



MINUTES OF COUNCIL MEETING

HELD ON

Tuesday 17 December 2013

AT 5.30PM

**IN COUNCIL CHAMBERS
CIVIC CENTRE
MANDURAH TERRACE MANDURAH**

PRESENT:

MAYOR	M VERGONE	
COUNCILLOR	D LEE [DEPUTY MAYOR]	EAST WARD
COUNCILLOR	L RODGERS	EAST WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	D PEMBER	COASTAL WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS & SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE DEVELOPMENT
MS	L WILKINSON	DIRECTOR PEOPLE & COMMUNITIES
MR	W PEPPINCK	CORPORATE LAWYER
MR	G DAVIES	EXECUTIVE MANAGER STRATEGY & BUSINESS PERFORMANCE
MS	F MULLEN	MANAGER PLANNING & LAND SERVICES
MRS	L GREENE	MINUTES OFFICER

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

The Mayor declared the meeting open at 5.30 pm.

APOLOGIES [AGENDA ITEM 2]

Councillors Jones, Knight and Field (on Leave of Absence), and Councillor Lawson.

DISCLAIMER [AGENDA ITEM 3]**G.1/12/13 DISCLAIMER**

The Mayor advised that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Standing Orders Local Law 2008 (Section 13.1.2) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

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 resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

ANSWERS TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 4]

Officers provided responses to questions taken on notice at the Council meeting on Tuesday 26 November 2013.

G.2/12/13 MR P TIMMS: PROPOSED REDEVELOPMENT OF EROS PLACE RESERVE (MINUTE G.5/11/13 REFERS)

Mr Timms referred to the current condition of Eros Place Reserve, which he considered unsuitable for public recreation purposes. He asked if an indication could be provided regarding proposals to redevelopment of this area, and when this work would be undertaken and completed.

Response:

Eros Reserve has been identified for redevelopment through a staged upgrade program. A budget of \$120,000 has been allocated in the 2013/2014 budget. The first stage of the upgrade will commence in the fourth quarter of 2013/2014. It is intended that Stage 2 will follow on from the first, noting however, that funding is subject to Council consideration in formulating its 2014 / 2015 budget.

G.3/12/13 FINANCIAL REPORT: OCTOBER 2013 (MINUTE G.40/11/13 REFERS)

Hon Councillor Riebeling sought clarification regarding:

- 1 How capital works funded by monies carried over from the 2012/13 underspend was distinguished in the current accounts.
- 2 Changes that had resulted in the \$77,000 overspend on the Rushton Park Change Room Project, given that key changes set out in the response accounted for \$34,000 of the variance.

- 3 Why the labour cost overspend, resulting from providing staff cover, only impacted on the Mandurah Aquatic and Recreation Centre and Halls Head Community Recreation Centre, and why these costs had not been included in budgetary provisions.

Response:

- 1 Attached is the list of Carryover projects from 2012/13. The report shows the 2013/14 expenditure on the amount budgeted in 2013/14. Summary as follows:

2013/2014	Actuals	Budget	Variance
Carryovers from 2012/13	3,875,792	6,180,337	63%

Funded by:

• Unspent Grants	\$ 1,002,218
• Unspent Contributions	\$ 287,020
• Reserves transfers	\$ 1,380,588
• Loans	\$ 875,425
• City of Mandurah (Surplus b/f)	<u>\$ 2,635,086</u>
<i>Total</i>	<i>\$ 6,180,337</i>

The 2013/14 budget was estimated based on the 2012/13 budget less expenditure in 2012/13. As this process was done before the end of the year was finalised, the revised carryover amount should be \$5,726,144 as more was spent in 2012/13 than originally estimated. This will be adjusted in the mid-year review.

- 2 As part of the overall project to enhance the community facilities at Rushton Park, the City budgeted to convert an existing building to provide a kiosk and public toilet facilities. A budget of \$258,000 was provided in the 2012/2013 budget of works. An architect was employed to design the redevelopment of the existing building and quotations sought for the work. The scope of work had to change as the conditions of the existing building were exposed through the works. Information provided shows that the additional costs resulted due to variations in scope of work and the allocation of officer's time to the project.

Variations include:

Minor Works	\$13,500	Tiling (wall); tapware; tiling (roof); levelling floor; renew channel drain; door hardware; hydraulic design changes; treating damp; and alteration to footing due to leach drain.
Air conditioning	\$8,500	Mechanical design inadequate
Electrical	\$6,500	Excludes \$7,500 for disputed electrical contract works
Architectural	\$8,500	Specialist advice
Floor Covering	\$6,800	Required component
External	\$2,000	Shutters and security screens
Door locks	\$800	Security
Lighting	\$2,500	Supply issue
Painting	\$10,000	Finish walls
Staff	\$9,000	
Extra Provisions	\$13,000	New water heater; two water meters; gas lockable cupboard; render gym walls; and stainless steel shelving.

The revised project total is \$335,417. This will be amended at Budget Review with compensating savings/reductions in other projects to be provided.*

**Calculated as follows*

2012/13 Expenditure	\$ 93,099
2013/14 Expenditure	<u>\$ 242,318</u>
Total	\$ 335,417

- 3 *It has been found that the current budget did not have the necessary cover for staff whilst on sick or annual leave. This was an oversight, as the true amount of staff that need to be replaced whilst on any form of leave was unclear. Steps are now being taken to ensure enough coverage is factored into the labour budget to ensure this does not occur in the future. In addition, a number of 'all of staff' briefings and team meetings have been held regarding the pending MARC Redevelopment and its anticipated impacts. The cost of labour for these meetings is in addition to the usual operations of the centres.*

G.4/12/13 CONFIDENTIAL ITEM: TENDER CONTRACT (CONFIDENTIAL MINUTE J.20/12/13 REFERS)

The response to a question taken on notice in respect of the above confidential item was circulated to Elected Members.

PUBLIC QUESTION TIME [AGENDA ITEM 5]

Nil.

PUBLIC STATEMENT TIME [AGENDA ITEM 6]

Nil.

LEAVE OF ABSENCE REQUESTS [AGENDA ITEM 7]

G.5/12/13 LEAVE OF ABSENCE: COUNCILLOR JACKSON – 7 TO 29 JANUARY 2014

MOTION: D Schumacher / D Pember

That leave of absence be granted to Councillor Jackson from 7 January 2014 to 29 January 2014 (inclusive).

