



CONFIRMED MINUTES

ENVIRONMENTAL ADVISORY COMMITTEE MEETING

27 FEBRUARY 2018

I certify that the minutes of the meeting of the Environmental Advisory Committee held on Tuesday, 27 February 2018 were confirmed on Tuesday, 22 May 2018.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Presiding Person



**CONFIRMED MINUTES
ENVIRONMENTAL ADVISORY COMMITTEE MEETING
27 FEBRUARY 2018**

ATTENTION/DISCLAIMER

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 Shire of Mundaring 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 Employee, or on the content of any discussion occurring, during the course of the Committee Meeting.

The Shire of Mundaring 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 Employee, or the content of any discussion occurring during the course of the Committee Meeting.

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**ENVIRONMENTAL ADVISORY COMMITTEE
COMMITTEE ROOM, 7000 GREAT EASTERN HIGHWAY, MUNDARING**

1.0 OPENING PROCEDURES

The Presiding Person declared the meeting open at 6.03pm.

1.1 Announcement of Visitors

The Presiding Person welcomed Jolene Wallington, Environmental Officer to the meeting and the Co-ordinator Environment and Sustainability elaborated on Jolene's role within Environmental Services.

1.2 Attendance/Apologies

Members

Member Darren Murphy (Deputy Presiding Person)	
Cr Kate Driver	East Ward
Kathryn Batchelor	
Bethany Challen	
Selene Moonbeams	
Mark Robertson	
Jim Thom	
Michael Waite	
Herbert Titelius (arrived 6.08pm)	

Staff

Angus Money	Manager Planning and Environment
Briony Moran	Co-ordinator Environment and Sustainability
Jolene Wallington	Environmental Officer
Ruth Broz	Minute Secretary

Apologies

Cr Tony Brennan	West Ward
Tom Hogarth	
Robert Ragg	
Lee Roberts	

Absent

Christine Groom

Guests

Nil

Members of the Public

Nil

Members of the Press

Nil

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Elected Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

Nil

3.2 Declaration of Interest Affecting Impartiality

An Elected Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

Nil

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COMMITTEE DECISION RECOMMENDATION	EAC1.02.18
Moved by Michael Waite	Seconded by Darren Murphy

That the Minutes of the Environmental Advisory Committee Meeting held 28 November 2017 be confirmed.

CARRIED 8/0

For: Darren Murphy, Cr Kate Driver, Kathryn Batchelor, Selene Moonbeams, Mark Robertson, Jim Thom, Michael Waite and Bethany Challen

Against: Nil

5.0 PRESENTATIONS

At 6.08pm, Member Titelius arrived

The Co-ordinator Environment and Sustainability presented a powerpoint presentation explaining the development of the Environment and Sustainability Policy and took questions after the presentation.

6.0 REPORTS OF EMPLOYEES

6.1 Review of Terms of Reference for Environmental Advisory Committee

File Code	GV.MTG 6/7
Author	Briony Moran, Co-ordinator Environment and Sustainability
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	1. EAC Terms of Reference

SUMMARY

The Environmental Advisory Committee (EAC) is requested to review the EAC terms of reference and recommend its adoption to Council.

BACKGROUND

Council established its Environmental Advisory Committee (EAC) in October 1993. The terms of reference require that the committee review those terms of reference every two years.

The EAC last reviewed its terms of reference in February 2016. Recommended changes included additions to the objectives of the committee, a reduction in the number of members, and minor changes to other sections. The reviewed terms of reference were adopted by Council at its meeting of 8 March 2016 (C4.03.16).

At its meeting of 25 October 2017 Council made a minor change to the terms of reference, increasing the number of community members from eleven to twelve (SC4.10.17).

Section 5.19 of the *Local Government Act 1995* (the Act) requires that a quorum for a meeting of a committee be at least 50% of the number of offices (whether vacant or not) of the committee. As the number of community members was increased to twelve, the total number of members was increased to thirteen which includes one elected member. In order to meet the minimum of 50% of offices, the quorum was increased from six to seven members.

STATUTORY / LEGAL IMPLICATIONS

The EAC is established as a committee comprising Council members and other members under section 5.9 of the *Local Government Act 1995*. The terms of reference must be consistent with the requirements of the Act.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1 - Governance

Objective 1.2 – Transparent, responsive and engaged processes for Shire decision making

Strategy 1.2.2 – Increase open and regular communication between elected members and the community

SUSTAINABILITY IMPLICATIONS

Continuation of the EAC with the objectives listed in the current terms of reference provides a forum for discussion and recommendations to Council on sustainability issues.

