



AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 17 April 2018

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE
PROCEEDING**

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

Council's Vision

Collie – a vibrant, growing and sustainable community
where people live, visit and invest

Council's Mission Statement

Provide appropriate services and infrastructure for an
engaged community, both safely and sustainably.

NOTICE OF MEETING

Please be advised that meeting of the

Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

Tuesday, 17 April 2018

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

12 April 2018

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

MEETING SCHEDULE

April 2018 – May 2018

Councillors are reminded of the following meetings. Please note that other meetings may be planned that are not shown here. Councillors are advised to contact the Committee's Presiding Member/Chairperson if in doubt.

Tuesday 17 April 2018	Ordinary Meeting of Council 7.00pm in Council Chambers
Monday 23 April 2018	Museum Transition Committee 4.00pm in Library Undercroft Room
Tuesday 24 April 2018	Townscape Advisory Committee 9.00am in Library Undercroft Room
Thursday 26 April 2018	Weeds & Waterways Advisory Committee 9:00am in Council Chambers
Thursday 26 April 2018	Access and Inclusion Committee 12.15pm in Elected Members Room
Thursday 3 May 2018	Community Safety and Crime Prevention Committee 2.00pm in Library Undercroft Room

SHIRE OF COLLIE
DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on _____ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest (see below)

* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council requires them to.

Name (Please Print)SignatureDate

NB

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

Remember: The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.

Office Use Only:	Date/Initials
1. Particulars of declaration given to meeting	_____
2. Particulars recorded in the minutes	_____
3. Signed by Chief Executive Officer	_____

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

- 5.23. (1) Subject to subsection (2), the following are to be open to members of the public
- (a) all Council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal --
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to --
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

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SHIRE OF COLLIE
AGENDA - ORDINARY MEETING OF COUNCIL
Tuesday, 17 April 2018

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 17 April 2018 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

- 1.1 Councillors granted Leave of Absence at previous meeting/s.
- 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 Piavanini has requested Leave of Absence from this Ordinary Meeting of Council.

2. PUBLIC QUESTION TIME

A 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration towards the Public:

When public questions necessitate resolutions of Council, the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates need for the public to wait an indeterminate period of time).

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

A couple of questions were taken on notice from the previous meeting of Council.

1. Monitoring of the Rivers Edge along Wagyl Bidi bike trail by Aboriginal Elders how is this assessed?

Response: -Aboriginal monitoring of a State Registered Place is required by the Aboriginal Heritage Act when the work includes significant ground disturbance including for the construction of the Wagyl Biddi on the banks of the Collie River. Monitors are nominated elders respected within the community to act in the best interest of the place and the indigenous community.

Monitoring is to assess if artefacts are being dug up or damaged, damage to culturally significant trees as well as the social value of the place. As such it is for the Shire to satisfy the monitors that the activity is respectful of the place to the satisfaction of the monitors. If they are not satisfied, monitors can refer the work to the Department of Planning, Lands and Heritage for the Shire to seek a Section 18 approval from the Minister for work to be carried out. Assessment is intensive and costly and approvals can take up to 2 years.

2. How has an overpayment to Sizzles Deli occurred?

Response – Sizzles Deli paid an invoice twice in error for their non-residential waste collection and the overpayment was refunded.

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3. Granite Boots Specifications/Requirements for PPE?

Response – These boots were sourced following an incident at the tip where an employee's boot & foot was penetrated by a nail around 3years ago.

The Granite 2 boot by Mack boots is a specialist safety boot with increased penetration resistance and can resist a nail applied at 1,100N force

These boots are only available to Transfer station employees and there is a hold point in the finance system on the supplier requiring OSH officer approval before an order can be placed.

We have tried to source an equivalent boot locally without success.

All other regular safety boots are purchased locally.

