



MINUTES

of the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 18 April 2017

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SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL

Tuesday, 18 April 2017

Minutes of the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 18 April 2017 commencing at 7:02pm.

PRESENT:	Glyn Yates	Councillor (Acting Chairperson)
	Jodie Hanns	Councillor
	Elysia Harverson	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

APOLOGIES: Cr Faries, Cr Sanford, Cr Green JP and Brett Lowcock - DTS

GALLERY:

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

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

Cr Faries and Cr Sanford 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.

Cr Green has requested Leave of Absence from this Ordinary Meeting of Council.

7380

Moved: Cr Miffling

Seconded: Cr Martin

That Cr Green be granted Leave of Absence from this Ordinary Meeting of Council.

CARRIED 8/0

2. AUSTRALIAN CITIZENSHIP CEREMONY

Nil

3. PUBLIC QUESTION TIME

Nil

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4. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice for staff from the last meeting:

1. EFT20068 - Microchipping cost of Dogs incurred by Council at the Collie Veterinary Clinic. Is this recovered from owners?
Yes this is charged quarterly and we invoice the dog owner to recoup costs.
2. EFT20083 - Maintenance cost of Servicing of Items at the Collie Art Gallery regularly. How often does this occur?
This is a quarterly service of the septic system for the art gallery.
3. EFT20114 - Maintenance cost of Roller Doors on Council Buildings. Which buildings does this relate to?
 1. Allanson Bushfire Brigade
Level 2 front doors, retention and put on collars on chain guide
Retention rear doors, put on collars on chain guide
 2. Collie Burn
Retention roller doors and service
 3. Preston Road
Level doors, 35 and 15mm out of level, retention, level tracks
 4. Swimming Pool
Service roller shutter, all good
Retention store door back of office, all good
Retention large door on canteen, small door ok
Level both doors in pump shed, retention, level tracks, cut new hole for lock rods
Chlorine shed, level door, level tracks, retention, cut new hole for lock rods
Repair door on old entrance shed. New lock, retention, get cone out.
Door past use by date advise new door.- 2100h x 2420w Roller Door- SURFMIST
 5. Roche Park Recreation Centre
Retention door on canteen
Retention Roller door on Court 2
Retention Roller door on Soccer Shed
All other doors ok

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

Nil

8. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

Nil

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11.3 Adoption of the Recommendations of the Youth Advisory Committee
7384

Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Harverson

That Council adopts en bloc the recommendations contained within the minutes of the Youth Advisory Committee held on 30 March 2017

11.3.1 That Council approve and endorse the use of the attached logo [Attachment 20.3] by the Youth Advisory Committee (YAC) on all publications, social media, merchandise and other promotional material.

11.3.2 That Council - Subject to adherence to Council Policy CS1.7 Communication:

1. Authorise staff to establish a Facebook page for the dedicated use of the Youth Advisory Committee [Attachment 20.4 shows an example of another LGA YAC Facebook page].

2. Authorise staff to establish an Instagram page for the dedicated use of the Youth Advisory Committee [Attachment 20.5 shows an example of another LGA YAC Instagram page].

3. Appoint the Chairperson and Deputy Chairperson of the Youth Advisory Committee to submit information for publication to Youth Advisory Committee dedicated social media accounts as required.

4. Authorise the Chief Executive Officer to appoint staff, as appropriate, to approve all updates or postings to any social media forum established for the Youth Advisory Committee prior to the information becoming available for public viewing.

11.3.3 1. Endorse Ms Olivia Putland to represent the Youth Advisory Committee on the Collie Arts Festival Committee; and

2. Endorse Mr Hunter Stocks to be the Deputy Representative of the Youth Advisory Committee on the Collie Arts Festival.

CARRIED 8/0

11.4 Receipt of the Minutes of the Education Advisory Committee
7385

Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Italiano

That Council receives the minutes of the Education Advisory Committee held on 3 April 2017.

CARRIED 8/0

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11.5 Receipt of the Minutes of the Plant Committee

7386

Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Italiano

That Council receives the minutes of the Plant Committee held on 3 April 2017.

CARRIED 8/0

11.6 Adoption of the Recommendations of the Plant Committee

7387

Recommendation/Council Decision:

Moved: Cr Yates

Seconded: Cr Martin

That Council adopts en bloc the recommendations contained within the minutes of the Plant Committee held on 3 April 2017:

11.6.1: 1. Purchase the Nifty 120T 2 man 12.20m Trailer Mounted Work Platform from Nifty Lift for the amount of \$37,308 ex GST.

2. The trade-in price offered by Nifty is independent from the supply price, thereby allowing Council to include in the proposed auction of unused items at the old Shire depot.

11.6.2: Purchase the SA 99 Hydraulic Drive Hydraulic Angle AGRIZZI Road Broom from Agrizzi Farm Machinery for the amount of \$11,181.82 ex GST (Changeover).

11.6.3: 1 Hire a 2500kg Forklift on a 3-month trial (with the option to purchase) to determine utilization and report back to the Plant Committee after the trial.

2. Defer the purchase of a forklift to the 2017/18 Council budget with an allocation of \$33,000 ex GST.

CARRIED 8/0

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11.7 Receipt of the Minutes of the Trails Planning Advisory Committee
7388

Recommendation/Council Decision:

Moved: Cr Miffing

Seconded: Cr Italiano

That Council receives the minutes of the Trails Planning Advisory Committee held on 3 April 2017.