RISK IMPLICATIONS

Risk: Reputational - Review of Terms of Reference is not completed		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
The terms of reference are reviewed by the EAC every two years as required and a recommendation provided to Council.		

EXTERNAL CONSULTATION

Nil

COMMENT

Part 5.3 of the terms of reference states that:

5.3 A Committee member absent from three consecutive meetings without leave shall forfeit their membership of the Committee.

The Shire's Governance Coordinator has advised that the Act does not clearly provide for disqualification of committee members for failing to attend meetings and this part should be removed. Section 2.25 of the Act only provides for disqualification of elected members, who are absent from three consecutive ordinary meetings of Council without leave of the Council. This modification is shown in the terms of reference **ATTACHMENT 1**.

No change is recommended to the objectives of the committee or other sections of the terms of reference.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION	EAC2.02.18
RECOMMENDATION	
Moved by Darren Murphy	Seconded by Michael Waite

That Council adopts the revised Environmental Advisory Committee terms of reference as reviewed in February 2018.

CARRIED 9/0

For: Darren Murphy, Cr Kate Driver, Kathryn Batchelor, Selene Moonbeams, Mark Robertson, Jim Thom, Herbert Titelius, Michael Waite and Bethany Challen

Against: Nil

ENVIRONMENTAL ADVISORY COMMITTEE

TERMS OF REFERENCE (Adopted 8 March 2016 – C4.03.16) (Amended 25 October 2017 – SC5.10.17)

Established: October 1993.

1. NAME

The name of the Committee is the Shire of Mundaring Environmental Advisory Committee.

2. HEAD OF POWER

The Committee is established by Council under section 5.8 of the *Local Government Act 1995* as a committee comprised of council members and other persons under section 5.9(2)(d).

3. DEFINITIONS

Act means the *Local Government Act 1995*.

Committee means the Shire of Mundaring Environmental Advisory Committee.

Council means the Council of the Shire of Mundaring.

Elected Member means a Councillor of the Shire of Mundaring.

4. OBJECTIVES

4.1 To provide a forum for discussion and recommendation to Council to:

- Provide advice to Council on a range of environmental and sustainability issues within the Shire of Mundaring and across the community;
- Advise on priority projects to be considered for funding in the Corporate Business Plan and/or Annual Budget;
- Receive information and provide advice on key environmental and natural resource programs, services and facilities currently provided or planned by the Shire;
- Work with the community to create and encourage increased levels of environmental awareness; and
- Make recommendations to Council on policy and appropriate courses of action to promote social, economic and environmental sustainability.
- Work within community to increase awareness in mitigation and adaptation strategies for climate change.

5. COMMITTEE STRUCTURE

5.1 The Committee shall consist of thirteen members:

- One elected member;
- One deputy elected member; and
- Up to twelve community members with an interest and/or expertise in environmental matters and a demonstrated ability to provide impartial advice.

5.2 A quorum will be seven (7) members.

~~5.3 A Committee member absent from three consecutive meetings *without leave* shall forfeit their membership of the Committee.~~

5.4 The Committee is supported by the Director Statutory Services and Coordinator Environment and Sustainability.

6. TERMS OF APPOINTMENT

6.1 Members are appointed by Council following ordinary local government elections for a term of up to two years to expire on the date of the subsequent ordinary local government elections.

6.2 If a member resigns prior to an ordinary local government election, Council will appoint a replacement.

7. PRESIDING PERSON

7.1 The elected member appointed to the Committee will be the presiding person.

7.2 A committee member be appointed the Deputy Presiding Person to preside over a meeting in the absence of the Presiding Person.

7.3 The role of the presiding member includes:

- Overseeing and facilitating the conduct of meetings in accordance with the Act and the Shire's *Meeting Procedures Local Law 2015*;
- Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
- Where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

8. MEETINGS OF THE COMMITTEE

8.1 The Committee will meet at least three times per calendar year.

8.2 Meetings of the Committee are open to the public and will be advertised on the Shire website.

8.3 An ordinary or special meeting of the Committee is to be held:

- If called for by either the presiding person or at least two Committee members in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- If so decided by the Committee; or
- If called for by Council.

8.4 The Committee may invite Shire employees and other appropriate persons to attend meetings and provide pertinent information where necessary.

8.5 The first item on the agenda for all Committee meetings (after apologies) shall be the declaration by Committee members present of any financial, proximity and impartiality interests. These shall be recorded in the minutes.