CARRIED UNANIMOUSLY: 8/0

PETITIONS [AGENDA ITEM 8]

G.6/12/13 COUNCILLOR RODGERS: PROPOSED COMMERCIAL DEVELOPMENT AT LOT 410 MINILYA PARKWAY, GREENFIELDS

Councillor Rodgers presented two petitions that contained the names of a combined total of 181 people opposing proposed commercial development at Lot 410 Minilya Parkway, Greenfields.

MOTION: L Rodgers / F Riebeling

That the petition be received and referred to officers for investigation and inclusion in the reporting process.

CARRIED UNANIMOUSLY: 8/0

G.7/12/13 DEPUTY MAYOR COUNCILLOR LEE: PROPOSED COMMERCIAL DEVELOPMENT AT LOT 410 MINILYA PARKWAY, GREENFIELDS

Deputy Mayor Councillor Lee presented a petition that contained the names of 216 people opposing proposed commercial development at Lot 410 Minilya Parkway, Greenfields.

MOTION: D Lee / L Rodgers

That the petition be received and referred to officers for investigation and inclusion in the reporting process.

CARRIED UNANIMOUSLY: 8/0

PRESENTATIONS [AGENDA ITEM 9]

Nil.

DEPUTATIONS [AGENDA ITEM 10]

G.8/12/13 MR HANCOCK: FINAL APPROVAL OF MODIFICATIONS TO MARINERS COVE ODP (SECTION 31 SAT RECONSIDERATION)

Mr Hancock spoke against the proposed modifications to the Mariners Cove Outline Development Plan, citing reasons that included:

- Rezoning Lot 598 Darwin Terrace from 'Commercial / Community Facilities' to Mixed Use Commercial / Residential R40' removed the ability for the community to use the site.
- The developer should be made to honour the commitments set out in the original ODP of September 1999, and not be allowed to change the concept, given that residents had bought into the area based on what was originally agreed and planned.
- Currently, the community had ease of access to the canals and commercial marina via Lot 598, which would not be the case if proposed modifications were approved.
- The Subdivision Plan allowed access the Commercial Marina only via an easement being placed over private property.
- The Mariners Cove Residents Association was the only one still active in all of Cedar Woods' development sites. It was considered that the Association would be unable to survive and promote the suburb and community involvement without access to a community facility.

G.9/12/13 MR BROOME: FINAL APPROVAL OF MODIFICATIONS TO MARINERS COVE ODP (SECTION 31 SAT RECONSIDERATION)

Mr Broome spoke against the proposed modifications to the Mariners Cove Outline Development Plan, citing reasons that included:

- When Council granted conditional approval of the original ODP in 1999, Conditions 3 and 5 made specific reference to a commercial and community facility.
- Commitments had been given by the developer to provide community facilities, and the proposed modification would remove any chance of these commitments being honoured.
- If the proposed blocks were reduced in size by 1 metre on the water boundary, access to the commercial Marina could be provided without the need for an easement over private property, along with an adequate area for community use.
- Additional car parking could be built to the north of the existing 12 bays at the expense of Esplanade Mandurah, providing approximately 6 bays.

CONFIRMATION OF MINUTES [AGENDA ITEM 11]**G.10/12/13 CONFIRMATION OF COUNCIL MINUTES: TUESDAY 26 NOVEMBER 2013**

MOTION: D Schumacher / F Riebeling

That the Minutes of Council Meeting of Tuesday 26 November 2013 be confirmed.

CARRIED UNANIMOUSLY: 8/0

ANNOUNCEMENTS BY THE PRESIDING MEMBER [AGENDA ITEM 12]**G.11/12/13 COUNCILLOR WORTLEY: DISABILITY AWARENESS WEEK - LOCAL BUSINESS BREAKFAST**

Councillor Wortley advised that as part of Mandurah's Disability Awareness Week, on 3 December he had attended a Business Breakfast held at Mandurah Offshore Fishing and Sailing Club that promoted to local businesses the benefits of employing people with a disability.

On behalf of Council, he congratulated all involved in the staging of the various Disability Awareness Week events, that had included 'Fun on the Foreshore'.

G.12/12/13 COUNCILLOR SCHUMACHER: 2013 MANDURAH MOTORCYCLE CHARITY TOY RIDE

Councillor Schumacher reported on the 2013 Mandurah Motorcycle Charity Toy Ride that had taken place on 14 December.

He advised that approximately 750 bikers had initially taken to the road, but regrettably, issues arising from a lack of Police assistance and the extremely hot weather conditions had resulted in 250 participants being lost en route. He expressed the hope that Police assistance would be more forthcoming to support this valuable community focussed event in 2014, and invited Councillor Rodgers to provide further information.

Councillor Rodgers indicated that despite the difficulties encountered, the event had again provided a positive outcome, providing \$6,000 and many toy donations for distribution to families in need around the City. She expressed her sincere thanks to those who had taken part in the charity motorcycle ride, highlighting that this year 1,300 families in the City had applied for Christmas hampers, which was an increase of 200 on the number who had requested assistance in 2012.

G.13/12/13 MAYOR VERGONE: PRESENTATION OF PLAQUE TO EX-COUNCILLOR MR RHYS WILLIAMS

On behalf of Council, Mayor Vergone presented Mr Rhys Williams with a plaque in recognition of his services to the City as a Councillor for the Coastal Ward. She paid tribute to the work, commitment and contribution made by Mr Williams during his term of office, and on behalf of Council, she wished him well for the future.

DECLARATION OF INTERESTS [AGENDA ITEM 13]

- Councillor Schumacher declared a financial interest in Minute G.17/12/13 - Proposed Pylon and Fascia Signage at Lot 63 (No 61) Pinjarra Road, Mandurah because of his part-time employment by the Applicant.

QUESTIONS FROM ELECTED MEMBERS [AGENDA ITEM 14]

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 15]

Nil.

RECOMMENDATIONS OF COMMITTEES [AGENDA ITEM 16]

NOTE: Council adopted en bloc (moved by Hon Councillor Riebeling and seconded by Councillor Pember), the recommendations of the Joint Committee meeting of Tuesday 3 December 2013 with the exception of Items J.8/12/13, J.9/12/13 and J.11/12/13, which were dealt with separately.

G.14/12/13 DEVELOPMENT GUIDE PLAN FOR LOT 90 LEISURE WAY, HALLS HEAD: FINAL APPROVAL (FM / LMC) (FILE NO D 149) (REPORT 2) (J.8/12/13)

In June 2013, Council adopted the proposed Development Guide Plan (DGP) for Lot 90 Leisure Way, Halls Head for the purposes of advertising. The proposed DGP contemplates commercial development in the form of 12 000 m² of commercial (bulky goods) floorspace, a high density (R80) retirement village and associated aged care facilities (hospice).