4. **DISCLOSURE OF FINANCIAL/IMPARTIALITY INTEREST**

Councillors in attendance at meetings must disclose to the meeting any Agenda items upon which they have a Financial Interest. Section 5.65 of the Local Government Act 1995 requires Councillors to: a) give written notification of a financial Interest before the meeting; or b) at the meeting immediately before the particular matter is discussed (notification can be given verbally).

A Disclosure of Financial Interest Form is attached to this Agenda (immediately behind the Index) and can be used by Councillors for disclosure purposes - simply tear out and hand to the Chief Executive Officer. Additional forms will always be available at Council/Committee meetings.

Should Councillors be unsure on Disclosure of Financial Interest matters, further clarification can be obtained by reading Sections 5.53 to 5.59 inclusive of the Act.

5. **PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Members of the public invited by the Chairperson may address the meeting after Standing Orders have been suspended.

- A presentation will be given to Council by the Museum Transition Committee.

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

Councillors may disclose at this point any matters which they wish to have discussed 'behind closed doors' ie the meeting is closed to members of the public. Section 5.23 of the Local Government Act 1995 applies and the meeting may only go behind closed doors for matters expressly prescribed in the Act - see section of the Act appended immediately after the Disclosure of Financial Interest form.

Any decision (of the meeting) to close the meeting or part of the meeting and the reasons for the decision are to be recorded in the Minutes of the meeting.

7. **ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS**

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8. CONFIRMATION OF THE PREVIOUS MINUTES OF COUNCIL

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 27 March 2018.

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Only items that have been deferred from a previous Ordinary Council Meeting for either further consideration by Councillors or for additional background information may be dealt with under this item. Details of Business Arising items will always be listed on the Agenda.

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

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

Recommendation:

That Council receives the minutes of the Community Safety and Crime Prevention Committee held on 22 March 2018.

10.2 Adoption of the Recommendations of the Community Safety and Crime Prevention Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Community Safety and Crime Prevention Committee held on 22 March 2018.

That Council:

10.2.1 authorise staff to write to the Shire of Murray expressing the concern of the Committee regarding the advertising of alcohol on billboards on Forrest Highway.

10.2.2 modify the Terms of Reference for the Community Safety and Crime Prevention Committee to include the Ngalang Boodja Aboriginal Corporation as a member of the Committee.

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11. CEO REPORTS

11.1 Corporate Business Plan 2013 Updated Progress Report

Reporting Department:	Chief Executives Office
Reporting Officer:	David Blurton – Chief Executive Officer
Accountable Manager:	N/A
Legislation	N/A
File Number:	
Appendices:	Yes – Appendix 1
Voting Requirement	Simple Majority

Report Purpose:

To update Council on the progress of various major projects being undertaken in the financial year.

Officer's Recommendation:

That Council receives the Corporate Business Plan 2013 update report as provided at Appendix 1.

Background:

Council has established a range of initiatives under its Corporate Business Plan 2013 document which will be progressed over the current financial year. Forming part of the accountability commitment and in order to keep the Council informed on the progress of various works a project update report is provided.

Statutory and Policy Implications:

N/A

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

Provided to all staff members (revised version)

Strategic Plan Implications:

Key Objective 5.0 - Our Business

Our Goal:

To make decisions and manage the resources of the organisation in a sustainable manner, with a focus on;

- Effective medium – long term planning
- Effective Communication
- Development of our staff
- Achieving high standards in the management of Council's financial resources.
- Managing risk at an acceptable level.
- Fulfil the Council's strategic Goals and Objectives.

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Relevant Precedents:

Major Project Update reports are presented to Council quarterly.

Comment:

Given the number and wide range of projects questions pertaining to individual items would be appreciated prior to the meeting.

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11.2 Corporate Business Plan Development (Integrated Community Planning)

Reporting Department:	Chief Executive Office
Reporting Officer:	David Blurton – Chief Executive Officer
Accountable Manager:	N/A
Legislation	Local Government Act 1995
File Number:	
Appendices:	Yes – Appendix 2
Voting Requirement	Simple Majority

Report Purpose:

To endorse the draft Corporate Business Plan 2017/18 – 2021/22 for a period of public consultation.

