



Shire of
Collie

MINUTES

of the

ORDINARY MEETING OF COUNCIL

held on

Tuesday, 1 October 2019

INDEX

1.	OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE	1
2.	PUBLIC QUESTION TIME	1
3.	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4.	DISCLOSURE OF FINANCIAL INTEREST	2
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	2
6.	NOTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	2
7.	ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS	2
8.	CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES	4
9.	BUSINESS ARISING FROM THE PREVIOUS MINUTES.....	4
10.	RECEIPT OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL.....	4
10.1	Receipt of the Minutes of the Access and Inclusion Committee	4
10.2	Receipt of the Minutes of the Community Safety and Crime Prevention Committee	4
10.3	Receipt of the Minutes of the Economic Development Advisory Committee	5
10.4	Adopt the Recommendations of the Minutes of the Economic Development Advisory Committee.....	5
11.	CEO REPORTS.....	7
11.1	Committee Structure Review	7
12.	CORPORATE SERVICES REPORTS	15
12.1	Accounts Paid – August 2019.....	15
12.2	Financial Report – August 2019.....	19
12.3	Adoption of Commercial Bin Charges for 2019/20	21
13.	DEVELOPMENT SERVICES REPORTS	24
13.1	Existing Oversize Sheds– 58 Hutton Street Collie	24
13.2	Draft Local Planning Scheme No. 6	28
13.3	Activities in Thoroughfares and Public Places and Trading Local Law 2019	33
14.	TECHNICAL SERVICES REPORTS.....	39
15.	MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN.....	39
16.	QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN	39
17.	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION	39
18.	ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS.....	39
19.	STATUS REPORT ON COUNCIL RESOLUTIONS.....	40
20.	CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC	40
21.	CLOSE.....	40

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Mintues of the Ordinary Meeting of the Collie Shire Council held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 1 October 2019 commencing at 7:04pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

PRESENT:

Sarah Stanley	Councillor (Presiding Member)
Ian Miffing	Councillor (Deputy Member)
John Piavanini	Councillor
Brett King	Councillor
Joe Italiano	Councillor
Michelle Smith	Councillor
Rebecca Woods	Councillor
Leonie Scoffern	Councillor
Elysia Harverson	Councillor
David Blurton	CEO/
Allison Fergie	Director Corporate Services
Brett Lowcock	Director Technical Services
Andrew Dover	Director Development Services
Hasreen Mandry	Finance Manager
Katya Tripp	Projects Officer
Belinda Dent	CEO PA

APOLOGIES: Gary Faries Councillor
 Jodie Hanns Councillor

GALLERY: Taylar Amonini - Collie Mail
 Brent White
 Geoff Wilks

- 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.

8254

Moved: Cr Woods Seconded: Cr Scoffern
That Council grant Cr Faries and Cr Hanns Leave of Absence from this Ordinary Meeting of Council.
CARRIED 9/0

2. PUBLIC QUESTION TIME

Mr Wilks questioned the Motion on Notice being the increase from 100km/h to 110km/h on Coalfields Hwy.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions taken on Notice:

1. Cr Piavanini - Page 8 – EFT 26744 - Carboni Bros – Cemetery pavement asphalt.
Why could this not be done by our works crew and did we get three quotes?

Response: Mr Lowcock

The extra road was required to develop roads into the new section of the cemetery. The Shire construction crew was busy with the River Trail construction right up to the onset of winter, therefore we needed to contract these works out. Staff obtained three (3) quotes for the works.

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 Stanley	Item 15	Financial Interest
Mr Blurton	Item 11.1	Financial Interest

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

Item 15 was brought forward due to an interested attending person.

Cr Stanley left the room at 7.12pm having declared an interest in Item 15.

Cr Miffing took the chair.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Cr Harverson had put forward the below motion for consideration:

That the Collie Shire Council write to Main Roads requesting:

1. that the speed limit along Coalfields Highway be increased from 100km/hr to 110km/hr.
2. that the 80km/hr speed limit through Allanson be extended West to the other side of Rose Road.

Council dealt with each part of the motion separately.

Council Decision:

Moved: Cr Harverson

Seconded: Cr Smith

That the Collie Shire Council write to Main Roads requesting that the speed limit along Coalfields Highway be increased from 100km/hr to 110km/hr.

LOST 3/5

8255

Council Decision:

Moved: Cr Harverson

Seconded: Cr Scoffern

That the Collie Shire Council write to Main Roads requesting that the 80km/hr speed limit through Allanson be extended West to the other side of Rose Road.

CARRIED 8/0

Comment from Staff:

Staff support the extension of the 80km/hr zone in Allanson to incorporate Rose Rd intersection and have requested a review by Main Roads.

Staff have also spoken to some Allanson residents and the residents are in the process of forming a petition to lower the speed limit at Rose Rd.

Cr Stanley returned to the room at 7.25pm

Mr Wilks left Chambers at 7.25pm.

Cr Stanley resumed the Chair at 7.26pm.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

10.3 Receipt of the Minutes of the Economic Development Advisory Committee

8260

Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Woods

That Council receives the minutes of the Economic Development Advisory Committee held on 12 September 2019.

CARRIED 9/0

10.4 Adopt the Recommendations of the Minutes of the Economic Development Advisory Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Economic Development Advisory Committee held on 12 September 2019.

That Council;

10.4.1 include Lot 2872 Throssell Street (Railway Institute building) to motion 8070 as part of the Expression of Interest process.

10.4.2 support a contribution of \$2,500 towards the Maker and Shaker project proposed by the Bunbury Geographe Tourism Partnership, from Councils Economic Development fund.

