



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 10 September 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

A connected community that is as rich
and diverse as its heritage and landscape.

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, 10 September 2019

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

6 September 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

September 2019 – October 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 10 September 2019	Ordinary Meeting of Council 7.00pm in Council Chambers
Thursday 12 September 2019	Community Safety and Crime Prevention Committee 2.00pm in Library Undercroft Room
Thursday 12 September 2019	Economic Development Advisory Committee 4.00pm in Council Chambers
Thursday 3 October 2019	Weeds & Waterways Advisory Committee 9:00am in Council Chambers

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, 10 September 2019

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 10 September 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 from the previous meeting:

1. Cr Piavanini – Page 8, Adam Davey Consulting, nutrient application – This payment appeared last month. Why can't we use our own spreader to apply fertilizer?

Response:

Mr Lowcock advised that this payment relates to spreading of an organic nutrient before the Shire received the new spreader for the tractor.

Shire staff will use our new spreader and tractor to spread any fertilizer or nutrient where possible.

2. Cr Italiano – Page 16, Westside Windscreens, Replacement of damaged windscreen Mitsubishi Fuso - Why was a business from out of Collie used?

Response:

Mr Lowcock advised that staff have been unable to obtain quotes to replace windscreens from a Collie business for some time and in fact Westside windscreens were suggested by a local Collie business as an alternative.

3. Cr Miffing – Page 36, BBP Group Pty Ltd, BAL assessment for 708 Yourdamung Road, Collie \$572 – which general ledger account is this coming from?

Response:

The General ledger account that this payment come from was Planning legal fees (138220).

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4. Page 46, Jordan Beau Russell, refund of overpayment of infringement \$15 – What is this about?

Response:

Mr Russell paid \$135 to the Shire for a \$120 infringement therefore a return of \$15 was returned to Mr Russell.

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

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8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 20 August 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.

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

10.1 Receipt of the Minutes of the Townscape Advisory Committee

Recommendation:

That Council receives the minutes of the Townscape Advisory Committee held on 26 August 2019.

10.2 Adopt the Recommendations of the Minutes of the Townscape Advisory Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Townscape Advisory Committee held on 26 August 2019.

That Council request staff investigate the timetable and frequency of tourist buses that pull into the Railway Building and consider a trial of timed parking for bus only parking in the current parking bays.

10.3 Receipt of the Minutes of the Local Emergency Management Advisory Committee

Recommendation:

That Council receives the minutes of the Local Emergency Management Advisory Committee held on 27 August 2019.

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10.4 Receipt of the Minutes of the Local Emergency Management Advisory Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Local Emergency Management Advisory Committee held on 27 August 2019.

That Council:

10.4.1 receives the draft Shire of Collie Local Recovery Plan 2019 and distribute to Local Emergency Management Committee members for their comment.

10.4.2 endorse the Local Emergency Management Risk Register 2019.

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11. **CEO REPORTS**
Nil

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12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – July 2019

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 1
Voting Requirement Simple Majority

Report Purpose:

To present the accounts paid during the month of July 2019.

Officer’s Recommendation:

That Council accepts the Accounts as presented in Appendix 1 being vouchers 41648-41652 totalling \$458.65.16 and direct payments totalling \$832,384.94 authorised and paid in July 2019.

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	2019/20		
	Cheques	Electronic Transfer	Total Payment
July	\$458.65	\$832,384.94	\$832,843.59
August			
September			
October			
November			
December			
January			
February			
March			
April			

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May			
June			

Statutory and Policy Implications:

WA Local Government Act 1995

Financial Management Regulations 1996

Council has Policy number CS3.7 which relates to the payment of Creditors, and in particular item 5.0 which relates to the presentation of accounts paid.

A list of all accounts paid in the month prior shall be presented to the Council. The list shall comprise of details as prescribed in the Local Government Financial Management Regulations (1996).

Budget Implications:

All liabilities settled have been in accordance with the Annual Budget provisions.

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Comment:

For a detailed listing of payments see Appendix 1

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12.2 Financial Report – July 2019

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 2
Voting Requirement	Simple Majority

Report Purpose:

This report provides a summary of the Financial Position for the Shire of Collie for the month ending July 2019.