In considering the plan for advertising purposes, Council acknowledged concerns in relation to the proposed land uses, the scale of development proposed and the resultant impacts on the existing residential amenity of the area. As a result of these concerns, and that the proposal may ultimately be the subject of a State Administrative Tribunal (SAT) review, Council resolved that the proposed plan be adopted for advertising so that local residents were made aware of the proposal and were provided an opportunity to comment.

During the 28 day formal advertising period, a public information session was held. A range of issues were highlighted during the community consultation process, which primarily related to the loss of amenity of the existing residential area due to the proposed 'bulky goods' use, the scale of development proposed and the resultant traffic, noise and environmental impacts.

The bulky goods use and the scale of development contemplated was considered inconsistent with the objectives of *State Planning Policy 4.2 - Activity Centres in Perth and Peel*, the objectives of the 'Special Development' zone and the intent of the City's *Halls Head Precinct Plan, Local Commercial Strategy (2002)*, the recently advertised *Activity Centres Planning Strategy (2012)* and the adopted *Urban Form and Housing Strategy (2013)*.

Council was recommended to refuse the proposed Development Guide Plan for Lot 90 Leisure Way, Halls Head.

Committee Recommendation:

That Council refuses the proposed Development Guide Plan for Lot 90 Leisure Way, Halls Head, based on the following grounds:

- 1 *The 'bulky goods' uses proposed under the DGP is inconsistent with the objectives and/or intent of the following State and local planning framework:*
 - *State Planning Policy 2.6 – Activity Centres for the Perth and Peel Region*
 - *Liveable Neighbourhoods (Element 6)*
 - *Town Planning Scheme 3 (intent of 'Special Development' zone)*
 - *Halls Head Precinct Plan*
 - *The City's Local Commercial Strategy (2009), Activity Centres Planning Strategy (2012) and Urban Form and Housing Strategy (2013).*
- 2 *Development as contemplated under the Development Guide Plan will result in an adverse impact on the existing residential amenity and character of the locality by way of increased traffic, noise and building bulk and the loss of visual amenity.*

Following the meeting of the Joint Committee held on 3 December 2013, additional information on this item had been provided, which included an alternative recommendation. Hon Councillor Riebeling moved the alternative recommendation set out in the additional information, which was seconded by Councillor Pember.

MOTION: F Riebeling / D Pember

That Council refuses the proposed Development Guide Plan (DGP) for Lot 90 Leisure Way Halls Head, based on the following grounds:

- 1 **That the 'bulky goods' use proposed under the DGP is inconsistent with the objectives and/or intent of the following State and local planning framework:**
 - ***State Planning Policy 2.6 – Activity centres for the Perth and Peel Region***
 - ***Liveable Neighbourhoods (Element 6)***
 - ***Town Planning Scheme 3 (intent of 'Special Development' zone)***

- **Halls Head Precinct Plan**
 - **The City's Local Commercial Strategy (2009) Activity Centres Planning Strategy (2012) and Urban Form and Housing Strategy (2013).**
- 2 **The proposed heights in relation to Residential Blocks (C) and (D) are contrary to the provisions of the City's draft *Urban Form and Housing Strategy (2013)*.**
 - 3 **Development as contemplated under the DGP will result in an adverse impact on the existing residential amenity and character of the locality by way of increased traffic, noise and building bulk and the loss of visual amenity.**

CARRIED UNANIMOUSLY: 8/0

G.15/12/13 MODIFICATIONS TO MARINERS COVE ODP (SECTION 31 SAT RECONSIDERATION): FINAL APPROVAL (LMC / FM) (FILE NO 5460 / ODP151) (REPORT 3) (J.9/12/13)

In August of 2013, Council refused to grant final approval for proposed modifications to the *Mariners Cove ODP*. The proposed modifications sought to redesignate Lot 598 Darwin Terrace, Dudley Park from 'Commercial and Community Facilities' to 'Mixed Use Commercial / Residential R40'.

Subsequent to Council's determination, the applicant pursued their right to appeal the decision with the State Administrative Tribunal (SAT) (DR 334/13). As the subject site was already the subject of SAT Matter DR 112/13 (related to the Western Australian Planning Commission's refusal of a five lot residential subdivision of the subject site), the SAT determined that both matters would be considered concurrently.

A SAT Mediation in relation to both Matters was held in early October 2013. One of the key outcomes of the mediation was that the Applicant was to lodge a revised plan of subdivision with the WAPC. Consistent with the SAT order, a revised plan of subdivision was lodged in October. In November, the Western Australian Planning Commission granted conditional approval of the subdivision. Notably, the conditions of subdivision approval requires the ceding of approximately 980 m² of the subject site for public parking and access to the public jetty.

At a SAT Directions Hearing on 15 November 2013, the Applicant advised that they wished to withdraw Matter DR 112/13, but intended to pursue Matter DR 334/13. Under Section 31 of the *State Administrative Tribunal Act 2005*, the SAT subsequently invited Council to reconsider the proposed modifications to the ODP.

Council was recommended to grant final approval for the proposed modifications to the *Mariners Cove ODP*, subject to the inclusion of a number of additional notations, which would ensure the ceding of land as public reserves to allow for the long term provision of 'community facilities'. Furthermore, it was considered that future residential and/or mixed use development on the remaining portion of the subject site would be consistent with prevailing residential development / uses within the locality.

Recommendation set out in Report:

That:

- 1 *The proposed modifications to the 'Mariners Cove Outline Development Plan' (dated 13 May 2013) be approved in accordance with Clause 7.11 of Town Planning Scheme No 3,*

subject to the following additional notations and land use table being included on the modified ODP:

- 1.1 Subdivision of Lot 598 Darwin Tce will require the ceding of approximately 980 m² of land for the purposes of public parking and community access to the public jetty.

1.2

<i>'Mixed Use Commercial / Residential R40' – Land Use Table</i>		
<i>Bed and Breakfast</i>	<i>'AA'</i>	<i>*Where a use is not listed within the 'Mixed Use Commercial / Residential R40' zone but is listed in another zone under the City's Scheme, that use shall be deemed to be an 'X' use.</i>
<i>Car Park</i>	<i>'P'</i>	
<i>Convenience Store</i>	<i>'AA'</i>	
<i>Corner Store</i>	<i>'P'</i>	
<i>Dwellings (Single, Grouped)</i>	<i>'P'</i>	
<i>Home Occupation</i>	<i>'AA'</i>	
<i>Office</i>	<i>'P'</i>	
<i>Restaurant / Cafe</i>	<i>'AA'</i>	
<i>Shop</i>	<i>'AA'</i>	

- 2 Council endorses the Schedule of Submissions in relation to the proposed modifications to the 'Mariners Cove Outline Development Plan'.
- 3 Two copies of the Outline Development Plan be forwarded with the Schedule of Submissions and a copy of the report and resolution to the Western Australian Planning Commission, requesting final endorsement.