Council dealt with each part of the en bloc recommendation separately.

8261

Council Decision:

Moved: Cr Harverson

Seconded: Cr Woods

That Council;

10.4.1 include Lot 2872 Throssell Street (Railway Institute building) to motion 8070 as part of the Expression of Interest process.

CARRIED 9/0

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

8262

Council Decision:

Moved: Cr Miffing

Seconded: Cr Woods

That Council;

10.4.2 support a contribution of \$2,500 towards the Maker and Shaker project proposed by the Bunbury Geographe Tourism Partnership, from Council's Economic Development fund.

CARRIED 8/1

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

11. CEO REPORTS

11.1 Committee Structure Review

Reporting Department:	CEO Office
Reporting Officer:	David Blurton - CEO
Accountable Manager:	David Blurton - CEO
Legislation	WA Local Government Act 1995
File Number:	
Appendices:	No
Voting Requirement	Simple and Absolute Majority

Report Purpose:

For Council to review its current committee and panel structure.

Officer's Recommendation 1:

That Council in accordance with provisions of Section 5.8 and 7.1A of the Local Government Act 1995 establishes the following committees by Absolute Majority effective from the formation of the new Council:

- Audit Committee
- Bush Fires Advisory Committee
- CEO Review Committee
- Community Safety and Wellbeing Committee
- Local Emergency Management Advisory Committee
- Plant Committee
- Policy Review Committee
- Townscape Advisory Committee

Officer's Recommendation 2:

That Council establish the following panels and network effective from the formation of the new Council:

- Access and Inclusion Network
- Australia Day Panel
- Economic Development Panel
- Sportsperson of the Year Panel
- Trails Planning Advisory Panel
- Communications Working Group

Officers Recommendation 3:

That Council staff investigate the formation of a Biosecurity group in the Collie Catchment for the management of invasive weed species.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

8263

Moved: Cr Scoffern	Seconded: Cr Woods
That Council suspends Standing Orders.	
CARRIED 9/0	

Cr Woods left the room at 7.58pm and returned at 7.59pm.

Council discussed the committee and panel structure to be established following the formation of the new Council after the upcoming local government election.

8264

Moved: Cr Woods	Seconded: Cr Harverson
That Council resumes Standing Orders.	
CARRIED 9/0	

8265

Council Decision:	
Moved: Cr Stanley	Seconded: Cr Woods
That Council in accordance with provisions of Section 5.8 and 7.1A of the Local Government Act 1995 establishes the following committees by Absolute Majority effective from the formation of the new Council:	
<ul style="list-style-type: none">- Audit Committee- Bushfires Advisory Committee- CEO Review Committee- Local Emergency Management Advisory Committee- Policy Review Committee	
That Council establish the following panels and network effective from the formation of the new Council:	
<ul style="list-style-type: none">- Access and Inclusion Network- Communications Panel- Economic Development Panel- House Panel (includes Australia Day, but not limited to)- Plant Panel- Sports Panel (includes SPOTY, but not limited to)- Trails Panel	
That broad community engagement sessions (open to any interested members of the community) are conducted on an as needs basis, but at a minimum of once per year for the following:	

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

- **Community safety and well being**
- **Education**
- **Youth**
- **Town and streetscape**
- **Environment, Weeds and waterways**

That Council staff investigate the formation of a Biosecurity group in the Collie Catchment for the management of invasive weed species.

CARRIED 9/0

Background:

The Shire of Collie has traditionally formed its advisory committees at the first meeting after the Council elections. This has enabled the new Council to consider the best committee structure to support Council decision making process, however it is considered that the Council should undertake a review of the effectiveness of its current structure prior to the local government election in October 2019.

This captures the input of sitting Councillors with an insight into the function and effectiveness of each committee and avoids the situation where newly elected Councillors are required to vote with limited background knowledge.

Statutory and Policy Implications:

All Committees are established under provisions of Sections 5.8 to 5.18 of the Local Government Act 1995.

Council is able to establish Committees of 3 or more by **ABSOLUTE MAJORITY** vote of the Council (all Committees whether new or re-established ones must be "created" by absolute majority) and Committees may comprise:-

- a) Councillors only,
- b) Councillors and employees,
- c) Councillors, employees and other persons,
- d) Councillors and other persons,
- e) Employees and other persons,
- f) Other persons only

Only two committees are required to be formed under legislation, being the Audit Committee (section 701A of LG Act) and The Local Emergency Management Advisory Committee (Section 38 of the Emergency Management Act 2005).

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

N/A

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Strategic Community Plan/Corporate Business Plan Implications:

5.1 Good Governance and Leadership

Relevant Precedents:

Council previously considered its committee structure at the Special meeting of the Council October 2017.

Comment:

The Council currently has fourteen (14) advisory committees, four panels (4) and one working group. Staff have undertaken a review of each group and provided recommendations for the consideration of Council.

It is important to note the differences between panels, working groups, networks and committees.

Advisory Committees have a formal structure and relevant Standing Orders which define the meeting process and members are bound by the WA Local Government Act 1995. The Council's current committees are advisory only and do not have any authority to make decisions on behalf of the Council. This can cause issues around the timing of decisions given recommendations from each committee must be endorsed by the Council. Members of Council and Committees cannot become involved in the operations of the Council under the Local Government Act and this limits actions emanating from decisions of committees to be undertaken only by staff unless authorised by the Council or the CEO.

Panels, working groups, reference groups and networks are less formal and have more flexibility in how they conduct meetings and allow for consultation forums, training sessions and events. Decisions that come from these groups that require authorisation or an allocation of Council resource will need to be presented in the form of an officer's report to the Ordinary Meeting of Council for consideration as there is no authority by any of these groups to direct Council staff or resources.

