



Shire of
Collie

MINUTES

of the

SPECIAL MEETING OF COUNCIL

held on

Tuesday, 17 September 2019

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MINUTES - SPECIAL MEETING OF COUNCIL
Tuesday, 17 September 2019

Minutes of the Special Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 17 September 2019 commencing at 7.28pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT:

Sarah Stanley	Councillor (Presiding Member)
John Piavanini	Councillor
Jodie Hanns	Councillor
Elysia Harverson	Councillor
Leonie Scoffern	Councillor
Gary Faries	Councillor
Joe Italiano	Councillor
David Blurton	CEO
Andrew Dover	Director Development Services
Robert Quinn	Shire Planner

APOLOGIES:

Ian Miffing	Councillor (Deputy Member)
Michelle Smith	Councillor
Rebecca Woods	Councillor
Brett King	Councillor

GALLERY: Gary Fitzgerald - Tecon

- 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.

8250

Moved: Cr Faries

Seconded: Cr Hanns

That Cr Miffing, Cr Smith, Cr Woods and Cr King be granted Leave of Absence for this Special Meeting of Council.

CARRIED 7/0

2. PUBLIC QUESTION TIME

Nil

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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4. DISCLOSURE OF FINANCIAL INTEREST

The Chief Executive Officer advised that Disclosures of Financial Interests had been received from Councillors/staff as listed below:

Councillor/Staff	Agenda Item	Disclosure
Cr Piavanini	Item 13.1 – Coolangatta Structure Plan	Impartial – Director was a former customer and family friend.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

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

Nil

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

Nil

8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

Nil

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Nil

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

Nil

11. CEO REPORTS

Nil

12. CORPORATE SERVICES REPORTS

Nil

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8251

Moved: Cr Faries	Seconded: Cr Italiano
That Council Suspends Standing Orders.	
CARRIED 7/0	

Mr Fitzgerald from Tecon provided a presentation to Council.

8252

Moved: Cr Faries	Seconded: Cr Italiano
That Council Resumes Standing Orders.	
CARRIED 7/0	

13. DEVELOPMENT SERVICES REPORTS

13.1 Amendment to Coolangatta Industrial Estate Structure Plan (Lot 2 (#154) Boys Home Road) - Recommendation to WAPC

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:	A5984
Appendices:	Yes – Appendix 1, 2, 3, 4, 5 and 6
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for a recommendation for approval of an amendment to the Coolangatta Industrial Estate Structure Plan dated September 2019.

8253

Officer's Recommendation:	
Moved: Cr Italiano	Seconded: Cr Faries
That Council recommends to the Western Australian Planning Commission that the Coolangatta Industrial Estate Structure Plan dated September 2019 be approved, in accordance with clause 20 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).	
CARRIED 7/0	

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Background:

Discussions have been held with Shire staff, representatives from the owners of Lot 2 Boys Home Road and officers from the Department of Planning regarding an amendment to the existing Coolangatta Industrial Estate Structure for Lot 2 Boys Home Road. The amendment to the existing Coolangatta Industrial Estate Structure Plan will allow for an “Automated Machinery/Equipment Demonstration and Training Area” to be included in the Structure Plan area. The land use proposal is relatively minor in nature, however, the Shire of Collie Local Planning Scheme No. 5 (LPS) requires the formal Structure Plan amendment process to be undertaken.

The Coolangatta Industrial Estate area primarily contains Blue Waters Power Station. Blue Waters Power Station is located within Special Use Zone No. 3. The current Structure Plan primarily allows the Power Station to be located in the Special Use Zone No. 3 and associated environmental constraints and buffers for the industrial/environmental offsite impacts of the power generation plant.

Statutory and Policy Implications:

Planning and Development (Local Planning Scheme) Regulations 2015– Schedule 2 Part 4 deal with the Structure Plan amendment process and are described below.

Clause 16 – A structure plan amendment must be prepared in the appropriate manner and form, must include relevant maps or other materials and set out the following information:

- The key attributes and constraints of the area;
- The planning context for the area;
- Any proposed land uses, zoning or reserves;
- Estimates of the future number of lots in the area;
- The resulting population impacts;
- How the plan provides for key transport and other infrastructure; and
- The proposed staging of subdivision/development.

Clause 17 - Upon receipt of an application for a structure plan amendment, the local government must advise the applicant whether the submitted plan has been prepared in the correct way and contains enough supporting information for it to be assessed and advertised.

