



MINUTES

of the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 14 February 2017

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SHIRE OF COLLIE
MEETING - ORDINARY MEETING OF COUNCIL
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Minutes of the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 14 February 2017 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT:	Wayne Sanford	Councillor (Presiding Member)
	Nola Green JP	Councillor
	Gary Faries	Councillor
	Jodie Hanns	Councillor
	Joe Italiano	Councillor
	Neil Martin	Councillor
	Ian Miffling JP	Councillor
	John Piavanini	Councillor
	Sarah Stanley	Councillor
	David Blurton	CEO
	Allison Fergie	Director Corporate Services
	Andrew Dover	Director Development Services
	Khushwant Kumar	Finance Manager
	Belinda Dent	CEO PA

GALLERY:

Grant Campbell

- 1.1 Councillors granted Leave of Absence at previous meeting/s.
Cr Harverson and Cr Yates have 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.
- 1.3 Councillors who are applying for Leave of the Absence for this Ordinary Meeting of Council.

2. AUSTRALIAN CITIZENSHIP CEREMONY

Nil

3. PUBLIC QUESTION TIME

Nil

4. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. DISCLOSURE OF FINANCIAL INTEREST

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

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

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8. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

Item 15.3 brought forward due to Mr Campbell's attendance at the meeting regarding this item.

15.3 Variation Of Conditions of P067/16 To House And Train Greyhounds

Reporting Department:	Development Services
Reporting Officer:	Kelly Beaglehole – 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
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for a Variation of Conditions 6 & 9 of P067/16 to House and Train Greyhounds

7306

Officer's Recommendation/Council Decision:

Moved: Cr Miffing

Seconded: Cr Faries

That Council:

pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to grant approval to Grant Michael Campbell to vary conditions 6 & 9 of P067/16 approving a training and housing facility for greyhounds at 106 Skipworth Rd Collie, to read as follows:

6. All works required to satisfy a condition of this approval are required to be installed/ constructed, and thereafter maintained by 1st October, 2017 in accordance with the approved plans and conditions of approval for the life of the development.

9. Restriction of exercise to within the following hours:

1 October- 30 April

Mon-Sat 7am – 7pm, and excluding Sunday, unless otherwise agreed to in writing from the Shire of Collie.

1 May- 30 September

Mon-Sat 8am – 6pm, and excluding Sunday, unless otherwise agreed to in writing from the Shire of Collie.

CARRIED 9/0

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Background:

An application has been received to vary conditions of a development approval granted by Council on 25 October 2016 for an animal establishment, specifically a kennel, at Lot 1424, No. 106 Skipworth Road, Collie cover letter attached at Appendix 1.

The decision of Council included two variations to the Officer's Report. The first amending the recommendation from permanent occupation, to an extension of the renewal "for a further 12 month period", and the second to include the following into condition (f), "*to be completed within a three month period*".

This variation will not affect the remaining conditions of the original approval.

7213

Council Decision:

Moved: Cr Miffling

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:

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.

A maximum of 9 dogs over the age of three (3) months may be kept on the property at any one time.

Application and approval/ renewals for a kennel licence under the Shire of Collie's Dogs Local Law 2010.

All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.

The development is to comply with the building code of Australia, Building regulations and Local Government Act 1995.

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

Kennels are to be visually screened to prevent external stimuli such as other dogs, animals, traffic or passers by.

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.

Restriction of exercise to within hours of 8am – 6pm, and excluding Sunday, unless otherwise agreed to in writing from the Shire of Collie.

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.

Ventilation needs to be considered in conjunction with any noise insulation work.

Installation of a drain to collect and dispose of all floor washings in accordance with the health requirements of the local government.

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.

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

The applicant is aggrieved by the limitation of timeframe to complete the physical works required, as the approval period was limited to a 12 months period, this is a considerable commitment to construct fencing, landscaping and drainage on site at the risk of not getting a renewal at the end of the period.

Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 5

The subject lot is zoned Rural 2. The proposal has been assessed in accordance with the following clause(s) *of the Scheme*:

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

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.*

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.

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, of the original application, 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 landowner and applicant have since been addressing the issues raised by the neighbour's comments and the conditions of approval have committed to addressing this issue through soundproofing and visual measures on site. The installation of two structures has commenced, one being around the close vicinity of the kennels as per the approval and the other being inside the property boundary adjacent the neighbours dwelling.

