



AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 12 February 2019

**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, 12 February 2019

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

8 February 2019

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

February 2019 – March 2019

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 12 February 2019	Update on Minninup Pool Project 6.15pm in Council Chambers
Tuesday 12 February 2019	Ordinary Meeting of Council 7.00pm in Council Chambers
Thursday 14 February 2019	Community Safety and Crime Prevention Committee 2.00pm in Library Undercroft Room
Thursday 14 February 2019	Economic Development Advisory Committee 4.00pm in Council Chambers
Thursday 7 March 2019	Weeds & Waterways Advisory Committee 9:00am in Council Chambers
Thursday 7 March 2019	Access and Inclusion Committee 12.15pm in Elected Members Room
Tuesday 12 March 2019	Townscape Advisory Committee 9.00am in Library Undercroft Room

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, 12 February 2019

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 12 February 2019 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 - Annual Electors Meeting held on 22 January 2019

Mr Davidson asked – When the closure of Buckingham Fire Brigade occurred, why wasn't everyone invited to attend the closure meeting?

Response: The Buckingham Bush Fire Brigade is still recognized as a formal brigade under Council policy and Council has a dedicated Fire Control Officer for the brigade.

Ms Batley asked – What can be done to assist with access by the public onto her property near Black Diamond Lake?

Response: Staff are scheduled to meet with Ms Batley on Friday 8th February.

Mrs Scoffern asked – Would the microfiche be repaired at the Library?

Response: The Coalfield Museum, Collie Family History Society and Collie Library are applying for a joint grant from Premier Coal to purchase a shared Microfiche reader. The idea would be that the Microfiche reader would be able to scan our current microfiche collection onto a computer where documents would be searchable.

Question Taken on Notice – Ordinary Meeting of Council held on 22 January 2019

Eft 24779 - Ian Guppy Smash Repair. Was this recoverable on insurance?

Response: This invoice related to wear and tear damage to the vehicle and was not eligible to claim under Councils insurance policy.

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4. DISCLOSURE OF FINANCIAL 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 MEETINGS OF COUNCIL MINUTES

Recommendation:

That Council confirms the Minutes of the Annual Electors Meeting held on 22 January 2019.

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 22 January 2019.

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.

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

10.1 **Receipt of the Minutes of the Weeds and Waterways Advisory Committee**

Recommendation:

That Council receives the minutes of the Weeds and Waterways Advisory Committee held on 24 January 2019.

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10.2 Adopt the Recommendation of the Minutes of the Weeds and Waterways Advisory Committee

Recommendation:

That Council adopts en block the recommendations contained within the minutes of the Weeds and Waterways Advisory Committee held on 24 January 2019.

That Council;

- 1. look at the attendance of members to Weeds & Waterways Advisory Committee meetings and take appropriate action as it sees fit.*
- 2. invite Collie Water's Brant Edwards to attend meetings as an invited guest.*

10.3 Receipt of the Minutes of the Townscape Advisory Committee

Recommendation:

That Council receives the minutes of the Townscape Advisory Committee held on 29 January 2019.

10.4 Adopt the Recommendation of the Minutes of the Weeds and Waterways Advisory Committee

Recommendation:

That Council adopts en block the recommendations contained within the minutes of the Townscape Advisory Committee held on 29 January 2019.

That Council transplant the plum trees to a more suitable area and investigate a more suitable evergreen tree for Forrest Street.

10.5 Receipt of the Minutes of the Audit Committee

Recommendation:

That Council receives the minutes of the Audit Committee held on 6 February 2019.

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10.6 Adopt the Recommendation of the Minutes of the Audit Committee

Recommendation:

That Council adopts en block the recommendations contained within the minutes of the Audit Committee held on 6 February 2019.

That Council receives the 2018 Annual Compliance Return as presented and authorise the return to be forwarded to the Department of Local Government, Sport and Cultural Industries.