Clause 18 – Once accepted as being suitable for assessment and advertisement by the local government, the proposed structure plan amendment must be advertised in one or more ways. This can be by written notice to affected owners and occupiers, a notice in a local newspaper and on the Council’s website or by erecting a sign on the subject land. This must be for a period of time not less than 14 days and not more than 28 days. The proposal must also be available for inspection in Shire offices during this period.

Clause 19 – The local government must consider all submissions made during or after the advertising period and may advertise any further modifications.

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Clause 20 – Within 60 days of the end of the advertising period, the local government must prepare a report to the Western Australian Planning Commission setting out the list of submissions on the proposed structure plan amendment, the local government comments on the submissions, a schedule of any proposed modifications to the structure plan amendment, an assessment of the proposal and a recommendation on whether the proposed structure plan amendment should be approved by the Commission.

Shire of Collie Local Planning Scheme No. 5

The Coolangatta Industrial Estate area is located within Special Use Zone No. 3.

No.	Description of Land	Only Use(s) Permitted	Conditions
3	Lot 8 WL 796 Boys Home Road	Coolangatta Industrial Estate-Development Investigation Area (CIEDA)	As per clause 5.10

The following LPS provisions in Clause 5.10 apply to the Coolangatta Industrial Estate:

5.10 COOLANGATTA INDUSTRIAL ESTATE—DEVELOPMENT INVESTIGATION AREA (CIE-DIA)

The following provisions apply to the Special Use Zone: Coolangatta Industrial Estate—Development Investigation Area and Special Control Area.

5.10.1 Collie Coal Basin Management and Planning Group

An advisory group was established comprising representatives of relevant agencies, local government and industry. The role of the advisory group was to make recommendations relating to the capacity of industry and mining within the Collie Coal Basin, based on an agreed model to define acceptable noise and air shed limits, and mechanisms to protect these limits under the local planning scheme.

5.10.2 Planning requirements

(a) Where land is identified on the Scheme Map as being within the Coolangatta Industrial Estate—Development Investigation Area, the local government shall require the preparation and approval of a Structure Plan for each stage of the Development Investigation Area before recommending subdivision or approving development of land within the Development Investigation Area.

(b) All applications for planning approval on land within the estate must be referred to the Environmental Protection Authority and demonstrate their suitability and compliance with Environmental Protection Authority guidelines and Regulations. Proposals that are likely to have a significant effect on the environment must be referred to the Environmental Protection Authority pursuant to s38 of the Environmental Protection Act 1986. Shire of Collie Local Planning Scheme No. 5 Page No. 33

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(c) All applications for development on land within the estate must be referred to the Department of Mines and Petroleum to ensure that they will not conflict with the extraction of the coal resource.

(d) The proponent will be required to prepare a Noise Management Plan before subdivision or development of the first industrial activity including any power station. The Noise Management Plan will establish noise quotas for proposed industries within the relevant stage of the estate, and to establish a noise monitoring program regarding the cumulative impact of noise generated by industries in the estate, in consultation with the Department of Environment and Conservation, to determine that Environmental Protection Authority requirements are being met.

(e) Prior to subdivision or development of the first industrial activity including any power station within the relevant stage of the estate, the proponent is required to prepare the following studies to the satisfaction of the Department of Environment and Conservation:

(i) a program for collection of baseline data for the monitoring of atmospheric emissions, and preparation of an air quality management plan;

(ii) a Nutrient and Drainage Management Plan or Strategy;

(iii) an assessment of any areas of potential soil and groundwater contamination;

(iv) a water supply strategy;

(v) a traffic management plan; and

(vi) ethnographical and archaeological surveys to ensure the protection of sites of Aboriginal heritage.

(f) Within the Coolangatta Industrial Estate Special Control Area on all land zoned "Rural 1" and "Rural 2", all uses are not permitted (including any residential uses), with the exception of "Agriculture—Extensive".

5.10.3 Preparation of the Structure Plan

(a) The Structure Plan relates to the relevant stage of the CIE-DIA that is being considered.

(b) The Structure Plan may include plans and other documents.

