



MINUTES

of the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 25 October 2016

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Minutes of the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 25 October 2016 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT:

Wayne Sanford	Councillor (Presiding Member)
Gary Faries	Councillor
Nola Green JP	Councillor
Elysia Harverson	Councillor
Joe Italiano	Councillor
Neil Martin	Councillor
Ian Miffing JP	Councillor
John Piavanini	Councillor
Sarah Stanley	Councillor
Glyn Yates	Councillor

David Blurton	Chief Executive Officer
Andrew Dover	Director Development Services
Brett Lowcock	Director Technical Services
Allison Fergie	Director Corporate Services
Libby Flynn	Finance Manager
Deb Brown	CEO PA

GALLERY:

Shannon Wood Collie Mail
Julieanne Hilbers, Sherry Thomas, Fiona Richardson - Yabberup
Progress Association and Steve Pickering – (left at 7.53pm)

1.1 Councillors granted Leave of Absence at previous meeting/s.

Cr Hanns has previously been granted Leave of Absence for this Ordinary Meeting of Council.

1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.

Nil

1.3 Councillors who are applying for Leave of the Absence for this Ordinary Meeting of Council.

Nil

2. AUSTRALIAN CITIZENSHIP CEREMONY

A Citizenship Ceremony was held prior to this Council Meeting.

3. PUBLIC QUESTION TIME

Nil

4. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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5. DISCLOSURE OF FINANCIAL INTEREST

The Chief Executive Officer advised that Disclosures of Financial Interests had been received from Councillors/staff as listed below:

Councillor/Staff	Agenda Item	Disclosure
David Blurton	24.5 – Staff Matter	Package - Financial
David Blurton	11.7 - House Advisory Committee Minutes	Golf Club Member - Impartial
Cr Italiano	11.7 - House Advisory Committee Minutes (Councillor Christmas Function – Golf Club)	Golf Club Member - Impartial

6. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

The Yabberup Progress Association briefed Council regarding their proposal to have the Wellington National Park expanded.

Cr Sanford thanked the representatives for presenting their proposal to Council and several questions were asked of the Association.

7. NOTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

The meeting will be closed to the public for Items 24.1, 24.2, 24.3, 24.4 and 24.5.

8. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

The Shire President requested Item 13.1 to be brought forward due to interest by attending persons.

One (1) member of the Gallery left the Chambers at 7.47pm and returned at 7.48pm.

13.1 Wellington National Park Extension

Reporting Department:	Chief Executive Office
Reporting Officer:	David Blurton – Chief Executive Officer
Accountable Manager:	David Blurton – Chief Executive Officer
Legislation	WA Local Government Act 1995
File Number:	
Appendices:	Yes – Coloured Appendix 1
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a request by the Yabberup Community Association Inc. for supporting an extension to the Wellington National Park.

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7200

Officer's Recommendation/Council Decision:

Moved: Cr Green

Seconded: Cr Faries

That Council

- 1. Seek comment from industry stakeholders regarding impacts of the proposal to expand Wellington National Park.**
- 2. Staff prepare a report at the close of consultation for the consideration of Council.**

CARRIED 10/0

Background:

The CEO and Shire President received a presentation from representatives of the Yabberup Community Association Inc. on 18 August 2016 seeking Council support for the expansion of the Wellington National Park. A follow-up email was received from the group shortly thereafter formally requesting Council support. Supporting information including the group's vision, and a map was provided at the meeting is attached at Coloured Appendix 1.

The vision of the group is "...an expanded Wellington National Park as the centre piece for world class sustainable eco-tourism that will provide ongoing recreation, education, business and employment opportunities for surrounding communities, the state and beyond."

The revised greater national park will increase from 17,500 hectares to 30,000 hectares in size should the proposal be successful and the group have provided a petition template to the WA Legislative Council on the issue.

The group will attend the Council meeting on 25 October to present to Councillors, provide more information on the issue and answer Councillors questions.

Statutory and Policy Implications:

N/A

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

Media Statement.

Strategic Community Plan/Corporate Business Plan Implications:

Strategy 2.2.3: Advocate for improved water quality and utilisation of the Wellington Dam for recreational purposes.

Action 2.2.3.1 Attend appropriate events and meetings to lobby for the improvement of facilities and access to the Wellington Dam

Regional Tourism Strategy

4.7 Dams

Investigate participation in the Interagency Working Group and Master Plans for (proposed additional) recreational activity at Harvey, Wellington and other dams and inland waterways throughout the region. HIGH 2016-2017

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7.2 DPaW

Open dialogue with DPaW's regional managers to investigate product development opportunities at Ludlow Tuart Forest and Wellington National Parks, Wellington Dam and Harvey Dam. HIGH 2016-2019

7.4 Interagency Working Group

LGAs open dialogue with the Water Catchment Interagency Working Group to participate in master planning for recreation use in Wellington and Harvey dams. MEDIUM 2016-2019

Relevant Precedents:

N/A

Comment:

The group considers expansion of the park will provide ongoing business and employment opportunities through tourism as well as providing recreational activities such as bush walking and mountain biking. The group also indicates that the expansion will protect the endangered biodiversity which is found in the area.

It is noted that much of the area indicated on the map which is identified for expansion is currently either bluegum or pine plantation and it is unclear on what an expansion will mean for these industries and other related industries.

National Park status generally restricts any commercial development and as this decision will potentially impact industry it is suggested that some level of consultation should occur with industry prior to Council developing a position on the proposal.

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Four (4) members of the Gallery left the Chambers at 7.53pm.

9. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES
7201

Recommendation/Council Decision:

Moved: Cr Miffing

Seconded: Cr Italiano

That Council confirms the Minutes of the Ordinary Meeting of Council held on Tuesday, 4 October 2016.

CARRIED 10/0

10. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Nil

11. RECEIPT OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL

11.1 Receipt of the Minutes of the Disability Access and Inclusion Committee
7202

Recommendation/Council Decision:

Moved: Cr Green

Seconded: Cr Stanley

That Council receives the minutes of the Disability Access and Inclusion Committee held on 29 September 2016.

CARRIED 10/0

11.2 Adoption of the Recommendations of the Disability Access and Inclusion Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Disability Access and Inclusion Committee meeting held on 29 September 2016:

11.2.1 That Council authorise Mrs Julie Pellicciari and at least one other person, either the Chief Executive Officer and / or Councillor(s) to attend the National Disability Awards Presentation Evening in Canberra on Monday 7 November 2016.

Notation:

The recommendation below was dealt with as urgent business at the Ordinary Council meeting held on 4 October 2016 as follows:

7195

Committee Recommendation/Council Decision:

Moved: Cr Martin

Seconded: Cr Italiano

That Council authorise Mrs Julie Pellicciari and at least one other person, either the Chief Executive Officer and / or Councillor(s) to attend the National Disability Awards Presentation Evening in Canberra on Monday 7 November 2016.