Officers Recommendation:

That Council accept the Financial Report for July 2019 as presented in Appendix 2.

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 2.

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

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Comment:

The report provided to Council as Appendix 2 is inclusive of the information required by the Local Government Act 1995 and includes information as set out in Council Policy.

The report includes a summary of the financial position along with comments relating to the statements. If Councillors wish to discuss the report contents or any other matters relating to this, please contact Council Finance staff prior to the meeting.

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

Operating Expenditure by Program

- 1. All the programs are under budget as admin allocation, plant allocation and depreciation have not been processed for July 2019. These will remain outstanding until the 2018/19 Annual Report has been finalised.**

Operating Expenditure by Nature and Type

- 2. Employment cost is under budget due to admin allocation is yet to be processed July 2019.**
- 3. Materials & contracts is under budget due to plant allocation yet to be processed for July 2019.**
- 4. Utility charges is \$22,346 under budget due to timing of the payments.**
- 5. Depreciation is under budget due to depreciation is yet to be processed for July 2019.**
- 6. Insurance expenses is under budget due to admin allocation to be processed for July 2019**

Non-Operating Income by Nature and Type

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12.3 Shire of Collie Sport Awards Selection Panel

Reporting Department:	Corporate Services
Reporting Officer:	Tamsin Emmett – 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 three vacant positions on the Shire of Collie Sport Awards Selection Panel.

Officer's Recommendation:

That Council appoint Mr Greg Bell, Mrs Peta Ellery and Mrs Jodie Pilatti to the Shire of Collie Sport Awards Selection Panel for four year terms from 2020 to 2023.

Background:

The Shire of Collie Sports Awards Selection Panel meets 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 August 2019.

Strategic Plan Implications:

Key Objective 1.0 Our Community

Relevant Precedents:

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

7094 – That Council:

- 1. 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**
- 2. Agree to accept any late nominations, while vacancies on the panel remain, that may be received by Council staff after the nomination closing date and**

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present to Council for consideration for appointment to the Sport Awards Selection Panel.

On 21 August 2018 Council adopted the following decision;

7907 – 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.

Comment:

With the expiration of the appointment term of Mr Greg Bell, Mrs Peta Ellery and Mrs Donna Davies, all were invited to renominate for the position. Advertisements for the openings on the panel were placed in the Collie Mail.

Council has received nominations from each of the following community members: Mr Greg Bell, Mrs Peta Ellery and Mrs Jodie Pilatti. The nomination forms can be found at Appendix 3.

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12.4 Amendment to the Shire of Collie Cemeteries Local Law 2019

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:	LAW/001
Appendices:	Yes – Appendix 4
Voting Requirement	Absolute Majority

Report Purpose:

For Council to consider the proposed *Shire of Collie Cemeteries Amendment Local Law 2019* in accordance with the undertaking given to the Joint Standing Committee on Delegated Legislation.

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 Amendment Local Law 2019 as presented at Appendix 4 and forwards a copy of the proposed local law to the Department of Local Government;*
- 2. Notes the purpose of the proposed Shire of Collie Cemeteries Amendment Local Law 2019 is to amend the Shire of Collie Cemeteries Local Law 2019 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 Amendment 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:

The Council resolved at its meeting on 12 February 2019 the following in relation to the above Local Law:

8058 – *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.*

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Prior to adoption, comment was received from the Department of Local Government, Sport and Cultural Industries, following which a number of changes and edits were made prior to adoption of the local law. On 7 May 2019 Council resolved:

8128 – That Council by ABSOLUTE MAJORITY adopts the Shire of Collie Cemeteries Local Law 2019 as presented in Appendix 2.

Following adoption by Council, the Explanatory Memorandum was forwarded to the Joint Standing Committee on Delegated Legislation (the Committee) and the Committee requested that Council provide a letter signed by the Shire President undertaking to make an amendment to the Shire of Collie Cemeteries Local Law 2019. This undertaking was given at the meeting held 20 August 2019:

8229 – That Council by ABSOLUTE MAJORITY:

- 1. Undertake to amend the Shire of Collie Cemeteries Local Law 2019 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.*

Statutory and Policy Implications:

The process required to be used when adopting or amending a local law is set out in s3.12 –3.14 of the Local Government Act 1995 and is extracted below:

3.12. Procedure for making local laws

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

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- (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:

Local and State-wide advertising required to amend the local law.