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11. CEO REPORTS

11.1 Myalup - Wellington Technical Advisory Group (TAG)

Reporting Department:	Chief Executive 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 appoint a representative to the Myalup - Wellington project TAG

Officer's Recommendation:

That Council nominate _____ as the Shire of Collie representative to the Myalup - Wellington Technical Advisory Group.

Background:

Council has been invited by the Department of Primary Industries and Regional Development (DPIRD) to nominate a representative to the Myalup-Wellington Technical Advisory Group.

In early 2017 the State Government committed \$37 million funding to the Myalup Wellington project and subsequently in April 2018 the commonwealth government committed \$140 million to the project. DPIRD is now working through formal arrangements with the private industry proponents to establish a 'Project Development and Funding Deed' and other related funding documentation to guide the implementation phase.

A significant focus of the State Government has been to establish appropriate governance structures to oversee public investment into this project. To this end two committees have been agreed on. The first being a Government Steering Committee, comprised of the four key State agencies with project funding and legislative responsibilities for the project. Supporting this will be a Technical Advisory Group (TAG). The TAG is a multi-disciplinary committee providing specialist advice to the Steering Committee on matters that may arise throughout the course of project delivery by the private proponent.

As a community within the project area, with interests in the development and specialist local knowledge, it is considered important to have a representative of the Shire of Collie sit on the TAG.

The next meeting date is on the 11th February at the DPIRD office, 140 William Street

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Perth, 10am-12pm.

The Draft Terms of Reference (TOR) for the group are included at Appendix 1. The term of appointment is for the duration of the project or until such time as the group has completed its objectives. Meetings will be held every two months and staff are advised that meetings will usually be held in Perth. Members can nominate a proxy if the member cannot attend.

Statutory and Policy Implications:

N/A

Budget Implications:

Council would normally provide reimbursements for travel, meal and accommodation costs for the nominated representative.

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Plan Implications:

- 2.1.1 Work with the State Government to invest in Colies economic future
- 2.1.2 Promote and support local industry development and diversification, i.e. Agriculture.
- 3.2.2 Continue the revitalisation of the Collie River environment in the town.

Relevant Precedents:

N/A

Comment:

Under the previous state governments Water for Food program, the Council was invited to have representation on a similar technical group and Council nominated Cr Glyn Yates as its representative.

The Technical Advisory Group will support the Steering Group and DPIRD by:

- providing technical review of project proponent plans and related materials and identify any to ensure they are realistic and valid ;
- Review of project reporting by the proponent and provide advice to the Government Project Steering Committee as to whether reports are valid and acceptable.
- Provide advice on appropriate recourse in the event of erroneous reports or issues of a technical nature; and
- the selection of key performance indicators for the Myalup Wellington Project to be assessed against.
- the delivery of Myalup Wellington Project outcomes by the private sector to ensure public benefits are achieved;

Staff recommend that Council have representation on this committee to ensure the interests of Collie are considered during the project. This can be either a Councillor or staff member.

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12. CORPORATE SERVICES REPORTS

12.1 Rebranding for Shire of Collie

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	N/A
File Number:	GOV/043
Appendices:	Yes – Appendices 2 and 3
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider the adoption of a new tagline, vision statement and logo for the Shire of Collie.

Officer's Recommendation

That Council adopt for the Shire of Collie:

- 1. The tagline 'Explore. Discover. Connect.';*
- 2. The vision statement 'A connected community that is as rich and as diverse as its heritage and landscape.'; and*
- 3. The visual logo presented as Option 1 at Appendix 2.*

Background:

Following the success of the SuperTownns program and its implementation, an Economic Development Task Force was established to investigate opportunities to diversify and grow the Collie economy. The work of this group resulted in the Reimagining Collie report which identifies clear recommendations that, once implemented, will support the growth, sustainability and diversification of the future economy of Collie and enable the town to achieve its broader visions. Also looking to the future, the Shire's adopted Corporate Business Plan 2017/18 – 2021/22 identifies the marketing and tourism promotion as a strategy to grow the tourism industry by supporting the development and implementation of a new brand and marketing campaign. This has led to the regional marketing strategies including the BunGeo branding launch. The proposed rebranding of the Shire of Collie complements these initiatives.