CARRIED 8/0

11.8 Adoption of the Recommendations of the Trails Planning Advisory Committee

7389

Recommendation/Council Decision:

Moved: Cr Stanley

Seconded: Cr Hanns

That Council adopts en block the recommendations contained within the minutes of the Trails Planning Advisory Committee held on 3 April 2017.

11.8.1: That Council to consider allocation of \$15,000 for the design, construction, promotion and interpretation of a walking trail in Central Collie in the 17/18 draft budget.

11.8.2: That Council provide a letter of support to Collie Endurance Riders Association to hold the 2020 Tom Quilty Gold Cup in Collie.

CARRIED 8/0

11.9 Receipt of the Minutes of the Townscape Advisory Committee

7390

Recommendation/Council Decision:

Moved: Cr Stanley

Seconded: Cr Harverson

That Council receives the minutes of the Townscape Advisory Committee held on 4 April 2017.

CARRIED 8/0

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**11.10 Adoption of the Recommendations of the Townscape Advisory Committee
7391**

Recommendation/Council Decision:

Moved: Cr Stanley

Seconded: Cr Harverson

That Council adopts en bloc the recommendations contained within the minutes of the Townscape Advisory Committee held on 4 April 2017:

11.10.1: That staff proceed with the order of the Service Club Signs and have them attached to posts at the Visitor Centre and Shire boundary.

11.10.2: That Council allocate \$15,000 in the Draft 2017-2018 budget for the Dump Point installation at the Visitor Centre.

11.10.3: That Council allocate \$17,000 to the Draft 2017-2018 budget for Christmas decorations in the CBD.

11.10.4: That Council authorize staff to further investigate costing and discuss with Main Roads the drawing that was presented by Sarah Stanley for the Patterson Road Intersection.

11.10.5: That Council instruct staff to remove the sign content in the existing hoarding out front of the Miners Institute building and advise the reasons in writing to the Coal Miners Welfare Board, Coal Miners Industrial Union and other relevant stakeholders.

CARRIED 8/0

A question was taken on notice in regards to costings for the proposed dump point at the Collie Visitor Centre, specifically why a consultancy fee of \$3,000 is required.

**11.11 Receipt of the Minutes of the CBD Revitalisation Committee
7392**

Recommendation/Council Decision:

Moved: Cr Martin

Seconded: Cr Stanley

That Council receives the minutes of the CBD Revitalisation Committee held on 6 April 2017.

CARRIED 8/0

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**11.12 Adoption of the Recommendations of the CBD Revitalisation Committee
7393**

Recommendation/Council Decision:

Moved: Cr Stanley

Seconded: Cr Yates

That Council adopts en bloc the recommendations contained within the minutes of the CBD Revitalisation Committee held on 6 April 2017.

11.12.1 Receive the Final Collie CBD Parking Plan (Dated – 16th March 2017) and staff to implement the following modifications

- Introduction of a 60minute timed parking zone on the northern side of Forrest St from Harvey St to Steere St between the hours of 8:30am and 4:30pm (Mon-Fri only)

- Installation of combined 15 minute Loading Bay / 2 minute Drop Off / Pick up bay near the entrance to the Shopping Centre

- Deletion of the 2hr timed parking zone along Steere St in front of Target and Soldiers Park.

CARRIED 8/0

**11.13 Receipt of the Minutes of the Weeds and Waterways Advisory Committee
7394**

Recommendation/Council Decision:

Moved: Cr Stanley

Seconded: Cr Hanns

That Council receives the minutes of the Weeds and Waterways Advisory Committee held on 6 April 2017.

CARRIED 8/0

**11.14 Adoption of the Recommendations of the Weeds and Waterways Advisory Committee
7395**

Recommendation/Council Decision:

Moved: Cr Italiano

Seconded: Cr Miffling

That Council adopts en bloc the recommendations contained within the minutes of the Weeds and Waterways Advisory Committee held on 6 April 2017.

11.14.1 That Council:

1. Adopts the Jack Mears Springs Rehabilitation Plan and Project Plan;

2. Approaches the Ngalang Boodja Aboriginal Council to carry out the Jack Mears Springs Rehabilitation Landscape Management Plan.

11.14.2 That Council reviews the Collie River Revitalisation Plan adopted by the Council 23 September 2008.

CARRIED 8/0

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

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The variation to the existing lease was made, insurance information supplied by Go Life Fitness, and approval received from the Department of Regional Development and Lands. A planning application was lodged and on 11 November 2014, Council resolved:

6559 - That Council pursuant to the provisions of the Planning and Development Act 2005, grant Planning Approval to Go Life Fitness for the use of the Collie Eagles club rooms located on Reserve 6684, Prinsep Street, Collie subject to the following conditions:

- a) At all times, the development the subject of this planning approval must comply with the definition of recreation – private 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) Before the development is occupied, a minimum of car parking bays must be provided on the land in accordance with the Town Planning Scheme;*
- e) All verge areas abutting the boundaries of the subject site must remain clear at all times and must not be used for any other purpose including car parking, trade display, storage and signage to the satisfaction of the Shire of Collie;*
- f) Except with the prior written consent of the Shire of Collie, the approved use must only operate between the following hours:
5am and 8pm Monday to Friday;*

Issue a standard licence for the property known as the Collie Eagles Football Club to Go Life Fitness with the following conditions:

- (i) Licence to have a term of 1 year.*

While the original licence was for a period of 1 year, expiring December 2015, and the first renewal was also for one year, the Collie Eagles Football Club and Go Life to parties have both indicated that they now wish to renew the licence for a further 3 year term.