CARRIED 9/0

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7196

Moved: Cr Hanns

Seconded: Cr Miffing

Cr Green to attend the National Disability Awards Presentation Evening in Canberra on Monday 7 November 2016.

CARRIED 9/0

11.3 Receipt of the Minutes of the Weeds and Waterways Advisory Committee

7203

Recommendation/Council Decision:

Moved: Cr Green

Seconded: Cr Stanley

That Council receives the minutes of the Weeds and Waterways Advisory Committee held on 6 October 2016.

CARRIED 10/0

11.4 Adoption of the Recommendations of the Weeds and Waterways Advisory Committee

Notation regarding Item 11.4.3:

Several Committee members requested that it be noted by Council that the length of time taken to address the correspondence between Mr. Riley and the Department of Water is beyond their control.

7204

Recommendation/Council Decision:

Moved: Cr Green

Seconded: Cr Piavanini

That Council adopts en bloc the recommendations contained within the minutes of the Weeds and Waterways Advisory Committee meeting held on 6 October 2016:

11.4.1 That Council:

- 1. Invite representatives from Aqua Ferre Holdings Pty Ltd to present the proposal to the Weeds and Waterways Advisory Committee of 03 November 2016; and**
- 2. Write to the Department of Water stating that comment on the proposal will be made following the Council Meeting of 15 November 2016**

11.4.2 That Council write to the Ngalang Boogja Aboriginal Council enquiring if they have a continued interest in attending the Weeds and waterways Advisory Committee Meetings

11.4.3 That Council acknowledges Mr Riley's concerns over the length of time taken to address the correspondence between Mr Riley and the Department of Water

11.4.4 That Council write to the Department of Aboriginal Affairs seeking an update on their deliberations in relation to "re-listing" the Collie River and tributaries as an Aboriginal site

11.4.5 That Council endorses the Committee recommendation that staff develop and undertake an educational campaign as resolved by Council 08 December 2015 in the near future

11.4.6 That the Committee commences the development of an agreed strategy and vision for the Collie River and tributaries in the next 3 months.

CARRIED 10/0

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11.5 Receipt of the Minutes of the Community Safety and Crime Prevention Committee

7205

Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Green

That Council receives the minutes of the Community Safety and Crime Prevention Committee held on 6 October 2016.

CARRIED 10/0

11.6 Receipt of the Minutes of the House Advisory Committee

7206

Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Miffling

That Council receives the minutes of the House Advisory Committee held on 10 October 2016.

CARRIED 10/0

11.7 Adoption of the Recommendations of the House Advisory Committee

7207

Recommendation/Council Decision:

Moved: Cr Green

Seconded: Cr Miffling

That Council adopts en bloc the recommendations contained within the minutes of the House Advisory Committee meeting held on 10 October 2016:

11.7.1 That Council endorses the House Advisory Committee's request for approval to continue to organize the official Shire of Collie Councillor Christmas Function to be held at the Collie Golf Club on 9 December 2016 with the Ladies' Golf Caterers as the group to cater for the event

11.7.2 That Council endorses the date and style of function chosen by the House Advisory Committee to officially mark the Justices of the Peace's Centenary anniversary. The dater for the function which will be an afternoon tea is to be set for Thursday, 24 November 2016 at 3.30pm with the venue being the Council Chambers.

CARRIED 10/0

11.8 Receipt of the Minutes of the Townscape Advisory Committee

7208

Recommendation/Council Decision:

Moved: Cr Piavanini

Seconded: Cr Harverson

That Council receives the minutes of the Townscape Advisory Committee held on 11 October 2016.

CARRIED 10/0

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12. **RECEIPT OF NON COUNCIL COMMITTEE MINUTES PRESENTED TO COUNCIL**
Nil

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13. CEO REPORTS

13.2 Motoring South West – Shire of Collie Representative

Reporting Department:	Chief Executive Office
Reporting Officer:	Deb Brown - CEOPA
Accountable Manager:	David Blurton – Chief Executive Officer
Legislation	WA Local Government Act 1995
File Number:	EDV/067
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To seek a new Shire of Collie representative for the Motoring South West Committee.

7209

Officer's Recommendation/Council Decision:

Moved: Cr Yates

Seconded: Cr Piavanini

That Council appoints 1 Councillor (Cr Faries) as the Shire's delegate and 1 Councillor/Staff member (Cr Harverson) as his Deputy to Motoring South West Incorporated.

CARRIED 10/0

Background:

Following the 2015 Local Government elections at the 20 October 2015 Special Meeting of Council, representatives were appointed to various Council and non Council Committees; one of those being Motoring South West Incorporated:

6876

Recommendation/Council Decision:

Moved: Cr Green

Seconded: Cr Miffing

That, Council appoints 1 Councillor (Councillor Yates) as the Shire's Delegate and 1 Councillor/Staff member (Councillor Faries) as his Deputy to Motoring South West.

CARRIED 11/0

The meetings are held monthly and the purpose of Shire representation is to assist in the Management of the Collie Motorplex.

Statutory and Policy Implications:

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

Delegates are advised of meeting dates by Motoring South West.

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Strategic Community Plan/Corporate Business Plan Implications:

N/A

Relevant Precedents:

Following local government elections, Councillors and staff are appointed to various Council and non Council Committees.

Comment:

Councillor Yates has advised the CEO Mr David Blurton that he is struggling to attend the Motoring South West Committee meetings and has requested that he be replaced as the Shire's delegate. Councillor Yates has further advised that Cr Faries (currently the Deputy Delegate) is willing to take over the role as Delegate.

If Council approves the appointment of Cr Faries as Delegate, a new Deputy Delegate will need to be appointed to the position.

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14. CORPORATE SERVICES REPORTS

14.1 Accounts Paid – September 2016

Reporting Department: Corporate Services
Reporting Officer: Libby French – Finance Manager
Accountable Manager: Allison Fergie – Director of Corporate Services
Legislation: Local Government Act 1995 & Financial Management Regulations 1996
File Number: FIN/024
Appendices: Yes – Appendix 1
Voting Requirement Simple Majority

Report Purpose:

To present the accounts paid during the month of September 2016.

7210

Officer’s Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Martin

That Council accepts the Accounts as presented in Appendix 1 being vouchers 3069-3072 and 40943-40968 totalling \$23,179.63 and direct payments totalling \$672,191.97 authorised and paid in September 2016.

CARRIED 10/0

Background:

In accordance with clause 12 of the WA Local Government Financial Management Regulations (1996) the Council may delegate the authority to the Chief Executive Officer (CEO) to authorise payments from both the municipal, trust and reserve funds in accordance with the Annual Budget provisions. The CEO shall cause for section 13 of the WA Financial Management Regulations (1996) to be adhered to with a list of accounts for approval to be presented to the Council each month.