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The applicant has lodged the application for a licence of an approved kennel establishment, the approval of the licence is now pending the acceptance of the time frame to complete the conditions of this application, so that the following conditions of the kennel licence can be met:

- (a) *a determination on application for planning approval granting approval for an animal establishment having first been obtained under a local planning scheme;*
- (b) *compliance with all conditions of any approval referred to in subclause (a) above;*

Conditions 10, 11 and 12 have been installed/ constructed and are functional, as inspected on site by Shire Offices. 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. The applicant is currently constructing a visual barrier that consists of 1000L bulk liquid pods that are stacked 1, 2 and 3 high depending on the contours of the land. The barrier acts as a sound barrier and provides a visual barrier between the two properties.

The applicant has provided a policy released by Racing and Wagering WA for avoiding and identifying heat stress in greyhounds. In addition, the Chief veterinarian of the RWWA has provided her contact details for further clarification of the issues if necessary. The request to amend the hours of training is supported by officers based on the premise that the temperature in summer months can rise rapidly in the morning, affecting the ability of the greyhounds to recover from training in accordance with the guidelines prior to kennelling. The approved condition states:

Restriction of exercise to within hours of 8am – 6pm, and excluding Sunday, unless otherwise agreed to in writing from the Shire of Collie.

Training sessions occur 3-4 days per week and last for approximately 20 mins in total depending on the number of dogs, plus an additional 5 mins or so for the track to be prepared prior. The dogs are taken out of the kennel one at a time, they complete their laps (assisted by a quad bike) and are put into the outdoor day yards for recovery before returning to their kennels. They remain in the kennels throughout the day with allocated breaks for passive exercise and toilet breaks in the day yards.

The property is a rural property, and the use of farming equipment, including motor bikes is not considered unreasonable between sunrise and sunset as specified in the *Environmental Protection (Noise) Regulations (1997)*.

The applicant has provided sufficient justification to return to training at 7am, particularly in the summer months, which is critical to the continuation of the training at present.

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

7311

Recommendation/Council Decision:

Moved: Cr Italiano

Seconded: Cr Stanley

That Council adopts en bloc the recommendations contained within the minutes of the Weeds and Waterways Advisory Committee meeting held 2 February 2017

11.4.1 That Council be made aware of areas of concern to the Collie community in relation to the Water for Food Program.

1 .The lack of consultation to date.

2. The opportunity for Collie employment through the construction, operation and maintenance of the desalination plant.

3. The opportunity for intensive agriculture/horticulture as a result of clean water being available through irrigation.

4. The impact of the proposal on the Collie River both environmentally and socially from a community perspective.

5. The impact of water abstraction on what is already an over allocated catchment.

11.4.2 That Council:

1. Assures stakeholders and the community that the use of Reglone has been approved by the Department of Health as safe, and that every effort is made to use it in the environment in which it was intended to be used: and

2. Advises Committee members that any concerns or issues relating to WWAC Committee decisions should be raised with the WWAC Committee or Shire Staff.

11.4.3 1. That Council staff report back to the Weeds & Waterways Advisory Committee on options to control/eradicate Nardoo in the 8km of the Collie River through town in an ongoing way.

2. That Council staff report back to Weeds & Waterways Advisory Committee on other weeds in the 8km of the Collie River through town and proposed eradication/control plans.

CARRIED 9/0

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

13. CEO REPORTS
Nil

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14. CORPORATE SERVICES REPORTS

14.1 Changes to Fees and Charges for 2016/17

Reporting Department:	Corporate Services
Reporting Officer:	Khushwant Kumar – Finance Manager
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation:	WA Local Government Act (1995)
File Number:	FIN/005
Appendices:	No
Voting Requirements:	Absolute Majority

Report Purpose:

For the Council to consider changes to the schedule of fees and charges for the 2016/17 financial year.

7312

Officer's Recommendation/Council Decision:

Moved: Cr Martin

Seconded: Cr Faries

That Council adopts by an ABSOLUTE MAJORITY changes to the fees and charges for the financial year 2016/17 as per below (effective 24 February 2017):

- **Additional Annual Residential Rubbish service - General Waste (\$150 per bin)**
- **Additional Annual Residential Rubbish service - Recycling (\$58 per bin)**
- **Additional Annual Residential Rubbish service - Organic (\$94 per bin)**

Fees to be pro-rata upon application, and to be included in rates notices subsequently.

CARRIED 9/0

Background:

The proposed introduction of additional bin services arose from a ratepayer enquiry presented at the Ordinary Meeting of Council held on 24th January 2017.