Statutory and Policy Implications:

D.S 1.5 Buildings on Council Land

The Shire can use the land or permit activities or buildings to be constructed on the land in a manner consistent with the Management Order

The activity has previously been granted planning approval under Local Planning Scheme No. 5

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

Correspondence to Collie Eagles Football Club and Go Life Fitness informing them of Council’s decision.

Strategic Community Plan/Corporate Business Plan Implications:

GOAL 1: OUR COMMUNITY – A thriving, supportive and safe community

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Outcome 1.2: Participation in sport, leisure and recreation activities.

Strategy 1.2.1: Provide and promote sport, recreation and leisure facilities and programs.

GOAL 5: GOOD GOVERNANCE AND AN EFFECTIVE, EFFICIENT AND SUSTAINABLE ORGANISATION

Outcome 5.1: Good governance and leadership.

Strategy 5.1.5 Administer local laws and ensure compliance with statutory obligations.

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 approved a licence to Go Life Fitness on 8 March 2016:

- 6987 – That Council approve the renewal of the licence for portion of the property known as the Collie Eagles Football Club to Go Life Fitness for a term of 1 year, subject to:*
- 1. approval from the Minister for Lands,*
 - 2. the licensee providing certificates of currency for appropriate insurances, and*
 - 3. compliance with the Health and Public Building Regulations 1992.*

Comment:

Reserve R6684 is reserved for the purpose of parks and recreation. The activity of fitness classes is consistent with this purpose and compatible with the setting.

Go Life Fitness has now operated from the premises for a period of 2 years, and during that time no problems have been reported to staff. Both the Collie Eagles Football Club and Go Life Fitness have expressed the wish to continue the arrangement for a further 3 years.

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14.2 Lease for Collie Western Riding Association Inc.

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	David Blurton – Chief Executive Officer
Legislation	WA Local Government Act 1995
File Number:	L15195B
Appendices:	Yes – Appendix 1
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to enter into a lease agreement with the Collie Western Riding Association Inc for the lease of a portion of Reserve 15195, Bridge Street, Collie (Collie Lot 2044).

7397

Officer's Recommendation/Council Decision:

Moved: Cr Hanns

Seconded: Cr Miffling

That Council lease the portion of the Reserve 15195 (Collie Lot 2044) as shown on the diagram at Appendix 1 to the Collie Western Riding Association Inc, subject to the approval of the Minister for Lands, with the following conditions:

- A) lease to be deemed a community built and operated lease with a term of 5 years with a 5 year option;**
- B) Annual lease amount payable be \$1 per annum inc GST; and**
- C) Other conditions to be in accordance with Council policy DS1.5**

CARRIED 8/0

Background:

The portion of Reserve 15195 shown on the diagram at Appendix 1 has previously been leased to the Collie Western Riding Association Inc, with the lease expiring on 14 March 2017. The Club has confirmed that it wishes to renew the lease.

The reserve is vested in the Shire of Collie for the purpose of recreation and parking, with the power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

Statutory and Policy Implications:

WA Local Government Act (1995)

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Section 3.58 of the Local Government Act refers to the disposal of property and includes lease arrangements. Under this section, local public notice and a submission period is normally required to be undertaken by Council's when entering lease arrangements, however there is a specific exemption for the requirement to advertise under section 30 of the associated Functions and General Regulations where the intended lease is with certain organisations;

- 30 (2) (b) (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Budget Implications:

Annual lease fee is proposed to be \$1 per annum.

Council's Development Services Policy 1.5 outlines the responsibilities of the parties to the lease as follows:

Issue	Community built and operated – Responsible party
Building insurance	Lessee
Vandalism damage to building (assuming no negligence on lessees part)	Building insurance excess Lessee
Contents insurance	Lessee
Public liability insurance of \$10m	Lessee
Compliance with <i>Health (Public Building) Regulations 1992</i>	Lessee
Upgrades required by legislative changes	Lessee
Building additions and alterations	Lessee must obtain Shire approval and comply with Building Code of Australia.
Major maintenance	Lessee
Minor maintenance and cleaning	Lessee
Security system and response	Lessee
Payment of utility charges (power, water etc)	Lessee

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Issue	Community built and operated – Responsible party
Payment of Emergency Services Levy	Shire
Painting upgrade (internal and external)	By Lessee every 5 years to satisfaction of Shire
Asbestos removal (if required)	Lessee
Sub letting	With Shire approval

Communications Requirements: (Policy No. CS 1.7)

Correspondence to proponent

Strategic Community Plan/Corporate Business Plan Implications:

GOAL 1 Our Community – A thriving, supportive and safe community.

Outcome 1.2: Participation in sport, recreation and leisure opportunities.

Strategy 1.2.3: Provide support to local sport and recreation clubs and groups to increase participation.