(c) The Structure Plan is to contain such detail as, in the opinion of the local government, is required to satisfy the planning requirements of the Development Investigation Area and, without limiting the generality of the foregoing, shall include the following details—

(i) the stage of the CIE-DIA that the structure plan applies;

(ii) key opportunities and constraints of the Development Investigation Area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;

(iii) the planning context for the Development Investigation Area including its regional planning context, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the

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Proposed Structure Plan is to be integrated into the surrounding area; Shire of Collie Local Planning Scheme No. 5 Page No. 34

- (iv) the proposed allocation of major land uses and typical lot sizes;*
- (v) the proposed indicative lot pattern and/or modules to accommodate future industrial uses;*
- (vi) the identification of permissible and discretionary land uses;*
- (vii) the management of environmentally sensitive locations, including identification of buffers, vegetation and habitat corridors;*
- (viii) the proposed principal road and other transport and movement systems;*
- (ix) proposed staging and anticipated timing of development;*
- (x) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;*
- (xi) be annotated to require that before the establishment of the first industrial activity within the relevant stage of the estate, that appropriate studies and procedures relative to noise management, air quality, nutrient and drainage, potential soil and water contamination, water supply and traffic management are prepared by the proponents; and*
- (xii) such other information as may be required by the local government.*

(d) In considering a proposed Structure Plan for part of a Development Investigation Area, the local government may require the proponent to demonstrate how planning for the subject land may be integrated with surrounding areas, including how broad land uses, essential services and main movement systems are to be integrated and provide information on the arrangements for implementation.

5.10.4 Structure Plan approval

The process for adoption and approval of a structure plan, change or departure of a structure plan and appeal provisions is to be in accordance, Clause 6.3.

5.10.5 Approved Structure Plans

Where an approved Structure Plan exists, the subdivision and development of land is to generally be in accordance with the approved Structure Plan.

Clause 5.10.2 of the LPS required the Environmental Protection Authority and the Department of Biodiversity, Conservation and Attractions to be consulted for any development in the Structure Plan area. Consultation has occurred with the Environmental Protection Authority via and through the local Department of Water and Environmental Regulation officers. It was advised by local Department of Water and Environmental Regulation officers that:

“The Environmental Protection Agency (EPA) will not be involved in assessing this further as it has been deemed that the issues relate to planning rather than environment and the proposal is not a significant proposal.”

In regard to consultation with the Department of Biodiversity, Conservation and Attractions, the proposal was referred to the local Department of Biodiversity, Conservation and Attractions. No reply has been received to date.

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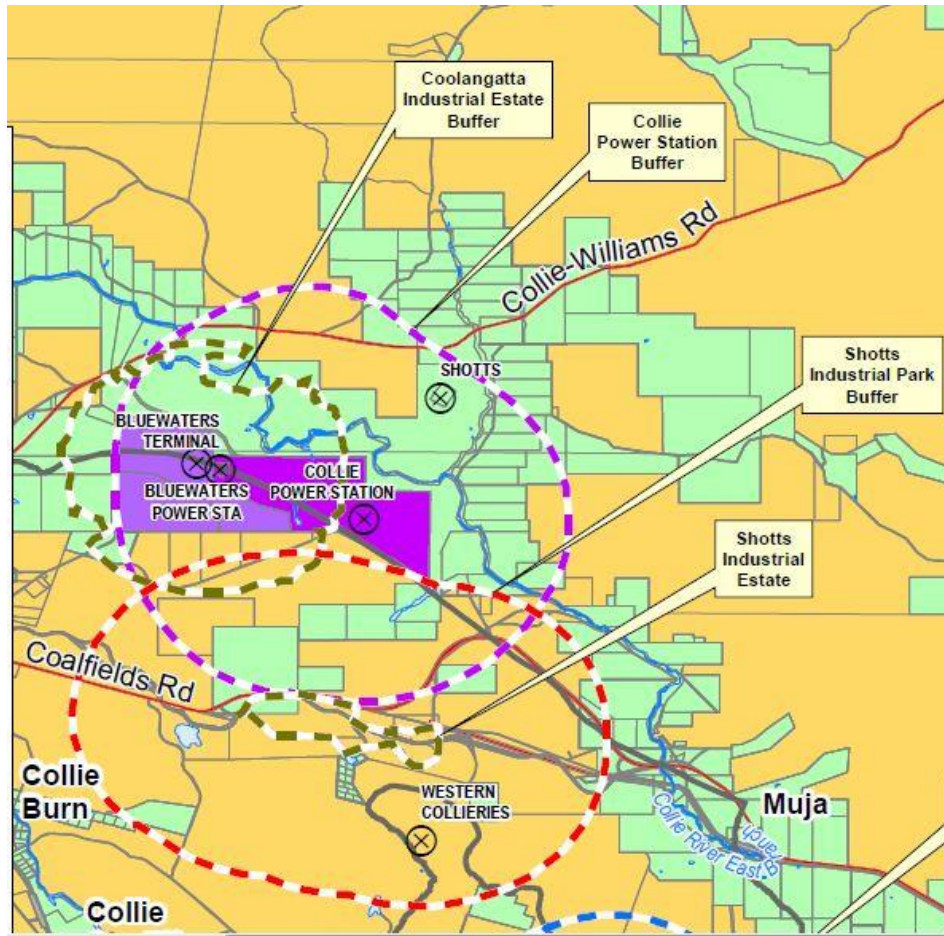