Month	Cheques 2016/17	EFT 2016/17	Total Payment 2016/17
July	84,704.43	917,730.00	1,002,434.43
August	34,665.50	596,608.27	631,273.77
September	23,179.63	672,191.97	695,371.60
October			
November			
December			
January			
February			
March			

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Month	Cheques 2016/17	EFT 2016/17	Total Payment 2016/17
April			
May			
June			

Statutory and Policy Implications:

WA Local Government Act 1995

Financial Management Regulations 1996

Council has Policy number CS3.7 which relates to the payment of Creditors, and in particular item 5.0 which relates to the presentation of accounts paid.

A list of all accounts paid in the month prior shall be presented to the Council. The list shall comprise of details as prescribed in the Local Government Financial Management Regulations (1996).

Budget Implications:

All liabilities settled have been in accordance with the Annual Budget provisions.

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Comment:

For a detailed listing of payments see Appendix 1.

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14.2 Financial Report – September 2016

Reporting Department:	Corporate Services
Reporting Officer:	Libby French – Finance Manager
Accountable Manager:	Allison Fergie – Director of Corporate Services
Legislation:	Local Government Act 1995 & Financial Management Regulations 1996
File Number:	FIN/024
Appendices:	Yes – Appendix 2
Voting Requirement	Simple Majority

Report Purpose:

This report provides a summary to the Financial Position for the Shire of Collie for the month ending September 2016.

7211

Officers Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Martin

That Council accept the Financial Reports for September 2016 as presented in Appendix 2.

CARRIED 10/0

Background:

In accordance with Council policy and the provisions of the Local Government Act 1995, the Financial Report for the end of the period is presented to Council for information. Refer to Appendix 2.

Statutory and Policy Implications:

WA Local Government Act 1995
Financial Management Regulations 1996

Budget Implications:

Nil

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

N/A

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Comment:

The report provided to Council as Appendix 2 is inclusive of the information required by the Local Government Act 1995 and includes information as set out in Council Policy.

The report includes a summary of the financial position along with comments relating to the statements. If Councillors wish to discuss the report contents or any other matters relating to this, please contact Council Finance staff prior to the meeting.

Notes to the Financial Statements (items in bold represent new notes)

Operating Revenue

1. **Governance is \$11,108 under budget mainly due to the timing of insurance reimbursement claims.**
2. **Recreation and Culture is \$83,880 over budget as the Changing Places Program Access grant of \$62,300 and Town Site Mountain Bike Trail Project grant of \$23,500 were successful (unbudgeted). Additional grant money for the Town Site Mountain Bike Trail Project will be received in 2017/18.**
3. Transport is \$69,829 over budget due to the timing of two roads grants, and a grant towards the planning studies for the upgrade of the Collie Motorplex was received.

Operating Expenditure

4. Governance is over budget and all other programs are under budget as the admin allocation, plant allocation and depreciation processes have not yet been run. These will remain outstanding until the 2015/16 annual report process has been finalised.

Operating Revenue by Nature and Type

5. **Fees and charges is \$88,044 under budget, largely reflecting the 2015/16 organics credit, and private works revenue and transfer station fees are under budget.**
6. Interest Earned is \$12,510 under budget as interest in August and September 2016 are yet to be reflected in the accounts.

Operating Expenditure by Nature and Type

7. Materials and Contracts is under budget \$239,470 as admin and plant allocation will be processed upon completion of the 2015/16 annual report.
8. **Utility Charges is \$31,476 under budget, mainly due to a delayed payment for street lighting.**
9. Depreciation is \$872,967 under budget as July, August and September depreciation has not been posted; this will be processed after the 2015/16 annual report has been finalised.
10. **Non-Operating Grants, Subsidies, and Contributions is over budget by \$155,629, because of unbudgeted grants (Changing Places Program Access, Town Site Mountain Bike Trail Project, and timing of the Collie Motorplex planning studies) and the timing of roads grants.**

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Non-Operating Expenditure

11. Capital purchases are currently under year to date budget, generally due to the timing of payments for certain SuperTowns contracts and MSW Redevelopment. Projects will continue to be monitored by the executive team, and major projects for 2016/17 are identified in the following table;

Project	Original Budget	YTD Actual	Comment
SuperTowns Projects	978,239	225,984	Completion expected December 16
MSW Redevelopment	2,939,956	22,139	Ongoing
Piavanini Rd (Coalfields - Powerhouse)	240,000	322	Scheduled January 17
Mungalup Rd (SLK 7.00 - SLK 8.54)	426,000	-	Scheduled October/November 16
Powerhouse Rd (Piavanini - SLK 5.10)	120,000	-	Scheduled January 17
Rowe St (SLK 0.00 - SLK 0.50)	200,000	-	Finalising design
Venn St East (Burt - David Hay)	120,000	-	Scheduled September/October 16
Concession St (Bush - SLK 0.07)	200,000	-	Finalising design

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15. DEVELOPMENT SERVICES REPORTS

15.1 Parking and Parking Facilities Local Law 2012 Amendment

Reporting Department:	Development Services
Reporting Officer:	Andrew Dover – Director Development Services
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Local Government Act 1995
File Number:	GOV/041
Appendices:	Yes – Appendix 3
Voting Requirement	Absolute Majority

Report Purpose:

To bring the penalties prescribed in the *Parking and Parking Facilities Local Law* into line with other Local Government's Local Laws and the Shire's other Local Laws.

Officers Recommendation:

That Council advertises its intention to amend the Parking and Parking Facilities Local Law as per Appendix 4 and forward a copy of the proposed Local Law to the Department of Local Government for the Minister's consideration.

7212

Council Decision:

Moved: Cr Yates

Seconded: Cr Miffing

That Council defer consideration of the Parking and Parking Facilities Local Law until the CBD Parking Plan has been developed, consultation has been undertaken and the final Plan adopted.

CARRIED 10/0

Reason: Council considers that the adoption of the CBD Parking Plan should occur before the review of the local law.

Background:

Council's current Local Law relating to parking was gazetted in 13 November 2012. The penalties for offences in the Local Law have become outdated; out of step with other Local Government's Parking Local Laws; out of step with the Shire's other Local Laws; and are no longer a deterrent to offenders. Council staff have undertaken an extensive review of the penalties for offences in this Local Law and have developed alternative penalties which addresses these issues.

Statutory and Policy Implications:

The process required to be used when adopting or amending a local law is set out in s3.12 –3.14 of the Local Government Act 1995 and is extracted below:

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3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give State wide public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*

“making” in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

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[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23.]