Another advantage relates to the time saved preparing minutes and agendas by Council staff. While there would be some meeting notes taken and an agenda prepared to guide panel discussions it will generally not be in the form of a full officer's report and will therefore save time. Reducing the number of committees will provide internal efficiencies for staff and will reduce time spent attending meetings from an elected member perspective.

The appointment of Council members to each committee or panel will occur at the special meeting of the Council on 22 October 2019.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

11.1 Audit Committee

Committee has terms of reference: Yes

Required by legislation: Yes – section 701A of LG Act

Meeting Frequency: Currently meeting on an as required basis (usually 4-5 times per year)

Staff Comment: This committee is required by legislation (section 701A) and the Act specifically excludes the CEO and other staff from being a voting member. A minimum of three 3 members are required on the committee, the majority are to be Council members.

11.2 Australia Day Panel

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: This panel usually meets 4 - 5 times per year commencing mid-September through to mid-February.

Staff Comment: Feedback from both elected members and staff has indicated that arrangements for Australia day have been successfully planned and managed for the past few years under a panel arrangement. This is due to less formality being required with a panel structure and frees staff time up to progress organising the event itself rather than preparing committee minutes and agendas. It also means the group can be more dynamic and undertake actions and respond to issues in consultation with its membership base without the need to refer recommendations to Council for a decision.

11.3 Bush Fire Advisory Committee

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting on an as required basis, no less than 3 times per year.

Staff Comment: Staff support retaining this committee as feedback from both staff and volunteers is that the committee as is, is an effective medium to engage the Councils Bush Fire Brigades. In addition, the Council has gazetted Shire of Collie Bush Fire Brigade Local Law 2017 which refers to the committee extensively.

11.4 CEO Review Committee

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting at least once annually

Staff Comment: For the consideration of Council, however staff support retaining the committee in its current form to allow an appropriate review process to be considered. Alternatively, the process could also be undertaken directly by the full Council.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

11.5 Community Safety and Crime Prevention Committee

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting on Thursday from 2pm to 3.30pm, every six weeks.

Staff Comment: Staff propose that the CSCP panel be combined with the Education Advisory Committee and the Youth Advisory Council to form a Community Safety and Wellbeing Committee. It is considered that less formality would encourage membership and engagement, allow mentoring of youth, avoid duplication, and would provide efficiency gains with Councillor, community members and staff time.

11.6 Access & Inclusion Committee

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting on Thursday from 12.30pm to 2pm, every six weeks.

Staff Comment: The formation of the Access and Inclusion committee was to guide the development and implementation of the Councils' Access and Inclusion Plan. It is considered that less formality would encourage membership and engagement and would provide efficiency gains with staff time. The Committee itself has considered a better format and recently agreed that a network convened and organised by the Community Development Officer would be a better medium for engagement, training, consultation and decision making.

11.7 Education Advisory Committee

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting on an as required basis

Staff Comment: The work of the committee has been valuable in establishing relationships and identifying issues preventing the best education outcomes for some families, however in more recent times the committee has struggled to achieve a quorum. It is suggested that the committee be combined with the Community Safety and Crime Prevention Committee and the Youth Advisory Council to form a Community Safety and Wellbeing Committee.

11.8 House Panel

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting on an as required basis

Staff Comment: The House Panel has met less frequently in recent times, however the feedback from members and staff is that a less formal format for this committee has worked well in organising Council internal functions and events efficiently and effectively. The Council Christmas party has traditionally been the main project for the

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

group and considering that this event will not be occurring in 2019 it is recommended that this group not be reformed. Should an event arise that requires significant planning and input, the Officers report will include a recommendation to establish an organising panel including elected members at that time.

11.9 Local Emergency Management Committee

Committee has terms of reference: Yes - As specified by State Emergency Management Committee Policy and Section 38 of the Emergency Management Act 2005.

Meeting Frequency: Currently meeting on an as required basis, usually 2-3 times per year. Meetings can be called at short notice and during times of emergencies or when threat is imminent.

Staff Comment: This committee is required to be established under section 38 of Emergency Management Act 2005.

11.10 Plant Committee

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting on an as required basis, approximately 3-4 times per year.

Staff Comment: Retain unchanged.

11.11 Policy Review Committee

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting on an as required basis, approximately 3-4 times per year.

Staff Comment: Council removed this committee in 2013 and then reinstated it in 2015 to allow greater consideration of policies rather than refer policies directly to Council. Staff support retaining this committee for this reason.

11.12 Townscape Advisory Committee

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting every 12 weeks on Tuesday's at 9 a.m.

Staff Comment: This committee provides valuable input into projects to improve the amenity of Collie, including recommending priorities for Council expenditure.

11.13 Trails Planning Advisory Panel

Committee has terms of reference: Yes.

Meeting Frequency: Currently meeting on an as required basis

Staff Comment: Retain unchanged.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

11.14 Weeds & Waterways Advisory Committee

Committee has terms of reference: Yes

Required by legislation: No

Meeting Frequency: Currently meeting every 6 weeks on Thursdays' at 9 a.m.

Staff comment: Staff recognise the importance of the Collie River to the community. The Council has adopted its river strategy which identifies actions that the staff will undertake on behalf of Council as budgets permit. In order to address the growing problem of invasive weed species, it is recommended that Council considers supporting the formation of an independent local Biosecurity group to leverage matching funding opportunities and to work collaboratively with the Council and its staff. Other issues related to the Collie River can be addressed directly by Council or through existing mechanisms.