At the Joint Committee held on 3 December, consideration of this item had been deferred to Council, and additional information on this item included suggested wording for refusal.

Hon Councillor Riebeling moved the following Motion, which was seconded by Councillor Wortley. During the debate that ensued, and at the request of Councillors, the Chief Executive Officer, Director Sustainable Development and Manager Planning and Land Services provided clarification regarding the implications of the decision made by the Western Australian Planning Commission to approve a subdivision application, financial implications arising from State Administrative Tribunal proceedings,

Councillor Schumacher foreshadowed his intention to move the recommendation set out in the report, should the Motion put by Hon Councillor Riebeling not be carried.

MOTION: F Riebeling / R Wortley

That Council not support the proposed Modifications to Mariners Cove Outline Development on the following grounds:

- 1 The revised ODP makes no provision for Community Facilities' as identified within the approved Mariners Cove Outline Development Plan, which is an asset valued by the local community and which makes a positive contribution toward the local character and amenity of the area.**
- 2 Whilst the proposed modifications identify the site for mixed use commercial/residential R40, the layout of the approved subdivision indicates that the site will be used for residential purposes only with limited parking available for users of the Reserve and visitors to the Creery Wetlands; as such the loss of the existing facility is not outweighed by the benefits of the future development.**

3 Insufficient justification has been provided to warrant the removal of the 'community facilities' designation from the 'Mariners Cove Outline Development Plan'.

CARRIED: 6/2
FOR: Hon Councillor Riebeling and Councillors Pember, Wortley, Jackson, Lee, and Rodgers
AGAINST: Mayor Vergone and Councillor Schumacher.

G.16/12/13 ACTIVITY CENTRES PLANNING STRATEGY: FINAL APPROVAL (FM / BD) (FILE NO A394 (2012/815)) (REPORT 1) (J.10/12/13)

In response to the finalisation of State Planning Policy 4.2 – Activity Centres for Perth and Peel (*SPP4.2: Activity Centres Policy*), the Activity Centres Planning Strategy was presented for final approval following advertising.

A key objective of the Strategy was to fulfill the requirements of a local planning strategy as outlined in SPP4.2 Activity Centres Policy that required local governments to undertake the following as part of a local planning strategy:

- *Define the local area's Activity Centres Hierarchy*
- *Define the Distribution of Retail and Commercial Floorspace*
- *Undertake a Retail Needs Assessment*
- *Define the local area's Activity Centre Boundaries.*

The Strategy replaced the Council's existing Local Commercial Strategy (Local Planning Policy No 5) that was prepared in 2002 and this report sought to formalise this outcome by recommending to revoke this policy.

The Strategy was consistent with previous strategic planning such as Southern City as well as the broad objectives sought by Directions 2031 and Beyond, and SPP4.2 Activity Centres Policy and was based around ensuring that future retail and commercial activity being actively focussed around the Mandurah City Centre, as well as around existing public transport infrastructure, allowing for the development of diverse, intense nodes of activity that, along with targeted economic development interventions, would foster the development of mature local economies. This focus needed to be complimented by further development of locally based retail nodes consistent with the population growth in Mandurah such as Lakelands and Dawesville.

On the basis of a number of submissions received, a number of modifications had been made to the Strategy document to expand and enhance the background demand analysis and to provide clarity regarding the Strategy's recommendations, particularly in respect to the manner in which floorspace recommendations were interpreted as 'caps' on floorspace for particular centres.

It was recommended that Council adopt the Activity Centres Planning Strategy for final approval.

MOTION: F Riebeling / D Pember

That:

- 1 In accordance with Section 12B of the *Town Planning Regulations 1967*, Council adopts the *Activity Centres Planning Strategy* (Strategy Text dated July 2013; Rev 2) for final approval and forwards to the Western Australian Planning Commission for its endorsement.
- 2 In accordance with Clause 9.6.4(b) of Town Planning Scheme 3, Council revokes Local Planning Policy No 5 (*Local Commercial Strategy*) as it is replaced by the *Activity Centres Planning Strategy*.
- 3 Council notes, until the Western Australian Planning Commission endorses the *Activity Centres Planning Strategy*, that the Strategy function as a Local Planning Policy for the purposes of Town Planning Scheme No 3.

CARRIED UNANIMOUSLY: 8/0
(*This item was adopted en bloc*)

Having declared a financial interest in the following item because of his part-time employment by the Applicant, Councillor Schumacher vacated the Chamber at 6.30 pm.

**G.17/12/13 PROPOSED PYLON SIGN: LOT 63 (NO 61) PINJARRA ROAD,
MANDURAH (AL / FM) (FILE NO DA7508) (REPORT 4) (J.11/12/13)**

Council was requested to consider approving signage associated with the recently approved change of use which allowed for the expansion of the existing car dealership on to the adjacent at Lot 63 Pinjarra Road, Mandurah. In addition to proposed fascia signage attached to the building, the proposal also included a pylon sign within the City Centre Precinct Plan (CCPP) area. The proposed pylon sign, measured 6.08 metres in height, with a sign face area of 12.83 square metres.

Approval was recently granted for a change of use from 'Showroom' to 'Motor Vehicle Sales' at the subject property as an expansion to the existing dealership. A condition was applied to that approval prohibiting pylon signage on the subject property in accordance with Section 3.8 of the CCPP, which states that a 'high standard of signage is required as an integral part of achieving the vision for the City Centre'. In achieving that vision, free standing and pylon signage was expressly not permitted but should rather be attached to or incorporated within the design of the building. Whilst the previous application proposed an expansion of an existing use, the applicant had subsequently identified a requirement to erect signage in relation to a secondary franchise that would operate from the site; existing signage thereby not satisfying this requirement.

It was considered that the proposed fascia signage was acceptable; however the proposed pylon signage was not consistent with the provisions of the approved CCPP and therefore represented a significant variation to the adopted Precinct Plan.

Council was recommended to refuse approval for the proposed pylon sign, and grant conditional approval for the fascia signage.