In addition, Regulation 3 of the Local Government (Functions and General) Regulations 1996 stipulates that for the purposes of section 3.12 of the Act, the purpose and effect of any proposed local law is to be included in the agenda and minutes of a meeting.

Budget Implications:

Expenditure on advertising as provided within the Budget.

Communications Requirements: (Policy No. CS 1.7)

The Local Government Act requires State wide advertising and local public notice of the proposed local laws for a period of 42 clear days. The results are to be brought back to Council for consideration, after which it may make the local law. If as a result of public comments, there are significant amendments to the proposed local laws, then the advertising process must recommence.

Strategic Plan Implications:

Strategy 5.1.5 Administer Local Laws and ensure compliance with statutory obligations.

Relevant Precedents:

As outlined within the background to this report.

Comment:

The amendment to this Local Law has been based on Council's previous Local Law; the Council's current *Activities in Thoroughfares and Public Places and Trading Local Law*; and a selection of other similar Local Laws (including the Shire of Capel, Towns of Mosman Park and Port Hedland and the Cities of Mandurah and Bayswater) which have been recently adopted. A copy of the draft amendment to the Local Law can be found at Appendix 4.

Under the *Parking and Parking Facilities Local Law*, the current penalty for obstructing a footpath with a vehicle (item numbers 20 and 28 of Appendix 4) is \$50. However, under the *Activities in Thoroughfares and Public Places and Trading Local Law*, the similar offence of obstructing a footpath (with something other than a vehicle, e.g. shopping trolley, skip bin etc.) has a penalty of \$125.

Comparison with other similar, recently adopted Local Laws reveal a range of penalties for similar offences, ranging from \$50 through to \$200. As the Shire's penalties are at the lower end of this range, it is recommended that they are increased to the middle of this range. This will provide suitable deterrent and align this Local Law with other similar Local Laws.

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The Finance Manager left the Chambers at 8.43pm and returned at 8.48pm.

15.2 Animal Establishment - House and Train 12 Greyhounds

Reporting Department:	Development Services
Reporting Officer:	Kelly Beauglehole – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995
File Number:	A3800
Appendices:	Yes – Coloured Appendix 2
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider approval of an animal establishment (kennel and training of 9 greyhounds) at 106 (Lot 1424) Skipworth Road, Collie.

7213

Officer's Recommendation/Council Decision:

Moved: Cr Miffing

Seconded: Cr Harverson

That Council pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to Grant approval (for a further 12 month period) to Grant Campbell for use of 106 (Lot 1424) Skipworth Road, Collie as an animal establishment (kennel and training of 9 grey hounds) subject to the following conditions:

- a) At all times, the development the subject of this planning approval must comply with the definition of 'Animal Establishment' as contained in Schedule 1 of the Shire's Local Planning Scheme.**
- b) A maximum of 9 dogs over the age of three (3) months may be kept on the property at any one time.**
- c) Application and approval/ renewals for a kennel licence under the Shire of Collie's Dogs Local Law 2010.**
- d) All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.**
- e) The development is to comply with the building code of Australia, Building regulations and Local Government Act 1995.**
- f) All works required to satisfy a condition of this approval are required to be installed/ constructed (to be completed within a three month period) and maintained in accordance with the approved plans and conditions of approval for the life of the development and**
- g) Kennels are to be visually screened to prevent external stimuli such as other dogs, animals, traffic or passers by.**
- h) The use of manually constructed sound barriers such as earth banks, walls and/or vegetation are to be installed. A solid fence is to be erected as per the line marking on the approved plan (attached) to the satisfaction of the Shire of Collie.**

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- i) Restriction of exercise to within hours of 8am – 6pm, and excluding Sunday, unless otherwise agreed to in writing from the Shire of Collie.
- j) Permanent use of appropriate construction materials for kennels which reduces the impact of noise. For example the use of sound absorption materials (eg. glass, fibre or wool) on the side of the barrier facing the noise source can help to reduce noise levels by reducing noise reflections.
- k) Ventilation needs to be considered in conjunction with any noise insulation work.
- l) Installation of a drain to collect and dispose of all floor washings in accordance with the health requirements of the local government.
- m) The use of the land shall not cause or permit to cause the escape of noise, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality.
- n) If in the opinion of the Shire of Collie, the dogs are causing a nuisance or annoyance to adjoining land owners or occupiers, the Shire of Collie may withdraw the approval.

CARRIED 6/5
Cr Sanford used his casting vote

Background:

An application has been received for an animal establishment, specifically a kennel, at Lot 1424, No. 106 Skipworth Road, Collie. The application was previously approved under a temporary permit for 12 months to allow for the impacts of the land use to be assessed.

The proposal is to house a maximum of 12 greyhounds to be trained for racing.

The applicant/s are currently housing a maximum of 9 greyhounds.

Statutory and Policy Implications:

Local Planning Scheme No. 5

The proposal has been assessed in accordance with the following clause(s) of the Scheme:

4.2 – Objectives of the Zones – Rural 2 Zone

- Predominantly rural and mining uses
- Protect land from urban uses that may jeopardize future use of land for other planned purposes and
- Protect land from closer development which would detract from rural character and amenity of the area.

4.3 – Zoning Table

An animal establishment is an 'A' use and therefore requires advertising under section 9.4 of the Scheme

9.4 - Advertising of Applications

The proposed land use is an 'A' use in Table 1 of the Local Planning Scheme. Notice of the proposed land use was served on nearby landowners and a total of two submissions were received.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 cl. 60 Requirements for Development Approval

Schedule 2 cl. 67 Matters to be Considered by Local Government

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- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or another proposed planning instrument that the local government is seriously considering adopting or approving;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

Shire of Collie Dogs Local Law 2010

Part 4 provides a process for approving and licensing kennel establishments. The Local Law reflects the need for planning approval for an animal establishment under Local Planning Scheme No. 5.

Dog Act 1976

Dog Regulations 2013

Budget Implications:

NA

Communications Requirements: (Policy No. CS 1.7)

The proposal has been advertised in accordance with the requirements of the Scheme and following policy objectives:

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities
3. Fostering meaningful community consultation processes in Council's activities.

The public advertising period ran from 18-31 August 2016 and communications were made in the following ways:

- An advertisement in the Collie Mail on 18 August;
- Letters mailed to adjoining land owners in the locality;
- Letters mailed to relevant government agencies (DMP, DPAW).

A total of 3 submissions were received as a result of the public advertising period.

(Full Schedule of Submissions attached at Appendix 5)

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Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

Outcome 3.1 Appropriate Land Use, Development, and Conservation of Heritage;

Strategy 3.1.1: Ensure appropriate Planning Controls for land use and development through the administration of the local planning scheme and strategies.