Figure No. 1 Blue Waters Power Station and Coolangatta Industrial Estate Buffer
(Source: Shire of Collie Draft Local Planning Strategy).

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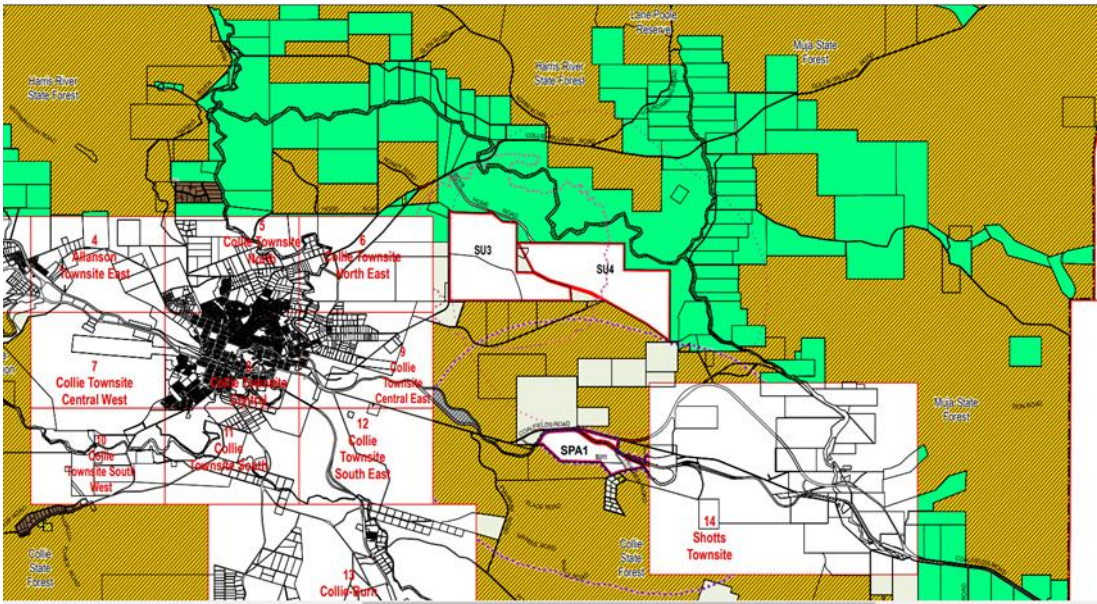


Figure No 2. Extract from LPS Map showing Special Use Zone No. 3 (SU3 in centre of image)

Budget Implications:

There are no immediate financial implications in relation to adoption of the Structure Plan. The applicant has paid fees of \$1,601.04 to reflect the cost of the Shire's assessment and advertising of the Structure Plan.

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.*

A number of meetings and communications between Shire officers and the applicant were undertaken prior to lodgement of the Structure Plan Amendment. Due to the timeframes required for the consideration of this Structure Plan comment was requested by 30 August 2019.

The advertising comprised off:

- Advertisement in Public Notices section of Collie Mail on August 8 and 15; (Appendix 1)
- Notice to owners and occupiers of land abutting and near to the subject land;

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- Notice on the Shire's website; and
- Referral to a range of government agencies.

Seven (7) submissions was received with the none raising any material objections which would not allow the amendment to proceed. The issues raised were, noise and chemical/airborne emissions from the power plant and compliance with SPP 3.7 Planning in Bushfire Prone Areas. All issues were addressed the during the drafting of the Structure Plan Report. The issues raised will be discussed in the comment section. (Appendix 2)

No written submissions or otherwise were received from the public advertising that was undertaken.

