



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 18 February 2020

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE
PROCEEDING**

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

Council's Vision

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

Values

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

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

NOTICE OF MEETING

Please be advised that meeting of the

Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

Tuesday, 18 February 2020

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

14 February 2020

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

MEETING SCHEDULE

February 2020 – March 2020

Councillors are reminded of the following meetings. Please note that other meetings may be planned that are not shown here. Councillors are advised to contact the Committee's Presiding Member/Chairperson if in doubt.

Tuesday 18 February 2020

Ordinary Meeting of Council

7.00pm in Council Chambers

Wednesday 19 February 2020

Audit Committee

9.00am in Council Chambers

Wednesday 19 February 2020

Local Emergency Management Committee

10.00am in Council Chambers

Wednesday 19 February 2020

Community Safety and Wellbeing Committee

2.00pm in Council Chambers

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

- 5.23. (1) Subject to subsection (2), the following are to be open to members of the public
- (a) all Council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal --
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to --
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

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Tuesday, 18 February 2020

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 18 February 2020 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

- 1.1 Councillors granted Leave of Absence at previous meeting/s.
- 1.2 Councillors requesting Leave of Absence for future Ordinary Meetings of Council.
- 1.3 Councillors who are applying for Leave of the Absence for this Ordinary Meeting of Council.

2. PUBLIC QUESTION TIME

A 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration towards the Public:

When public questions necessitate resolutions of Council, the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates need for the public to wait an indeterminate period of time).

3. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Cr Faries – Page 6 – EFT27574 - \$1,600.00 Collieburn/Cardiff Fire Brigade & EFT27575 \$660.00 Preston Road Fire Brigade – What is a treatment 378 ESL Mitigation Grant?

Mr Dover took this question on notice.

Response: Mr Dover

The below are prescribed burns funded by the Emergency Services Levy Mitigation Grant.

- Treatment #378 is the Shire of Collie Reserve immediately west of the Buckingham Hall, 11.5 hectares. The fuel 40 years.
- Treatment #533 Cell 1 between the Collie Race Track and the Rubbish Tip, 2 hectares. Fuel Age 40 years.
- Treatment #534 Cell 2 between the Collie Race Track and the Rubbish Tip, 5.6 hectares. Fuel Age 40 years.

Cr Faries – Page 8 – EFT27588 - \$3,940.00 Collie Roof Plumbing – Why have we paid for the cleaning and installation of gutter guards to the Cardiff Hall?

Response: Mr Dover

Installation of the gutter guards for this building is a budgeted line item for the current financial year. This is to limit the requirement for cleaning of gutters by the community group into the future, particularly as the community group would have to hire a cherry picker due to the height of the eaves. The gutter cleaning is required prior to the installation of the guards.

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Cr Faries – Page 10 – EFT27608 - \$2942.92 Mettler Toledo – Calibration of the weighbridge how much use is the weighbridge receiving and is this cost being covered by fees for the use of the weighbridge?

Mrs Mandry responded that she would provide an update on funds received from the weighbridge and distribute to Councillors.

Response: Mrs Mandry

Since the weighbridge was registered 1,153 users have used the weighbridge to weigh vehicles (\$25 per weigh) and calibration of the weighbridge is \$2,675 per annum.

Cr Faries – Page 14 – 27640 - \$1122.00 Scott Christinger – Why were the exhaust fans installed by Council in changerooms?

Response: Mr Dover

Ventilation to the swimming pool changerooms were budgeted as a line item for current financial year. Ventilation was vastly inadequate to the changerooms and does not comply with BCA requirements, which has also over time led to undue deterioration of internal building elements including wall and ceiling linings.

Cr Faries – Page 19 - CHQ1339 - \$5243.04 Safe Tool Solutions – Tagging of electrical equipment was this a local business?

Response: Mr Dover

No this is Bunbury based business. Local quotations were sought and it was awarded on a competitive quotation basis with local contractors in accordance with the purchasing policy.

Cr Harverson – Page 8 – EFT27587 – \$304.43 Coates Hire – Why did we hire a vertimower when we have our own?

Response: Mr Lowcock

The Shire owns a large vertimower that is suitable for sporting fields and our larger parks and is towed by a tractor. The vertimower that was hired is a small machine that is operated by hand and is used for smaller areas that the tractor mower cannot operate in.

Cr Harverson – Page 15 – EFT27654 - \$250.68 – Heatley Sales Pty Ltd – Do we supply the electrolyte sachets to staff at no cost? What quantities are used?

Mrs Mandry responded that the sachets are supplied to staff and took on notice that she would find out what quantities are used per year.

Response: Mrs Mandry

Approximately 500 packets per annum.