Recommendation set out in Report:

That:

- 1 *The proposed pylon sign be refused on the following grounds:*
 - 1.1 *The proposed development is contrary to clause 3.8 (a), (b), (d) and (g) of the City Centre Precinct Plan.*
 - 1.2 *The proposed development adds to the proliferation of signage along Pinjarra Road which detracts from the urban design and streetscape.*
 - 1.3 *The approval of such signage would detract from the intended amenity and character of the Precinct in which the site is located.*
 - 1.4 *The proposed development is not considered consistent with orderly and proper planning of the City Centre.*

- 2 *The proposed fascia signage be granted approval subject to the following conditions:*
 - 2.1 *The development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved elevation (as set out in Attachment 3 of the report) unless otherwise required or agreed in writing by the City of Mandurah.*
 - 2.2 *The sign shall be kept clean and maintained free of dilapidation at all times to the satisfaction of the City of Mandurah.*

MOTION: D Pember / F Riebeling

The proposed pylon sign and fascia signage be granted approval subject to the following conditions:

- 1 The development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved elevation (as set out in Attachments 2 and 3 of the report) unless otherwise required or agreed in writing by the City of Mandurah.**

- 2 The sign shall be kept clean and maintained free of dilapidation at all times to the satisfaction of the City of Mandurah.**

CARRIED UNANIMOUSLY: 8/0

Councillor Schumacher returned to the Chamber at 6.31 pm.

G.18/12/13 AMENDMENT 110 TO TOWN PLANNING SCHEME NO 3: LOT 1 (NO 145) SOUTHERN ESTUARY ROAD, HERRON – FINAL ADOPTION (NL / FM) (FILE NO A05050) (REPORT 5) (J.12/12/13)

Council was requested to consider for final adoption an amendment to Town Planning Scheme No. 3 that proposed to rezone Lot 1 (No 145) Southern Estuary Road, Herron from 'Rural' to 'Rural Residential'.

Council had previously considered the rezoning of Lot 1 Southern Estuary Road, Herron in April 2009 and August 2011. On both occasions Council did not support the proposed rezoning due to environmental and land capability concerns. Following the determination in August 2011, Council was issued with an order from the Minister for Planning (under Section 76(1) of the *Planning and Development Act 2005*) to initiate an amendment to the Scheme, as

proposed by the landowner, subject to additional justification being included in the Scheme Amendment report.

The applicant had submitted additional information in an attempt to address the concerns raised. However, it was considered that the proposed rezoning failed to appropriately address both State and Council Policy and failed to adequately provide the required information requested by the Minister for Planning and the EPA. The rezoning proposal gives rise to a range of important environmental issues in an area of known ecological significance, which had not been appropriately assessed.

Council was recommended not to adopt Scheme Amendment 110 for final approval.

MOTION: F Riebeling / D Pember

That:

- 1 In accordance with Section 17(2)(b) of the Town Planning Regulations 1967, Council does not wish to proceed with Amendment 110 to Town Planning Scheme No 3 which proposes to rezone Lot 1 Southern Estuary Road from 'Rural' to 'Rural Residential'.**
- 2 The Schedule of Submissions in relation to Amendment 110 to Town Planning Scheme No 3 be endorsed.**
- 3 In accordance with Section 18(1)(e) of the *Town Planning Regulations 1967*, Council advises the Western Australian Planning Commission that it does not wish to proceed with Amendment 110 to Town Planning Scheme No 3 for the following reasons:**
 - 3.1 The proposed amendment does not appropriately consider the potential impacts of further subdivision and additional dwellings on the Peel-Harvey Estuary.**
 - 3.2 The proposed amendment does not appropriately consider the potential impacts of increased water levels within the Peel-Harvey Estuary and the implications for the foreshore reserve.**
 - 3.3 The City of Mandurah is not satisfied that issues relating to the capability of the subject lot to accommodate any additional subdivision and development arising the land being rezoned such as location of dwelling(s) on the site, appropriate location of on-site effluent disposal system(s), suitable bushfire management measures and the width of the foreshore reserve.**
 - 3.4 The proposed amendment is inconsistent with the City's draft Southern Mandurah Rural Structure Plan and associated Scheme Amendment 121 to Town Planning Scheme No 3.**
 - 3.5 The proposed amendment is not considered to be proper and orderly planning.**

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

G.19/12/13 AMENDMENT 124 TO TOWN PLANNING SCHEME NO 3 AND MODIFICATION TO HALLS HEAD TOWN CENTRE PRECINCT PLAN: MAHOGANY DRIVE / PEELWOOD PARADE, HALLS HEAD – ADOPT FOR ADVERTISING (LM / FM) (FILE NO A1159 & SA124) (REPORT 6) (J.13/12/13)

Council was requested to adopt for advertising purposes, an amendment to the Town Planning Scheme No 3, which proposed to rezone Lots 1, 2 and 1250 Mahogany Drive and Lot 11 Peelwood Parade, Halls Head.

The subject site was situated on the south-western corner of the intersection of Mahogany Drive and Peelwood Parade and currently accommodated the Medical Clinic. In order to facilitate additional development opportunities, the landowner had requested that the site be rezoned from 'Residential' to 'Precinct Development' under the Scheme, and for the site to be incorporated within the *Halls Head Precinct Plan* area consistent with recommendations associated with the Precinct Plan.

Council was requested to adopt the proposed rezoning of the subject site for the purposes of advertising, and endorse a minor modification to the Halls Head Precinct Plan.

MOTION: F Riebeling / D Pember

That:

- 1 In accordance with Regulation 25 of the Town Planning Regulations 1967, Council adopts the following amendment for the purpose of advertising:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

CITY OF MANDURAH TOWN PLANNING SCHEME NO 3

AMENDMENT NO 124

Resolved that Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amends Town Planning Scheme No. 3 by:

- a) Rezoning Lots 1, 2 and 1250 Mahogany Drive and Lot 11 Peelwood Parade Halls Head from 'Residential' to 'Precinct Development'; and
 - b) Amending the Scheme Map accordingly.
- 2 In accordance with Section 81 of the *Planning and Development Act 2005*, the amendment is to be forwarded to the Environmental Protection Authority for its assessment under the *Environmental Protection Act 1986*.
 - 3 The appropriate amendment documentation be prepared prior to the above-mentioned amendments being forwarded to the Environmental Protection Authority.
 - 4 In accordance with Clause 7.11 of Town Planning Scheme No 3, Council adopts Modification No 1 to the Halls Head Precinct Plan (Plan No 03/013/002I dated 14 November 2013) for advertising purposes, and advertising the modifications concurrently with Amendment 124 to Town Planning Scheme No 3.