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:

There are several Structure Plans throughout the Shire that have been supported by the Council in the past.

Comment

The following issues were raised during the consultation process:

1. Noise emissions
2. Air Quality issues emanating from power station emissions
3. Compliance with SPP 3.7 Planning in Bushfire Prone Areas

1. Noise emissions

The issue of noise has been addressed through consultation with Department of Planning Officers, Department of Water and Environmental Regulation, Noise consultants and Shire Officers.

Advice from Herring Storer Acoustics has stated that the noise level at the training facility boundary would comply with the *Environmental Protection(Noise) Regulations 1997*. Further to this, the Structure Plan has the following requirement for development approval conditions to mitigate noise within the training facility:

"In regard to the 'Automated Machinery/Equipment Demonstration & Training Area' use, the Shire of Collie shall impose the following development approval conditions;

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- *the design of the internal environment within the facility (building) will be carried out in accordance with “AS2107:2016 Acoustics-Recommended Design Sound Levels and Reverberation Times for Building Interiors”.*

The primary concern was that the facility would be operating in conditions above the required noise levels. Based on this advice it is considered that any noise issues have been satisfactorily addressed.

2. *Air Quality issues emanating from power station emissions*

The following advice from Department of Water and Environmental Regulation officers has been received in regard to Air Quality issues for the proposal.:

“The Department of Health made reference to more recent studies from 2013 that had taken account of stack monitoring results. The results identified SO_x, PM10 and PM2.5 levels that were not deemed to be a risk to the trainees and staff of the training centre on the basis that:

- *operations are limited to eight hours a day, and*
- *trainees and staff will spend the majority of time in training rooms, which will be air conditioned.”*

Following on from DWER’s advice below I can confirm that through discussion with Mirella Goetzmann, Principal Toxicologist Environmental Health Hazards from the Department of Health that the level of risk for staff and trainees at the proposed training facilities are deemed acceptable.

Conditions on the development approval for the training facility can be imposed to limit operating hours and require all buildings to be air conditioned. Based on this advice it is considered that air quality issues have been satisfactorily addressed.

3. *Compliance with SPP 3.7 Planning in Bushfire Prone Areas*

Lot 2 Boys Home Road is designated Bushfire Prone which then triggers application of SPP 3.7 Planning in Bushfire Prone Areas. DFES have advised that a Bushfire Management Plan would be required. This advice was subsequently forwarded to consultants for comment and to address the issues raised by DFES.

The DFES comments were analysed and the following advice was received from appropriately qualified consultants:

- *“the proposal will result in a significant, non-vegetated earthworked area that will not result in an increase to the bushfire threat, but rather a reduction;*
- *the proposal will not cater for any residential land use or overnight occupancy*
- *the proposal will provide an additional source of emergency water supply through provision of a 50 kL water tank dedicated for emergency firefighting use equipped with standard hydrant/standpipe and vehicle access provisions.”*

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Further to this, the Structure Plan has the following requirement for development approval conditions to mitigate bushfire risk within the training facility:

“In regard to the ‘Automated Machinery/Equipment Demonstration & Training Area’ use, the Shire of Collie shall impose the following development approval conditions;

- *the development shall require a 50,000L tank for additional emergency water supply. The tank is to be equipped with hydrant and standpipe suitable for fire appliance use.”*

Also, it is contended that AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas does not apply to this class of building and is therefore SPP 3.7 Planning in Bushfire Prone Areas is not applicable. Therefore, it is considered that although DFES required, a Bushfire Management Plan and all the associated information, this Class of building does not trigger AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas and subsequently SPP 3.7 Planning in Bushfire Prone Areas, no Bushfire Management Plan is warranted. AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas generally deals with habitable buildings such as dwellings. This contention has been discussed with officers from the Department of Planning and they are supportive of the the proposed Bushfire Risk mitigation.