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4. DISCLOSURE OF FINANCIAL INTEREST

Councillors in attendance at meetings must disclose to the meeting any Agenda items upon which they have a Financial Interest. Section 5.65 of the Local Government Act 1995 requires Councillors to: a) give written notification of a financial Interest before the meeting; or b) at the meeting immediately before the particular matter is discussed (notification can be given verbally).

A Disclosure of Financial Interest Form is attached to this Agenda (immediately behind the Index) and can be used by Councillors for disclosure purposes - simply tear out and hand to the Chief Executive Officer. Additional forms will always be available at Council/Committee meetings.

Should Councillors be unsure on Disclosure of Financial Interest matters, further clarification can be obtained by reading Sections 5.53 to 5.59 inclusive of the Act.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Members of the public invited by the Chairperson may address the meeting after Standing Orders have been suspended.

- Ms Yolanda Cool to present to Council on the Heritage Skills Project.

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

Councillors may disclose at this point any matters which they wish to have discussed 'behind closed doors' ie the meeting is closed to members of the public. Section 5.23 of the Local Government Act 1995 applies and the meeting may only go behind closed doors for matters expressly prescribed in the Act - see section of the Act appended immediately after the Disclosure of Financial Interest form.

Any decision (of the meeting) to close the meeting or part of the meeting and the reasons for the decision are to be recorded in the Minutes of the meeting.

- There is one item to be discuss for which the meeting will be closed to the public.

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on 28 January 2020.

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Only items that have been deferred from a previous Ordinary Council Meeting for either further consideration by Councillors or for additional background information may be dealt with under this item. Details of Business Arising items will always be listed on the Agenda.

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

10.1 Receipt of the Minutes of the Bush Fire Advisory Committee

Recommendation:

That Council receives the minutes of the Bush Fire Advisory Committee held on 30 January 2020.

10.2 Adopt the Recommendations of the Minutes of the Bush Fire Advisory Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Bush Fire Advisory Committee held on 30 January 2020.

That Council:

10.2.1 1. appoint Julian Martin as the Chief Bush Fire Control Officer, 2. Kohdy Flynn as the Deputy Chief Bush Fire Control Officer, 3. Julian Martin as the Fire Weather Officer, for a period of two years until the appointment of officers in these respective positions following the 2021 local government elections.

10.2.2 adopt the Terms of Reference of the Bush Fires Advisory Committee as modified (by deleting the text with strikethrough and including the underlined text) presented at Appendix 1.

10.2.3 endorse the Shire of Collie Prescribed Fire Plan Draft Changes 1 presented at Appendix 2.

10.2.4 adopt the Volunteer Bush Fire Brigade Fit for Duty Policy Draft 1.2 as modified (by deleting the text with strikethrough and including the underlined text) presented at Appendix 3.

10.2.5 dissolves the Buckingham Bush Fire Brigade and appoint Mr Graeme Pilatti as a Shire of Collie Fire Control Officer for the purpose of issuing permits only. The area of responsibility is to be divided amongst the Williams Road BFB and the Collieburn Cardiff BFB along the current Coalfields Hwy.

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11. **CEO REPORTS**
Nil

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12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – December 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 December 2019.

Officer's Recommendation:

That Council accepts the Accounts as presented in Appendix 1 being vouchers 41701-41708 totalling \$2,600.59 and direct payments totalling \$900,669.19 authorised and paid in December 2019.

Background:

In accordance with clause 12 of the WA Local Government Financial Management Regulations (1996) the Council may delegate the authority to the Chief Executive Officer (CEO) to authorise payments from both the municipal, trust and reserve funds in accordance with the Annual Budget provisions. The CEO shall cause for section 13 of the WA Financial Management Regulations (1996) to be adhered to with a list of accounts for approval to be presented to the Council each month.

Month	2019/20		
	Cheques	Electronic Transfer	Total Payment
July	\$458.65	\$832,384.94	\$832,843.59
August	\$1,629.84	\$1,189,189.01	\$1,190,818.85
September	\$1,863.90	\$985,349.82	\$987,213.72
October	\$10,619.81	\$1,175,526.79	\$1,186,146.60
November	\$5,887.05	\$658,803.39	\$664,690.44
December	\$2,600.59	\$900,669.19	\$903,269.78
January			
February			
March			

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April			
May			
June			

Statutory and Policy Implications:

WA Local Government Act 1995
Financial Management Regulations 1996

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

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

Budget Implications:

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

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

Comment:

For a detailed listing of payments see Appendix 1.

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12.2 Financial Report – December 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 December 2019.

Officers Recommendation:

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

Background:

In accordance with Council policy and the provisions of the Local Government Act 1995, the Financial Report for the end of the period is presented to Council for information. Refer to Appendix 2.

