



AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 21 August 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 connected, committed and creative community.

Values

The core values at the heart of the Council's commitment to the community are:

- Acting with integrity, transparency and accountability
 - Leading the delivery of the community's vision
- Enabling community-led endeavours to make the Shire of Collie a better place
 - Respectful progress

NOTICE OF MEETING

Please be advised that meeting of the

Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

Tuesday, 21 August 2018

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

17 August 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

August 2018 – September 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 21 August 2018	Ordinary Meeting of Council 7.00pm in Council Chambers
Tuesday 28 August 2018	Townscape Advisory Committee 9.00am in Library Undercroft Room
Thursday 30 August 2018	Weeds & Waterways Advisory Committee 9:00am in Council Chambers
Thursday 30 August 2018	Access and Inclusion Committee 12.15pm in Elected Members Room
Thursday 6 September 2018	Education Advisory Committee 9.30am in Council Chambers
Thursday 6 September 2018	Community Safety and Crime Prevention Committee 2.00pm in Library Undercroft Room
Thursday 13 September 2018	Economic Development Advisory Committee 4.00pm in Council Chambers

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)
Signature
Date

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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AGENDA - ORDINARY MEETING OF COUNCIL
Tuesday, 21 August 2018

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 21 August 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.

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

Questions taken on Notice from the last meeting of Council 31 July 2018.

What is the annual cost per year for alarm systems and monitoring for each building?

Response: The cost for the alarm monitoring for each of the following buildings is \$500.00 per annum or \$3,500.00 in total for the year.

- Council Admin Building, Library, Pool, Roche Park, Pound, Transfer Station and Visitor Centre.
- In addition alarm monitoring costs \$560 per year for the Depot.

EFT 23426 - Garage Doors South West \$4,205 - Which buildings are included in this order?

Response - The order covers the annual maintenance of 36 roller doors over 7 buildings.

These include:-

- Swimming pool - 8
- Roche Park - 9
- Collie Art Gallery - 3
- Preston Rd BFB - 2
- Allanson BFB - 4
- Collie Burn BFB - 1
- Shire Depot - 9

EFT 23509 – Bunnings - Red Roses for Soldiers Park - Why did we not source from local nursery?

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Response - This order was placed prior to Anzac Day 2018 to replace missing plants that were vandalised in the memorial gardens. The roses were a limited release Gallipoli rose in remembrance of the ANZACs.

The local nursery was approached to supply, however did not have the stock to meet our requirements.

Bunnings was the only nursery that could source the number of plants of the same cultivar at short notice.

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.

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

8. CONFIRMATION OF THE PREVIOUS MINUTES OF COUNCIL

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 31 July 2018.

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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 26 July 2018.

10.2 Receipt of the Minutes of the Townscape Advisory Committee

Recommendation:

That Council receives the minutes of the Townscape Advisory Committee held on 31 July 2018.

10.3 Receipt of the Minutes of the Economic Development Advisory Committee

Recommendation:

That Council receives the minutes of the Economic Development Advisory Committee held on 9 August 2018.

10.4 Adoption of the Recommendations of the Economic Development Advisory Committee

Recommendation:

That Council adopts en block the recommendations contained within the minutes of the Economic Development Advisory Committee held on 9 August 2018.

That Staff:

10.4.1 undertake research into what other communities which have lost their major department store have successfully implemented and;

10.4.2 identify and approach suitable replacement businesses in response to the closure of Target Country in Collie.

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11. **CEO REPORTS**
Nil

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12. CORPORATE SERVICES REPORTS

12.1 Adoption – Shire of Collie Standing Orders Amendment Local Law 2018

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 1 and 2
Voting Requirement	Absolute Majority

Report Purpose:

To present the submission received regarding the Council's proposed *Shire of Collie Standing Orders 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 Standing Orders Amendment Local Law 2018 as presented in Appendix 1.

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.*

The local law was then adopted on 14 November 2017.

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).

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Following submission of the Explanatory Memorandum to the Joint Standing Committee on Delegated Legislation (the Committee), the Committee 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 requested 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.

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.

This undertaking was given at the meeting of Council held 17 April 2018:

7777 - 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.