Relevant Precedents:

On 10 February 2015 Council considered and approved a temporary consent for a period of 12 months for this proposal. (resolution 6643).

Comment:

Following consultation, three (3) submissions were received, two (2) from agency referrals who had no issues with the proposal and the other respondent, Mr Barreto and Ms Burgess, (the adjoining neighbour) submitted two submissions (one dated prior to the application and one during the consultation period) and voiced strong objection to renewing the proposal and increasing the number of dogs being housed on the property. The respondent/s reported they have complained about the dogs to the Shire on numerous occasions. The respondents claim the dogs are barking at all hours of the night and day. They admit that since efforts have been made by the owner to control the barking it has improved. The current kennel is approximately 194m from the adjoining boundary and approx 220m from the neighbor's main bedroom. They provided a copy of the bark diary that they have collected since 2015. Local rangers use a rule of thumb that barking under 15 minutes 2-3 times a day is not considered excessive. The bark diary does not show the barking to be of an excessive duration or occurrence to warrant further action.

Attempts by the Shire have been made to set up noise monitoring equipment from the neighbouring property to record the night disturbances in particular but have had no cooperation from the complainant in assisting with the recording, which requires activating at the time of the disturbance to record.

A minimum separation distance of 500 metres from sensitive receptors (i.e. houses on neighbouring properties) is recommended unless it can be demonstrated that management measures can be put in place to ameliorate the noise impact (EPA WA Separation Distances between Industrial and Sensitive Land Uses).

The landowner and applicant understand that noise from the animals has been an issue for the adjoining landowner and are committed to addressing this issue through soundproofing measures on site, bark collars and muzzles which have been previously been successful. The installation of a fence around the close vicinity of the kennels has previously been discussed with the applicant and will form part of this recommendation for approval.

Officers noted odour from the washing out of the kennels as no drain is in place to catch and remove water contaminated with animal waste. It is recommended that this be addressed for the health and wellbeing of the animals and their carer's.

Under the Dogs Local Law 2010 an application for licence for an approved kennel establishment must be made and approved subject to the following conditions—

- (a) a determination on application for planning approval granting approval for an animal establishment having first been obtained under a local planning scheme;

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- (b) compliance with all conditions of any approval referred to in subclause (a) above
- (c) all external surfaces of each kennel must be kept in good condition;
- (d) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (e) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (f) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (g) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (h) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the Shire, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

The kennel has a maximum capacity for housing nine (9) grey hounds and is not a large scale commercial kennel facility.

The dogs present are the personal collection of the owners and are trained for grey hound racing.

There is no commercial dog short term boarding offered to the public.

The turnover of animals might range from 1-3 years and the animals are accustomed to the site and surroundings.

The shutters that have been installed on the kennels appear to have been successful in reducing visual stimuli and noise travelling in the direction of the neighbouring property, with close monitoring of the completion of conditions and the option to monitor noise and odour at intervals if required, it is believed that the impact of the establishment is reasonable in the rural area.

It is recommended that a permanent planning approval for a maximum of 9 dogs is issued subject to conditions. In addition, application, and approval of a kennel permit from the Rangers is necessary and, if in the opinion of the Shire of Collie, the dogs are causing a nuisance or annoyance to adjoining land owners or occupiers, the Shire of Collie may withdraw or not renew the kennel permit.

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15.3 Trader's Permit – Lenards Chicken 2016-2017

Reporting Department:	Development Services
Reporting Officer:	Kelly Beauglehole – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995
File Number:	PHL/011
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for a Trader's Permit under the Activities in Thoroughfares and Public Places and Trading Local Law 2012 for a 12 month period.

7214

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Harverson

That Council, pursuant to the provisions of the Local Government Act 1995, hereby resolves to:

- 1. Grant a renewal of a Trader's Permit to Taryn & Craig York for 'Lenards Chicken' to operate a mobile food van for a period of 12 months from the Medic Street location, Collie subject to the following conditions:**
 - (a) Place to which permit applies:
Medic Street, Collie**
 - (b) Description of stand, structure or vehicle to be used by the licensee:
'Lenards Chicken' registration no. (to be provided on the permit)**
 - (c) Particulars of goods, wares, merchandise or services available:
Raw Chicken/ Poultry products and pre-prepared meals.**
 - (d) Permitted days and hours when stall may be operated:
Days: Friday
Hours: 2pm – 6pm**
 - (e) This permit is valid for a period of 12 months from the date of issue.**
 - (f) The licensee shall maintain a public liability insurance of not less than \$20 million at all times.**
 - (g) The licensee is to abide by the conditions set under Part 6 Trading in Thoroughfares and Public Places Division 1 - Stallholders and Traders**
 - (h) Trading is not permitted within 400 metres of an established premise selling similar goods.**
 - (i) The Permit Holder must comply with the Shire of Collie Parking and Parking Facilities Local Law 2012 and with all relevant laws regarding stopping and parking of vehicle with regards to road traffic and pedestrian safety.**
 - (j) This permit shall be available for inspection from the food business at all times during operation.**
 - (k) This permit is only valid for the location specified on the permit.**

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2. Apply an additional 6 months in overdue renewal fees of \$200.

CARRIED 7/3
Cr Italiano voted against the motion

7215

Moved: Cr Yates

Seconded: Cr Stanley

That Council review the Activities in Thoroughfares and Public Places and Trading Local Law 2012.

CARRIED 10/0

Background:

The 'Lenards Chicken' vendor has applied to renew their Trader's Permit to trade from Medic Street public parking bays adjacent the Lawn Bowls Club for a period of twelve (12) months commencing from the date of approval. 'Lenards Bunbury' is a registered Food Business with the City of Bunbury and is seeking permission to trade in public places within the Shire of Collie.

Statutory and Policy Implications:

Local Government Act 1995

Under Section 5.42 of the Act Council has delegated to the CEO the power to determine Trader's Permits under Part 6 of the *Activities in Thoroughfares and Public Places and Trading Local Law 2012* for a period of one week or less and only if in the opinion of the CEO the permit will not adversely affect nearby landowners or shire operations.

Activities in Thoroughfares and Public Places and Trading Local Law 2012

Part 6 – Trading in Thoroughfares and Public Places

Trading includes -

- (b) displaying of good in any public place for the purpose of –
 - (i) Offering them for sale or hire;
 - (ii) Inviting offers for their sale or hire;
 - (iii) Soliciting orders for them; or
 - (iv) Carrying out any other transaction in relation to them

Budget Implications:

A Trader's Permit will attract an application fee of \$385 from the Permit Holder. This comprises of a \$20 application fee and \$365 for a 12 month period of trading plus the overdue fees of \$200 is a total of \$585.