Statutory and Policy Implications:

WA Local Government Act 1995
Financial Management Regulations 1996

Budget Implications:

Nil

Communications Requirements: (Policy No. CS1.7)

Nil

Strategic Community Plan/Corporate Business Plan Implications:

Nil

Relevant Precedents:

N/A

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Comment:

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

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

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

Operating Income by Program

1. **Governance is \$34,144 over budget due to the Local Government Insurance Scheme (LGIS) 2019 surplus distribution.**
2. **Law, Order & Public Safety is \$640,344 over budget as Council received the funds from DFES for the construction of the Worsley and Cardiff Bushfire Brigade.**
3. **Recreation and Culture is over budget by \$45,5419 as Council received the Collie River Trail grant earlier than expected.**

Operating Expenditure by Program

4. **Governance is \$66,582 under budget due to an error in the admin allocation which is currently being rectified.**
5. **General purpose funding is \$113,753 over budget due to an error in the admin allocation which is currently being rectified.**
6. **Law, Order and Safety are \$146,635 over budget due to the overspent in the Bushfire Brigade and SES expenditure (\$57,061) which is claimable from DFES, the Yourdamung Fire (\$42,595) and an unbudgeted grant expenditure for the Bushfire Mitigation (\$36,591)**
7. Other Property and Services are \$145,210 this is mainly due to the labour overheads and plant direct cost allocation which is currently being reviewed.

Operating Income by Nature and Type

8. Operating grants and subsidies are under budget by \$222,404 mainly due to the timing of as the quarterly payment for the Financial Assistance grants.
9. Contribution and reimbursements are \$101,546 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

10. Utility charges is \$79,631 under budget due to timing of the payments.
11. Other expenditure is \$9,354 under budget as elected members training budget is yet to be expended.

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Non-Operating Revenue and Expenditure Nature and Type

12. Non-operating grants and subsidies are \$118,802 over budget mainly due to the Roads to Recovery Grant was received earlier than expected.

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13. DEVELOPMENT SERVICES REPORTS

13.1 47 Booth Street – Outbuilding Control

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995 Planning & Development (Local Planning Schemes) Regulations 2015
File Number:	A6008
Appendices:	Yes – Appendix 3 Site Plan
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for a carport in the Rural Residential zone for a proposed carport at 47 Booth Street, Collie as the total collective floor area of all outbuildings exceed the development provisions of Local Planning Policy 2.1 Outbuilding Control.

Officer's Recommendation:

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

- 1. Grant approval to E&K Martin for the development of a carport at 47 Booth 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 'carport' as contained in State Planning Policy 3.1 Residential Design Codes.*
 - b) All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.*
 - c) This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.*
 - d) All works required to satisfy a condition of this approval are required to be installed/ constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.*

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Background:

An application has been received for a 10m X 4m carport at 47 Booth Street which will exceed the limit of 250m² floor area for outbuildings for lots zoned Rural Residential. Carport floor areas are used to calculate outbuilding floor areas in Local Planning Policy 2.1. A decision of Council is required for this application as the proposal seeks to vary the maximum 250m² total collective floor area for outbuildings on a lot zoned Rural Residential as contained in Local Planning Policy 2.1, Clause 6.1.

The proposal is for a carport at 47 Booth Street, Collie. This land was previously zoned Rural until 2016 when it was rezoned via a scheme amendment to Rural Residential (RR12). As a result of its historic rural zoning and use the Lot contains a large shed measuring 220m² as well as other smaller existing sheds which collectively exceed the total floor area allowed. The addition of another outbuilding further exceeds the required maximum total floor area.

Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015
Schedule 2 cl. 60 Requirements for Development Approval

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

- (g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (w) the history of the site where the development is to be located;*

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(zb) any other planning consideration the local government considers appropriate.

Local Planning Scheme No. 5

The subject lot is zoned Rural Residential (RR12). The proposal has been assessed in accordance with the following clause(s) of the Scheme:

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 2.1: Outbuilding Control

6.1 Maximum Floor Area

The total collective floor area of outbuildings on site shall be in accordance with Table 1: Maximum Size as follows:

<u>Lot Size</u>	<u>Maximum Size of Outbuildings</u>
700 m ² or less	70 m ²
701-1,000 m ²	81 m ²
1,001 m ² upwards	120 m ²
All Rural Residential zoned lots and Residential zoned lots greater than 2000m ²	250 m ²

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

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

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

Advertising is not required for the development application. Neighbours consent has not been sought as officers consider it will not impact on neighbours.

Strategic Community Plan/Corporate Business Plan Implications:

Goal 4: Our Built Environment

Outcome 4.1 Appropriate Land Use, Development and Heritage Conservation;

Strategy 4.1.1: Support and promote the conservation and maintenance of heritage buildings, sites and places of interest.

Relevant Precedents:

Several precedents existing for outbuildings exceeding the total floor area on large rural residential lots. The most recent approval of Council was at the Ordinary Council meeting, 30 July 2019, Decision No. 8217 for 44 Palmer Road, Collie.