Officer's Recommendation:

That Council

- 1. adopts the draft Corporate Business Plan 2017/18 – 2021/22 document with changes identified and with any other further amendments as required; and*
- 2. advertises the draft Corporate Business Plan 2017/18- 2021/22 document for a period of public comment for a minimum of three weeks.*

Background:

On August 2010, the Minister for Local Government introduced regulations which establish new requirements for the Plan for the Future under the Local Government Act 1995 (Act). Under these regulations, all local governments in Western Australia will be required to have developed and adopted two key documents by 30 June 2013: A Strategic Community Plan and a Corporate Business Plan – supported by informed resourcing and delivery strategies.

Councils are also required to undertake a comprehensive review of these documents on a four yearly basis with minor annual reviews and the Council's Strategic Community Plan 2017-2027 document was adopted by Council at its 3rd October 2017 meeting.

The Corporate Business Plan itself will be underpinned by and will link through to, a range of supporting and informing policies, strategies and plans. These include strategic risk assessment, operational or service delivery plans, operational risk assessments, performance indicators, and key informing strategies such as Workforce, Asset Management, and Long Term Financial Plans.

The Corporate Business Plan, may be a single document setting out the key priorities, projects, services and activities of the local government, relevant resource requirements and summary performance measures. It may also be a number of interrelated separate documents supported by an overarching summary.

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The Council has engaged Localise to develop both the Corporate Business Plan and the Community Strategic Plan and the development of these documents has included workshops with Councillors and staff as part of the process as well as community engagement in the early stages.

Statutory and Policy Implications:

The Local Government (Administration) regulations requires (amongst other things) that;
(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

Budget Implications:

The engagement of Localise is within the financial parameters established within the Council's 2018/19 Annual Budget.

Communications Requirements: (Policy No. CS 1.7)

The previous Corporate Business Plan 2013 was not advertised for public comment; however it is suggested that it is appropriate to advertise the Corporate Business Plan 2017/2018 document for a period of public consultation.

Strategic Plan Implications:

The Council's recently adopted Strategic Community Plan 2017-2027 and other informing plans which have been developed.

Relevant Precedents:

Council endorsed its Strategic Community Plan 2017-2027 in October 2017.

Comment:

The draft plan has been dispersed by email to elected members for perusal prior to the meeting. Any suggested changes can be incorporated into the document prior to advertising the documents availability to the broader community.

It is envisaged that the Long Term Financial Plan will be available for Council consideration as part of the final adoption of the Corporate Business Plan document. The Workforce Plan will follow once these have been adopted by Council.

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11.3 Change of Ordinary Council Meeting Date

Reporting Department:	Chief Executive Officer
Reporting Officer:	CEOPA - Belinda Dent
Accountable Manager:	CEO – David Blurton
Legislation	WA Local Government Act 1995
File Number:	NA
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider changing the date of the Ordinary Meeting of Council on the 29 May 2018 as it will affect the attendance of Councillors and staff to the “Trails Friendly Town” event scheduled for the same date.

Officer’s Recommendation:

That Council change the Ordinary Meeting of Council from 7pm Tuesday 29 May 2018 to 7pm Monday 28 May 2018

Background:

A “Trails Town” forum is scheduled in Collie on Tuesday 29 May 2018 which will be an all day and evening event. Unfortunately, this will clash with Council meeting scheduled for the same date.

Collie was chosen for the forum as it is a recognised “Trails Town” and it is anticipated that speakers and guests will be in attendance from interstate. Hon. Mick Murray as Minister for Seniors and Ageing; Volunteering; Sport and Recreation will be attending and opening the forum.

Statutory and Policy Implications:

Nil

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

That the change of date be advertised locally.

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Council has previously changed scheduled meeting dates when required.

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Comment:

It is recommended that the date of the Council Meeting be changed to enable interested Councillors and staff to attend. This is an important event and one which should be supported given Collie's status as a trail hub and a Trail Friendly Town.