GOAL 5 Our Business – Good governance and an effective, efficient and sustainable organisation.

Outcome 5.1: Good governance and leadership.

Strategy 5.1.5: Administer local laws and ensure compliance with statutory obligations.

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:

Recent lease agreements have been renewed in-house with the use of a lease template which was developed for use by the Council. This has minimised the cost involved for the lessee, in particular community based organisations.

Comment:

The Collie Western Riding Association Inc has successfully operated from the proposed area under a lease agreement with the Shire for a period of five years.

The Association has provided certificates of currency for Public and Products Liability of \$20,000,000, as well as Associations Liability and Personal Accident for Voluntary Workers insurances.

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14.3 Local Law Adoption – Shire of Collie Bush Fire Brigades Local Law 2017

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	David Blurton – Chief Executive Officer
Legislation	WA Local Government Act 1995, Bush Fires Act 1954
File Number:	LAW/001
Appendices:	Yes – Appendix 2 and 3
Voting Requirement	Absolute Majority

Report Purpose:

To present the submissions received in regards to the Council's proposed *Shire of Collie Bush Fire Brigades Local Law 2017* and for Council to formally adopt the new local law.

7398

Officer's Recommendation/Council Decision:

Moved: Cr Martin

Seconded: Cr Miffling

That Council adopts the Shire of Collie Bush Fire Brigades Local Law 2017 as presented in Appendix 3.

CARRIED 8/0

Background:

The Council resolved at its meeting on 24 January 2017 the following in relation to the above Local Law.

7297 - That Council by ABSOLUTE MAJORITY:

- 1. Advertises its intention to make a new local law to be known as the Shire of Collie Bush Fire Brigades Local Law 2017 as per Appendix 1 and forwards a copy of the proposed Shire of Collie Bush Fire Brigades Local Law 2017 to the Department of Local Government and Communities for the Minister's consideration;*
- 2. Notes the purpose of the proposed Shire of Collie Bush Fire Brigades Local Law 2017 is to make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades; and*
- 3. Notes the effect of the proposed Shire of Collie Bush Fire Brigades Local Law 2017 is that Bush Fire Brigades will be organised and managed to comply with the provisions of this local law.*

As per legislative requirements, a copy of the proposed Local Law was advertised by local and state-wide public notice and a copy of the Law was provided to the Minister for Local Government. The Council was required to advertise the proposed law for a period of no less than 6 weeks (as per section 3.12 (3) (a) (iii) of the Act) and consider any submissions received in regards to the law at the close of this period.

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Prior to the submission period, comment relating to the manner of bush fire brigades making payments was received, while at the end of the submission period one submission had been received from the Department of Local Government. This submission can be found at Appendix 2.

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:

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*

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- (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.

[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.]

Budget Implications:

Payment for local advertising of the new local law and for publication in the Government Gazette.

Communications Requirements: (Policy No. CS 1.7)

The new Law will be required to be advertised in the Government Gazette.

Minister's Directions – pursuant to s. 3.12(7) of the LG Act 1995

Please note: Once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within ten working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address –

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837

Strategic Plan Implications:

Goal 5 Our Business – Good governance and an effective, efficient and sustainable organisation.

Outcome 5.1: Good governance and leadership

Strategy 5.1.5: Administer local laws and ensure compliance with statutory obligations.

Action 5.1.5.4: Review local laws for the Shire to ensure relevance and compliance with the Local Government Act.

Relevant Precedents:

Most recently, at its meeting held 27 January 2016 Council resolved:

6955 - That Council adopts the Shire of Collie Extractive Industries Local Law 2015 as presented in Appendix 3.

Comment:

Comment received prior to the submission period and the submission received from the Department of Local Government and Communities as a result of the out for comment process [Appendix 2] suggested a number of changes and edits. These

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changes are presented in the table below, with the corresponding staff comment next to each issue raised.

Comment	Response
<p>1. Headings</p> <p>Part headings should be bold lower case and centralised; division headings should be italics, lower case and centralised.</p>	Change made to draft local law as suggested.
<p>2. Clause 1.1 - Citation</p> <p>It is suggested that the Shire italicise 'Shire of Collie Bush Fire Brigades Local Law 2017.'</p>	Change made to draft local law as suggested.
<p>3. Clause 1.3 - Repeal</p> <p>It is suggested that the Shire amend clause 1.3 as follows: 'The Shire of Collie Local Law No. 7 – Bush Fire Brigades as published in the Government Gazette on 16 August 2000 is repealed.'</p>	Change made to draft local law as suggested.
<p>4. Clause 3.1 – Local Government responsible for structure</p> <p>As Clause 3.1 is currently drafted, the "Council" is responsible for ensuring there is an appropriate structure in the bush fire brigades (this differs from the clause title, which refers to the "local government").</p> <p>The use of the term "Council" may be interpreted to mean that only the Council will be able to make a decision (by vote), even if the matter is minor or procedural.</p> <p>While this is a viable system, the Shire should consider whether this clause reflects the Shire's intentions. The Shire may wish to replace the reference to the "Council" with the "local government". This may enable the Shire to delegate certain decisions in accordance with section 5.16 of the Local Government Act 1995 (eg. to a committee).</p>	"Council" replaced with "local government".
<p>5. First Schedule</p> <p>Schedules should be titles and followed by a reference to the relevant clause in the local law as follows:</p> <p style="text-align: center;">Schedule 1 – Rules Governing the Operation of Bush Fire Brigades (Clause 1.1)</p>	Changes made to draft local law as suggested.
<p>6. Minor Edits</p> <p>A number of minor edits were suggested - refer to Appendix 2.</p>	Changes made to draft local law as suggested.
<p>7. Clause 7.3 – Banking [Received prior to submission period].</p> <p>Give consideration to payment of accounts by EFT as an alternative to payment by cheques. With the advent of electronic banking for all manner of things, it seems to be a bit limiting to only allow payment by cheque, and given time when cheques disappear altogether, a change to the Local law would be necessary to allow for EFT – perhaps we could be proactive and allow for this an alternative now rather than wait for later.</p>	Referred to BFAC and agreed to that both payment by cheque or payment by EFT would be suitable.