Communications Requirements: (Policy No. CS 1.7)

Statutory advertising as required for amendment of a local law.

Strategic Community/Corporate Business Plan Implications:

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

Outcome 5.1: Good governance and leadership

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

Relevant Precedents:

Council has previously amended local laws, most recently, at its meeting held 28 May 2018 Council resolved:

7816 – *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 Amendment Local Law 2018 as presented at Appendix 1 and forwards a copy of the proposed local law to the Department of Local Government;*

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2. *Notes the purpose of the proposed Shire of Collie Standing Orders Amendment Local Law 2018 is to amend the Shire of Collie Standing Orders Local Law 2017 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 Amendment Local Law 2018 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.*

Comment:

Council has already given an undertaking to amend the Shire of Collie Cemeteries Local Law 2019 as requested by the Committee and advertising the intention to amend the local law is the first step in the process.

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12.5 Short Term Lease of Rowing Shed to Rotary Club of Collie 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:	L34343A
Appendices:	Yes - Appendix 5
Voting Requirement	Simple Majority

Report Purpose:

To seek Council authorisation to enter into a short term lease agreement with the Rotary Club of Collie Inc. for the lease of Part Reserve 34343 – the Rowing Club building and fenced area at Minnipup Pool.

Officer's Recommendation:

That Council lease the Rowing Club building and grounds located on Part Reserve 34343 to the Rotary Club of Collie Inc. subject to the consent of the Minister for Lands with the following conditions:

- 1. Lease to be deemed a short term lease with a term of 2 years;*
- 2. Annual lease amount payable be \$1 per annum incl GST;*
- 3. Other conditions to be in accordance with Council policy DS 1.5*

Background:

The Rowing Club building is located in fenced grounds on part of Reserve 34343 on Mungalup Road, vested in the Shire of Collie for the purpose of Park Lands and Recreation. The Management Order allows for leasing for any term not exceeding 21 years, subject to the consent of the Minister for Lands, however this particular building and grounds have not previously been leased to any group.

In 2017 there was an attempt to revive the Collie River Rowing Club Inc and an approach made to Council to enter into a lease. On 14 November 2017 Council resolved:

7638 – That Council lease the portion of the Reserve 34343 comprising the building known as the Rowing Club and the fenced area surrounding the building to the Collie River Rowing Club subject to approval of the Minister for Lands, with the following conditions:

- A) The Collie River Rowing Club to become an incorporated body and provide certificates of currency for building insurance and public liability insurance;*
- B) Lease to be deemed a community built and operated lease with a term of 5 years with a 5 year option;*
- C) Annual lease amount payable be \$1 per annum Inc GST; and*
- D) Other conditions to be in accordance with Council Policy DS1.5.*

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The Collie River Rowing Club was not able to attract sufficient interest and membership to become an incorporated body, so no lease eventuated.

However, there was interest shown in having a community facility that would be available for a diversity of water based and adventure activities and discussions continued, resulting in the approach now made by the Rotary Club of Collie as attached at Appendix 5.

Statutory and Policy Implications:

WA Local Government Act (1995)

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

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

Budget Implications:

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

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	Responsible Party - Short Term Lease
Building insurance	Shire
Vandalism damage to building (assuming no negligence on lessee's part)	Building insurance excess shared equally between Lessee and Shire (\$500 each as at November 2010).
Contents insurance	Lessee
Public liability insurance of \$10m	Lessee
Compliance with <i>Health (Public Building) Regulations 1992</i>	Shire
Upgrades required by legislative changes	Shire
Building additions and alterations	Lessee must obtain Shire approval and comply with Building Code of Australia
Major maintenance	Shire
Minor maintenance and cleaning	Lessee
Security system and response	Lessee or Shire
Payment of utility charges (power, water etc)	Lessee
Payment of Emergency Services Levy	Shire

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Issue	Responsible Party - Short Term Lease
Painting upgrade (internal and external)	Shire
Asbestos removal (if required)	Shire
Sub letting	Not permitted
Use by others	Not permitted

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.