11.15 Museum Transition Committee

Committee has terms of reference: Yes

Meeting Frequency:

Staff comment: This committee is no longer required.

11.16 Youth Advisory Council

Committee has terms of reference: Yes

Meeting Frequency:

Staff comment: Activities for youth and youth engagement would be incorporated into the proposed Community Safety and Wellbeing Committee.

11.17 Economic Development Advisory Committee

Committee has terms of reference: Yes

Required by Legislation: No

Meeting Frequency: Monthly

Staff comment: It is recommended that Council consider reverting the Economic Development Committee to a Panel to provide less formality and to allow members to undertake economic development actions as agreed by the Panel rather than staff only as it currently stands under the local government act.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

12. CORPORATE SERVICES REPORTS

Mr Dover left the room at 8.02pm and returned at 8.04pm.

12.1 Accounts Paid – August 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 August 2019.

8266

Officer's Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr Harverson

That Council accepts the Accounts as presented in Appendix 1 being vouchers 41653-41660 totalling \$1,629.84 and direct payments totalling \$1,189,189.01 authorised and paid in August 2019.

CARRIED 9/0

The following questions were asked by elected members.

Cr Piavanini – Page 4 - EFT26810 - \$12,776.50 Allering & Associates why was this account so high?

Mr Dover responded that the fee was for SAT Planning advice provided by a specialised planning consultant.

Cr Piavanini – Page 24 – EFT26944 - \$561.00 Adelphi Apparel why are these shirts so expensive?

Mr Dover responded that the shirts purchased are for the Rangers and they are a specialist uniform requirement.

Cr Piavanini – Page 31 – EFT26994 - \$369.01 Station Motors cost of a Battery and call out. Why was our Mechanic not called out?

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

- Mr Lowcock to take this question on notice.

Cr Harverson – Page 12 EFT26881 - \$511.50 Collie Roof Plumbing cleaning of gutters at Margareta Wilson Centre and Library. Why was it needed to outsource the cleaning of the gutters?

- Mr Dover to take this question on notice.

Cr Harverson – Page 6 EFT26825 - \$53,862.05 IT Vision why do we have a cost to Synergy?

Mrs Mandry responded that this was the software licensing for our Synergy program.

Cr Italiano – Page 31 EFT26987 - \$758.78 Market Force Tender advert did this occur in both the Collie Mail and South Western Times twice and the West Australian once and is this required?

Mr Blurton responded that this is a statutory requirement under the Local Government Act and that this was currently under review. The advert also appeared twice in the Collie Mail.

Cr Miffing – Page 4 EFT26808 \$20,376.47 Property clean up at 1 Wallsend St asked if this was a charge against the property.

Mrs Mandry responded that the cost incurred for the clean-up would be invoiced against the property.

Cr Miffing – Page 36 EFT27032 - \$2,690.00 Garage Doors South West why are we servicing the roller doors for the Margareta Wilson Centre and PCYC?

Mrs Fergie responded that the building under the lease arrangement is Council's responsibility and servicing was required on the doors.

Cr Piavanini – Page 28 – EFT26961 - \$6,240.00 Collie Family Centre Inc. what are we paying for at the centre?

Mrs Fergie responded that the Child Health Clinic rental is paid by Council until the end of the 2019/2020 financial year.

Cr Miffing – Page 28 & 31 EFT26963 \$62.50 Collie Senior High School & EFT27010 \$87.50 Wilson Park Primary School why have these been refunded for bin services?

Mrs Mandry responded that the bin charges were refunded on the rates due to the new process of invoicing for commercial bins.

Cr Woods – Page 12 – EFT26878 \$422.40 Coates Hire Why did we require gas detector kits at Ogden St?

- Mr Lowcock to take this question on notice.

Cr Woods – Page 15 – EFT26897 \$1,593.00 LG Professional What is this membership for staff?

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Mr Blurton responded that this was professional development membership for directors.

Cr Woods – Page 24 – EFT26941 \$276.00 On-Line/On Hold What is this?

Mrs Fergie responded that this was the messages for the phone system for callers placed on hold.

Cr Italiano – Page 4 – EFT26806 \$880.00 Access Wellbeing Services What is this?

Mr Blurton responded that this was a Counselling service which is provided for staff.

Cr Miffling – Page 20 – EFT26933 \$1,574.63 Water Corporation Why is the water charge at the cemetery so high?

- Mrs Mandry to take this question on notice but also advised that this was already being investigated by the Parks and Gardens Supervisor.

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	\$1,629.84	\$1,189,189.01	\$1,190,818.85
September			
October			
November			
December			
January			
February			
March			
April			
May			
June			

Statutory and Policy Implications:

WA Local Government Act 1995
Financial Management Regulations 1996

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

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.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

12.2 Financial Report – August 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 August 2019.

8267

Officers Recommendation/Council Decision:

Moved: Cr Italiano

Seconded: Cr Woods

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

CARRIED 9/0

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

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

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 Income by Program

1. **Law, order and public safety is over budget by \$14,210 mainly due to the Community Emergency Services Contribution for June 2019 from DFES were not received till August 2019.**

Operating Expenditure by Program

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

Operating Income by Nature and Type

3. **Contribution and reimbursements are \$84,653 over budget due to the heritage upgrade scheme revenue from the verandah improvement of 115 Throssell Street has been received (which was unbudgeted for), workers compensation reimbursement received earlier than expected and the June 2019 Community Emergency Services Contribution from DFES.**

Operating Expenditure by Nature and Type

4. Materials & contracts is under budget due to plant allocation yet to be processed for July 2019 and August 2019.
5. Utility charges is \$22,399 under budget due to timing of the payments.
6. Depreciation is under budget due to depreciation is yet to be processed for July 2019 and August 2019.
7. Insurance expenses is under budget due to admin allocation to be processed for July 2019 and August 2019.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

12.3 Adoption of Commercial Bin Charges for 2019/20

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Allison Fergie – Director Corporate Services
Legislation:	WA Local Government Act (1995)
File Number:	FIN/005
Appendices:	No
Voting Requirements:	Absolute Majority

Report Purpose:

For the Council to adopt commercial waste bin charges for the 2019/20 financial year.