The local law now presented for adoption is the result of the amendment requested by the Committee. 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, Sport and Cultural Industries. 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.

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 —*

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

** Absolute majority required.*

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

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

[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.

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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:

Council has previously adopted amendment local laws. At its meeting held 17 April 2018 Council resolved:

7776 - That Council by ABSOLUTE MAJORITY adopts the Shire of Collie Bush Fire Brigades Amendment Local Law 2018 as presented in Appendix 3.

Comment:

Only one submission was received from the Department of Local Government, Sport and Cultural Industries [Appendix 2] stating that there were no changes required.

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12.2 Shire of Collie Sport Awards Selection Panel

Reporting Department:	Corporate Services
Reporting Officer:	Shannon Wood – Community Development Officer
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	N/A
File Number:	RCS/015
Appendices:	Yes – Appendix 3
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider community nominations for appointment to the two vacant positions on the Shire of Collie Sport Awards Selection Panel.

Officer's Recommendation:

That Council appoint Mr Jay Hewson and Mr Jamie Moloney to the Shire of Collie Sport Awards Selection Panel for four year terms from 2018 to 2021.

Background:

The Shire of Collie Sports Awards Selection Panel meet several times a year to organise the annual Sports Person of the Year Awards and to review nominations and select the winners for each award category.

Statutory and Policy Implications:

Nil

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

Advertising for community nominations took place in July 2018.

Strategic Plan Implications:

Key Objective 3.0 Our Community

Relevant Precedents:

At the Council meeting of 21 June 2016, the following recommendation # 7094 was adopted by Council.

Officer's Recommendation/Council Decision:

Moved: Cr Miffling Seconded: Cr Hanns

That Council:

3. Appoints Donna Davies to the Shire of Collie Sport Awards Selection Panel for a four year term from 2016 to 2019, subject to receiving the appropriately completed nomination form; and

4. Agree to accept any late nominations, while vacancies on the panel remain,

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that may be received by Council staff after the nomination closing date and present to Council for consideration for appointment to the Sport Awards Selection Panel.

On 14 August 2014 Council adopted the following decision;

Council decision # 6504

Officer's Recommendation/Council Decision:

Moved: Cr Borlini

Seconded: Cr Hanns

That Council

- 1. Appoints Mr Jamie Moloney and Mr Jay Hewson to the Shire of Collie Sport Awards Selection Panel for four year terms from 2014 to 2017;**
- 2. Adopt the Shire of Collie Sport Awards Selection Panel Guidelines below:**
 - a. The Panel to consist of five community members appointed by Council**
 - b. A Shire of Collie Councillor to be appointed to Chair the Committee, and a staff member be available to provide administrative support.**
 - c. The Selection Panel is to comprise of any member of the Collie community with the skills necessary to consider and adjudicate within the selection process.**
 - d. The Shire of Collie Sports Awards Selection Panel is to be appointed directly by Council, with appointments to be for a term of four [4] years.**
 - e. Retiring Sports Awards Selection Panel members are eligible for renomination and reappointment by Council.**
 - f. The Sports Awards Selection Panel is to determine the recipients of the following awards annually – the Sports person of the Year [JL Mumme Medal], Young Sports person of the Year and Special Achievement Award/s.**
 - g. The Sports Awards Selection Panel is to make recommendations to Council through an Officer's Report for the presentation of the awards each year, and to organise the delivery of the awards in conjunction with Councillors and appropriate staff, and within the budget allocated by Council.**
- 3. Appoint Cr Faries to Chair the Sport Awards Selection Panel and appoints Cr Miffling as Deputy Chair.**

Comment:

With the expiration of the appointment term of Mr Jay Hewson and Mr Jamie Moloney, both were invited to renominate for the position. Advertisements for the openings on the panel were placed in the Collie Mail. Council received no other nominations from community members.

Council has received a nomination from the following community members: Mr Jay Hewson and Mr Jamie Moloney (pending signed form). The nomination forms can be found at Appendix 3.