8.6 Committee members who have disclosed a financial or proximity interest must not be present during discussion of and voting on the matter in which they have an interest.

8.7 Committee members who have disclosed an impartiality interest may remain in the meeting and participate in the discussion and voting, unless the interest is such that it would prevent them from impartially and objectively considering all the relevant information.

9. POWERS OF THE COMMITTEE

9.1 The Committee is a formally appointed committee of Council and is responsible to that body.

9.2 The Committee does not have any delegated authority.

9.3 Committee recommendations must be adopted by Council during a formal Council meeting before they can be implemented.

9.4 Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

10. VOTING

10.1 Each member of the Committee present during a meeting will have one vote.

10.2 The names of members voting for and against will be recorded in the minutes.

11. REPORTING REQUIREMENTS

11.1 Recommendations arising from the Committee's deliberations shall be presented to the next ordinary meeting of Council.

12. REVIEW OF TERMS OF REFERENCE

12.1 The Committee is to conduct a review of its terms of reference every two years.

12.2 Reviewed terms of reference will be provided to Council for consideration and adoption.

13. TERMINATION OF THE COMMITTEE

13.1 The Committee can be terminated in accordance with the Act or at the discretion of Council.

6.2 Environment and Sustainability Policy

File Code	GV.OPP 1
Author	Briony Moran, Co-ordinator Environment and Sustainability
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	1. Environment and Sustainability Policy

SUMMARY

A draft Environment and Sustainability Policy has been prepared. The Environmental Advisory Committee (EAC) is requested to review the draft policy and recommend its adoption to Council.

BACKGROUND

The Shire has a range of existing environmental strategies, plans and initiatives, developed over time with the input of the EAC. The Shire's Environmental Management Plan 2012-2022 outlined an environmental management framework that included provision for development of an overarching environmental policy. A draft policy was prepared by staff and discussed at a Council Forum in late 2015. The draft did not progress and a Councillor request was made in late 2017 for a draft policy to again be presented for Council consideration.

The development of an Environment and Sustainability Policy was discussed at a post-meeting workshop of the EAC in November 2017. The draft prepared in 2015 was considered and examples of environment and sustainability policies of other organisations were circulated following the meeting.

The attached draft policy has been prepared incorporating elements of the previous draft policy, with biodiversity, sustainability and community principles. The principles have been developed to be consistent with the objectives of the Shire's Environmental Management Plan 2012-2022, the Mundaring 2026 Strategic Community Plan and the range of existing environmental strategies and initiatives.

STATUTORY / LEGAL IMPLICATIONS

There is limited guidance in the *Local Government Act 1995* and subsidiary regulations on the content and function of non-financial local government policies. The (then) Department of Local Government and Communities December 2016 Governance Bulletin included the following:

"Section 2.7 of the Act states that the council is responsible for the performance of a local government's functions, then specifies the roles of:

- *overseeing the allocation of finances and resources*

- *determining the local government's policies.*

A key responsibility within council's strategic decision making role is to approve the annual budget. There are also legislative provisions that necessitate budgetary reporting to council at particular times, and it is therefore incumbent on council to provide regular and ongoing oversight of how finances are allocated. This does not extend, however, to operational or day-to-day decision making.

Policy development and review is as much the responsibility of council as budgeting, and has a clear impact at the operational level. While administrative procedures fall within the realm of the CEO and senior employees, the Act intends that those procedures, wherever appropriate, be guided by council policy."

The draft policy has been prepared with this balance in mind; to provide guidance on the matters to be considered by staff and Council when considering works, projects or services that may have environmental impacts, without including administrative procedures or involving Council in day-to-day decisions.

POLICY IMPLICATIONS

The Shire does not currently have an overarching Environment and Sustainability Policy. This has been noted by EAC members as a gap in the Shire's environmental management framework during discussion of other matters. Specific policy principles are included in the draft in order to promote transparency and consistency in decision making from staff and Council, while allowing discretionary decisions to take account of the circumstances.

FINANCIAL IMPLICATIONS

The draft policy is consistent with current Shire environmental strategies and operations. It is intended to guide future decision making that may include the allocation of resources but does not in itself require additional resources beyond the public notice process.

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1 - Governance

Objective 1.2 – Transparent, responsive and engaged processes for Shire decision making

Strategy 1.2.1 – Increase transparency and responsiveness of Shire administration processes

For policies to deliver on transparent and accountable local governance a certain level of detail is required. Without some substance to a Shire policy it becomes difficult for external agencies and ratepayers to gauge the organisation's position on a matter, or the factors that should be considered in making discretionary decisions.