Council has recognised the timeliness of the rebranding initiative by allocating funding during the 2018-19 budget process for the consultation processes and development of a new tagline, vision statement and visual identity for the Shire.

A community survey, workshops for Councillors, staff and whole of community where held in late 2018, and the key themes are presented below. A complete summary of the findings can be found at Appendix 3.

Key messaging themes

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- A hidden gem/hidden gems (secrets, adventures, more than you imagine)
- Nature and sustainability (in all its forms)
- A refreshing, invigorating sense of space (freedom, liberty)
- Choice and diversity (activities, amenities, landscape, future)
- Community and people (warmth, pride, tenacity)
- Proud heritage, a future filled with opportunity and potential (infrastructure, amenities)

Key visual themes

- Progressive in style, with a modern, even abstract twist
- 'Regrowth' green, turquoise/teal (see Black Diamond), black (coal), white, orange (warmth)
- Fluid forms, curves (supportive, inclusive), inspired by nature
- Lightness, brightness, positivity, openness, space
- Vibrancy, energy, a sense of action/activity

The consultants who were engaged to deliver the rebranding project provided drafts of each element [tagline, vision statement and visual logo] to the communications working group, with the group providing further feedback and comment, resulting in the current report to Council. The first preference for each rebranding element forms the Officer's Recommendation, while the second preference is provided in the Comment section of this report. The elements presented are informed by the key messaging, colours and visual themes arising from the survey and workshops.

Statutory and Policy Implications:

N/A

Budget Implications:

At the special meeting of Council held 17 July 2018 (budget considerations) Council allocated \$14,917 towards the creation of new brand and logo for the Shire of Collie (to be funded from economic development carry forward).

Communications Requirements: (Policy No. CS 1.7)

Councillor, staff and community consultation has taken place.

Strategic Plan/Corporate Business Plan Implications:

Goal 2 *Our Economy*: A strong and diversified economic base driven by a range of business and employment opportunities

Outcome 2.3 A growing tourism industry

Strategy 2.3.2 Support local and regional tourism destination management and marketing initiatives that provide local tourism growth.

Description of change - Supporting development and implementation of new brand and marketing campaign.

Relevant Precedents:

Council has previously reviewed the Shire of Collie logo, with the current logo in place for many years.

Comment:

The rebranding will enhance the active promotion of the Shire and its vision in key areas of economic development opportunities, tourism, events and projects.

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The Officer's Recommendation incorporates the first preference of the communications working group. For each element the second preferences were:

Tagline: 'Natural beauty. Connected community.'
Vision statement: 'A Collie that looks to the future with confidence and embraces opportunity.'
Visual logo: Option 2 as presented at Appendix 2.

The rebranding elements align with the findings from the survey and workshops.

Once the rebranding elements are adopted, designs for a suite of stationery products will be developed and electronic files of varying formats provided for Shire of Collie use.

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12.2 Lease for Collie Aero Club Inc.

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:	L28531
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to renew the lease agreement with the Collie Aero Club Inc. for the lease of Part Reserve 28531 – the hangar building at the Collie landing ground.

Officer's Recommendation:

That Council lease the hangar building located on Part Reserve 28531 to the Collie Aero Club Inc. subject to the consent of the Minister for Lands with the following conditions:

- a) lease to be deemed a community built and operated lease with a term of 5 years with a 5 year option;*
- b) Annual lease amount payable be \$1 per annum incl GST;*
- c) Other conditions to be in accordance with Council policy DS 1.5*

Background:

The Collie Aero Club operates from the hangar building located on Reserve 28531 which is vested in the Council for the purpose of Landing Ground only and allows for leasing for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

Statutory and Policy Implications:

WA Local Government Act (1995)

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;

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Budget Implications:

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

As per policy DS 1.5, this will have the following implications for Council moving forward in relation to the responsibility of each party.