The local law now presented at Appendix 3 incorporates all of the above suggested changes.

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14.4 Accounts Paid – March 2017

Reporting Department: Corporate Services
Reporting Officer: Khushwant Kumar – 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 4
Voting Requirement Simple Majority

Report Purpose:

To present the accounts paid during the month of March 2017.

7399

Officer’s Recommendation/Council Decision:

Moved: Cr Hanns

Seconded: Cr Stanley

That Council accepts the Accounts as presented in Appendix 4 being vouchers 3116-3133 and 41080-41104 totalling \$278,208.89 and direct payments totalling \$765,474.80 authorised and paid in March 2017.

CARRIED 8/0

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	18,305.08	740,101.16	758,406.24
November	69,163.11	1,494,072.08	1,563,235.19
December	94,444.83	389,492.69	483,937.52
January	91,353.32	703,022.51	794,375.83
February	188,806.39	614,258.35	803,064.74
March	278,208.89	765,474.80	1,043,683.69
April			

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Month	Cheques 2016/17	EFT 2016/17	Total Payment 2016/17
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 4.

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14.5 Financial Report – March 2017

Reporting Department:	Corporate Services
Reporting Officer:	Khushwant Kumar– 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 5
Voting Requirement	Simple Majority

Report Purpose:

This report provides a summary of the Financial Position for the Shire of Collie for the month ending March 2017.

7400

Officers Recommendation/Council Decision:

Moved: Cr Martin

Seconded: Cr Stanley

That Council accept the Financial Reports for March 2017 as presented in Appendix 5.

CARRIED 8/0

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 5.

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

Comment:

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The report provided to Council as Appendix 5 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 by Program

1. Law, Order, and Public Safety is \$90,737 is over budget predominantly due to additional LGGs Grant from DFES for expenditure incurred in 2015/16.
2. Community Amenities is \$186,483 under budget as businesses are yet to be invoiced for bulk rubbish collection, the remainder of the organics bin grant is yet to be received and transfer station fees is lower than expected.
3. Recreation and Culture is \$307,396 over budget as the Changing Places Program Access grant of \$62,300, Town Site Mountain Bike Trail Project grant of \$23,500 and Kidsport Revenue (\$45,000) were successful. Additional grant money for the Town Site Mountain Bike Trail Project will be received in 2017/18. \$199,790 has been invoiced for contribution towards the laneway development. These revenue items have been approved in budget review 2016-17 and will reflect in following months
4. Economic Services is under budget by \$10,765 due to caravan park income (\$4,007) and building permit fees (\$5,048) being under budget.

Operating Expenditure by Program

5. Welfare is \$12,748 under budget mostly due to the St John of God contribution has not been paid as we are still waiting for the invoice.
6. Other property and services is \$102,457 under budget due to several public works overheads and plant operations cost accounts being under budget.

Operating Revenue by Nature and Type

7. **Interest Earnings is \$25,099 over budget most due to non - payment penalty being over budget.**

Operating Expenditure by Nature and Type

8. Materials and Contracts is under budget by \$247,253 due to rates legal cost (\$11,890), niche modular system (\$11,500), Roche Park Program expense (\$12,756.67), pool chemicals (\$7,925), library building maintenance (\$16,917), BREC contributions (\$6,955), museum operating grant (\$20,000), Royal Life Saving and Youth Care contribution (\$10,000), Community Development grants (\$26,576), MSW Manager (\$10,000), Collie Heritage inventory (\$12,992), Fuel and Oil (\$17,060), rating valuation cost (\$9,445), St John donation (\$10,000), Building valuation (\$12,000), entry statement strategy plan (\$21,958), waste contract (\$74,465), organic liner bags (\$17,210) and waste management business plan (\$25,000).
9. **Utility Charges is \$52,694 over budget mainly due to street lighting payment. The**

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expenditure items have been approved in budget review 2016-17 and will reflect in following months.

Non-Operating Expenditure

10. 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	1,144,756	All major projects complete, some minor works to Complete by June 2017. Additional funds \$199k received.
Collie Motorplex Improvements	2,939,956	154,831	Track extension detailed design and engineering completed following feedback from Motorcycling Australia and CAMS. New Sport and Recreation Grant agreement (\$1.57m) signed.
Regional Road Group works	786,000	754,218	Piavanini road complete, Mungalup road Complete, Powerhouse road complete
Roads to Recovery works	625,000	320,110	Rowe St (\$200,000) commence April 17 Concession st (\$200,000) defer Venn st (\$120,000) complete Burt St (\$30,000) complete River Ave (\$70,000) and Inkerman St (\$40,000) March Completion Shannon St (\$75,000) complete
Footpath Program	199,000	155,066	All works complete except Throssell Bridge to River Walk (\$65,000)
Special Projects	158,500	29,271	Gravel resheeting to occur April-June (\$100,000)

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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:	No
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.