Communications Requirements: (Policy No. CS 1.7)

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities
3. Fostering meaningful community consultation processes in Council's activities.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

Outcome 3.1 Appropriate Land Use, Development and Conservation of Heritage;

Strategy 3.1.1: Ensure appropriate Planning Controls for land use and development through the administration of the local planning scheme and strategies.

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Outcome 5.1: Good Governance and Leadership

Action 5.1.5.5 Ensure formal land use agreements are in place for all third parties who operate from Council reserves in accordance with Council Policy.

Relevant Precedents:

The food business Lennard's Chicken operates a food van every Friday from Medic Street in the public car parking bays, subject to annual renewal. The permit is overdue for its 3rd approval period.

Comment:

The approval of mobile food premises provides a retail market that for limited periods of time on a regular basis provides for a market that differs from the tenancy based businesses in town. A mobile food premises is required to comply with the Competition Principles Agreement (WA) and the Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012.

Shire staff ensures that there are no sole traders/ small business operators with the same product within a 400m radius of the public place in which the business will operate.

The CBD does not have any similar retail premises within 400m of the location specialising in poultry products.

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15.4 Draft Local Heritage Inventory Request for Advertising

Reporting Department:	Development Services
Reporting Officer:	Kelly Beauglehole – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 Heritage of Western Australia Act 1990 WA Local Government Act 1995
File Number:	LUP/003
Appendices:	Yes – Coloured Appendix 3
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval to advertise the Draft Shire of Collie Local Heritage Survey (formerly Municipal Inventory) for public comment and prepare a summary of responses and recommendation to Council for its consideration.

7216

Officer's Recommendation/Council Decision:

Moved: Cr Miffing

Seconded: Cr Green

That Council, pursuant to the provisions of the Heritage of Western Australia Act 1990, hereby resolves to grant approval to advertise the Draft Shire of Collie Local Heritage Survey in accordance with s 45 of the Act for a period of 45 days.

CARRIED 10/0

Background:

The Draft Local Heritage Survey (formerly Municipal Inventory) has been prepared to identify and record places that are, or may become, of cultural heritage significance to a local government, and is used to prepare a Heritage List established under the Local Planning Scheme Deemed Provisions (See Place Record Examples at Coloured Appendix 3).

Statutory and Policy Implications:

Heritage of Western Australia Act 1990

S45. Local Government to compile etc. Inventory of buildings with cultural heritage significance

State Cultural Heritage Policy 2011

Policy Objectives

- Recognise
- Protect
- Promote
- Partner

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Heritage Bill 2016

The Heritage Bill is a seriously entertained document that will be considered in parliament in 2017. The term 'Local Heritage Survey' replaces the current 'Municipal Inventory' under the current requirements of s45 of the Heritage Act of Western Australia 1990.

For consistency with upcoming legislation the document has been titled accordingly as a Local Heritage Survey (prepared in accordance with section 99 of the Heritage Bill 2016).

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed Provisions

Part 3 – Heritage Protection

Part 7 – Requirements for Development Approval

Part 8 – Applications for Development Approval

Part 9 – Procedures for dealing with applications for Development Approval

Local Planning Scheme No. 5

5.2 Residential Design Codes

5.7 Variations to Site and Development Requirements

Residential Design Codes

2.2 Single House Approval

Budget Implications:

Advertising costs associated with the public notification.

Communications Requirements: (Policy No. CS 1.7)

The proposal will undergo public advertising in accordance with section 45 of the *Heritage of Western Australia Act 1990* for a period of 21 days.

The following methods of public consultation will be implemented:

- A letter to land owners of all affected properties to invite comments and to offer the opportunity to meet with Shire Staff and the Heritage Advisory Officer to discuss the listing.
- Public advertisement in a locally distributed newspaper for 2 consecutive weeks.
- Public advertisement listed on the Shire's website and the opportunity to submit online.
- Printed advertisement on the Shire's Notice Board at the Shire Office.

The advertising of the draft Survey satisfies the following objectives of the Corporate Business Plan:

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders.
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities.
3. Fostering meaningful community consultation processes in Council's activities.

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Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

Outcome 3.1 Appropriate Land Use, Development and Conservation of Heritage;

Strategy 3.1.1: Ensure appropriate Planning Controls for land use and development through the administration of the local planning scheme and strategies.

Relevant Precedents:

The current Municipal Inventory was adopted in 1996 and has not been maintained since its adoption.

Comment:

The Shire of Collie Municipal Inventory (MI) was adopted in 1996 and has 148 places of cultural significance listed.

In the years between 2010-2012 the Shire commenced a review of the MI which was never completed through to adoption. The review of an MI should take place every four years, therefore a review of the Draft document was required. From the draft documents prepared by the previous staff and Heritage Review Committee, it is now possible to complete the review of the MI and adopt a Heritage List as required by the Scheme and Regulations.

After the period of public and landowners' consultation, the draft document will be presented to Council for consideration of the submissions and final place records. The final adopted Shire of Collie Local Heritage Survey will then be presented to the Heritage Council of WA.

Due to the size of the Inventory, a link has been emailed to Councillors to enable Councillors to view the full Inventory prior to this meeting.

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15.5 Plant Nursery (Incl. Propagating Area, Retail Landscaping Supplies, Workshop, Trade Display)

Reporting Department:	Development Services
Reporting Officer:	Shire Planner Kelly Beauglehole
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995
File Number:	A5065
Appendices:	Yes – Coloured Appendix 4
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for construction of a shed and transportable building for storage (within side boundary setbacks) for a change of use to a plant nursery (incl. propagating area, retail landscaping supplies, trade display).

7217

Officer's Recommendation/Council Decision:

Moved: Cr Yates

Seconded: Cr Martin

That Council pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to grant approval to Thomas Richard Chappell for the construction of a shed and transportable building for storage (within side boundary setbacks) for a change of use to a plant nursery (incl. propagating area, retail landscaping supplies, trade display) at L2786 Collins Street Collie 6225 subject to the following conditions:

- (a) At all times, the development the subject of this planning approval must comply with the definition of 'plant nursery' as contained in Schedule 1 of the Shire's Local Planning Scheme.
- (b) All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.
- (c) This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.
- (d) All works required to satisfy a condition of this approval are required to be installed/ constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
- (e) With the building permit application, a landscaping plan must be submitted for the approval of the Shire of Collie. The landscape plan must address the following:

Provide 100m² of landscaping works for the site. Documentation is to include the following information:

- The location, species and size of existing vegetation and vegetation to be removed.

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- Exact species, location and number of proposed plants.
- A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
- Mulching or similar treatments of garden beds including edges.
- Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
- Treatment of paved areas (parking and pedestrian areas).
- Fence material, height and treatment.

Before the development is occupied, a minimum of 6 car parking bays must be provided on the land the subject of this planning approval and to the satisfaction of the Shire of Collie.