Issue	Community built and operated – Responsible Party
Building insurance	Lessee
Vandalism damage to building (assuming no negligence on lessee's 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
Use by others	Casual hire with Shire approval

Communications Requirements: (Policy No. CS 1.7)

Correspondence to proponent.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 1: Our Community *A vibrant, supportive and safe community.*

1.3 An active and supportive community

1.3.1 Support community initiated and owned projects

Goal 4: Our Built Environment *Infrastructure, amenities and development that supports the needs and aspirations of the community*

1.5 Council buildings and service related assets that support community needs

4.5.1 Manage and maintain public buildings, facilities and public amenities.

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Relevant Precedents:

At its meeting held 10 December 2013 Council resolved:

- 6293 – That Council lease the property Part Reserve 28531 - Lot 2029 as per Coloured Appendix 1 to the Collie Aero Club Inc. with the following conditions:*
- a) lease to be deemed a Community Built and Operated Lease with a term of 5 years with a 5 year option;*
 - b) Annual lease amount payable be \$1 per annum incl GST;*
 - c) Other conditions to be in accordance with Council policy DS 1.5*

Comment:

The Collie Aero Club Inc has leased the hangar for a number of years, and successfully operates and maintains the property shown on the diagrams below.



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12.3 Lease for Collie Bowling Club Inc.

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:	L6684F
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to renew the lease agreement with the Collie Bowling Club Inc. for the lease of Part Reserve 6684 – the Collie Recreation Ground.

Officer's Recommendation:

That Council lease the building and grounds known as the Collie Bowling Club located on Part Reserve 6684 to the Collie Bowling Club Inc. subject to the consent of the Minister for Lands with the following conditions:

- d) lease to be deemed a community built and operated lease with a term of 5 years with a 5 year option;*
- e) Annual lease amount payable be \$1 per annum incl GST;*
- f) Other conditions to be in accordance with Council policy DS 1.5*

Background:

The Collie Bowling Club is located on Reserve 6684 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.

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:

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Annual lease fee is proposed to be \$1 per annum.
 As per policy DS 1.5, this will have the following implications for Council moving forward in relation to the responsibility of each party.

Issue	Community built and operated – Responsible Party
Building insurance	Lessee
Vandalism damage to building (assuming no negligence on lessee's 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
Use by others	Casual hire with Shire approval

Communications Requirements: (Policy No. CS 1.7)
 Correspondence to proponent.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 1: Our Community *A vibrant, supportive and safe community.*

1.3 An active and supportive community

1.3.1 Support community initiated and owned projects

Goal 4: Our Built Environment *Infrastructure, amenities and development that supports the needs and aspirations of the community*

1.6 Council buildings and service related assets that support community needs

4.5.1 Manage and maintain public buildings, facilities and public amenities.

Relevant Precedents:

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12.4 Lease for Collie Lawn Tennis Club Inc.

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:	L6684A
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to renew the lease agreement with the Collie Lawn Tennis Club Inc. for the lease of Part Reserve 6684 – the Collie Recreation Ground.

Officer's Recommendation:

That Council lease the building and grounds known as the Collie Tennis Club located on Part Reserve 6684 to the Collie Lawn Tennis Club Inc. subject to the consent of the Minister for Lands with the following conditions:

- g) lease to be deemed a community built and operated lease with a term of 5 years with a 5 year option;*
- h) Annual lease amount payable be \$1 per annum incl GST;*
- i) Other conditions to be in accordance with Council policy DS 1.5*

Background:

The Collie Tennis Club is located on Reserve 6684 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.

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:

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Annual lease fee is proposed to be \$1 per annum.
 As per policy DS 1.5, this will have the following implications for Council moving forward in relation to the responsibility of each party.