8268

Officer's Recommendation/Council Decision:

Moved: Cr Woods

Seconded: Cr Smith

1. That Council adopts by an ABSOLUTE MAJORITY to commercial bin charges for the financial year 2019/20 as per below:

- **Annual Commercial -General Waste (\$170 per bin)-one service weekly**
- **Annual Commercial -General Waste (\$585 per bin)-5 times week service**
- **Annual Commercial -Recycling (\$170 per bin)-one service weekly (fortnight pick-up)**
- **Annual Commercial -Recycling (\$585 per bin)- 5 times week service (fortnight pick-up)**
- **Annual Commercial -Organic (\$125 per bin)- one service weekly**
- **Annual Commercial -Organic (\$545 per bin)-5 times week service**

CARRIED 9/0

Background:

The proposed changes to commercial waste bin for the 2019/20 financial year are presented to the Council and reflect the cost of providing each collection service.

Statutory and Policy Implications:

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

Budget Implications:

No change. Proposed income and expenditures are already included in budget 2019/20. An amount of \$50,000 is included in the 2019/20 budget for additional bins.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL

Tuesday, 1 October 2019

As required by section 6.17 of the Act, the following was taken into account in determining the amount of a fee or charge for a service;

- (a) the cost to the local government of providing the service or goods;
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

Communications Requirements: (Policy No. CS 1.7)

Press release will be completed after adoption on 1 October 2019 and correspondence will be sent to non-residential properties to confirm number of bins prior to an invoice being raised. An information flyer regarding waste management will also be sent out with the letter which will encourage greater use of organics and recycling bins.

Strategic Community Plan/Corporate Business Plan Implications:

KEY OBJECTIVE 5.0

Our Business

Good governance and an effective, efficient and sustainable organisation.

Outcome 5.3:

Financial sustainability and accountability, with emphases on the below strategy; 5.3.5, provide corporate financial services that support the Shires operations and meet planning, reporting and accountability requirements.

Relevant Precedents:

Council has previously adopted commercial rubbish bin charges at its meeting held on 11 December 2018. Council resolved as follows:

8005- That Council adopts by an ABSOLUTE MAJORITY the commercial bin charges for the financial year 2018/19 as per below:

- *Annual Commercial Rubbish-General Waste (\$185 per bin)-one service weekly*
- *Annual Commercial Rubbish-General Waste (\$388 per bin)-5 times week service*
- *Annual Commercial Rubbish-Recycling (\$185 per bin)-one service weekly (fortnight pick-up)*
- *Annual Commercial Rubbish-Recycling (\$388 per bin)- 5 times week service (fortnight pick-up)*
- *Annual Commercial Rubbish-Organic (\$185 per bin)- one service weekly*
- *Annual Commercial Rubbish-Organic (\$628 per bin)-5 times week service*

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Comment:

The calculation is based on the per lift cost and processing cost of the waste. Below is comparison of charges:

	2018/19		2019/20	
	One Service	5 services	One Service	5 services
Annual Commercial-General Waste	\$185	\$388	\$170	\$585
Annual Commercial-Recycling (fortnightly)	\$185	\$388	\$170	\$585
Annual Commercial-Organic	\$185	\$628	\$125	\$545

The fees are calculated based on the following:

General waste & recycling

Pickup charge (\$1.25/lift x 52 lifts) = \$65

Processing fees (\$100/tonne, estimate 20kg per bin) = \$105

Total one service charge = \$170

Pickup charge (\$1.25/lift x 260 lifts) = \$325

Processing fees (\$100/tonne, estimate 10kg per bin) = \$260

Total five services charge = \$585

Organics

Pickup charge (\$1.80/lift x 52 lifts) = \$94

Processing fees (\$30/tonne, estimate 20kg per bin) = \$31

Total one service charge = \$125

Pickup charge (\$1.80/lift x 260 lifts) = \$468

Processing fees (\$30/tonne, estimate 10kg per bin) = \$77

Total five services charge = \$545

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

13. DEVELOPMENT SERVICES REPORTS

13.1 Existing Oversize Sheds– 58 Hutton Street Collie

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:	A1137
Appendices:	Yes – Appendix 3
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 oversize floor area under Local Planning Policy: Outbuilding Control.

8269

Officer's Recommendation/Council Decision:

Moved: Cr Italiano

Seconded: Cr Smith

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

1. **Grant approval to Bruce Hayes for the development of an Outbuilding (Shed) and retaining walls at 58 Hutton 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.**

CARRIED 9/0

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Background:

A decision of Council is required for this application as the proposal seeks to vary the Outbuilding floor area requirements for a lot zoned Residential as this proposal is not consistent with the Local Planning Policy 2.1 clause 6.1. See Appendix 3 PLANS

The two sheds are existing and retrospective approval is being sought. Shire officers have been working with the landowner to get approval for these sheds.



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;

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

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

6.1 Maximum Floor Area

Residential zoned land with a lot size between 1,001m² and 2,000m² is allowed a maximum of 120m² of collective floor area.