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12.3 Collie Soccer Association CSRFF Small Grant Application

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	N/A
File Number:	GAS/005
Appendices:	Yes – Appendix 4
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider endorsement of the Collie Soccer Association Inc application to the Department of Sport and Recreation Community Sport and Recreational Facilities Fund (CSRFF) Small Grants program.

Officer's Recommendation:

That Council endorse the application from the Collie Soccer Association Inc for Department of Sport and Recreation Community Sport and Recreational Facilities Fund Small Grants Funding as attached at Appendix 4.

Background:

The Department of Local Government, Sport and Cultural Industries (DLGSC) has an established Community Sport and Recreational Facilities Fund (CSRFF) to assist sporting associations to improve their facilities. The Department encourages shared use of facilities and seeks to fund priority projects that can demonstrate completion will lead to increased participation in physical activity by new participants.

Under the terms of the CSRFF, projects must receive endorsement by their local government authority as a part of the application process. There is no requirement through this process that the local authority provide any financial or in-kind contribution to projects that it endorses. Where more than one application is received for any funding round the Department requires the local government authority to prioritise the projects.

The small grants timeline requires Council to consider any applications received at a meeting in August, with applications receiving Council endorsement to be submitted to the South West Office of the Department of Sport and Recreation by the last working day in August.

Council is in receipt of one application seeking endorsement. The application from the Collie Soccer Association is for lighting of their main pitch located at Roche Park, and a copy of the application can be found at Appendix 4.

Statutory and Policy Implications:

Nil

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Budget Implications:

Council has allocated \$10,553 towards the project in the 2018/19 budget. These funds represent a carry forward of the distribution to the Collie Soccer Association from the insurance payment received when the grand stand at the Recreation Ground was destroyed by fire.

Communications Requirements: (Policy No. CS 1.7)

Endorsed application to be forwarded to the DLGSC

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

Relevant Precedents:

Council has previously endorsed applications for the Department of Sport and Recreation Community Sport and Recreational Facilities Fund, most recently on 22 August 2017:

7536 - That Council endorse the Collie BMX Club application for Department of Sport and Recreation Community Sport and Recreational Facilities Fund Small Grants Funding as attached at Appendix 5.

Comment:

Endorsement of this CSRFF Small Grants Fund application by Council indicates support for the Collie Soccer Association which is seeking to improve its facilities and provide increased opportunities for local players to train and compete, and for regional teams to participate in coaching and competition.

As only one application has been received for this funding round, Council is not required to prioritise applications.

Staff consider that the Collie Soccer Association application is worthy of endorsement and Council has allocated funding towards the project in the adopted 2018/19 budget. The Shire assessment of the project can be found on pages 9-10 of the full application at Appendix 4.

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12.4 Accounts Paid – June 2018

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry - 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:

To present the accounts paid during the month of June 2018.

Officer’s Recommendation:

That Council accepts the Accounts as presented in Appendix 5 being vouchers 3177-3179 and 41393-41426 totalling \$89,427.89 and direct payments totalling \$1,014,511.66 authorised and paid in June 2018.

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 2017/18	EFT 2017/18	Total Payment 2017/18
July	17,289.27	620,653.33	637,942.60
August	59,402.25	1,027,901.20	1,087,303.45
September	44,734.76	2,567,115.35	2,611,850.11
October	37,654.94	700,083.37	737,738.31
November	84,801.36	1,134,844.61	1,219,645.97
December	66,662.14	1,070,824.21	1,137,486.35
January	49,832.24	2,025,700.07	2,075,532.31
February	78,346.56	1,173,446.22	1,251,792.78
March	70,382.98	786,089.08	856,472.06
April	111,294.15	510,341.79	621,635.94

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Month	Cheques 2017/18	EFT 2017/18	Total Payment 2017/18
May	44,575.64	523,246.64	567,822.28
June	89,427.89	1,014,511.66	1,103,939.55

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 5

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12.5 Financial Report – June 2018

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry- 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 6
Voting Requirement	Simple Majority

Report Purpose:

This report provides a summary of the Financial Position for the Shire of Collie for the month ending June 2018.

Officers Recommendation:

That Council accept the Financial Report for June 2018 as presented in Appendix 6

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 6.

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:

The report provided to Council as Appendix 6 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.