Council have received a number of requests from residents to provide one or more additional bins due to overflowing of their existing bins. Staff have produced cost estimates to provide each type of bin to residents, and then used these estimates to determine an appropriate Fee to recover these additional costs.

Statutory and Policy Implications:

Section 6.16 to 6.19 of the WA Local Government Act (1995) governs the imposition of fees and charges.

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Specifically, Section 6.19 of the WA Local Government Act (1995) governs the changes to fees and charges after the adoption of the Annual Budget:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Budget Implications:

Increase in revenue as income from the proposed charges was not considered in the 2016/17 budget.

As required by section 6.17 of the Act, the following was taken into account in determining the amount of a fee or charge for a service;

- (a) the cost to the local government of providing the service or goods;
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

Communications Requirements: (Policy No. CS 1.7)

The revised schedule of Fees and Charges is required to be made available to the public through local public notice.

Strategic Community Plan/Corporate Business Plan Implications:

KEY OBJECTIVE 5.0

Our Business

Good governance and an effective, efficient and sustainable organisation.

Outcome 5.3:

Financial sustainability and accountability, with emphases on the below strategy; 5.3.5, provide corporate financial services that support the Shires operations and meet planning, reporting and accountability requirements.

Relevant Precedents:

Council has previously adopted fees and charges after the budget process. At its meeting held on 24 January 2017 Council resolved as follows:

7303- That Council adopts by an ABSOLUTE MAJORITY, the changes to the fees and charges for the financial year 2016/17 as per below (Effective 3 February 2017):

- *Rate Notice Re-issue (\$13.00)*
- *Annual Commercial Rubbish-General Waste (\$343.20 per bin)*
- *Annual Commercial Rubbish-Recycling (\$343.20 per bin)*
- *Annual Commercial Rubbish-Organic (\$676.00 per bin)*
- *Final Demand Fee (\$20.00)*

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Comment:

Staff have considered establishing eligibility criteria for residents requesting additional general waste bins in order to minimise potential extra waste going to landfill. Any such criteria would be difficult to manage and create significant additional administration costs. Furthermore, the higher Fee associated with providing the additional general waste bins, compared to recycling and organic bins, will create sufficient incentive for residents to maximise recycling and minimise any additional waste going to landfill.

Any residents that currently have additional bins beyond the standard 3-Bin service will be given an option to return the additional bins within 14 days, or be invoiced on a pro-rata basis for the additional bins from the effective date the Fees are adopted by Council to the end of June 2017.

Staff consider that this will facilitate improved rubbish separation and recover rates for those households who take up the additional bin. In addition this will provide improved health outcomes with a reduced number of overflowing bins and associated wind-blown litter.

This approach is consistent with other South West Councils who utilise the same rubbish collection contractor.

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15. DEVELOPMENT SERVICES REPORTS

15.1 Development Assessment Panels - Request For Local Government Nominations

Reporting Department:	Development Services
Reporting Officer:	Kelly Beaglehole - Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development (Development Assessment Panels) Regulations 2011
File Number:	GVR/003
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to nominate members to sit on the local Development Assessment Panel for a period of up to three years (April 2017-April 2020).

7313

Officer's Recommendation/Council Decision:

Moved: Cr Italiano

Seconded: Cr Piavanini

That Council:

- 1: Nominate Cr Miffing and Cr Hanns as the Shire of Collie local members of the Development Assessment Panel.**
- 2: Nominate Cr Faries and Cr Green as the Shire of Collie alternate (deputy) local members of Development Assessment Panel.**

CARRIED 9/0

Background:

The *Planning and Development (Development Assessment Panels) Regulations 2011* (the regulations), which establish the operational framework for Development Assessment Panels (DAPs), were gazetted on 24 March 2011. Subsequent amendments were gazetted on 16 December 2016. As a result, regulation 29(2) of the Regulations has been amended to a term of up to 3 years, rather than 2 years.

Fifteen DAPs became operational on 1 July 2011. Each DAP has a total of five members, comprising three specialist members, one being the presiding member, and two local government members.

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The Director General of Department of Planning has written to Council advising that all current local government DAP member appointments expire on 26 April 2017. Under DAP Regulation 26, the Shire of Collie is required to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on the local DAP as required. All members whose term expires on 26 April 2017 are eligible for re-nomination.

Currently Councillors Miffling and Hanns are Council's nominated DAP members with Cr Green and Cr Faries as the alternate local government members.