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

G.20/12/13 MINIMISING THE USE OF PLASTIC BAGS IN MANDURAH: INTERIM REPORT (VL / ML) (FILE NO 729154) (REPORT 7) (J.14/12/13)

Following Council's resolution in August 2013, officers had researched best practice options to minimise the use of plastic bags in Mandurah. Whilst a report had not been finalised, due to recent developments relating to the City of Fremantle Local Law (that aimed at reducing the use of plastic bags in Western Australia) being disallowed by State Parliament, it was considered appropriate for Council to be updated on this matter.

MOTION: F Riebeling / D Pember

That Council:

- 1 Notes the Local Law proposed by the City of Fremantle and the Western Australian Local Government Association, which was not supported by the State Government.**
- 2 Authorises officers to engage with the City of Fremantle in their campaign for State legislation aimed at reducing the use of plastic bags across Western Australia.**
- 3 Notes that a further report will be presented to Council on this matter.**

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

G.21/12/13 TIMS THICKET SEPTAGE FACILITY: APPROVAL TO CONTINUE OPERATION (AC / KB) (FILE NO A0455) (REPORT 8) (J.15/12/13)

The Tims Thicket Septage Facility was located at Lot 180 Tims Thicket Road, Dawesville and was constructed in 1995. The facility treated liquid waste (septage and grease trap waste) from Mandurah and surrounding regions.

Due to competition from privately operated liquid waste treatment facilities within the region, the volume of liquid waste received at the Tims Thicket facility during 2011 -2013 decreased significantly and it was determined that the facility was no longer financially viable to operate.

Council resolved in June 2013, to formally close the treatment facility, however, the effective closure date was delayed until 1 October 2013 due to an apparent short term lack of treatment facilities within Perth and the Peel region. Since early July 2013, revenues had been exceeding \$40,000 per month (July – October) due to the short term lack of treatment facilities within Perth and the Peel region not being resolved. This was unlikely to be resolved in the short-term and therefore the Tims Thicket facility would be needed to be kept operational.

Local liquid waste contractors had been in contact with the City expressing their concern with the lack of alternative treatment facilities should Council close the Tims Thicket facility.

In August 2013, Council endorsed the concept design for the Transfer Station and Community Recycling Centre at the Tims Thicket Facility. The design of the transfer station was predicated on the assumption that the septage lagoons would be decommissioned and the new transfer station would be built in the same location as the lagoons, therefore minimising earthworks and excavation costs as the existing pond excavations could be utilised to create the split level transfer station. In view of the potential ongoing operation of the septage facility, officers had prepared a further concept design of the new transfer station demonstrating how the two facilities could be co-located at the Tims Thicket site.

MOTION: F Riebeling / D Pember

That Council:

- 1 Continues the operation of the Tims Thicket Septage Facility, located at Lot 180 Tims Thicket Road, Dawesville for the foreseeable future.**
- 2 Informs the liquid waste contractors that utilise the Tims Thicket Septage site of its decision to keep the facility open for the foreseeable future.**
- 3 Endorses the new concept design and re-location of the Transfer Station and Community Recycling Centre at the Tims Thicket facility.**
- 4 Endorses the establishment of agreements with local liquid waste contractors, which will commit contractors to the ongoing disposal of liquid waste at the Tims Thicket Septage facility and ensure the ongoing financial viability of the facility.**

CARRIED UNANIMOUSLY: 8/0
(*This item was adopted en bloc*)

G.22/12/13 PYRAMIDS BEACH ACCESS IMPROVEMENT (AC / JH) (FILE NO 734004) (REPORT 9) (J.16/12/13)

As part of its 2013/14 budget process, Council authorised expenditure of \$15,000 Cash-in-Lieu to supply and install a suitable beach access path surface at Pyramids Beach, Dawesville (leading from the car park to the beach), to cover and improve the current sand beach access path, and a separate \$60,000 project for development of a new Southport Playground, Dawesville.

Ministerial approval was being sought to formally approve expenditure pursuant to Section 4.3 'Cash-in-Lieu' of the Western Australian Planning Commission's Policy DC 2.3. Public Open Space in Residential Areas – 2002. Project planning for the Pyramids Beach access improvement had identified a suitable beach access path surface product ('*Flexmat*'), that would tolerate pedestrian and light vehicle traffic. However, the recent quotation received exceeds budget. In addition, mitigating the ongoing problem sand drift in the immediate vicinity required additional investment to complete the project. This would include minor re-contouring of sand dunes, application of surface brush (tree branches) to approximately 780 m² of dunes, planting native seedlings and correctly align fencing. The additional total cost of the *Flexmat* product and associated dune stabilisation works was estimated to be \$38,350.

Council was requested to authorise the use of additional Stages 1-6 of the Southport Development cash-in-lieu funding of \$38,350 to complete the Pyramids Beach access improvement project.

MOTION: F Riebeling / D Pember

That Council seeks approval from the Minister of Planning and subsequent to that approval, approves expenditure of \$38,350 Cash-in Lieu funding provided by Port Bouvard Ltd for Stages 1-6 of the Southport Development to fund the additional work required to complete the 2013/14 Pyramids Beach Access Improvement Project.

CARRIED UNANIMOUSLY: 8/0
(*This item was adopted en bloc*)

G.23/12/13 TENDER 12-2013: PROVISION OF SECURITY SERVICES (TH / DB) (FILE NO 633433) (REPORT 10) (J.17/12/13)

On 12 October, the City invited tenders for the Provision of Security Services.

Council approval was sought to select Mandurah Industrial Guards Pty Ltd as the successful tenderer for Provision of Security Services for a period of three (3) years with one (1) option to extend for a further three (3) years subject to satisfactory performance and to a maximum total of six (6) years, commencing on 6 January 2014.

MOTION: F Riebeling / D Pember

That Council awards Mandurah Industrial Guards Pty Ltd the contract under Tender 12-2013 for the Provision of Security Services for a period of three (3) years, commencing on 6 January 2014 and expiring on 5 January 2017, with one (1) option to extend for a further three (3) years subject to satisfactory performance, commencing on 6 January 2017 and expiring on 5 January 2020, at the schedule of rates offered with CPI increases at each twelve (12) month contract anniversary date.