Issue	Community built and operated – Responsible Party
Building insurance	Lessee
Vandalism damage to building (assuming no negligence on lessee's 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
Use by others	Casual hire with Shire approval

Communications Requirements: (Policy No. CS 1.7)
 Correspondence to proponent.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 1: Our Community *A vibrant, supportive and safe community.*

1.3 An active and supportive community

1.3.1 Support community initiated and owned projects

Goal 4: Our Built Environment *Infrastructure, amenities and development that supports the needs and aspirations of the community*

1.7 Council buildings and service related assets that support community needs

4.5.1 Manage and maintain public buildings, facilities and public amenities.

Relevant Precedents:

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At its meeting held 11 February 2014 Council resolved:

- 6326 – That Council lease the property Part Reserve 6684 - Lot 2850 as identified in Coloured Appendix 1 to the Collie Lawn Tennis Club Inc. with the following conditions:
- d) lease to be deemed a Community Built and Operated Lease with a term of 5 years with a 5 year option;
 - e) Annual lease amount payable be \$1 per annum incl GST;
 - f) Other conditions to be in accordance with Council policy DS 1.5

Comment:

The Collie Lawn Tennis Club Inc has leased the property for a number of years, and successfully operates and maintains the property which comprises the club buildings, the tennis courts and surrounds as shown on the diagram below.



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12.5 Review of Cemeteries Local Law

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie – Director Corporate Services
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation	Local Government Act 1995
File Number:	LAW/001
Appendices:	Yes – Appendix 4
Voting Requirement	Absolute Majority

Report Purpose:

For Council to consider the revised local law relating to cemeteries and proposing to make a new local law to be known as the Shire of Collie's Cemeteries Local Law 2019.

Officer's Recommendation

That Council by ABSOLUTE MAJORITY:

- 1. Advertises its intention to make a new local law to be known as the Shire of Collie Cemeteries Local Law 2019 as per Appendix 4 and forwards a copy of the proposed local law to the Department of Local Government for the Minister's consideration;*
- 2. Notes the purpose of the proposed Shire of Cemeteries Local Law 2019 is to provide for the orderly management of the Shire of Collie's public cemetery; and*
- 3. Notes the effect of the proposed Shire of Collie Cemeteries Local Law 2019 is to establish a management regime for the public cemetery, establish what is appropriate behaviour within the cemetery and create offences for inappropriate behaviour within the cemetery.*

Background:

At its meeting held 27 July 2010, Council adopted the *Shire of Collie Cemeteries Local Law 2010* which was subsequently published in the Government Gazette on 9 September 2010. This local law is now due for its statutory review.

At the 2010 review, Council adopted a local law based on the model local law in order to bring the local law text and practice up to date, and this current proposal represents a minor review of the existing local law.

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

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

** Absolute majority required.*

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

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

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

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

Budget Implications:

Expenditure on advertising as provided within the Budget.

Communications Requirements: (Policy No. CS 1.7)

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

The local law is to be submitted to the Department of Local Government, Sport and Cultural Industries and other relevant agencies for comment.

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 reviewed the local law related to cemeteries. At its meeting held 25 May 2010 Council resolved:

5015 – That Council:

- 1. Advertises its intention to make a new Cemeteries Local Law as per Appendix 5 and forwards a copy of the proposed Shire of Collie Cemeteries Local Law 2010 to the Department of Local Government for the Minister's consideration;*
- 2. Notes the purpose of the proposed Shire of Collie Cemeteries Local Law 2010 is to provide for the orderly management of the Shire's public cemeteries.*
- 3. Notes the effect of the proposed Shire of Collie Cemeteries Local Law 2010 is to set up a management regime for public cemeteries, establish what is appropriate behaviour within cemeteries and create offences for inappropriate behaviour within the cemeteries.*

Comment:

The proposed Shire of Collie Cemeteries Local Law 2019 is based on the previous Shire of Collie local law with only minor changes, including the listing of the modular niche system for placement of ashes, the inclusion of a definition for memorial work and requirement for an application for memorial work to be submitted as per section 30 of the Act, and amendments to the dimensions of monuments including the addition of the dimensions for a double plot.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Patio – 692 Collie-Preston Road, Preston Settlement

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005
File Number:	A3854
Appendices:	Yes – Appendix 5 (Site Plan)
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for the construction of a Carport in the front setback area as required by Clause 5.7.1 of the Local Planning Scheme No. 5 (LPS) in in the 'Rural Residential' zone.