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12. CORPORATE SERVICES REPORTS

12.1 2018	<u>Local Law Adoption – Shire of Collie Bush Fire Brigades Amendment Local Law</u>
Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	WA Local Government Act 1995, Bush Fires Act 1954
File Number:	LAW/001
Appendices:	Yes – Appendices 3, 4 and 5
Voting Requirement	Absolute Majority

Report Purpose:

To present the submissions received in regards to the Council's proposed *Shire of Collie Bush Fire Brigades Amendment Local Law 2018* and for Council to formally adopt the new local law.

Officer's Recommendation:

That Council by ABSOLUTE MAJORITY adopts the Shire of Collie Bush Fire Brigades Amendment Local Law 2018 as presented in Appendix 3.

Background:

The Council resolved at its meeting on 13 February 2018 the following in relation to the above Local Law.

*7712 – That Council by ABSOLUTE MAJORITY:
Advertises its intention to make a new local law to be known as the Shire of Collie Bush Fire Brigades Amendment Local Law 2018 as presented at Appendix 2 and forwards a copy of the proposed local law to the Department of Local Government and the Department of Emergency Services for the Ministers' consideration;
2. Notes the purpose of the proposed Shire of Collie Bush Fire Brigades Amendment Local Law 2018 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 Amendment Local Law 2018 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 and the Minister for Emergency Services. 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 relating to the law at the close of this period.

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Comment from the Minister for Emergency Services; Corrective Services and the Department of Local Government, Sport and Cultural Industries can be found at Appendices 4 and 5 respectively.

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:

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

Communications Requirements: (Policy No. CS 1.7)

Local public notice and publication in the Government Gazette.

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

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 Community/Corporate Business 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 14 November 2017 Council resolved:

7639– That Council adopts the Shire of Collie Standing Orders Local Law 2017 as presented in Appendix 5 with the amendment that the word 'ordinary' be removed from Clauses 13.4(1) and 13.4(2).

Comment:

Comment from the Minister for Emergency Services; Corrective Services [Appendix 4] is that the Department of Fire and Emergency Services have no concerns with the proposed amendments.

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Comment from the Department of Local Government, Sport and Cultural Industries [Appendix 5] suggested a number of changes and edits. These changes are presented in the table below, with the corresponding staff comment next to each issue raised.

Comment from Department of Local Government, Sport and Cultural Industries	Response
<p>1. Notification of Minister for Emergency Services</p> <p>The Shire should ensure that a copy of the draft has been provided to the Minister for Emergency Services for comment.</p>	<p>Draft was provided and comment received from Minister for Emergency Services.</p>
<p>2. Clause 3 – Principal local law amended</p> <p>Redrafted for Shire’s consideration to reflect the preferred drafting practice.</p>	<p>Change made to draft local law as suggested.</p>
<p>3. General formatting</p> <p>Suggested that the clauses be redrafted in line with the best drafting principles – example provided.</p>	<p>Change made to general formatting of draft local law as suggested.</p>
<p>4. Minor edits</p> <p>Clause 3 – if the clause is retained in its current form, the phrase “Government Gazette” should be in italics.</p> <p>Clause 4 - if the clause is retained in its current form, the phrase “<i>as varied from time to time under clause 2.5</i>” should be in normal case, not italics.</p>	<p>Clauses 3 and 4 not retained in their current form – redrafted as suggested in General formatting comment.</p>
<p>Comment from Minister for Emergency Services; Corrective Services</p>	
<p>Draft local law was forwarded to the Department of Fire and Emergency Services for comment. The Department have no concerns with the proposed amendments.</p>	

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

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12.2 Undertaking to Amend the Shire of Collie Standing Orders Local Law 2017

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	WA Local Government Act 1995, Bush Fires Act 1954
File Number:	LAW/001
Appendices:	Yes – Appendix 6
Voting Requirement	Absolute Majority

Report Purpose:

To present a request from the Joint Standing Committee on Delegated Legislation that the Shire of Collie undertake to make amendments, as outlined in the body of this report, to the *Shire of Collie Standing Orders Local Law 2017*.

