVED TO RECOMMEND: Tahlia Jones / Shane Jones

**That Council:**

1. **Acknowledges that WestAus Crisis Care and Welfare Services Inc. will be vacating the property upon expiration of their current lease ending 30 June 2019.**
2. **Authorises the demolition of the buildings on Lot 503 (No. 60) Peel Street, Mandurah upon expiry of the current lease ending 30 June 2019.**
3. **Approves unbudgeted expenditure of up to \$30,000 for removal of buildings at 60 Peel Street.**

CARRIED ABSOLUTELY:            10/0

**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 7.11pm.

CONFIRMED: .....

.....[CHAIRMAN]