Relevant Precedents:

Council regularly enters lease agreements with community groups.

Comment:

The Rotary Club of Collie Inc is requesting a short-term lease with the intention of acting in a caretaker role in the short term and encouraging and facilitating a longer term plan to form an independent outdoor and/or water sports club to take over the lease.

The Rotary Club is keen to preserve the long-term rowing history of Collie, and to prevent the facility from falling into disrepair or becoming vandalised.

The Rotary Club is aware of the planning work the Shire is undertaking for the long term development of the Minnipup Pool area, and will work in consultation with the Shire to ensure that the facility is not only utilised but also available for the long term benefit of the Collie community.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Over Height Shed 33 Raymond Street

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Local Government Act 1995
File Number:	PHL/011
Appendices:	Yes – Appendix 6
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for an

1. Outbuilding (Shed) pursuant to clause 5.7.1 of the Local Planning Scheme in the Residential zone for an over height shed under Local Planning Policy: Outbuilding Control.

Officer's Recommendation:

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

1. *Grant approval to D Chapman for the development of an Outbuilding (Shed) at 33 Raymond Street Collie subject to the following conditions:*
 - a) *At all times, the development the subject of this planning approval must comply with the definition of 'outbuilding' as contained in State Planning Policy 3.1 Residential Design Codes.*
 - b) *All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.*
 - c) *This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.*
 - d) *Before the development is occupied, all external surfaces of steel cladding must be painted and/or finished to the satisfaction of the Shire of Collie.*

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Background:

An application has been received for a 12m X 9m shed with a wall height of 3.822mm at 33 Raymond Street. Raymond Street is zoned Residential R15, and 1619m² in area.

A decision of Council is required for this application as the proposal seeks to vary the Outbuilding over height requirements for a lot zoned Residential as this proposal is not consistent with the Local Planning Policy 2.1 clause 6.1. See Appendix 6 Plans



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;

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(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;

The proposal does not materially contravene the Aims or Objectives of the LPS contained in Clauses 1.6 and 4.2.

State Planning Policy 3.1 - Residential Design Codes

5.4.3 Outbuildings (Design Principles)

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

Local Planning Policy: Outbuilding Control

6.6.1 Maximum Wall Height

On lots zoned Residential and on all other zoned lots where the site area is less than 2020m², a maximum wall height of 3.5 metres applies.

The proposed shed has a wall height of 3.822m which is 0.322m higher than the policy permits.

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

No consultation has been undertaken as the shed is setback 1.0m from the side boundary and the shed being marginally over the permitted wall height.

This proposal will have minimal, if any, impact on the neighbours.

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:

Council approved an over height Outbuilding at its December 2018 meeting located at 178 Steere Street, Minute (#7990). This outbuilding had an over height ranging from 0.5m to 1.162m greater than the policy permitted.

Comment:

The proposed shed will have minimal, if any, impact on the adjoining landowners.

The proposal does not detract from the streetscape or the visual amenity of residents or neighbouring properties and, as such, is considered to meet the requirements of the R-Codes.

It is recommended that Council support the officer's recommendation and conditionally approve the Outbuilding.

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13.2 Activities in Thoroughfares and Public Places and Trading Local Law 2012 - Request For Fee Modification and Long Term Traders Permit

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Local Government Act 1995
File Number:	PHL/011
Appendices:	Yes – Appendix 7
Voting Requirement	Simple Majority

Report Purpose:

To seek Council approval for:

1. An extension of the 12-month Traders Permits for two mobile Collie Ridge food vans.
2. That Council relax the requirement for Collie Ridge to apply annually for their food vans to receive their Traders Permits by the Shire invoicing the Collie Ridge directly and not reapplying each year for a 12 month Traders Permit.