Officer's Recommendation:

That Council by ABSOLUTE MAJORITY:

- 1. Undertake to amend the Shire of Collie Standing Orders Local Law 2017 as requested by the Joint Standing Committee on Delegated Legislation as outlined in the body of this report,*
- 2. In the meantime, not enforce the Local Law in a manner contrary to the undertakings given, and*
- 3. Where the local law is made available to the public, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.*

Background:

The Council resolved at its meeting on 22 August 2017 the following in relation to the above Local Law.

7537 – That Council by ABSOLUTE MAJORITY:

- 1. Advertises its intention to make a new local law to be known as the Shire of Collie Standing Orders Local Law 2017 as per Appendix 6 and forwards a copy of the proposed Shire of Collie Standing Orders Local Law 2017 to the Department of Local Government; Heritage; Culture and the Arts for the Minister's consideration;*
- 2. Notes the purpose of the proposed Shire of Collie Standing Orders Local Law 2017 is to provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors; and*
- 3. Notes the effect of the proposed Shire of Collie Standing Orders Local Law 2017 is that these Standing Orders will result in –*
 - better decision making by the Council and its committees;*
 - the orderly conduct of meetings dealing with Council business;*
 - better understanding of the process of conducting meetings; and*
 - the more efficient and effective use of time at meetings.*

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Prior to adoption, comment was received from the Department of Local Government, Sport and Cultural Industries, following which a number of changes and edits were made prior to adoption of the local law. On 14 November 2017 Council resolved:

7639 – That Council adopts the Shire of Collie Standing Orders Local Law 2017 as presented in Appendix 5 with the amendment that the word 'ordinary' be removed from Clauses 13.4(1) and 13.4(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:

Budget Implications:

Advertising required to amend the local law.

Communications Requirements: (Policy No. CS 1.7)

Statutory advertising as required for amendment of a local law.

Strategic Community Plan Implications:

Goal 5 Our Business – Good governance through 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.

Relevant Precedents:

Council has previously amended local laws, most recently, at its meeting held 27 March 2018 Council resolved:

7757 – That Council:

- 1. Undertake to amend the Shire of Collie Parking and Parking Facilities Local Law 2012 as requested by the Joint Standing Committee on Delegated Legislation as outlined in the body of this report,*
- 2. In the meantime, not enforce the Local Law in a manner contrary to the undertakings given, and*
- 3. Where the local law is made available to the public, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.*

Comment:

The Joint Standing Committee on Delegated Legislation (the Committee) has now requested in correspondence that can be found at Appendix 6 that Council provide a letter signed by the Shire President undertaking to make the following amendment to the Shire of Collie Standing Orders Local Law 2017:

The Committee requests that Council provide (by letter signed by the Shire President) the following undertakings:

1. Within six months after the date of the letter providing the undertakings, the Council will:
 - (a) amend sub-clause 15.2(2)(a) to instead refer to clause 15.3
 - (b) make all the necessary consequential amendments.

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- 2 Until the Local Law is amended in accordance with undertaking 1:
 - (a) Not enforce the Local Law in a manner contrary to undertaking 1.
 - (b) Where the local law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.

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12.3 Lease for Collie Cricket Club

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	WA Local Government Act 1995
File Number:	L30555A, R30927
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to change the vesting of R30927 [Lot 2019 Coombe Street] and then to renew the lease agreement with the Collie Cricket Association Inc. for the use of the Collie Cricket Clubrooms at Roche Park grounds.