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

Do note that the amount reported is not the final outcome for 2017/18.

Operating Revenue by Program

1. **General Purpose Funding is \$810,004 over budget mainly due to the Financial Assistance Grant prepayment for 2018/19.**
2. Governance is \$26,755 under budget due to insurance reimbursements, paid parental leave and staff salary sacrifice accounts being under budget. Do note that these accounts have matching expenditure accounts which are also under budget.
3. Law, Order and Public Safety is \$120,402 over budget mainly due to Radios High Band – Smart Cities and Suburban Grant received during the year and the prepayment of the 2018/19 Local Government Grant Scheme.
4. Health is \$37,825 over budget due to wages reimbursement from the trust account for the previous Community House Officer. Council anticipated to hand back the administration of the Community House early in the financial year.
5. **Recreation and Culture is over budget by \$52,391 as Council received the indoor swimming pool feasibility grant which was not budgeted (\$150,000) and part of the town site mountain bike grant was received in 2016/17.**
6. Other Property and Services is \$113,740 under budget as the sale of the Elouera Road property was anticipated to take place during 2017/18.

Operating Expenditure by Program

7. Health is over budget \$32,229 mostly due to the unbudgeted wages expense for the Community House Officer (refer Note 3).
8. Welfare is \$26,287 under budget due to Senior Citizen Lunch (\$2,745) and the depreciation for the Margaretta Wilson Centre (\$17,326) being under budget. The depreciation is noticeably lower because of revaluation done in June 2017.
9. Transport is under budget \$774,003 mostly due to depreciation for infrastructure assets (\$716,111) and LIA entry design (\$45,000) is under budget while roadworks (\$143,687) and street trees/verge maintenance is a combined (\$44,894) is over budget.
10. Economic Services is under budget \$171,127 due to the Economic Development funding yet to be spent, sand pit expenses is under budget by \$32,202 while the visitor centre expenditure is over budget by \$15,423 which includes expenditure for an insurance claim relating to water damage to part of the floor.
11. Other Property and Services is under budget by \$176,279 due to private works cost (\$14,794), asset management expenditures (\$45,000) and allocation of overheads.

Operating Revenue by Nature and Type

12. **Operating grants and subsidies are over budget by \$799,406 due to the 2018/19 prepayments of the Financial Assistance Grants and Local Government Grant Scheme.**
13. **Interest earning is \$26,848 under budget due to the municipal and reserve interest earnings being under budget by \$43,314 while the non-payment penalty being over budget by \$14,372.**

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Operating Expenditure by Nature and Type

14. Materials & Contracts are \$382,239 budget mainly due to the economic development funding yet to be spent (\$150,000), entry statement strategy (\$20,931), information technology (\$43,954), other community amenities (\$9,132), heritage upgrade scheme (\$10,000), development grant (\$15,141), roadworks (\$45,842), LIA entry road design (\$45,000) depot rehabilitation plan (\$14,848) and Asset management software (\$14,367)
15. Depreciation is under budget by \$573,575 due mainly to the depreciation of Council's infrastructure assets as a result of the asset revaluation done in June 2017.

Non-Operating Expenditure

16. Capital expenditure is currently under budget as Capital projects will continue to be monitored by the executive team, and major projects for 2017/18 are identified in the following table;

Project	Original Budget	YTD Actual	Comment
MSW Upgrade Project	2,863,082	2,719,109	Civil works for the track extension have been completed. Grant funding is currently being acquitted. The remaining items preventing the opening of the track extension are the responsibility of Motoring SW and the Shire of Collie is supporting the group during this process.
Mornington Road	60,000	54,500	Complete
Mungalup Road	180,000	59,957	Works Complete – Pending Final Invoices
Wellington Dam Road	420,000	483,485	Works Complete – Pending Final Invoices
Prinsep/Forrest	50,000	47,575	Complete
Total - Regional Road Group works	710,000	645,517	
Johnston Road (Local district Road)	75,000	59,246	Complete
Cable Street (Access Road)	8,500	25,762	Complete
Rowe Street (SLK 0 - SLK 0.5)	0	4,346	Complete
Traffic Calming Devices (Mungalup Road)	0	12,155	Complete
Siding road	180,000	152,507	Complete
Total - Roads to Recovery works	263,500	254,016	
Footpath Program (Total)	259,800	313,018	95% Complete
Cemetery Roads	20,000	17,448	May 2018
Dump point	15,000	22,790	Works Complete – Pending Final Invoices
Drainage Improvements	50,000	33,717	April – June 2018
Eastern Entry Statement	92,899	29,840	Works underway
Gravel Re-sheeting	100,000	57,288	May- June 2018