CARRIED UNANIMOUSLY: 8/0

(This item was adopted en bloc)

G.24/12/13 TENDER 14-2011: AIR CONDITIONING MAINTENANCE, REPLACEMENTS AND MINOR NEW WORKS – ONE YEAR OPTION (TH / DB) (FILE NO 189725) (REPORT 11) (J.18/12/13)

The City of Mandurah had an existing contract for Air Conditioning Maintenance, Replacements and Minor New Works awarded under Tender 14-2011 to Essential Refrigeration Services. The Contract commenced on 31 January 2012, for an initial period of one (1) year with two (2) options, each for an additional one year period, subject to satisfactory performance and at the sole discretion of Council.

The initial period of this contract expired on 30 January 2013, and Council at its meeting on 29 January 2013 approved the first optional extension period, and the contract now expires on 30 January 2014.

Council was requested to approve the second and final optional extension period for an additional one (1) year period ending on 30 January 2015.

MOTION: F Riebeling / D Pember

That Council approves the second and final option for an extension of one (1) year under the Contract for Air Conditioning Maintenance, Replacements and Minor New Works (Tender 14-2011), awarded to Essential Refrigeration Services, commencing on 31 January, 2014 and expiring on 30 January 2015.

CARRIED UNANIMOUSLY: 8/0

(This item was adopted en bloc)

**G.25/12/13 CONFIDENTIAL ITEM: REQUEST FOR REFUND OF BOND
(CONFIDENTIAL REPORT 1) (J.19/12/13)**

MOTION: F Riebeling / D Pember

That Council:

- 1 Declines to refund the bond provided by The Cut Members Pty Ltd.**
- 2 Requests the Chief Executive Officer to advise the Club that they may wish to consider the provision of a bank guarantee as a substitute.**
- 3 Keeps the report confidential, with its resolution being made public.**

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

**G.26/12/13 CONFIDENTIAL ITEM: TENDER CONTRACT (CONFIDENTIAL REPORT 2)
(J.20/12/13)**

MOTION: F Riebeling / D Pember

That:

- 1 Council adopts the course of action agreed.**
- 2 The report and Council's resolution remain confidential until all parties have been informed.**

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

REPORTS [AGENDA ITEM 17]

NOTE: *Council adopted en bloc (moved by Hon Councillor Riebeling and seconded by Councillor Pember) the officer recommendations with the exception of Reports 2, 3, 4 and 6 which were dealt with separately.*

G.27/12/13 FINANCIAL REPORT: NOVEMBER 2013 (DP) (FILE NO A248) (REPORT 1)

MOTION: F Riebeling / D Pember

That Council

- 1 Receives the Financial Report for November 2013.**
- 2 Receives the Schedule of Accounts for November 2013 for the following amounts:**

Total Municipal Fund	\$ 8,905,831.53
Total Trust Fund	<u>\$ 215,287.64</u>
	\$ 9,121,118.17

3 Approves unbudgeted expenditure of:

\$90,000 - Safer Mandurah Taxi Ranks Project (funded by Safer suburb Taxi security scheme)

\$7,000 - Scooter Alarms (Community Crime Prevention Fund - WA Police)

\$10,000 - Hit the Gym not Jim Project (Local Government Injury Prevention - Public Health Advocacy Institute of WA & Department of Health)

CARRIED WITH ABSOLUTE MAJORITY: 8/0

(This item was adopted en bloc)

**G.28/12/13 PERON-NATURALISTE PARTNERSHIP: COUNCIL DELEGATES (ML)
(FILE NO 791878) (REPORT 2)**

The Peron-Naturaliste Partnership (PNP) was a collective group of nine local governments between Cape Peron and Cape Naturaliste in the southwest of Western Australia. The Partnership and its member councils recognised the potential risk and uncertainty around future management of the coastal zone due to the impacts of a changing climate. The overall objective of the Peron-Naturaliste Partnership was to provide a regional mechanism to facilitate effective and timely adaptation responses to climate change in the coastal zone. Collaborative leadership of the PNP was facilitated through Mayors and delegated Councillors and officers of the local governments in the Partnership.

Council was requested to appoint a delegate and a deputy delegate to the Peron-Naturaliste Partnership.

Mayor Vergone called for nominations from Elected Members interested in being appointed as the City's Delegate on the Peron-Naturaliste Partnership, advising that Councillor Knight had given prior notice of her nomination. One further nomination was received, that being from Councillor Wortley, who indicated he was happy to be act as the City's deputy delegate.

MOTION: D Pember / L Rodgers

That Council appoints Councillor Caroline Knight as the City of Mandurah delegate to the Peron-Naturaliste Partnership and Councillor Ron Wortley as the deputy delegate.

CARRIED UNANIMOUSLY: 8/0

**G.29/12/13 APPOINTMENT OF EXECUTIVE COMMITTEE (WP) (FILE NO 794663)
(REPORT 3)**

At its Special meeting on 29 October, Council adopted the Terms of Reference for the Executive Committee. The membership of the Committee was comprised of the Mayor, Deputy Mayor and the Chairpersons of the Planning, Community Development and Sustainability Committee, the Governance and Infrastructure Committee and the Audit and Risk Committee.

Elections had been held for each of the Chairperson positions on Council's formal Committees and Council was requested to appoint those Elected Members to the Executive Committee.

MOTION: L Rodgers / D Schumacher

That Council appoints to the Executive Committee for a period of two years expiring on 17 October 2015 the following:

- **Mayor Marina Vergone**
- **Deputy Mayor Councillor Darren Lee**
- **Councillor Dave Schumacher**
- **Councillor Lynn Rodgers**
- **Councillor Don Pember.**

CARRIED WITH ABSOLUTE MAJORITY: 8/0

G.30/12/13 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO MANDURAH ENVIRONMENTAL ADVISORY GROUP (TF) (FILE NO 796916) (REPORT 4)

Following the deferral of the appointment of the Community Representatives to the Mandurah Environmental Advisory Group at the Council meeting in November, the nominations are resubmitted to Council for consideration.