Officer's Recommendation:

That Council

1. *Authorise staff to apply for a change of vesting of Reserve 30927 to Recreation with power to lease.*
2. *Renew the lease of the building known as the Collie Cricket Clubrooms located on Reserves 30555 and 30927 to the Collie Cricket Association Inc. subject to the consent of the Minister for Lands with the following conditions:*
 - a) *lease to be deemed 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 incl GST; and*
 - c) *other conditions to be in accordance with Council policy DS 1.5.*

Background:

The Collie Cricket Club building is located on Reserve 30555 [Lot 2018 Coombe Street], which is vested in the Council for the purposes of Recreation and allows for leasing for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

The Collie Cricket Association Inc has leased the club rooms located on the reserve for a period of five years following the decision of Council on 5 March 2013:

6007 – That Council lease the building known as the Collie Cricket Clubrooms located on Reserve 30555 to the Collie Cricket Club Inc. with the following conditions:

- A) *lease to be deemed 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 incl GST;*
- C) *Other conditions to be in accordance with Council policy DS 1.5*

While establishing the lease area for the renewal of the lease, it became evident that the club rooms have been extended to intrude into Reserve 30927 [Lot 2019 Coombe St] which is currently vested in the Shire of Collie for the purpose of Shire Housing and

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does not have power to lease. Prior to renewing the lease it will be necessary to have the vesting of Reserve 30927 changed to the purpose of Recreation with power to lease. The cricket practice nets are also located on this reserve so the change to Recreation use is appropriate.



Statutory and Policy Implications:
WA Local Government Act (1995)

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:

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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
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 Plan Implications:

Goal 1: OUR COMMUNITY *A vibrant, supportive and safe community.*

1.2 Participation in sport, recreation and leisure opportunities.

Goal 4: OUR BUILT ENVIRONMENT *Infrastructure, amenities and development that supports the needs and aspirations of the community*

4.5 Council buildings and service related assets that support community needs

4.5.1 Manage and maintain public buildings, facilities and public amenities

Relevant Precedents:

Council regularly renews leases to community groups.

Comment:

The building has been erected and paid for by the Club and is therefore deemed a community built and operated lease with responsibilities as established under Council Policy. The lease covers the clubrooms only, and the cricket oval and practice nets are available for use by other user groups.

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12.4 Lease for Collie Badminton Club

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	WA Local Government Act 1995
File Number:	L15195D
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to renew the lease agreement with the Collie Badminton Association Inc. for the use of the Collie Badminton Association's building on Reserve 15195 – the Wallsend Ground.

Officer's Recommendation:

That Council lease the building known as the Collie Badminton building located on Reserve 15195 to the Collie Badminton Association Inc. subject to the consent of the Minister for Lands with the following conditions:

- 1. lease to be deemed Community Built and Operated Lease with a term of 5 years with a 5 year option;*
- 2. annual lease amount payable be \$1 per annum incl GST; and*
- 3. other conditions to be in accordance with Council policy DS 1.5*

Background:

The Collie Badminton Club building is located on Reserve 15195, which is vested in the Council for the purposes of recreation and parking and allows for leasing for any term not exceeding 21 years, subject to the consent of the Minister for Lands.



The Collie Badminton has leased the building for a term of 5 years in accordance with the decision of Council at its meeting held 5 March 2013:

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6009 – That Council lease the building known as the Collie Badminton Club Inc. located on Reserve 15195 to the Collie Badminton Club Inc. with the following conditions:

- A) lease to be deemed 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 incl GST;
- C) Other conditions to be in accordance with Council policy DS 1.5

Statutory and Policy Implications:

WA Local Government Act (1995)

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

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Issue	Community built and operated – Responsible party
Payment of utility charges (power, water etc)	Lessee
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 Plan Implications:

Goal 1: OUR COMMUNITY *A vibrant, supportive and safe community.*

1.2 Participation in sport, recreation and leisure opportunities.

Goal 4: OUR BUILT ENVIRONMENT *Infrastructure, amenities and development that supports the needs and aspirations of the community*

4.5 Council buildings and service related assets that support community needs

4.5.1 Manage and maintain public buildings, facilities and public amenities

Relevant Precedents:

Council regularly renews leases to community groups.