- (f) Goods or materials must not be permanently stored within the parking or landscaping area, or within access driveways.
- (g) At all times, all loading and unloading must take place within the boundaries of the site.
- (h) Before the development is occupied, the following stormwater pollution control devices must be integrated into the stormwater and drainage system to the satisfaction of the Shire of Collie:
 - (a) sediment trap/s
 - (b) gross pollutant trap/s; and

Design details of the pollution control device are to be included with the stormwater management plans submitted for approval.

- (i) All external stockpiles must be maintained so as to avoid dust nuisance, to the satisfaction of the Shire of Collie.

CARRIED 10/0

Background:

Chappell Landscaping are currently located on Collins Street and will be moving premises to this site. The proposed works includes the placement of a transportable building for storage, a covered work area for propagating, a nursery greenhouse, decking, parking areas, trade display areas, a machinery shed for landscaping materials, storage bunkers, alterations to the existing workshop and transferring the existing gas ramp and required screening and a new 2m high garrison style fence across the front boundary.

Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 cl. 60 Requirements for Development Approval

Schedule 2 cl. 66 Matters to be Considered by Local Government

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or another proposed planning instrument that the local government is

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- seriously considering adopting or approving;
- (c) any approved State planning policy;
 - (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
 - (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
 - (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
 - (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
 - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
 - (y) any submissions received on the application;
 - (zb) any other planning consideration the local government considers appropriate.

Local Planning Scheme No. 5

The subject lot is zoned Light & Service Industry. A 'plant nursery' is a "D" use under the Scheme. The proposal has been assessed in accordance with the following clause(s) of the Scheme:

4.2 *Objectives of the Zone*

4.3 *Zoning Table*

5.4 *Site, Development and Car Parking Requirements*

5.7 *Variations to Site and Development Standards and Requirements*

5.9.2 *Development and Subdivision Requirements for Particular Zones*

Budget Implications:

Nil

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Communications Requirements: (Policy No. CS 1.7)

The proposal has undergone public advertising in accordance with the following policy objectives:

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities
3. Fostering meaningful community consultation processes in Council's activities.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

Outcome 3.1 Appropriate Land Use, Development and Conservation of Heritage;

Strategy 3.1.1: Ensure appropriate Planning Controls for land use and development through the administration of the local planning scheme and strategies.

Relevant Precedents:

Nil

Comment:

This proposal is for a discretionary use in the light industrial area. The decision of Council is required to vary the setback distances set out in the Scheme for the construction of two new buildings only.

The existing adjoining properties both have lesser setbacks than the stated 3 metres. The construction implication of reducing the setback requires that the buildings are fire rated to protect adjoining properties. This will be a requirement for both proposed buildings. The site is approximately 2000m² and has one existing workshop on it already. The site has been vacant for a long period of time, site improvements and will be both a visual and economic benefit to the street.

Scheme Setback Requirements:

Front= 7.5m

Side= 3m

The proposed setback variations are as follows:

Front setback= 6 metres

Side Setback(East) = 1.5m

Side Setback (West) = 1.5m

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15.6 Lions Club Transportable R10077

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995
File Number:	A4684
Appendices:	Yes – Coloured Appendix 5
Voting Requirement	Simple Majority

Report Purpose:

To seek Council approval for a retrospective development application for a transportable building (storage) at R10077, Lot 1060, Palmer Road, Collie.

7218

Officer's Recommendation/Council Decision:

Moved: Cr Yates

Seconded: Cr Stanley

That Council pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to Grant approval to Collie Lions Inc. for the development of a transportable building at R10077 Lot 1060 Palmer Road Collie, subject to the following conditions:

- (a) At all times, the development the subject of this planning approval must comply with the definitions of 'transportable structure' as contained in the Shire of Collie's Local Planning Scheme No. 5.**
- (b) All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.**

CARRIED 10/0

Background:

An application has been received from the Collie Lions Club Inc. for retrospective planning approval for a transportable building on R10077, Lot 1060 Palmer Road, Collie.

Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 cl. 60 Requirements for Development Approval

Schedule 2 cl. 67 Matters to be Considered by Local Government

- (c) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (d) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or another proposed planning instrument that the local government is seriously considering adopting or

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- approving;
- (g) any local planning policy for the Scheme area;
 - (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
 - (k) the built heritage conservation of any place that is of cultural significance;
 - (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - (za) the comments or submissions received from any authority consulted under clause 66;
 - (zb) any other planning consideration the local government considers appropriate.

Local Planning Scheme No. 5

The proposal has been assessed in accordance with the following clause(s) of the Scheme:

3.4.2 Use and Development of Local Reserves

In determining an application for planning approval the local government is to have due regard to:

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

The proposal has undergone public advertising in accordance with the following policy objectives:

1. Providing regular and consistent communication on Council's projects and activities to all stakeholders
2. Creating a positive and professional image for the Shire of Collie through open, transparent communication and increased awareness of Council's projects and activities
3. Fostering meaningful community consultation processes in Council's activities.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

Outcome 3.1 Appropriate Land Use, Development and Conservation of Heritage;

Strategy 3.1.1: Ensure appropriate Planning Controls for land use and development through the administration of the local planning scheme and strategies.

Relevant Precedents:

Transportable buildings exist on the Western Riders lease for the purpose of an office.

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Comment:

The proposal is in keeping with the purpose of the reserve which is a Lions clubroom. The Lions Club manage the Christmas pageant and the transportable is used to house this equipment which is reused every year.

The proposal does not detract from the streetscape or the visual amenity of residents or neighbouring properties as it cannot be seen from the road and, as such, is considered to meet the requirements of the R-Codes.

The development is not in keeping with the character of the building which it is adjacent to namely the old school. However, there is a need for it to be located close to the main club room building to allow members easy and safe access.

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Statutory and Policy Implications:

N/A

Budget Implications:

This is additional revenue that has been identified from savings in another Federal Government and has a zero net result on the Councils 2016-17 adopted budget,

Communications Requirements: (Policy No. CS 1.7)

Director Technical Services has met with Main Roads Bridge Staff regarding this additional funding and agreed the priority work required.

Strategic Community Plan/Corporate Business Plan Implications:

The item has the following links with the Strategic Community Plan 2013-2022.

OUTCOME 3.3 – A safe and reliable transport system

Strategy 3.3.1: Maintain and develop local roads and footpath networks at appropriate standards.

OUTCOME 3.5 – A sustainable asset and infrastructure base.