Structure Plan Provisions

The proposed Structure Plan has the following development conditions to ensure compliance with regulations and ensure the proposed development’s impact is minimised and operators are not put at risk: (Appendix 3)

The following additional reports and management plans are to be undertaken at the subdivision and/or development stage:

1. *In regard to the ‘Automated Machinery/Equipment Demonstration & Training Area’ use, the Shire of Collie may impose development approval conditions, including but not limited to, the proponent’s preparation and implementation of the following management plans to the satisfaction of the Shire:*
 - *Dust Management Plan*
 - *Stormwater Management Plan*
 - *Site/Building Works Operation Plan (to include/address but not limited to hours of operation, machinery/vehicle details including sound power levels, traffic management, PPE for facility users).*

In regard to the ‘Automated Machinery/Equipment Demonstration & Training Area’ use, the Shire of Collie shall impose the following development approval conditions;

- *the design of the internal environment within the facility (building) will be carried out in accordance with “AS2107:2016 Acoustics-*

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Recommended Design Sound Levels and Reverberation Times for Building Interiors”.

- *the development shall require a 50,000L tank for additional emergency water supply. The tank is to be equipped with hydrant and standpipe suitable for fire appliance use.*

The previous Coolangatta Industrial Estate Structure Plan endorsed in 2010 had extensive Environmental Protection Authority input into the Structure Plan and licence conditions for the Power Plant. The Power Station operates under a licence pursuant to the Environmental Protection Act 1986. This licence controls, off-site impacts from the Blue Waters Power Station such as noise, emissions, water contamination and brine export. There has been significant number of studies undertaken as part of the licence for the Blue Waters Power Station as listed below:

- Air Dispersal Modelling Study
- Ash Co- Disposal for Blue Waters III and IV Report
- Griffin Energy Saline Waste Disposal Proposed Alignment Acid Sulphate Review
- Report on Biomass Co firing and Carbon Capture Ready Plant
- Construction Environmental Management Plan
- Inspection of Trees on Bluewaters Farm (Coolangatta Industrial Estate) for nesting black – cockatoos
- Inspection of Trees in area south of the Power Station and along the proposed pipeline route for black – cockatoo nesting habitat
- Blue Waters Expansion Greenhouse Gas Emissions
- Social and Economic impact assessment
- Bluewaters Power Station Flora and Fauna Survey
- Bluewaters Power Station Phase III and IV Expansion – Greenhouse Gas Management
- Bluewaters Power Station Environmental Support Studies – Saline Discharge Pipeline and Marine Outfall Study
- Environmental Noise Impact Assessment Blue Waters Power Station
- Bluewaters Power Station Operational Environmental Management Plan
- Review of the Bluewaters Power Station Screening Health Risk Assessment
- Public Environmental Review Bluewaters Power Station Phases III and IV
- Bluewaters Water Supply Strategy

As a result of the above extensive studies and current long standing operating practices of Blue Waters Power Station it is contended that the proposed development in minimal in the context of the operating Power Station and can be supported by Council

In regard to the proposed amendment to the Structure Plan where it introduces an area approximately 15 hectares for a “Automated Machinery/Equipment Demonstration and Training Area” which is effectively a flat gravel pad area with a relatively small training

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building. This land use will have minimal, if any, impact on the site in regard to additional noise, environmental impacts, emissions and water quality issues. Particularly given the site is approximately 302 hectares in area. It is considered that based on the current uses of the site and the proximity of Blue Waters Power Station to this proposed land use it is considered that the training facility can be accommodated on this site.

It is considered that this proposed land use in the context of an industrial area is acceptable and could be approved in this area. Any issues such as stormwater runoff, dust generation, erosion/sedimentation, soil stabilisation, noise mitigation, bushfire risk and air quality can be conditioned to control the impact of the land use. (Appendix 4)

Therefore, as all impacts of the proposed land uses can be conditioned to mitigate any off site impacts, it is considered that the Coolangatta Industrial Estate Structure Plan dated September 2019 addresses all relevant planning principles as required by for the area an represents orderly and proper planning in accordance with Clause 20(2)(d) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

The proposed amendment has been processed in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. There have not been any material comments made by the referral agencies which preclude the amendment from being recommended for approval or requiring further information.

It is recommended that Council, request the Western Australian Planning Commission approve the Coolangatta Industrial Estate Structure Plan dated September 2019.

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- 14. **TECHNICAL SERVICES REPORTS**
Nil
- 15. **MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN**
Nil
- 16. **QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**
Nil
- 17. **URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**
Nil
- 18. **ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**
Nil
- 19. **STATUS REPORT ON COUNCIL RESOLUTIONS**
Nil
- 20. **CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**
Nil
- 21. **CLOSE**

The Shire President thanked Council and Staff for their attendance. The Presiding Member declared the meeting closed 7.54pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 1 October 2019.

.....
Presiding Member

.....
Date