Comment:

The Collie Badminton Association is an active group that has occupied and managed the building for the last five years with no issues identified.

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12.5 Community Small Grants Fund Round Two 2017/18

Reporting Department:	Corporate Services
Reporting Officer:	Shannon Wood – Community Development Officer
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	WA Local Government Act (1995)
File Number:	GAS/017
Appendices:	Yes - (Provided Separately), Appendix 7
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider applications received and allocate funding from the Shire of Collie Community Small Grants Fund, Round Two 2017/18.

Officer's Recommendation:

That Council allocate the following amounts from the 2017/18 Community Small Grants Fund:

- Collie Race Club Inc.	\$5000
- Collie Festival Committee Inc.	\$5000
- Collie Mountain Trail Bike Club	\$4818

Background:

In 2009 Council resolved to consolidate three development fund programs into one funding program, being the Community Small Grants Fund. A further amendment to the program was made in May 2013, where a review of the process was to be undertaken prior to allocation of funds in the 2014/15 budget process.

The review was undertaken for the community small grants process and presented to Council with the following result:

6271 [12 November 2013]

That Council maintains 2 rounds and splits whatever funding is allocated through the budget evenly between the two funding rounds.

At the Council meeting held 3 March 2015 staff recommended changes to the Community Small Grants Fund as per Council Decision # 6668 below.

6668 [3 March 2015]

11.8.3 That Council endorse the proposed changes to the Community Small Grants Fund as below and adopt the Community Small Grants Fund Policy as it appears at Appendix 2

- ***Amend the opening and closing dates to:
First round: opens on the first business day of August. Closes at 4.30pm on the first business day of September.***

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- Second round: opens on the first business day of February. Closes at 4.30 pm on the first business day of March**
- **Eligible projects/events are all activities that take place in Collie and funds are expended in Collie (wherever possible)**
 - **Have two Community Grant Application Forms: one for funding requests up to \$1,000 and the second from \$1,001 to \$5,000**
 - **If financial/budgeting information is considered insufficient in the original grant submission then staff can contact the group to request additional information prior to the assessment of the application**

At the Council meeting of 3 October 2017, Council allocated \$15,182 from the Community Small Grants Fund for applications received in Round One of 2017/18.

A total of eight applications were received for Round Two of the 2017/18 Shire of Collie Community Small Grants Fund, with one application requesting support for \$1,000 or under and seven applications for funding between \$1,001 and \$5,000.

The total amount of funds requested through the eligible applications is \$31,245. A copy of all applications received was sent to Councillors on 5 April 2018.

Applications were assessed independently by four staff members resulting in the ranking of applications as shown in the table below. The assessments were made against Council's adopted criteria that can be found at Appendix 7.

APPLICANT	PROJECT NAME	AMOUNT REQUESTED	ESTIMATED PROJECT TOTAL	RANK
Collie Race Club Inc.	Infrastructure Facilities Improvements Stage 7	\$5000	\$25,594	1
Collie Festival Committee Inc.	Festiv Arty 2018	\$5000	\$96,550	2
Collie Mountain Trail Bike Club	Trail Upgrade on the original Mountain Trail Bike trail in Collie- 'Ray's Trail'	\$5000	\$9900	3
Collie Horse & Pony Club Inc.	Showjumping Equipment	\$4545	\$5000	4
Collie Swimming Club	Dolphin Timing System upgrade	\$4500	\$12,694	5
Premier Patriots Hockey Club	New playing shirts for game days	\$1200	\$1200	6
Allanson Primary School P&C Association	Nature Playground	\$5000	\$10,000	7
Bunbury Bushwalking Club	Bushwalking Jamboree	\$1000	\$4000	8

Statutory and Policy Implications:
 Nil

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Budget Implications:

The allocation of \$15,182 in round one provides for \$14,818 to be allocated in round two to remain within budget.