Strategy 3.5.4: Develop and implement long-term asset management plans for all Council assets

Relevant Precedents:

N/A

Comment:

The surplus Special Bridge project funds from Bradbury Bridge Project, must be utilised on bridges within the Shire of Collie. The bridges planned for Preventative Maintenance are as below:

1. **Maclinden Road Cardiff (Rural Road) - Cardiff Maclinden Bridge 3518 - 3.75 kilometres East of Oxley**
2. **Powerhouse Road Collie Burn (Rural Road) - Powerhouse Road Bridge 3520 - 150 Metres East of Bacon St**
3. **Mungalup Road Collie - Mungalup Road Bridge 3523 - 80 Metres North of Wyvern Road Collie**
4. **Bradbury Road - Collie Burn (Rural Road) - Bradbury Road Bridge 3525A - 100 metres East – Hetherington**
5. **Coombes Street Collie - Coombes Street Bridge 3526 - 20 metres East of Steere Street North Collie**

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17. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

Nil

18. QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

Nil

20. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Cr Faries

Represented Council at LIWA conference held in Collie 21st October 2016.

Cr Italiano

- Attending Griffin Working Group Meeting 22nd October 2016

Cr Yates

- Attended meeting with Minister Redman (Tourism) 6th October 2016

DTS

- Briefed Council regarding the works at Black Diamond (rehabilitation)

Cr Sanford

- 10 October – along with CEO attended meeting with Brenden Grylls, Colin Holt and Monique Warnock in Bunbury

CEO

- Tuesday, 18 October – Met with Telstra Area General Manager regarding the rollout of fixed NBN service
- Thursday, 20 October – Inspected Coalfields Museum with staff and elected members
- Friday, 21 October Met with Collie Lions Club regarding Christmas Pageant
- Monday, 24 October - Met with Community Liaison Officer from WA Forest Communities Network regarding Wellington National Park expansion
- 10 October attended meeting with Brenden Grylls, Colin Holt and Monique Warnock in Bunbury

21. COUNCILLOR DOCUMENTS OF INTEREST

- Building Statistics – September 2016
- Building Comparison Table

22. ELECTED MEMBERS TRAINING OPPORTUNITIES

Please refer to the attached 2016 WALGA Training Calendar and contact Mrs Deb Brown on 9734 9004 or email Deb.brown@collie.wa.gov.au for any training you may wish to undertake.

23. STATUS REPORT ON COUNCIL RESOLUTIONS

Summary reports on the status of Council's resolutions are;

- 'Closed Since Last Meeting' at Appendix 5
- 'All Open' at Appendix 6

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24. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

7220

Moved: Cr Faries

Seconded: Cr Stanley

That Council moves In Committee.

CARRIED 10/0

The Press left the Chambers at 9.40pm.

During discussions on the matters below, the following people left the Chambers:

Cr Harverson left the Chambers at 9.41pm and returned at 9.42pm

Cr Piavanini left the Chambers at 10.12pm and returned at 10.14pm

Cr Green left the Chambers at 10.16pm and returned at 10.18pm

Finance Manager left the Chambers at 10.30pm and returned at 10.34pm

24.1 Collie Museum

7221

Officers Recommendation/Council Decision:

Moved: Cr Yates

Seconded: Cr Miffling

That Council

- 1. Note that the Coalfields Museum representatives have verbally advised they do not wish to continue operating the Museum and have handed over keys to the premises to Council.**
- 2. Form a working party including Information Services Manager, Director of Corporate Services, CEO and Councillors Piavanini and Italiano to oversee the formation of a new incorporated body to manage the Museum with the support of Museums WA and to attend to any other necessary tasks relating to the establishing the museum as deemed appropriate in accordance with national standards for Australian Museums and Galleries.**
- 3. Authorise the use of \$20,000 carried forward in the 2016/17 Budget for any costs associated with the formation of the new incorporated group.**

CARRIED 10/0

7222

Moved: Cr Piavanini

Seconded: Cr Green

That Council authorise the CEO to make a public notice in the Collie Mail regarding the Museum collection being held in trust on behalf of the Collie community.

CARRIED 10/0

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24.2 Sale of Lots 2872 and 27 Throssell Street, Collie
7223

Council Decision:

Moved: Cr Martin

Seconded: Cr Miffling

That the Item be deferred and a workshop be facilitated for matters to be dealt with as raised at this meeting.

CARRIED 10/0

24.3 Shire of Collie V Smargiassi Nominees Pty Ltd
7224

Officers Recommendation/Council Decision:

Moved: Cr Martin

Seconded: Cr Miffling

That Council notes the outcome of the legal proceedings against Smargiassi Nominees Pty Ltd and directs the Chief Executive Officer to appeal the Magistrate's decision.

CARRIED 10/0

24.4 Central Park Kiosk
7225

Officer's Recommendation/Council Decision:

Moved: Cr Faries

Seconded: Cr Italiano

That Council accept the offer from Mr Peter Harms for the lease of a portion of Reserve 47291, Forrest St Collie for the operation of a kiosk subject to:

- 1. The term of the lease to be 5 years with a 5 year option to extend**
- 2. The lessee being advised that the Shire will provide water, sewer and power services as well as a concrete pad with disabled ramp to support and service the kiosk structure;**
- 3. The rent for year 1 being peppercorn and the amount being reviewed annually thereafter. All service charges are to be met by the lessee.**
- 4. All the necessary planning, building and health approvals being in place before operation**

CARRIED 10/0

The Staff left the Chambers at 10.54pm.

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24.5 Staff Matter

7226

Council Decision:

Moved: Cr Italiano

Seconded: Cr Miffling

That Council:

- 1. Rescind Part 2 of Motion 7198**
- 2. Amend the base salary component of the CEO contract clause 6.2 in accordance with Table 1 of this report.**

CARRIED 10/0

(The above matters were discussed under the Local Government Act 1995 Part 5 Division 2 – 5.23 (a) a matter affecting an employee or employees, (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting, (e) a matter if disclosed, would reveal (ii) information that has a commercial value to a person, or (iii) information about the business, professional, commercial or financial affairs of a person)

Staff returned to the Chambers at 11.13pm.

25.5 Confidential Memo – House Advisory Committee – Opening of Central Park

7227

Council Decision:

Moved: Cr Miffling

Seconded: Cr Faries

That Council endorse the official opening of the Central Park to be undertaken on Friday 16 December and other details of the event as provided in the Confidential Memo presented at this meeting.

CARRIED 10/0

25.6 Letter – Mr Ed Riley

7228

Council Decision:

Moved: Cr Italiano

Seconded: Cr Miffling

That Council provide a written response to Mr Riley's letter dated 21st October 2016.

CARRIED 10/0

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7229

Moved: Cr Yates

Seconded: Cr Miffing

That Council moves out of In Committee.

CARRIED 10/0

25. CLOSE

The Presiding Member declared the meeting closed at 11.17pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 15 November 2016.

.....
Presiding Member

.....
Date