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12.6 Community Perceptions Survey 2018

Reporting Department:	Corporate Services
Reporting Officer:	Alison Kidman, Manager of Information Services
Accountable Manager:	Allison Fergie, Executive Manager Corporate Services
Legislation	WA Local Government Act 1995
File Number:	
Appendices:	Yes – Appendix 7, 8 and 9
Voting Requirement	Simple Majority

Report Purpose: To present to Council the results of the 2018 biennial community perceptions survey, conducted using EngagementHQ.

Officer's Recommendation:

That Council receive the results of the 2018 biennial community perceptions survey.

Background:

As part of its strategic planning process and as outlined within its adopted Strategic Plan 2008, Council committed to biennial community surveying in order to maintain a strong understanding of the Collie community's aspirations and needs.

Prior to this, a community survey was conducted in 2004 by Catalyse, an independent community engagement consultancy. This company was engaged to carry out all subsequent community perceptions surveys up to and including 2013.

Historically, Catalyse has conducted research for several councils across Western Australia, which has enabled the benchmarking of performance against other local governments.

For the past three years, the Shire has subscribed to EngagementHQ, which for an annual subscription allows for an unlimited number of surveys and other community engagement tools to be used. While benchmarking against other local governments is not possible, survey results are compared to previous years to track community perceptions across key indicators within the Strategic Community Plan.

EngagementHQ products have been used for the 2015 Community Perceptions Survey, the organics bin rollout process, a review of the local planning strategy and many other surveys.

Statistically, in order to achieve a 95% confidence interval at +/-5%, a minimum of 368 responses needed to be collected. As approximately 125 responses were received, the results cannot be taken as a statistically representative sample; rather they represent the opinions expressed by those who completed the survey.

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Following consultation with the Communications Working Group, the survey questions were modified slightly this year to align more closely with the Strategic Community Plan 2017 and to better track the success measures, benchmarks and targets.

Statutory and Policy Implications:

Nil

Budget Implications:

\$10,000 set aside for community perceptions surveying in the 2017/18 budget

Communications Requirements: (Policy No. CS 1.7)

Strategic Community Plan/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 5.1.1: Monitor, review and implement Council's communication strategy.

Relevant Precedents:

Community perceptions surveys have been conducted in 2004, 2007, 2009, 2011, 2013 and 2015, with results presented to Council.

Comment:

Appendix 7 contains the full report from the surveys and includes demographic information as well as the full list of survey questions and responses. The EngagementHQ platform allowed Council documents to be uploaded to the site, so that survey participants could be better informed when responding. It was noted that ten people viewed the budget document, six viewed the strategic plan and four viewed the corporate business plan.

Appendix 8 is a listing of the comments from the relevant survey questions, and also the last three survey questions which asked respondents to prioritise the top three things they would like the shire to focus on.

Appendix 9 provides comparison charts where the same question has been asked over a number of years and are now being compared against the success measures in the Strategic Community Plan. The chart in the appendix shows a comparison from the 2015 baseline to the 2018 survey results.

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At the suggestion of the Communications Working Group, an extra choice was added to the response matrix – ‘Don’t know enough about this to give a rating.’

In order to improve the response rate in the next survey period, an incentive such as a number of \$1000 cash prizes or different goods such as smart phones or tablets could be offered.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Possible Revenue Options for Showers – Eddie Woods Toilet Facilities

Reporting Department:	Development Services
Reporting Officer:	Les Crake – Building Services Manager
Accountable Manager:	Andrew Dover - Director Development Services
Legislation	N/A
File Number:	CMG/249
Appendices:	Yes - Appendix 10
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider options relating to the use of public showers at the Eddie Woods Truck Stop.