Statutory and Policy Implications:

Planning and Development (Development Assessment Panels) Regulations 2011.

Budget Implications:

The fee for training a new DAP member is \$400 per member and retraining an existing DAP member is \$200 per member.

Communications Requirements: (Policy No. CS 1.7)

Nil

Strategic Plan Implications:

Nil

Relevant Precedents:

DAP Nominations 2015:

6633

Officer's Recommendation/Council Decision:

Moved: Cr Martin

Seconded: Cr Dent

That Council:

- 1: Nominate Cr Miffling and Cr Borlini as the Shire of Collie local Development Assessment Panel members.**
- 2: Nominate Cr Green and Cr Faries as the Shire of Collie alternate (deputy) local Development Assessment Panel members.**

CARRIED 10/0

6905

Officer's Recommendation/Council Decision:

Moved: Cr Green

Seconded: Cr Martin

That Council nominate Cr Hanns as a Shire of Collie local Development Assessment Panel member.

CARRIED 11/0

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Comment:

Following receipt of all local government nominations, the Minister for Planning will consider and appoint nominees for up to a three-year term, expiring on 26 April 2020. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government members who have previously undertaken training are not required to attend further training, but are encouraged to attend refresher training.

When selecting nominees, the Council should consider that local government elections may result in a change to DAP membership if current councillors, who are DAP members, are not re-elected. If members are not re-elected, the local government will need to re-nominate for the Minister's consideration. DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment. Further details can be found in the Premier's Circular – State Government Boards and Committees Circular (2010/02).

Local Government elections will next take place in October 2017. If, within the three (3) year term a local DAP member is not re-elected they cannot hold the position of a local DAP member thereafter.

In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the Council will need to re-nominate for consideration of appointment by the Minister for Planning.

The following Councillors elected term expires in 2017:

- Cr Green
- Cr Martin
- Cr Piavanini
- Cr Stanley
- Cr Sanford

The Council should consider the above in selecting nominees as local DAP members.

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15.2 Trading Permit for 12 months – Joey Ice cream

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.

7314

Officer's Recommendation/Council Decision:

Moved: Cr Piavanini

Seconded: Cr Italiano

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

- 1. Grant a Trader's Permit to Michael Griffiths for 'Joey Soft Serve' to operate a roaming mobile food van for a period of 12 months subject to the following conditions:**
 - (a) Place to which permit applies: Roaming**
 - (b) Description of stand, structure or vehicle to be used by the licensee:
'Joey Soft Serve' Van - registration no. xxxxxx**
 - (c) Particulars of goods, wares, merchandise or services available:
Soft Serve and Sno Cones**
 - (d) Permitted days and hours when stall may be operated:
Mon-Sat: 8am-8pm
Sun & Pub Hols: 9am-7pm**
 - (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.**

CARRIED 9/0

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Background:

The 'Joey Soft Serve' mobile vendor has applied for a roaming permit for a period of twelve (12) months commencing from the date of approval. 'Joey Soft Serve' is a registered Food Business with the City of Bunbury and is seeking permission to trade in public places within the Shire of Collie. They are currently operating at the same frequency under a 3 month permit from December-March 2017.

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 3 months 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.

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.

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:

Council recently approved the food business 'Lenard's Bunbury' to operate a food van every Friday from Medic Street in the public car parking bays, subject to annual renewal. There are no roaming approvals under the Local Law at present.

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.

The business has provided occasional services to Collie regularly over short periods and is currently utilising a 3 month permit to cover the summer months. The business has proven to be very popular with residents, as demonstrated on social media community pages.

The hours are requested from 8am-8pm daily, however, these hours are not consistent with the general noise regulation requirements for residential areas therefore, it is recommended that the hours are limited on Sundays and public holidays from 9am – 7pm. This permit does not include the vans attendance at specific individual community events.

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15.4 Tender 01/2017 – Design and Construction of a Changing Places Facility at the Collie Mine Memorial Swimming Pool

Reporting Department:	Development Services
Reporting Officer:	Les Crake –Manager Building Services
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Local Government Act 1995 and Local Government (Functions and General) Regulations 1996
File Number:	CMG/229
Appendices:	Nil
Voting Requirement	Absolute Majority

Report Purpose:

For the Council, by absolute majority, to award the tender contract to the preferred tenderer for the design and construction of a Changing Places Facility at the Collie Mine Workers Memorial Swimming Pool.