7401

Officers Recommendation/Council Decision:

Moved: Cr Hanns

Seconded: Cr Stanley

That Council:

- 1. Advertises its intention to amend the Parking and Parking Facilities Local Law 2012 as per Table 1 and forward a copy of the proposed amendment to the Local Law to the Department of Local Government for the Minister's consideration;**
- 2. Notes the purpose of the Shire of Collie Parking and Parking Facilities Local Law 2012 is to provide for the orderly management of the Shire's designated public parking areas; and**
- 3. Notes the effect of the Shire of Collie Parking and Parking Facilities Local Law 2012 is that adequate measures are in place to control parking and stopping areas generally within the Shire of Collie.**

CARRIED 8/0

A question was asked as to whether it is normal practice to have time limited parking in disabled parking bays. Staff will advise.

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.

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This amendment was proposed at the Ordinary Council Meeting of 25 October 2016 and the following resolution was made:

7212 – 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.

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

The CBD Parking Plan has been considered by the CBD Committee with a recommendation to approve this plan considered at this meeting.

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:

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.*

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- (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.

[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 recently been adopted. A copy of the draft amendment to the Local Law can be found at Table 1.

Under the *Parking and Parking Facilities Local Law*, the current penalty for obstructing a footpath with a vehicle (item numbers 20 and 28 of Table 1) 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

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trolley, skip bin etc.) has a penalty of \$125. Other common penalties are for littering (\$125), wandering dogs (\$200) and fire infringements (\$250).

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.

Table 1 – Parking Penalties

Item No.	Clause No.	Nature of Offence	Current Penalty \$	Proposed Penalty \$
1	2.2	Failure to park wholly within parking stall	40	120
2	2.2(4)	Failure to park wholly within parking area	40	120
3	2.3(1)(a)	Causing obstruction in parking station	50	140
4	2.3(1)(b)	Parking contrary to sign in parking station	50	140
5	2.3(1)(c)	Parking contrary to directions of Authorized Person	50	140
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	40	120
7	3.1(1)(a)	Parking wrong class of vehicle	40	120
8	3.1(1)(b)	Parking by persons of a different class	45	130
9	3.1(1)(c)	Parking during prohibited period	45	140
10	3.1(3)(a)	Parking in no parking area	50	140
11	3.1(3)(b)	Parking contrary to signs or limitations	40	120
12	3.1(3)(c)	Parking vehicle in motor cycle only area	40	120
13	3.1(4)	Parking motor cycle in stall not marked "M/C"	40	120
14	3.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	45	130
15	3.2(1)(a)	Failure to park on the left of two-way carriageway	40	120
16	3.2(1)(b)	Failure to park on boundary of one-way carriageway	40	120
17	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	45	130
18	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	45	130
19	3.2(1)(d)	Parking closer than 1 metre from another vehicle	40	120
20	3.2(1)(e)	Causing obstruction	50	140
21	3.3(b)	Failure to park at approximate right angle	40	120
22	3.4(2)	Failure to park at an appropriate angle	40	120
23	3.5(2)(a) and 6.2	Double parking	45	130
24	3.5(2)(b)	Parking on or adjacent to a median strip	40	120
25	3.5(2)(c)	Denying access to private drive or right of way	45	130
26	3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	50	140
27	3.5(2)(e)	Parking within 10 metres of traffic island	45	130
28	3.5(2)(f)	Parking on footpath/pedestrian crossing	50	140
29	3.5(2)(g)	Parking contrary to continuous line markings	45	130
30	3.5(2)(h)	Parking on intersection	45	130

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31	3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	50	140
32	3.5(2)(j)	Parking within 3 metres of public letter box	45	130
33	3.5(2)(k)	Parking within 10 metres of intersection	45	130
34	3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	50	140
35	3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	50	140
36	3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	50	140
37	3.6	Parking contrary to direction of Authorized Person	50	140
38	3.7(2)	Removing mark of Authorized Person	55	160
39	3.8	Moving vehicle to avoid time limitation	40	120
40	3.9(a)	Parking in thoroughfare for purpose of sale	40	120
41	3.9(b)	Parking unlicensed vehicle in thoroughfare	40	120
42	3.9(c)	Parking a trailer/caravan on a thoroughfare	40	120
43	3.9(d)	Parking in thoroughfare for purpose of repairs	40	120
44	3.10(1) or (2)	Parking on land that is not a parking facility without consent	55	160
45	3.10(3)	Parking on land not in accordance with consent	40	120
46	3.11	Driving or parking on reserve	40	120
47	4.1(1)	Stopping contrary to a "no stopping" sign	40	120
48	4.1(2)	Parking contrary to a "no parking" sign	40	120
49	4.1(3)	Stopping within continuous yellow lines	40	120
50	5.1	Stopping unlawfully in a loading zone	40	120
51	5.2	Stopping unlawfully in a taxi zone or bus zone	40	120
52	5.3	Stopping unlawfully in a mail zone	40	120
53	5.4	Stopping in a zone contrary to a sign	40	120
54	6.1	Stopping in a shared zone	40	120
55	6.3	Stopping near an obstruction	45	130
56	6.4	Stopping on a bridge or tunnel	40	120
57	6.5	Stopping on crests/curves etc	55	160
58	6.6	Stopping near fire hydrant	55	160
59	6.7	Stopping near bus stop	45	130
60	6.8	Stopping on path, median strip or traffic island	40	120
61	6.9	Stopping on verge	40	120
62	6.10	Obstructing path, a driveway etc	40	120
63	6.11	Stopping near letter box	40	120
64	6.12	Stopping heavy or long vehicles on carriageway	45	130
65	6.13	Stopping in bicycle parking area	40	120
66	6.14	Stopping in motorcycle parking area	40	120
67	6.15	Stopping in disabled parking area	45	130
68	7.6	Leaving vehicle so as to obstruct a public place	50	140