Officer's Recommendation:

That Council, pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to grant approval to Pamela and Daniel Graves for a Carport at 692 Collie - Preston Road Preston Settlement 6225 within the front setback area subject to the following conditions:

- 1. At all times, the development the subject of this planning approval must comply with the definition of 'Carport' as contained in State Planning Policy 3.1 Residential Design Codes.*
- 2. All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.*
- 3. This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.*

Background:

A decision of Council is required for this application as the proposal seeks to vary the setback requirements for the 'Rural Residential' zone which are provisions set out in the LPS under clause 5.9.5 (i)(i). Under clause 5.7.1 a decision of Council is required for a proposal that does not comply with the prescribed standard. A 20 metre front setback is required for this buildings in this zone with a lot area greater than 1 hectare.

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The proposed carport will encroach into the front setback area by six metres, leaving a distance of 14 metres to the front boundary.

Statutory and Policy Implications:

Local Planning Scheme No. 5

The subject lot is zoned Rural Residential (R-R7). The proposal has been assessed in accordance with the following clause(s) of the Scheme:

5.9.5 Rural Residential Zone

Building Setbacks

- (i) *Where a lot does not have an identified building envelope, the following setbacks apply:*
- (i) *For lots with an area greater than 1ha:*
- Front: 20m*
- Side: 10m*
- Rear: 10m*

10.2 Matters to be Considered

(f) *any Local Planning Policy adopted by local government under clause 2.4...;*

(i) *the compatibility of a use or development with its setting;*

(o) *the relationship of the proposed 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 proposal;*

(y) *any relevant submissions received on the application;*

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

The proposal meets 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.*

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Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

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

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

Relevant Precedents:

On 6 May 2014 Council approved two sheds in the Rural Residential zone that were proposed with the specified side setback area as set out under clause 5.9.5 (i) (i) of the Scheme. Resolution No's 6394 & 6395.

Comment:

Lot 692 Collie-Preston Road has an area of approximately 2.1ha. The proposed 'Carport' is to be 14m from the front boundary of the lot, inside the 20m building exclusion zone. It is considered the proposal does not detract from the streetscape or the visual amenity of residents or neighbouring properties due to the rural nature of the area.

The 'Carport' shall be conditioned to be non-habitable in accordance with the definition of 'Carport' as set out in the Residential Design Codes. For the reasons outlined previously, officers advise that the development of the 'Carport' can be approved, subject to conditions shown above.

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13.2 Home Business – Pet Meat Abattoir Review

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995
File Number:	A530
Appendices:	Yes – Appendix 6 (Pet Meat Abattoir Images)
Voting Requirement	Simple Majority

Report Purpose:

To review a 12 month 'Home Occupation – Meat Processing' approval issued 23 January 2018 as required by Condition 14 of the Planning Approval issued on 23 January 2018.

Officer's Recommendation:

That Council, advises Jason Corradetti that approval is granted for a Home Business (Meat Processing) at Lot 1 Number 16 Chapman Street Collie subject to the following conditions:

- 1. At all times, the development the subject of this planning approval must comply with the definition of 'Home Occupation' as contained in Schedule 1 of the Shire's Local Planning Scheme.*
- 2. All development shall be in accordance with the approved development plans and cover letter (attached) which form part of this planning approval.*
- 3. 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.*
- 4. The home occupation is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, water products or grit, oil or otherwise.*
- 5. A maximum number of 100 kangaroo carcasses can be processed per week.*
- 6. Only kangaroos can be processed on site.*