Officer's Recommendation:

That Council:

1. Award the contract to Landmark Products Pty Ltd being the preferred tenderer.
2. Authorise the Chief Executive Officer to endorse the building contract on behalf of the Shire of Collie.
3. Include in the 2016/17 mid-year budget review process the additional sum required for the construction of the Changing Places.

7315

Council Decision:

Moved: Cr Piavanini

Seconded: Cr Miffling

That Council:

4. Award the contract to White Building being the preferred tenderer.
5. Authorise the Chief Executive Officer to endorse the building contract on behalf of the Shire of Collie.

CARRIED 9/0

Reason for variation from staff recommendation:

Council considered that White Building Company is suitably capable of undertaking this project and the White Buildings tender was within budget allocation as opposed to the other 2 tenders received.

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Background:

The Shire of Collie has applied for and received funding toward the design and construction of a Changing Places Facility to be located at the Collie Mine Workers Memorial Swimming Pool.

The facility will be a 24 hour/7-day facility available to specific members of the public with special needs. A tender for design and construction was advertised in accordance with requirements and closed on the 31 January 2017 with three compliant tenders being received.

An evaluation was undertaken by staff and a score was provided for each tender and is included in this report. The Disability Access and Inclusion Committee did not have a quorum at the meeting scheduled for 2 February, with the next scheduled meeting not until 9 March. It will not allow the timely appointment of a contractor for this work to be undertaken if the information was required to be taken to the next meeting of the DAIC.

Statutory and Policy Implications:

Tendering for this supply contract was undertaken in accordance with the Local Government (Functions and General) Regulations 1996. Part 4 – Tenders for Provision of Goods or Services.

CS 2.7 Tenders, Quotations & Price Preference Policy

Budget Implications:

The funding available for this project is \$126,410.00 which would mean there would be a shortfall of approximately \$6,600.00 for the Landmark tender. It is noted that the tender from White Building Co would be within the funding allocation.

Communications Requirements:

Policy No. CS 1.7

Strategic Plan Implications:

Outcome 3.4:

Council buildings and service related assets that support community needs.

Strategy 3.4.1:

Ensure public buildings, facilities and public amenities are provided and maintained at an appropriate standard.

Relevant Precedents:

Nil

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Comment:

Changing Places have been introduced to provide suitable toilets for people who cannot use standard accessible toilets. The design specifications are detailed in the Changing Places Transforming Lives Information Kit November 2015 and have been developed with best practice standard in mind by disability organisations. As such, the provision of any Changing Places facility is considered to be above and beyond the current legislated requirement within each State or Territory across Australia. Changing Places toilets must be built in addition to, and separate from, the required Unisex Accessible Toilets. This is to ensure the needs of both groups are met without compromise. To be classified as a Changing Places facilities they must undergo Changing Places accreditation. The accreditation process ensures that all facilities which bear the Changing Places logo meet best practice standards and consistently meet the expectations of the people who use them as well as their carers

Tenders for the Shire of Collie Changing Places facility closed on 31 January 2017 and three compliant tenders were received, and deemed to be conforming tenders. The evaluation was undertaken by three staff in accordance with standard processes and the below selection criteria was used.

The assessment criterions used were:

Price: 50%

Demonstrated understanding: 20%

Experience: 30%

Tenderer	Price (excl GST)	Price ranking	Demonstrated understanding	Experience	Total Score
Abenra	220,550.00	26%	10%	0%	36%
White Building Co	123,841.01	50%	20%	15%	85%
Landmark Products Pty Ltd	133,000.00	42%	20%	30%	92%

Tenders were given a percentage to each selection criteria, giving a total score out of 100%.

The local pricing policy was applied to the tender from White Building Co which gave them the maximum 50% weighting for price.

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However, Landmark has demonstrated that they have constructed these particular type of facilities in the City of Cockburn and that they specialise in the design and construction of public toilets and restrooms throughout the State. Additionally, Landmark buildings are prefabricated which means that their buildings are quick to install and can be located with a minimum of disruption to the swimming pool.

Landmark has provided a time line for construction. White Building Co has advised they can see no reason why they could not get the works completed by the completion date and Abenra has not mentioned the time frame for completion date.

Landmark has specifically mentioned the access keying system for the Changing Places whilst White Building Co has not mentioned the type of keying system to be used. Abenra has not provided a detailed list of options included in the price. The access system must meet the requirements as specified by the Disability Services Commission.