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.*

These sheds have been constructed for a considerable amount of time with no complaints have being received regarding these sheds from the landowner on the south eastern boundary. As a consequence of the longstanding nature of the development and no complaints being received, no consultation has been 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:

A similar oversize shed application was approved by Council at its meeting in December 2018 at 60 Ogden Street.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Comment:

Number 58 Hutton Street is zoned Residential R15 and is 1012m² in area.

The existing additional sheds will have no impact on the adjoining landowner at 56 Hutton Street. The land to the west of 58 Hutton Street is a reserve, with no buildings in the immediate vicinity that will be impacted by the existing sheds.

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.

The maximum floor area for outbuildings in the Residential zone with lots of this area is 120m² with a discretionary allowance for 10% above that. The existing sheds are 146m² which is 21% larger, than the policy permits, however, is not considered to detract from the function or amenity of the block.

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

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

13.2 Draft Local Planning Scheme No. 6

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp – Strategic Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995
File Number:	LUP/033
Appendices:	Yes – Appendix 4 - Draft Local Planning Scheme No. 7
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for advertising of the draft Local Planning Scheme No. 7 for public comment and referral to the Environmental Protection Authority (EPA), Heritage Council and the Western Australian Planning Commission (WAPC).

Officer's Recommendation:

That Council:

1. Resolve to proceed to advertise the draft Local Planning Scheme No. 6 without modification pursuant to Regulation 21(1) of the Planning and Development (Local Planning Schemes) Regulations 2015;
2. Refer the draft Local Planning Scheme No. 6 to the Environmental Protection Authority under Section 81 of the Planning and Development Act 2005;
3. Submit two (2) copies of the draft local planning scheme documents to the Western Australian Planning Commission for its examination under section 21(2) of the Planning and Development (Local Planning Schemes) Regulations 2015;
4. Refer the draft Local Planning Scheme No. 6 to the Heritage Council; and
5. Subject to formal assessment not being required by the Environmental Protection Authority and subject to the Western Australian Planning Commission granting consent to advertise, advertise the draft Local Planning Scheme No. 6 pursuant to Regulation 22(1-4) of the Planning and Development (Local Planning Schemes) Regulations 2015.
6. Delegates authority to the Chief Executive Officer to determine whether any material changes, required by the WAPC/EPA or any other changes to the draft Local Planning Scheme No. 6 should be referred to Council prior to advertising.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Council decided to amend the motion at point 1.

8270

<p>Council Decision:</p> <p>Moved: Cr Miffling Seconded: Cr King</p> <p>That Council:</p> <ol style="list-style-type: none">1. Resolve to proceed to advertise the draft Local Planning Scheme No. 6 with modification pursuant to Regulation 21(1) of the Planning and Development (Local Planning Schemes) Regulations 2015. The modification is Page 14 zoning table –<ol style="list-style-type: none">a) Resource Recovery Centre is changed from an A use to an I use in the Rural Zone.b) Brewery changed from an X use to an I use in the Rural Residential Zone.2. Refer the draft Local Planning Scheme No. 6 to the Environmental Protection Authority under Section 81 of the Planning and Development Act 2005;3. Submit two (2) copies of the draft local planning scheme documents to the Western Australian Planning Commission for its examination under section 21(2) of the Planning and Development (Local Planning Schemes) Regulations 2015;4. Refer the draft Local Planning Scheme No. 6 to the Heritage Council;5. Subject to formal assessment not being required by the Environmental Protection Authority and subject to the Western Australian Planning Commission granting consent to advertise, advertise the draft Local Planning Scheme No. 6 pursuant to Regulation 22(1-4) of the Planning and Development (Local Planning Schemes) Regulations 2015; and6. Delegates authority to the Chief Executive Officer to determine whether any material changes, required by the WAPC/EPA or any other changes to the draft Local Planning Scheme No. 6 should be referred to Council prior to advertising. <p style="text-align:right">CARRIED 9/0</p>

Background

The Local Planning Scheme is a statutory planning document that outlines the local planning and regulatory framework, and controls development and land use throughout a local government district.

The Planning and Development Act (2005) and Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires Council to review its Scheme every 5 years (Scheme Review) The Shire's current Local Planning Scheme No. 5 was gazetted in 2009 and was therefore due for review.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Council considered the preparation of a new Local Planning Scheme at its 18 April 2017 Ordinary Meeting where it was resolved

That Council:

1. Pursuant to Section 72 of the *Planning and Development Act 2005*, prepares Local Planning Scheme No.6 for the entire area within the Shire of Collie and as shown the adopted Scheme Area Map (refer Attachment 1);
2. Publish a notice of Council's Resolution in accordance with Regulation 20(1)(a) of the *Planning and Development (Local Planning Scheme) Regulations 2015*; and
3. Forward a copy of the notice with regards to the Resolution 2 above to the relevant stakeholders listed in Regulation 20(1)(b) of the *Planning and Development (Local Planning Scheme) Regulations 2015* for 21 days and request recommendations that should be considered during the preparation of Local Planning Scheme No. 6; and
4. Allocate \$50,000 in the 2017/18 draft budget for the development of Local Planning Scheme No. 6.

Accordingly, notice was given under Regulations 20(1)(a) and 20(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Following this, a new Local Planning Scheme (Appendix A) was prepared in accordance with the procedures set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* and in consultation with the Department of Planning, Land and Heritage.

The introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* resulted in Local Planning Scheme No. 5 becoming significantly modified with numerous sections and provisions replaced with 'deemed provisions' that are applicable state-wide. These regulations also created a new template and model scheme text for Schemes. Model scheme text cannot be changed without approval of the Minister.