The principles of the draft Environment and Sustainability Policy are also consistent with a number of additional objectives and strategies of the Mundaring 2026 Strategic Community Plan as noted in the comment section later in this report.

SUSTAINABILITY IMPLICATIONS

Sustainability is a very broad term with a range of definitions. The elements of sustainable development that are consistently raised by the local community during the consultative strategic community planning process are use of renewable energy, energy and water efficiency, waste minimisation and recycling. These community priorities are reflected in the sustainability principles of the draft policy. While environmental issues are complex and interrelated, each of the strategies and initiatives have underlying biodiversity, sustainability or community themes.

As noted in the Environmental Management Plan 2012-2022, protection of biodiversity is a priority for the Shire. While biodiversity conservation can also be considered an element of sustainability, biodiversity principles have been listed separately in the draft policy due to the Shire's high level of direct responsibility and influence over natural areas. The number of biodiversity related strategies and initiatives (including Wildlife Corridor Strategy, Weed Control Strategy, Private Land Conservation Strategy, Biodiversity Strategy and Roadside Conservation Strategy) demonstrates the value that has been consistently placed on protecting native flora and fauna by the EAC, Council and the wider community.

Within the Environmental Management Plan 2012-2022 and the range of supporting strategies there is a clear acknowledgement that while the Shire has control over its own land, facilities and operations it also has limited resources, and environmental issues do not stop at property boundaries. Achieving biodiversity and sustainability objectives requires inter-agency cooperation (such as participation in regional EMRC initiatives) and awareness, engagement and participation from residents. This repeated recognition of the importance of partnerships, environmental education and involvement of residents has informed the community principles of the draft policy.

RISK IMPLICATIONS

Risk: Reputational - No Environment and Sustainability Policy is adopted, decisions do not sufficiently consider environmental and sustainability impacts, and the Shire's reputation for environmental management is diminished.		
Likelihood	Consequence	Rating
Possible	Minor	Medium
Action / Strategy		
Provide a recommendation to Council regarding the adoption of an Environment and Sustainability Policy.		

EXTERNAL CONSULTATION

The draft has been prepared with input from the EAC, consistent with the objectives of the EAC Terms of Reference. It has also been reviewed and adjusted based on consultation with the Shire's Governance Coordinator, Service Area Managers and Executive Leadership Team (CEO and Directors).

COMMENT

The function of local government environmental policies is distinct from the strategies and action plans that include specific project plans or instructions. A policy should not repeat provisions contained within other plans or strategies but should clarify the organisation's overall position and intent, and the enduring underlying principles that can then guide decision making at a range of scales.

The principles contained within the draft policy have been drawn from the Shire's current environmental management framework including the Environmental Management Plan 2012-2022, specific environmental strategies, ongoing programs and initiatives.

The draft policy also reflects and responds to the range of environment and sustainability issues and community values that are consistently raised through the strategic community planning process, including the following objectives and strategies of the Shire's Mundaring 2026 Strategic Community Plan:

Priority 3. Natural Environment

Objective 1 – A community that manages water sustainably.

Strategy 3.1.1 'Support and encourage the re-use of water'

Strategy 3.1.2 'Support and encourage a reduction in mains and ground water consumption.'

Strategy 3.1.3 'Encourage preservation of clean local waterways.'

Objective 2 – A place where the environment is well managed.

Strategy 3.2.1 'Identify and mitigate threats to the natural environment.'

Strategy 3.2.2 'Develop greater recycling opportunities.'

Strategy 3.2.3 'Encourage and promote environmental education and stewardship by local community groups.'

Strategy 3.2.4 'Encourage renewable energy use by residents and businesses.'

Objective 3 – A great place to immerse yourself in nature.

Strategy 3.3.1 'Encourage environmental tourism by supporting nature based activities.'

Priority 4. Built Environment

Objective 2 – Community needs are considered in planning for the future.

Strategy 4.2.2 'Promote sustainability in design and development for buildings.'

The principles within the draft have been informed by and aligned with the range of local community concerns and aspirations, as well as the Shire's existing environmental management framework.

If Council adopts an overarching Environment and Sustainability Policy this would fill a gap previously identified by the EAC in the Shire's environmental management framework. The need for any additional or more specific environmental policies could be considered once the overarching policy has been adopted.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

Moved by	Member Challen	Seconded by	Member Titelius
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That Council adopts the Policy OR-23 Environment and Sustainability.