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7. *Trade waste produced from the home occupation such as carcasses, bones, offal or waste matter is to be disposed of in a lawful manner.*
8. *All work associated with the home occupation is confined between 7am to 7pm Monday to Saturday and excluding public holidays.*
9. *The home occupation must ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and provide in and on the premises effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.*
10. *The home occupation must:*
 - a. *Provide on the premises approved impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises for the number of days between which the receptacles, are emptied;*
 - b. *Keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;*
 - c. *Cause all offensive material and trade refuse to be placed immediately in the receptacles;*
 - d. *Cause the contents of the receptacles to be removed from the premises at such intervals as not to become offensive to neighbouring properties; and*
 - e. *If so directed by a Shire officer, cause all receptacles after being emptied to be immediately cleansed and sanitized.*
11. *The home occupation approval is valid only while the applicant remains an occupant of the property.*
12. *The home occupation approval is awarded to the applicant only and does not run with the land.*
13. *This approval is valid for a period of 1 (one) year from the date of issue and is subject to annual renewal due on 31st January every year thereafter. The approval is liable to cancellation without compensation at any time for infringement of any breach of any conditions under which it is issued.*

Background:

Council issued a conditional approval for a 'Home Occupation – Meat Processing' at its meeting on 23 January 2018 at lot 1 Number 16 Chapman Street Collie. Condition No. 14 of this approval stated the following:

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"14. This approval is for a 12-month period and will be referred back to Council for review."

The approval is now presented back to Council for review and consideration.

Statutory and Policy Implications:

Local Planning Scheme No. 5

10.2 Matters to be Considered

(f) any Local Planning Policy adopted by local government under clause 2.4...;

(i) the compatibility of a use or development with its setting;

(o) the relationship of the proposed 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 proposal;

(y) any relevant submissions received on the application;

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

The proposal meets the following policy objectives:

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

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

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

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

Relevant Precedents:

N/A

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Comment:

The 'Home Occupation – Meat Processing' establishment subject to this approval has been operating for approximately 12 months. Shire officers are unaware of any complaints/issues from the operation of this business and no written complaints have been received regarding the operation of this business.

A site inspection was undertaken on the 24 January 2019 by a Shire Ranger and Shire Planner. From the inspection it appeared the operation was in compliance with the Planning Approval. The premises are were in a tidy and clean state generally associated with a pet meat abattoir. (See Appendices for images of abattoir.)

The effluent disposal system appeared to be functioning correctly as there was no effluent seepage visible.

Based on the absence of complaints regarding the operation of the premises, it is recommended that Council issue a conditional approval for a 'Home Occupation – Meat Processing' without an end date. Continuing operation of this Home Occupation is subject to annual renewal, and if, issues arise in the future, the Home Occupation can be ceased by non-renewal of the Annual Home Occupation Renewal.

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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.

Motion 1:

Moved: Cr Piavanini

That the Shire of Collie seeks the support of the coal mining companies, Combined Mining Unions and Collie Chamber of Commerce to lobby the State Government, via the Member for Collie, Mick Murray, to extend the life of coal-fired energy in Collie, until such time as either battery storage or other technology is available to safeguard the State.

Motion 2:

Moved: Cr Piavanini

That the Shire of Collie seeks financial support from the coal mining companies, Combined Mining Unions and Collie Chamber of Commerce to fund advertisements to appear in the West Australian, Sunday Times, South Western Times and Collie Mail newspapers pointing out that the demise of the coal mining industry is not imminent as portrayed in recent media coverage.

Background Information:

Recent media coverage has not enhanced our Shire's efforts to attract new investment and industry to Collie.

Collie coal use, some five million tonnes a year, pales into insignificance when compared with the 252 million tonnes per annum which Australia exports to just three countries – Japan, China and India.

Victorian Premier Daniel Andrews on January 31, 2019, said his state anticipated coal would be around in his state for at least another 30 years. His comments came after power blackouts and power shedding by industries in his state. During the blackouts, Victoria had to tap into power from across borders – from South Australia, Tasmania and New South Wales – in order to keep lights on in homes. He said maintaining coal-fired plants would be prudent until such a time as battery technology, capable of overcoming the peaks and troughs experienced during various times of the year, was available.

Why would we in WA, where we are isolated in terms of power supply, be moving with undue haste?

While we should remain committed to diversifying our industry base, we need to do this while still lobbying for longevity and advancement of clean coal technologies.

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16. **QUESTIONS BY 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 OR BY DECISION**
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 7
 - 'All Open' at Appendix 8
20. **CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**
21. **CLOSE**