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15.2 Preparation of Town Planning Scheme No. 6

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp – Strategic Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 WA Local Government Act 1995
File Number:	LUP/025
Appendices:	
Voting Requirement	Simple Majority

Report Purpose:

For Council to formally initiate a review and update of the Local Planning Scheme No. 5 enabling the preparation of Town Planning Scheme No. 6 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

7402

Officer's Recommendation/Council Decision:

Moved: Cr Miffling

Seconded: Cr Italiano

That Council:

- 1. Pursuant to Section 72 of the Planning and Development Act 2005, prepares Local Planning Scheme No.6 for the entire area within the Shire of Collie and as shown on the adopted Scheme Area Map (refer Attachment 1);**
- 2. Publish a notice of Council's Resolution in accordance with Regulation 20(1)(a) of the Planning and Development (Local Planning Scheme) Regulations 2015; and**
- 3. Forward a copy of the notice with regards to the Resolution 2 above to the relevant stakeholders listed in Regulation 20(1)(b) of the Planning and Development (Local Planning Scheme) Regulations 2015 for 21 days and request recommendations that should be considered during the preparation of Local Planning Scheme No. 6.**
- 4. Allocate \$50,000 in the 2017/18 draft budget for the development of Local Planning Scheme No. 6.**

CARRIED 8/0

Background:

The Local Planning Scheme is a statutory planning document that outlines the local planning and regulatory framework, and controls development and land use throughout

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a local government district.

The Planning and Development Act (2005) and Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires Council to review its Scheme every 5 years (Scheme Review) The Shire's current Local Planning Scheme No. 5 was gazetted in 2009 and therefore is due for review.

It is considered appropriate to prepare a new Local Planning Scheme, rather than amend the current one as with the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* local planning schemes have significantly changed with new model text and deemed provisions that must be applied. Therefore, editing the current scheme is likely to be messy and cause confusion with an element of risk.

The Department of Planning have advised staff that the Shire will not be required to prepare a Scheme Review Report should Council resolve to Prepare a new Scheme prior to October 2017.

The Local Planning Strategy (currently in a draft form) informs the Local Planning Scheme. Therefore, the recommended actions listed in the Local Planning Strategy will be incorporated into the new Local Planning Scheme.

Statutory and Policy Implications:

Planning and Development Act (2005)

Division 1 Part 5 provides the framework to prepare and adopt a Local Planning Scheme.

Planning and Development (Local Planning Scheme) Regulations 2016

Part 4 provides the framework to prepare and adopt a Local Planning Scheme.

Part 6 specifies the requirements for the local government to review their Local Planning Scheme and prepare a Scheme Review Report. Schedule 1 Model Scheme Provisions of the Planning and Development (Local Planning Scheme) Regulations 2016 is the WAPC's template for preparing Local Planning Schemes.

Schedule 2 Deemed Provisions establishes the local planning framework, regulatory functions, assessment and review processes and applies to all local governments within Western Australia.

State Planning Policies

As part of its preparation of the Scheme, the Shire will need to have due regard for the following State Planning Policies:

- SPP 1.0 - State Planning Framework Policy (2000)
- SPP 2.0 - Environment and Natural Resources Policy (2003)
- SPP 2.5 - Rural Planning (2016)
- SPP 2.7 - Public Drinking Water Source Policy (2003)
- SPP 2.9 - Water Resources (2006)
- SPP 3.0 - Urban Growth and Settlement (2006)

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- •SPP 3.1 - Residential Design Codes (2013)
- SPP 3.4 – Natural Hazards and Disasters (2006)
- •SPP 3.5 - Historic Heritage Conservation (2007)
- •SPP 3.6 - Development Contributions for Infrastructure (2009)
- •SPP 3.7 - Planning in Bushfire Prone Areas (2015)
- •SPP 4.1 - State Industrial Buffer Policy (1997)

Structure Plans

The Shire will need to have due regard and potentially consolidate the development controls and zones specified in any existing structure plans.

Local Planning Policies

As part of its preparation of the Scheme, the Shire will also need to review its Local Planning and potentially Building Policies.

Budget Implications:

A budget of \$35,000 was allocated for this financial year to begin the process of developing a new Local Planning Strategy and Local Planning Scheme No. 6. It is anticipated that these funds will have been fully expended by the end of the 2016/17 Financial year.