The new facility will need to be “Blue level certified” which requires an independent certifier to sign off on the design and at the end of construction. The level of experience required to build a Changing Places is considered to be of significant importance to ensure accreditation is received.

Hence, whilst the cost of this project is a considerable factor, it is important that this building be constructed to a particular universal standard and that there be a minimum of disruption to the swimming pool in the process.

Funding for the Changing Places has been sourced from:

Disability Services Commission (includes \$4,545 for specified door access system to be used, which is above the original amount requested)	\$85,455
Bendigo Bank Community Bank	\$10,500
Coal Miners Welfare Board	\$10,455
Shire of Collie	\$20,000
TOTAL	\$126,410

16. TECHNICAL SERVICES REPORTS

Nil

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

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20. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

7316

Moved: Cr Miffling

Seconded: Cr Stanley

That Council thank Infinity renewables for their presentation on 11th February 2017 and staff write a letter of encouragement and support regarding future presentations and the proposal from Infinity Renewables.

CARRIED 9/0

Cr Sanford

- 26 January: Attended the Australia Day Celebrations in Central Park it was a well attended with plenty of positive comments made on the function and the facilities.
- 10 February: Attended a briefing session held by Infinity Renewables along with Councillors and the CEO. The information outlined thermal solar power possibilities for Collie

Cr Green

- 26 January: Attended the Australia Day Celebrations in Central Park, it was pleasing to see a well-attended family event and received positive comments on the day.

Cr Stanley:

- 9 February: Attended an announcement by the Nationals outlining its commitments for Collie, including a gas pipeline to Collie and financial support for recommendations in the Reimagining Collie report.
- 10 February: Attended an information session on Infinity Renewables, which is proposing to retro-fit concentrated solar thermal technology to an existing coal-fired power station in order to transition from coal to renewables, while taking advantage of existing infrastructure. While the project is at very early stages, it could be of great benefit to Collie's economic future.

CEO David Blurton

- 3rd February – Represented Council at the Senate Standing Committee on Education and Employment inquiry into Corporate Avoidance of the Fair work Act last Friday. The inquiry was held at the Ridge Motel and questions focused on the impact the Griffin wage negotiations are having on the community of Collie. A transcript of the inquiry can be provided to Councillors once received.
- 8th February – Represented Council at the announcement by Premier Barnett that the rural Fire Service would be built in Collie if re-elected.
- 9th February – Attended National Party election commitments announcements in Central Park.
- 10th February – Attended presentation by Infinity renewables in regards to thermal solar power solution for Collie. Event was held at Harris River Winery.
- 13th February – Attended Bunbury Wellington group of Councils CEO meeting in Donnybrook.
- 14th February – Attended seminar on Public Service Commission held at Lighthouse Inn Bunbury.

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Cr Italiano left the at room 7.49pm and returned 7.50pm.

21. COUNCILLOR DOCUMENTS OF INTEREST

- Building Approvals – December
- Building Statistics Comparison Table

22. ELECTED MEMBERS TRAINING OPPORTUNITIES

Please refer to the **attached** 2017 WALGA Training Calendar and contact CEO PA on 9734 9004 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 2
- 'All Open' at Appendix 3

24. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

7317

Moved: Cr Piavanini	Moved: Cr Faries
That Council moves Into Committee.	
CARRIED 9/0	

7318

Moved: Cr Stanley	Moved: Cr Miffing
That Council suspends Standing Orders.	
CARRIED 9/0	

7319

Moved: Cr Faries	Moved: Cr Stanley
That Council resumes Standing Orders.	
CARRIED 9/0	

7320

Moved: Cr Piavanini	Moved: Cr Martin
That Council proceeds with the sale of the Lots on Throssell Street without a Service Station proposal.	
LOST 6/3	

7321

Moved: Cr Hanns	Moved: Cr Italiano
That Council rescinds resolution 7253 (2).	
CARRIED 9/0	

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7322

Moved: Cr Miffling	Moved: Cr Faries
That Council writes to BPG Australia Pty Ltd to advise that Council does not wish to proceed with the sale of the Lots on Throssell Street at this time.	
CARRIED 9/0	

7323

Moved: Cr Martin	Moved: Cr Hanns
That Council goes Out of Committee.	
CARRIED 9/0	

25. CLOSE

The Shire President thanked Council and Staff for their attendance.

The Presiding Member declared the meeting closed 8.20pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 7 March 2017.

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Presiding Member

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Date