LOST 3/6

For: Member Thom, Member Titelius and Member Challen

Against: Member Murphy, Cr Driver, Member Batchelor, Member Moonbeams, Member Robertson and Member Waite

Preamble to Alternative Recommendation

The Committee were of the opinion that a sub committee be formed to review the draft Policy.

At 7:12 pm, Member Moonbeams left the meeting.

At 7:13 pm, Member Moonbeams returned to the meeting.

COMMITTEE DECISION MOTION	EAC3.02.18
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Moved by	Darren Murphy	Seconded by	Michael Waite
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That:

1. EAC form a sub-committee of EAC members, Staff and EAC Councillors to review the draft Policy and associated principles within the context of an Environmental Policy framework for consideration at the 22 May 2018 EAC Meeting; and
2. Darren Murphy, Mark Robertson, Michael Waite, Bethany Challen, Crs Kate Driver and Tony Brennan and the Co-ordinator Environment and Sustainability be members of such committee.

CARRIED 9/0

For: Darren Murphy, Cr Kate Driver, Kathryn Batchelor, Selene Moonbeams, Mark Robertson, Jim Thom, Herbert Titelius, Michael Waite and Bethany Challen

Against: Nil

Shire of Mundaring

DRAFT POLICY

ENVIRONMENT & SUSTAINABILITY

Policy Ref:	OR-23
Committee Rec:	Date:
Adopted:	Date:
Amended:	Date:
Reviewed:	Date:
Procedure Ref:	Delegation Ref:
Statute Ref:	<i>Local Government Act 1995</i>

Local Law Ref:

PURPOSE

To inform decisions affecting natural areas or use of natural resources to minimise the Shire's environmental footprint, maintain ecosystem health and promote sustainable development.

INTRODUCTION

Sustainable development integrates social, economic and environmental values to meet the needs of the community, without compromising the ecosystems that support life or the ability of future generations to meet their own needs. It includes responsible use of natural resources, protecting ecosystems and biodiversity, maximising energy and water efficiency and minimising pollution and waste sent to landfill.

The Shire has a primary role in protection of biodiversity within local road reserves, conservation reserves and other land containing natural assets. Various Shire activities and facilities also have environmental impacts through use of natural resources, energy and water.

The Shire can lead by example in responsible environmental management of its own land and activities. The Shire can also guide or assist residents and others to manage weeds and other threats to natural areas, provide habitat for native fauna, and reduce their overall environmental footprint.

POLICY

This policy applies to Elected Members, employees and contractors engaged by the Shire of Mundaring.

1. Biodiversity principles

- 1.1. Maintaining biodiversity and watercourse integrity are key considerations in undertaking Shire works and delivering services that affect natural areas.
- 1.2. The Shire will strive to lead by example in balancing bushfire risk management with maintaining biodiversity and conservation of natural landscapes.
- 1.3. Allocation of resources for natural area management will take into account social and ecological values and the nature of threatening processes.
- 1.4. Human induced climate change is recognised as a key threat to biodiversity, requiring adaptation and action to reduce carbon emissions at all levels of government.

2. Sustainability principles

- 2.1. The Shire will pursue and promote improved water and energy efficiency, reduced carbon emissions and sustainable use of natural resources.
- 2.2. Energy and water efficiency is a key consideration in construction, maintenance or renovation of Shire facilities, and in the purchase of vehicles, machinery, fittings and appliances.
- 2.3. Improvements to green infrastructure will contribute to water and energy efficiency through tree canopy shade, waterwise landscaping and stormwater harvesting.
- 2.4. Reusable, recycled content or recyclable products should be selected where possible to minimise the use of natural resources and the volume of waste sent to landfill.

3. Community principles

- 3.1. Healthy ecosystems and well-managed natural areas will support the health and well-being of the community.
- 3.2. The Shire seeks to build and maintain effective partnerships to promote environmental awareness, responsible natural resource management and sustainable lifestyles.
- 3.3. Information will be made available for schools and residents on sustainability and local environmental issues through publications, talks, workshops and other mediums.
- 3.4. The Shire encourages enjoyment, environmental stewardship and care of natural areas by residents and community groups.

7.0 URGENT BUSINESS (LATE REPORTS)

Nil

8.0 CLOSING PROCEDURES

8.1 Date, Time and Place of the Next Meeting

The next Environmental Advisory Committee will be held on 22 May 2018 at 6.00 pm in the Committee Room, 7000 Great Eastern Highway, Mundaring.

8.2 Closure of the Meeting

The Deputy Presiding Member declared the meeting closed at 7.26pm.