Unlike the Local Planning Strategy which is being completed in house, it is expected that a consultant will need to be engaged to complete some aspects of the Local Planning Scheme; namely mapping, facilitated community engagement and the development of new policies. Therefore, the budget for the Local Planning Scheme will need to be higher than that allocated for the Local Planning Strategy.

As a result, a budget request of \$50,000 has been made for the 2017/18 budget.

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.*

The Planning and Development (Local Planning Schemes) Regulations 2015:

Require a local government to advertise the resolution of Council to prepare a scheme through:

- a notice in the local paper and

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- by providing copies of the published notice to each local government located in a district that adjoins the Shire of Collie's local government district, each licensee under the Water Services Act 2012 likely to be effected, the CEO of the Department of Parks and Wildlife, the EPA and any other public authority likely to be effected by the scheme.

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:

A Local Planning Scheme was prepared by the Shire of Collie and Gazetted in October 2009.

Comment:

Under the Planning and Development Act (2005) a review of Town Planning Scheme No. 5 is now due. Under the Planning and Development (Local Planning Schemes) Regulations 2015 this review will result in the need to undertake a significant amendment to Local Planning Scheme No. 5. In light of this and considering changes that have occurred since gazettal of this scheme it is recommended a new Local Planning Scheme (No. 6) be initiated.

A new Local Planning Scheme will include the new model text and the deemed provisions as dictated by the new *Planning and Development (Local Planning Schemes) Regulations 2015*. The Scheme will also include the flood modelling completed in 2012 and other changes brought about by the review of the Local Planning Strategy such as the development of new Local Planning Policies.

It is recommended that the Scheme seek to adopt the following guiding principles:

1. Modernise the Scheme and ensure consistency with current planning practice;
2. Simplify the Scheme and standardised the format;
3. Make user friendly;
4. Ensure consistent use of terms and reference with State Government and internal agencies wherever possible;
5. Consolidate development control provisions into the Scheme or Local Planning Policies;
6. Ensure the Scheme meets the needs and expectations of the area and community.

The Local Planning Scheme will outline the zones and reserves, permissibility of different land use and development controls standards that apply. This component of the Scheme would be tailored to the expectations and requirement that may be unique to the Shire. The format of the Local Planning Scheme however would need to be generally consistent with Schedule 1 Model Scheme Provisions (MST) of the

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Regulations. The MST is WAPC's template for preparing Local Planning Schemes. Staff have been advised by the Department that departure from this format and the provisions would generally not be supported without reasonable planning justification.

The Deemed Provisions are contained within Schedule 2 of the *Regulations* and outline the local planning framework of the Shire, its regulatory functions, and the assessment and review processes of development applications, structure plans and local development plans. The Deemed Provisions are mandatory to all local planning authorities and cannot be altered if they could ultimately contradict those provisions. The *Regulations* do allow the Shire to have supplemental provisions incorporated into the Scheme that allows for specific circumstances that may be required by the Shire provided it is not contradictory to the Deemed Provisions.

In addition to the Scheme text, scheme provisions and maps, local planning policies are recommended to accompany the Scheme. The new draft Local Planning Strategy currently recommends the development of Local Planning Policies for: Developer Contributions, Rural Residential, Rural, and Environmental Conservation. It also recommends the development of an Open Space Strategy. It is intended that these be developed in conjunction with Scheme No. 6.

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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

20. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Cr Yates

- 7 April 2017 - Attended the Youth Advisory Committee event held in Central Park.
- 11 April 2017 - Met with Minister Jane Prentice, Rick Wilson, DAIC Committee Members and Staff acknowledging the DAI Award received by the Shire 2016.
- 12 April 2017 - Met with the Greens party representatives - Senator Scott Ludlam, Adam Brant, Rachel Siewert to discuss renewable energy.

Cr Stanley

- 12 April 2017 - Met with the Greens party representatives - Senator Scott Ludlam, Adam Brant, Rachel Siewert to discuss renewable energy.

Cr Miffing

- 12 April 2017 - Met with the Greens party representatives - Senator Scott Ludlam, Adam Brant, Rachel Siewert to discuss renewable energy.

Cr Hanns

- 7 April 2017 - Attended the Youth Advisory Committee event held in Central Park.

Cr Harverson

- 7 April 2017 - Attended the Youth Advisory Committee event held in Central Park.

CEO David Blurton

- 7 April 2017 - Attended the Youth Advisory Committee event held in Central Park.
- 11 April 2017 - Met with Minister Jane Prentice, Rick Wilson, DAIC Committee Members and Staff acknowledging the DAI Award received by the Shire 2016.
- 12 April 2017 - Met with the Greens party representatives - Senator Scott Ludlam, Adam Brant, Rachel Siewert to discuss renewable energy.

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21. COUNCILLOR DOCUMENTS OF INTEREST

Building Approvals for March 2017 (Attached)
Building Statistic Comparison Table (Attached)

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 6
- 'All Open' at Appendix 7

24. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Nil

25. CLOSE

The Shire President thanked Council and Staff for their attendance.

The Presiding Member declared the meeting closed 7.55pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 9 May 2017.

.....
Presiding Member

.....
Date