2016/17 Budget Allocation:	\$30,000
<u>Round One recommendation for funding:</u>	<u>\$15,182</u>
<u>Balance remaining for Round Two:</u>	<u>\$14,818</u>

Communications Requirements: (Policy No. CS 1.7)

The community small grants opening date was advertised in the Council Chat page of the Collie Mail, on the Shire website and Facebook page. Printed versions of the grant applications were available from the Shire office.

Notification will be required to all applicants on the success or otherwise of their application.

Strategic Community/Corporate Business Plan Implications:

Goal 1: OUR COMMUNITY *A vibrant, supportive and safe community.*

1.2 Participation in sport, recreation and leisure opportunities.

1.3 An active and supportive community

Relevant Precedents:

Council has allocated community grants previously, the most recent allocations being:

Council decision 7577 [3 October 2018]

That Council allocate the following amounts from the 2017-2018 Community Small Grants Fund:

- Collie Motorcycle Club Inc	\$2,500
- Rotary Club of Collie Inc	\$2,500
- Riverview Residence (Conditional on presentation of quote)	\$2,500
- Collie BMX Club Inc	\$2,273
- Collie Volleyball Association	\$1,210
- Collie Community Broadcasting Assoc.	\$2,500
- Collie CoderDojo	\$1,699

Comment:

The Officer's Recommendation is based on the rankings of the applications by staff assessed against the Selection Criteria and the available funds. However, the top five applications all scored well and were considered worthy projects. Council may wish to consider allocating less than the requested amount to these groups as per the option presented below.

Alternative Officers Recommendation:

That Council allocate the remaining 2017/18 Community Small Grants funds (\$14,818) equally between the top five ranked applicants.

- Collie Race Club Inc.	\$2963.60
- Collie Festival Committee Inc.	\$2963.60
- Collie MTB Inc.	\$2963.60
- Collie Horse & Pony Club Inc.	\$2963.60
- Collie Swimming Club	\$2963.60

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13. DEVELOPMENT SERVICES REPORTS

13.1 Trading Permit for 12 months – Griffo’s Soft Serve

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 the renewal of a Roaming Trader’s Permit under the Activities in Thoroughfares and Public Places and Trading Local Law 2012 for a 12 month period.

Officer’s Recommendation:

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 ‘Griffo’s 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:
‘Griffo’s Soft Serve’ Van - registration no. xxxxxx
 - (c) Particulars of goods, wares, merchandise or services available:
Soft Serve, confectionery, soft drinks and Sno Cones
 - (d) Permitted days and hours when stall may be operated:
Mon-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.

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Background:

The 'Griffo's Soft Serve' mobile vendor has re-applied for a roaming permit for a new period of twelve (12) months commencing from the date of approval. 'Griffo's Soft Serve' is a registered Food Business with the Shire of Harvey and is seeking permission to trade in public places within the Shire of Collie. They are currently operating at the same frequency under a previous 12 month approval.

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 \$462 from the Permit Holder. This comprises of a \$24 application fee and \$438 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.

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Relevant Precedents:

Council approved this vendor for a 12 month period of trading at the same time last year for a 12 month permit.

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.

This business has visited Collie weekly on a regular basis for a long period of time and is demonstrated to be very popular via social media community pages with residents and community members.

Minimal complaints are received regarding the music played by the ice-cream van, and in the few individual circumstances that have been recorded it has been satisfactorily resolved, with the vendor and the complainant, for example, removing certain streets from the route where residents do not want to be attended.

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14. **TECHNICAL SERVICES REPORTS**

Nil

15. **MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN**

Elected Members have the ability to submit notices of motion between meetings and up to a time prescribed in standing orders before a meeting.

16. **QUESTIONS FROM MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**

Members have the ability to submit notices of questions between meetings and up to a time prescribed in standing orders before a meeting.

17. **URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER AND COUNCILLORS**

18. **ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**

19. **STATUS REPORT ON COUNCIL RESOLUTIONS**

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

- 'Closed Since Last Meeting' at Appendix 8
- 'All Open' at Appendix 9

20. **CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**

21. **CLOSE**