Officer 's Recommendation:

That Council, pursuant to the provisions of the Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Laws 2012 hereby resolves to:

1. *Grant approval to Collie Ridge Motel for a Traders Permit for the Rolling Ridge 2.0 (Registration No. 1CYY948) and Rolling Ridge (Registration No. 1GDL989) subject to the following conditions:*
 - a. **Place which Permits apply** – *Roaming, within the Shire of Collie excepting within 400 metres of an established premise selling similar goods.*
 - b. **Particulars of Goods for Sale** – *Rolls, sandwiches, hot and cold drinks, and hot and cold meals/food.*
 - c. **Public Liability Insurance** - *The licensee shall maintain a public liability insurance of not less than \$20 million at all times.*
 - d. **Fee** - *Pay the prescribed fee for a Traders Permit, within 30 days of receiving a invoice for the two (2) Traders Permits for each vehicle.*
 - e. **Period of Permit(s)** – *Five(5) years from date of approval of this permit or until the prescribed fees are not paid.*

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Background:

Discussions have been held between Shire officers and representatives from the Collie Ridge Motel regarding the following issues:

1. Requirement to pay nil or a reduction in fees for second Traders Permits for second vehicle when they are for the same business. Request for one fee for both vehicles or reduced rate for second vehicle.
2. Request for an annual invoice sent out automatically to renew Traders Permit instead of re-applying each year.
3. Request Traders Permit is for the whole of the Shire of Collie and day/week permits are not required for attending individual events.

See Appendix 7 for request.

Statutory and Policy Implications:

Fees and charges are set by the Council during its annual budget process.

Currently, all Traders Permits over a 3 month period are required to be approved by Council. In the past all Traders Permit have been issued up to a term of 12 months. At the end of the 12 month period, the applicants are required to re-apply for a Traders Permit, pay the prescribed fee and a Traders Permit is issued subject to conditions.

Council has the discretion to waive fees for permits as detailed in clause 6.7 (3) of the Activities on Thoroughfares and Trading in Public Places Local Law 2012

Clause 6.7 of the Activities on Thoroughfares and Trading in Public Places Local Law 2012 states:

6.7 Exemptions from requirement to pay fee or to obtain a permit

(1) *In this clause –*

"charitable organisation" means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

"commercial participant" means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

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- (2) *The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on –*
- (a) *on a portion of a public place adjoining the normal place of business of the applicant; or*
- (b) *by a charitable organisation that does not sublet space to or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.*
- (3) *The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.*

Budget Implications:

If Council were to agree to the applicants request to exempt one food van from the application fee, they would be foregoing the application/approval fee of \$475/year.

Communications Requirements: (Policy No. CS 1.7)

No external consultation has been undertaken. Discussions have occurred between the proponent and Shire officers.

Strategic Community Plan/Corporate Business Plan Implications:

It is considered by sending out an annual invoice and not requiring annual applications, it both reduces paperwork/red tape for the applicant, staff. Also, Council do not need to approve annual Traders Permits which are generally a formality.

By reducing paper-work and reducing delays for small business the strategy 2.2.3 of the Corporate Business Plan would be met.

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

2.2.3 *Maintain communication with local businesses to understand their opportunities and barriers, and how Council can best support them.*

The Shire is an accredited as having a “small business friendly” Council, and the reduction of paperwork would further this accreditation.

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Relevant Precedents:

Unknown

Comment:

There does not seem to be any compelling reason why an annual renewal cannot be sent out to operator. Discussions have been held with Finance staff and an annual invoice can be scheduled as required. If the operator no longer wishes to continue operating, then the Traders Permit becomes invalid if the fees are not paid. Shire officers do not support the reduction in fees as requested by the operator. The annual Trader Permit costs approximately \$475/52 (\$9) per week.

No apparent issues are foreseen in the officer's recommendation conditions for the Traders Permit. The Traders Permit has been given a five-year term and a further application for renewal will be required after this period. If there are any issues they can be addressed at this stage.

In regard to the request to attend other incidental events throughout the Shire as they occur, this request has been addressed by the following condition:

- a. ***Place which Permits apply*** – *Roaming, within the Shire of Collie excepting within 400 metres of an established premise selling similar goods.*

This permit conditions should allow the operator to operate within the Shire in an efficient manner with red tape being reduced and it is recommended that Council support the officer's recommendation.

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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 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 8
- 'All Open' at Appendix 9

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

20.1 - Legal Matter

21. **CLOSE**