Mayor Vergone moved the recommendation set out in the report, which was seconded by Councillor Pember, subject to the following modification:

That an additional clause be added as follows:

- 1 *That Council amends the Term of Reference for the Mandurah Environmental Advisory Group, whereby the provisions of the Local Government Act 1995 relating to obligations for declaration of a financial interest and observance of the City's applicable Code of Conduct be incorporated by reference, as if part of the obligations for members of the Mandurah Environmental Advisory Group.*

MOTION: Mayor Vergone / D Pember

That Council:

- 1 **That Council amends the Term of Reference for the Mandurah Environmental Advisory Group, whereby the provisions of the Local Government Act 1995 relating to obligations for declaration of a financial interest and observance of the City's applicable Code of Conduct be incorporated by reference, as if part of the obligations for members of the Mandurah Environmental Advisory Group.**
- 2 **Appoints the following persons to the Mandurah Environmental Advisory Group for a term of two years (expiring 17 October 2015):**
 - **Lyn O'Brien (Community representative)**
 - **Shirley Joiner (Community representative)**
 - **Allison Dixon (Community representative)**
 - **Barry Small (Community representative)**
 - **David Thomas (Community representative)**
 - **Nuray Guven Veryeri (Community representative)**
 - **George Pascott (Community representative)**
 - **Peter Kimber (Community representative).**

CARRIED UNANIMOUSLY: 8/0

G.31/12/13 TENDER 15 – 2013: PROVISION OF ILLUMINATED STREET SIGNS (DB / TH) (FILE NO A02273 / 797224) (REPORT 5)

Illuminated Street Signs were installed in 35 locations within the City of Mandurah. The current contract had been awarded to Claude Group Pty Ltd in December 2006 for a five (5) year term with an optional two (2) year term, which was due to expire on 31 December, 2013.

To continue with the provision of these signs, the City of Mandurah invited tenders for the 'Provision of Illuminated Street Signs' on 9 November 2013, to commence on 1 January 2014 for a five (5) year term with one (1) option to extend for five (5) years to a maximum total of ten (10) years, subject to satisfactory performance and at the sole discretion of the City.

Council approval was sought to select Claude Outdoor Pty Ltd as the successful tenderer for Provision of Illuminated Street Signs, for a period of five (5) years with an option to extend the contract for a further five (5) years, subject to satisfactory performance and at the sole discretion of the City.

MOTION: F Riebeling / D Pember

That Council:

- 1 Awards Claude Outdoor Pty Ltd the contract under Tender 15-2013 for the Provision of Illuminated Street Signs for a period of five (5) years, commencing on 1 January, 2014 and expiring on 31 December, 2018 with one option to extend for a further five (5) years subject to satisfactory performance, commencing on 1 January, 2019 and expiring on 31 December, 2023, at the fees offered with CPI increases at each twelve (12) month contract anniversary date.**
- 2 Delegates authority to the Chief Executive Officer (Corporate Lawyer) to undertake negotiations of the final Contract.**

CARRIED UNANIMOUSLY: 8/0
(This item was adopted en bloc)

At this juncture of the meeting, it was suggested that the meeting adjourn for 5-minutes, in order to provide Councillors with an opportunity to read the report on the following item, which had been circulated separately from the agenda.

RESOLVED: D Schumacher / D Pember

That the meeting now adjourns for 5-minutes.

CARRIED UNANIMOUSLY: 8/0

THE MEETING ADJOURNED AT 6.37 PM AND RECONVENED AT 6.43 PM

G.32/12/13 PEEL JOINT DEVELOPMENT ASSESSMENT PANEL –OPERATING PRACTICE (FM) (FILE NO A1512) (REPORT 6)

Council was requested to consider the process to be followed in relation to Council's involvement in the assessment process of applications that are to be considered by the Peel Joint Development Assessment panel (JDAP). The Peel JDAP was introduced on 1 July 2011 as a result of the Approvals and Related Reforms (No 4) (Planning) Act 2010 which saw the establishment of fifteen Development Assessment Panels (DAP's) in Western Australia, and the subsequent Planning and Development (Development Assessment Panels) Amendment Regulations 2013 (as amended).

The City has to date assessed two applications through the JDAP process, and was currently assessing an application that proposed a commercial development at Minilya Parkway. The current JDAP application had generated significant interest from local residents and as such it was considered appropriate and timely that Council was provided with guidance in relation to the Regulations, and considered and endorsed an Operating Practice in relation to the process by which Council was involved in the assessment of applications considered by the JDAP.

Councillor Wortley moved the recommendation set out in the report, which was seconded by Councillor Schumacher. During the debate that ensued, and at the request of Elected Members, the Chief Executive Officer and Director Sustainable Development provided clarification regarding the role of Council in advertising and considering Responsible Authority Reports prior to the Joint Development Assessment Panels making a determination, and possible implications for Councillors who were appointed to the Peel Joint Development Assessment Panel.

MOTION: R Wortley / D Schumacher

- 1 That Council approves the following Operating Practice in relation to the Joint Development Assessment Panels:**
 - **All Responsible Authority Reports (RAR's) are to be considered by Council either by a scheduled meeting of Council, or via a Special Council meeting prior to the relevant JDAP meeting.**
- 2 A Special Council Meeting be convened on Tuesday 21 January 2014 to consider the Responsible Authority Report in respect of Lot 410 Minilya Parkway, Greenfields.**
- 3 Should the Regulations in relation to Development Assessment Panels be amended, that Council revisit this policy position.**

CARRIED UNANIMOUSLY: 8/0

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN [AGENDA ITEM 19]

Nil.

NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING [AGENDA ITEM 20]

Nil.

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 21]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 22]

RESOLVED: F Riebeling / D Schumacher

That the meeting proceeds with closed doors at 7.01 pm in accordance with Section 5.23(2)(b) of the Local Government Act 1995, to allow for the discussion of confidential items containing information on the personal affairs of individuals.

CARRIED UNANIMOUSLY: 8/0

Members of the media, non-senior employees and persons in the gallery left the meeting at this point. The Minute Officer remained with senior officers in the Chamber.

THE MEETING PROCEEDED WITH CLOSED DOORS AT 7.01 PM.

G.33/12/13 CONFIDENTIAL ITEM: PREMIER'S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS 2013 (CONFIDENTIAL REPORT 1)

Confidential discussion ensued regarding this issue.

MOTION: D Schumacher / F Riebeling

That:

- 1 Council adopts the course of action agreed.**
- 2 The report remains confidential, whilst the Council resolution is to remain confidential until after the names of all award category winners are announced on Saturday 26 January 2013.**

CARRIED UNANIMOUSLY: 8/0

G.34/12/13

MOTION: D Pember / F Riebeling

That the meeting proceeds with open doors.

CARRIED UNANIMOUSLY: 8/0

THE MEETING PROCEEDED WITH OPEN DOORS AT 7.04 PM.

G.35/12/13

MOTION: D Lee / F Riebeling

That Council endorses the resolutions taken with closed doors.

CARRIED UNANIMOUSLY: 8/0

CLOSE OF MEETING [AGENDA ITEM 23]

There being no further business, the Mayor declared the meeting closed at 7.04 pm.

CONFIRMED (MAYOR)