Officer's Recommendation:

That Council provide the showers at the Eddie Woods Truck Stop facility free of charge for a period of six months as an amenity for truck drivers as well as a tourist initiative to encourage visitation to local businesses and to determine the cost of provision of the showers over this period, and report back to Council.

Background:

The Shire of Collie constructed toilet facilities, showers, and a dump point at the Eddie Woods Park Truck Stop area in early 2018, as part of a jointly funded project with the Commonwealth Government.

The toilets and dump point have been provided free of charge to the public and whilst the showers are on a timed system that only allows them to be used for 5-minute intervals, it has been considered that should not be provided at a cost to ratepayers.

Accordingly, staff have undertaken research into possible methods of charging and collecting monies for the use of the showers which are outlined further in this report.

A determination of an appropriate fee for their use will also be needed.

Statutory and Policy Implications:

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

Budget Implications:

Local public notice would need to be given if Council determines to impose a fee.

Communications Requirements: (Policy No. CS 1.7)

The new fees are required to be advertised as per Sec 6.19 of the Local Government ACT 1995 as presented below;

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6.19. Local government to give notice of fees and charges

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

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

Strategic Plan Implications:

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 4.5.2 **** 4.5.3 ****
4.6 A sustainable asset and infrastructure base	4.6.1 Develop and implement long-term asset management plans for all Council assets 4.6.2 **** 4.6.3 Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure

Relevant Precedents:

The Forrest St toilets has cold showers provided as part of the water park facility available to the public at no cost.

The recreation ground has hot showers used at football games available to the public/players at no cost.

The Margaretta Wilson centre has hot showers available to the centre users at no cost.

The Wallsend ground hot showers are available when an event is held at no cost.

Roche Park hot showers are available to the public when open at no cost.

The Swimming pool hot showers are available to the public when open as part of the entry cost.

The changing places hot shower is available to members of the public with special needs at no cost.

The Visitors Centre currently charge \$5 for the use of their hot showers to the public, however Council pays water and electricity costs at the centre as part of the lease arrangements.

Comment:

As requested staff have researched a number of possible options for the collection of a fee via a coin or through a card system. Consideration was also given to tokens being paid for and to be collected in cooperation with the local business over the road or from the Shire offices, but this option restricts times when the showers can be used and who can use them, and lost or damaged tokens would increase the cost of the system.

It is likely the truck stop showers would be a target to thieves if a coin operated system were used (similar to the way BBQ's used to be targeted when they had a coin operated

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system). Nevertheless, a coin operated system as per the Abberfield coin system Appendix 10 would cost approximately \$1242.00 for two coin timers at \$621.00 each (1 per shower) and \$88.00 for a warning alarm for imminent hot water disconnection 2 X \$44.00. (1 per shower). The Total costing from Abberfield to purchase the coin operated system would be \$1330. A further allocation to have the system installed by a local electrician and plumber is estimated at \$2000.

Installation costs are estimated until the purchase of the system so that the electrician and plumber can provide accurate costings however as a gauge West Arthur Shire has had a quote from a local plumber of \$2985.00 in 2017.

Costings for a credit or debit card system was sought, however the providers advised it would be too expensive to be viable and when they were pushed for a cost they advised that it would be estimated to well over \$5 thousand dollars with ongoing fees and charges.

Hence whilst a card system would be a more secure option, a coin operated system would be cheaper due to no ongoing costs and the paying of a one off purchase and installation fee. It should be noted that it would require an officer to collect the coins on a regular basis to minimise the chance of the money becoming a target of theft.

Many of the City Local Governments don't charge for showers which are provided for the homeless and the disadvantaged. Recently in July 2017, the City of Bunbury announced it would provide free showers for the homeless as it was thought that this would also benefit the community.

Research has revealed that the Shire of Donnybrook, Shire of Esperance and Shire of Exmouth are just some of the Shires that provide free showers as a tourism incentive and community service.

It is suggested to undertake a trial period of six months to determine the level of use, costs and benefits can be clearly understood prior to Council making a final determination.