On 28 May 2019, Council resolved to support the draft Local Planning Strategy with modifications and refer it to the WAPC for endorsement. Relevant actions contained within the Local Planning Strategy have been incorporated into draft Local Planning Scheme No. 6.

Draft Local Planning Scheme No. 6 has been prepared and is now presented for consideration.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Statutory and Policy Implications:

The procedure for preparing and reviewing a Local Planning Scheme is prescribed under the Planning and Development Act 2005 and accompanying Town Planning Regulations 2015, the latter of which contains the Model Scheme Text and Deemed Provisions.

Planning and Development Act 2005

Section 81 Proposed scheme or amendment to be referred to EPA.
Section 82 Environmental review where required.
Sections 84-87 Advertisement and approval.

Planning and Development (Local Planning Schemes) Regulations 2015

Section.21 Resolution to proceed to advertise draft local planning scheme.
Section 22 Advertisement of local planning scheme.

Section 21 of the above regulations require a resolution of Council to proceed to advertise the draft Local Planning Scheme (officer's recommendation 1).

Section 22 of the above regulations outline the procedural requirements that the local government must meet when advertising the draft Local Planning Scheme (officer's recommendation 5)

The new Local Planning Scheme will have implications for Local Planning Policies with new policies to be introduced as a result of the new Local Planning Strategy and subsequent Local Planning Scheme.

Budget Implications:

The preparation of a new Local Planning Scheme is within the current 2019/20 budget allocation.

Communications Requirements:

If consent to advertise is given advertising will be carried out in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015, Section 22 - Advertisement of local planning scheme.*

As well as meeting the requirements required for advertising under the Regulations, officers will also carry out after hours engagement sessions where community can come along to raise and discuss concerns. The draft scheme will be further advertised via the Shire and Have You Say websites.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

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

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

Relevant Precedents:

A Local Planning Scheme was prepared by the Shire of Collie and Gazetted in October 2009.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Comment:

It is recommended that Council adopts draft Local Planning Scheme No. 6 and forwards it to the Environmental Protection Authority for a decision on environmental assessment, the Heritage Council and to the Western Australian Planning Commission seeking consent for advertising of the Scheme for public comment.

Following consent, officers will commence advertising. Submissions will be collated, considered and recommendations provided to Council for consideration prior to the final endorsement of the draft Local Planning Scheme No. 6.

Once endorsed, the final draft version of the Scheme together with Council's resolution and submissions will be forwarded to the Western Australian Planning Commission for its endorsement and approval by the Minister for Planning for gazettal of the new scheme.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

13.3 Activities in Thoroughfares and Public Places and Trading Local Law 2019

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Local Government Act 1995
File Number:	LAW/001
Appendices:	Yes – Appendix 5
Voting Requirement	Absolute Majority

Report Purpose:

For Council to consider the making of a new local law relating to Activities in Thoroughfares and Public Places and Trading.

8271

Officer's Recommendation/Council Decision:

Moved: Cr Harverson

Seconded: Cr Woods

That Council by ABSOLUTE MAJORITY;

- 1. Under Clause 2.8 add a sub point e) other verge treatments at the discretion of Council;**
- 2. Advertises its intention to make a new Activities in Thoroughfares and Public Places and Trading Local Law 2019 as per Appendix 5 and forwards a copy of the proposed Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2019 to the Department of Local Government, Sport and Cultural Industries for the Minister's consideration;**
- 3. Notes the purpose of the proposed Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012 is to provide for the orderly management of the Shire's thoroughfares and public places;**
- 4. Notes the effect of the proposed Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012 is to advise that some activities are prohibited and some activities are permitted only under permit on thoroughfares and public places within the Shire of Collie.**

That staff conduct a review of local governments that do not currently have an Activities in Thoroughfares and Public Places and Trading Local Law in place with a view to understanding how they manage risks and report back to Council prior to the adoption of this local law.

CARRIED 8/1

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL

Tuesday, 1 October 2019

Background:

The existing Shire of Collie Activities in Thoroughfares and Public Places Local Law 2012 is now due for review.

When adopted, the text and practice of the local law was updated to align with the model local law prepared by WALGA.

Statutory and Policy Implications:

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

3.12. Procedure for making local laws

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

** Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law;*

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL

Tuesday, 1 October 2019

- (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.]

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 Statewide 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.

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:

At its meeting held 17 April 2012 Council resolved:

5722 – That Council by ABSOLUTE MAJORITY:

1. Advertises its intention to make a new Activities in Thoroughfares and Public Places and Trading Local Law 2012 as per Appendix 2 and forwards a copy of the proposed Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012 to the Department of Local Government for the Minister's consideration;

2. Notes the purpose of the proposed Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012 is to provide for the orderly management of the Shire's thoroughfares and public places.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL

Tuesday, 1 October 2019

3. Notes the effect of the proposed Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012 is to advise that some activities are prohibited and some activities are permitted only under permit on thoroughfares and public places within the Shire of Collie

Comment:

The proposed local law has been developed with the use of the standard WALGA template. The WALGA template for the Activities in Thoroughfares and Public Places and Trading Local Law is virtually identical to the current Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012. The proposed Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2019 has been reviewed by Shire staff with a view to localise the model template to the Shire of Collie circumstances.

In addition, the review has taken into consideration the Council decision from its meeting held 23 October 2018:

7952 – That Council dismiss the objection to the refusal of an Application for Verge Treatment (Basketball Hoop) at 55 Ogden Street, Collie for the following reason:

The proposed Basketball Hoop is not a Permissible Verge Treatment under Section 2.8 of the Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012.

Undertake a review of the local law Activities in Thoroughfares and Public Places and Trading Local Law 2012, with a focus on verge treatments.

The changes from Council's previous local law are shown in the appendices as Strikethrough, Underlined along with comments. The changes need to read in the context of the complete document.

In summary the broad changes to the WALGA template for the Activities in Thoroughfares and Public Places and Trading Local Law are detailed below:

1. Insertion of text to clarify the definition of carriageway.
2. Insertion of text to clarify the definition of centre.
3. Insertion of text to clarify the definition of thoroughfare.
4. Removal of the term veranda as not considered relevant.
5. Insertion of "a public place including a thoroughfare or local government property" in several clauses to expand areas where permits are required.
6. Insertion of the following materials not to be taken from a public place including a thoroughfare or local government property:
 - (i) earth, sand or gravel;
 - (ii) rocks, bollards and materials used for access barriers; or
 - (iii) remove, fell, cut any part of a tree, dead or otherwise.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

7. Addition of “*Artificial Turf*” as an acceptable material for a verge treatment.
8. Modify definitions of portable direction sign and portable advertising signs.
9. Modify the definition of a sign which does not require a permit to the following;
 - (1) *Notwithstanding subclause (1), a permit is not required in respect of a portable advertising sign which neither exceeds 1m in height nor 1m² in area subject to the following conditions –*
 - i. *relate only to the business activity;*
 - ii. *contain letters not less than 200mm in height;*
 - iii. *be the only portable advertising sign erected in relation to the one building or business;*
 - iv. *be secured in position so as not to cause a danger to any person or property;*
 - v. *be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person;*
 - vi. *be maintained in good condition;*
 - vii. *set back at least 3m of a carriageway; and*
 - viii. *not obstruct lines of sight along a thoroughfare.*
- 10 Insert the following clause to allow Local Government to designate an area in which signs do not require a permit:

“Notwithstanding sub clause (1), advertising signs in locations designated by the local government are exempt and may include conditions.”
- 11 Insert the following clause to allow for adjacent landowner’s opinions to be considered in the determination of a sign application.

The opinion of the adjacent landowner (if not the applicant).
- 12 Modify conditions on a portable sign.
- 13 Modify conditions on elections signs.
- 14 Insert the following clause in Prohibitions Relating to Animals:

“The owner of an animal shall not leave animal excrement/manure on a thoroughfare.”
- 15 Insert the following clause to control the areas in which shopping trolleys may be collected by Local Government:

“Notwithstanding subclause (1 and 2), if a shopping trolley is found in a public place or on local government property, outside the area bounded by Atkinson Street, Medic Street, the Collie River and the railway line, other than in an area set aside for the storage of shopping trolleys, the local government may collect the shopping trolley without advising the retailer.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

The retailer is required to pay any fee for that collection, any other associated fees or costs (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.”

16 Modify clause 5.13 to allow burning of a thoroughfare with a permit issued.

17 Relocate definitions of charitable organisations and commercial participant.

18 Insert the following clause to allow for consultation in issuing a permit:

“if a commercial participant to be a minimum of 400 metres from any business which sells similar goods or services and has lodged an objection after consultation.”

19 Increased Offence penalty limit from \$5,000 to \$10,000.

20 Modification of Modified Penalties.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

14. TECHNICAL SERVICES REPORTS

Nil

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

Item 15 was brought forward to Item 7 ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS.

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

Cr Harverson

- Attended the SW Angels Pitch Fest 3.0.

Cr King

- Thanked staff and fellow Councillors for assistance over the last two years whilst being a Councillor as this is his last meeting.

Cr Woods

- Attended SW Angels Pitch Fest 3.0.
- There will be a Fund Raiser for Liam Shepherd on 19 October 2019.

Cr Italiano

- Attended Black Diamond community workshop.

Cr Scoffern

- Attended Black Diamond community workshop

Cr Stanley

- 12 September: Joint announcement with Shire of Donnybrook-Balingup and local member Mick Murray on Glen Mervyn Dam.
- 13 September: Regular meeting with local member Mick Murray.
- 19 September: Attended Pitch 3.0, an event conducted by not-for-profit investment group the South West Angels, which included a workshop followed by a pitch and networking event.
- 27 September: Laid a wreath at the annual Police Remembrance Day conducted by the Collie Police.
- 27 September: Attended the opening of the Bendigo Bank Bridge at the Collie Motorplex, ahead of the Historic Nationals event.
- 29 September: Presented awards at the State Endurance event held at the Collie Race Track.

SHIRE OF COLLIE
MINUTES - ORDINARY MEETING OF COUNCIL
Tuesday, 1 October 2019

Cr Miffing

- Attended SW Angles Pitch event
- Attended Police Remembrance Day

Mr Blurton

- 17 September – attended Collie DFES facility working group meeting.
- 23 September – attended Djarlma SW Tree Hub at Bunbury Regional Entertainment Centre
- 24 September – attended DFES commissioner’s lunch and then Volunteer medal presentation at Collie Ridge Motel
- 27 September – attended Collie Police Station to lay wreath for Police Remembrance Day.
- 27 September – attended Collie Motorplex to open pedestrian bridge – sponsored by Collie Community Bendigo Bank and to welcome competitors in the Australian Historic Motorcycle championships

CEO on leave 2 October – 11 October, Mrs Allison Fergie to be acting CEO.

Mrs Fergie

- Attended the Royal Show promoting Collie

19. STATUS REPORT ON COUNCIL RESOLUTIONS

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

- ‘Closed Since Last Meeting’ at Appendix 6
- ‘All Open’ at Appendix 7

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 9.13pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Tuesday, 22 October 2019.

.....
Presiding Member

.....
Date