ALTERNATIVE RECOMMENDATION:

That Council determine to install a coin operated system at a total cost of approximately \$4,000; and;

That Council by ABSOLUTE MAJORITY impose a fee of \$2 per shower to be charged effective from the date of installation.

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13.2 Stud Frame Shed

Reporting Department:	Development Services
Reporting Officer:	Town Planner-Cover James Packer
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995
File Number:	A2519
Appendices:	Yes – Appendices 11
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for an outbuilding (shed) which exceeds Outbuilding Control Local Planning Policy 2.1 (the Outbuilding Policy) height limits.

Officer's Recommendation:

That Council:

pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to:

Grant approval to David Wells (the applicant) for the construction of an outbuilding (shed) at 86 Bucktin Street Collie with variations to wall height and apex height, subject to the following conditions:

- 1. At all times, the development the subject of this planning approval must comply with the definition of outbuilding as contained in State Planning Policy 3.1 Residential Design Codes.*
- 2. The development plans, as dated 23 July 2018 and accompanying documentation, together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued.*
- 3. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.*
- 4. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.*
- 5. Before the development is occupied, all external surfaces of steel cladding must be painted and/or finished to the satisfaction of the Shire of Collie.*

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6. *The building shall not be used as a habitable room, as defined in State Planning Policy 3.1 Residential Design Codes, without the prior approval of the Shire of Collie.*
7. *All stormwater from proposed roofed and paved areas shall be collected and disposed of on site in accordance with the Shire of Collie's Local Planning Policy: Stormwater Discharge from Building Sites.*

Background:

There is an existing shed and associated lean-to where the new shed is proposed. The existing shed and lean-to will be removed to make way for the new shed. Mr Jackson (the property owner) has closed his electrical business but is required to keep documents for 7 years. The additional roof height of the new shed will enable him to do this while still being able to use the outbuilding for his normal domestic uses. The proposed floor area complies with the floor area allowed for lots 1001m² upwards under the current Outbuilding Control Local Planning Policy 2.1 (the Outbuilding Policy). The proposed wall and apex height exceed those allowed under the Outbuilding Policy and therefore this application is brought to Council for resolution. (The proposed wall heights comply with the currently advertised revised Outbuilding Policy). The outbuilding is proposed at the rear of the property and does not have an impact on the streetscape. As well as signing no objection, neighbouring properties have a strong theme of sizable sheds in their back yards. There is a colour bond fence around the subject lot which screens the bulk of the shed to some extent. All adjoining neighbours have provided their signatures both on plans and a letter stating variations sought to R-Code requirements (being floor area, wall height, and apex height).

Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 cl. 60 Requirements for Development Approval

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

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or an other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (g) any local planning policy for the Scheme area;
- (m) the compatibility of the development with its setting including the relationship of the development to

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- development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
 - (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
 - (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
 - (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
 - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
 - (y) any submissions received on the application;
 - (zb) any other planning consideration the local government considers appropriate.

Local Planning Scheme No. 5

The subject lot is zoned residential R15. The proposal has been assessed in accordance with the following clause(s) of the Scheme:

5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

10.2 Matters to be considered by Local Government – see *Schedule 2 cl. 66* above.

State Planning Policy 3.1 - Residential Design Codes

5.4.3 Outbuildings

Local Planning Policy:

Outbuilding Control Local Planning Policy 2.1 clause 4.5 *Maximum Outbuilding Heights*
Currently advertised (draft) Outbuilding Control Local Planning Policy 2.1

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Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

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

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

The applicant has provided signatures from all adjoining neighbours (the 5 lots adjoining the subject lot) both on plans and a letter stating variations sought to R-Code requirements (being floor area, wall height, and apex height).

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 similar application for Planning Approval P022/11 (A2505) was approved by Council in the Residential Zone for a shed with a wall height of 3.5m and apex height of 4.35m, with adjoining owners consent.



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Comment:

The proposed outbuilding achieves the design principles of the Residential Design Codes 5.4.3 in that it does not detract from the streetscape and consent has been provided by neighbouring properties in writing. Although the height variation is greater than allowed by the Outbuilding Policy, the variation is seen to be reasonable considering justification given and not contravening any Matters to be Considered by Local Government as listed in Schedule 2 cl. 66 of the Planning and Development Regulations. The application is therefore recommended for approval.

Alternate recommendation:

The proposed outbuilding achieves the design principles of the Residential Design Codes in that apex height is max 4.2m and wall height matches that of draft Outbuilding Policy 2.1 being 3.5m.

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13.3 Outdoor Eating Facilities in Public places

Reporting Department:	Development Services
Reporting Officer:	James Packer – Shire Planner
Accountable Manager:	Andrew Dover –Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995 <i>Local Law Activities in Thoroughfares and Public places 2012</i>
File Number:	PHL/011-2
Appendices:	Yes – Appendix 12
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for Outdoor eating facility (4 tables and 8 chairs) on public places immediately outside Shop 8 and 9 at 70 Steere Street Collie.

Officer's Recommendation:

That Council:

pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to:

1. *Grant approval to Mrs Wannaporn Hooley for the use of a portion of the footpath immediately outside Shop 8 and 9, 70 Steere Street to place 4 tables and 8 chairs associated with alfresco dining, subject to the following conditions:*

(a) The permit holder is to fully comply with the provisions of the Shire of Collie Local Law No: Part 6 Activities on Thoroughfares & Trading in Thoroughfares & Public Places, Division 3 Outdoor eating facilities on public places clauses 6.15 to 6.21 inclusive.

Background:

Mrs Wannaporn Hooley has set up a restaurant at Shop 8 & 9, 70 Steere Street and envisages incorporating alfresco dining. An application has been made for above mentioned use of the footpath immediately outside Shop 8 & 9 which is to be considered for resolution by council.

Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 cl. 60 Requirements for Development Approval

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

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

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- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or another proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and

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- egress from the site; and
- (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
 - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
 - (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
 - (w) the history of the site where the development is to be located;
 - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
 - (y) any submissions received on the application;
 - (za) the comments or submissions received from any authority consulted under clause 66;
 - (zb) any other planning consideration the local government considers appropriate.

Local Planning Scheme No. 5

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

Shire of Collie Local Law No: Part 6 Activities on Thoroughfares & Trading in Thoroughfares & Public Places, Division 3 Outdoor eating facilities on public places clauses 6.15 to 6.21

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Division 3—Outdoor eating facilities on public places

6.15 Interpretation

In this Division—

Facility means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

permit holder means the person to whom a permit has been issued for the purpose of clause 6.16; and

public place has the meaning given to it in clause 6.1.

6.16 Permit required to conduct Facility

A person shall not establish or conduct a Facility without a permit.

6.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not—

- (a) the Facility is conducted in conjunction with and as an extension of food premises which abut on the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food premises are registered in accordance with the *Food Act 2008* and whether the use of the premises is permitted under the town planning scheme;
- (c) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;

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- (d) the Facility would—
 - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - (ii) impede pedestrian access; and
- (e) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

6.18 Obligations of permit holder

- (1) The permit holder for a Facility shall—
 - (a) ensure that the eating area is kept in a clean and tidy condition at all times;
 - (b) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
 - (c) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility; and
 - (d) be solely responsible for all rates and taxes levied upon the land occupied by the Facility.
- (2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.
- (3) In subclause (2), "work" includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

6.19 Removal of Facility unlawfully conducted

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorized person and impounded in accordance with the Act.

6.20 Use of Facility by public

- (1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.
- (2) A person shall leave a Facility when requested to do so by the permit holder.

6.21 Temporary removal of Facility may be requested

- (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorized person or a member of the Police Service or an emergency service.
- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

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

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

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Relevant Precedents:

A previous application was made for outdoor seating at this address in 2014 for 6 tables and 24 chairs (I-14-4695). The applicant at that time was the Corner Café.

Previous to this, a similar application (06/2212) (A4198) was approved by Council, for placement of 2 tables and 4 chairs immediately outside the shop at 39 Steer Street in 2006.

Comment:

This application complies with Local Law *Activities in Thoroughfares and Public places 2012* requirements and is therefore recommended for approval.

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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 13
- 'All Open' at Appendix 14

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

21. **CLOSE**