Comment:

The current land parcel is approximately 13 hectares and the addition of a 4m x 10m carport will not make a significant difference to the presentation of this lot nor impact on neighbouring land parcels.

The approved structure plan provides for potential subdivision of this lot with the current house remaining on a new proposed lot size of 1.7ha. If subdivided, as per the approved structure plan, the existing lot would not include the large 220m² shed and therefore would meet the Local Planning Policy.

Therefore, considering the size of the current land parcel, the size of the carport proposed and the potential for subdivision to enable the current proposal to comply with the local planning policy officers recommend approval of the proposed carport.

Neighbours comments have not been sought due to the distance and positioning of the proposed carport on the lot.

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13.2 55 Ogden Street – Proposed Carport

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005 WA Local Government Act 1995 Planning & Development (Local Planning Schemes) Regulations 2015
File Number:	A1439
Appendices:	Yes – Appendix 4 & 5
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval for an R-codes variation, to allow a reduced side set back for a new carport at 55 Ogden Street, Collie.

Officer's Recommendation:

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

2. *Grant approval to (applicant) for the development of/ use of land for a carport at 55 Ogden Street subject to the following conditions:*
 - (a) *At all times, the development the subject of this planning approval must comply with the definitions of 'carport' as contained in State Planning Policy 3.1 Residential Design Codes.*
 - (b) *All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.*
 - (c) *This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.*
 - (d) *All works required to satisfy a condition of this approval are required to be installed/ constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development*
 - (e) *A separation distance of 500mm is to be maintained in perpetuity between the proposed carport and the existing patio.*
 - (f) *All storm water and water run-off from the hereby approved development shall be disposed of on-site to the satisfaction of the Shire of Collie.*

Background:

An application was received to vary the R-codes to reduce the side setback to allow an existing carport to be replaced with a new carport with posts on the boundary and

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a roofline (gutter) 500m from the boundary.

The existing carport is approximately 6m x 5.2m wide with the roof approximately 500mm from side boundary with posts . The proposed carport will replace this with a new improved structure that is 4m longer 10.0m x 5.2m.

The neighbours object to the extension within the side boundary setback for a number of reasons (see Appendix 4).

Site Plan-55 Ogden Street



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Statutory and Policy Implications:

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 cl. 60 Requirements for Development Approval

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

- (c) any approved State planning policy;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (w) the history of the site where the development is to be located;*
- (y) any submissions received on the application;*
- (zb) any other planning consideration the local government considers appropriate.*

Local Planning Scheme No. 5

The subject lot is zoned residential (R15).

State Planning Policy 3.1 - Residential Design Codes (R-codes)

This application does not meet one of the deemed to comply requirements of the R-codes for outbuildings. Specifically, it does not comply with the side setback requirement of 1.5m.

The design principle for outbuildings that officers are required to use if approving a variation to the R-codes is:

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

More specifically when considering a structure within the side setback officers are required to use the following design principles:

P3.1 Buildings set back from lot boundaries so as to:

- reduce impacts of building bulk on adjoining properties;*
- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- minimise the extent of overlooking and resultant loss of privacy on adjoining*

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properties.

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- does not compromise the design principle contained in clause 5.1.3 P3.1;*
- does not have any adverse impact on the amenity of the adjoining property;*
- ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- positively contributes to the prevailing development context and streetscape.*

Local Planning Policy:

Local Planning Policy 2.1 controls maximum size of outbuildings via Clause 6.1 shown below.

6.1 Maximum Floor Area

The total collective floor area of outbuildings on site shall be in accordance with Table 1: Maximum Size as follows:

<u>Lot Size</u>	<u>Maximum Size of Outbuildings</u>
700 m ² or less	70 m ²
701-1,000 m ²	81 m ²
1,001 m ² upwards	120 m ²
All Rural Residential zoned lots and Residential zoned lots greater than 2000m ²	250 m ²

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

A copy of the proposal was sent via post to the adjoining neighbours at 53 Ogden Street on 15 January 2020 requesting comment. A response objecting to the proposal was received on the 24 January 2020 (Appendix 4)

Strategic Community Plan/Corporate Business Plan Implications:

Goal 4: Our Built Environment

Outcome 4.1 Appropriate Land Use, Development and Heritage Conservation;

Strategy 4.1.1: Support and promote the conservation and maintenance of heritage buildings, sites and places of interest.

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Relevant Precedents:

Many precedents exist for carports to have posts on the boundary with a roof line 500 mm from the boundary. However, as these are managed under a request to vary the R-codes they are approved or rejected using officers discretion. These requests are approved by officers as neighbour consent is supplied with the application. Officers only bring these requests to Council for approval when a potentially effected party has provided written objection.

Comment:

The adjoining neighbours at 53 Ogden Street have objected to the extension occurring within the side boundary setback for the following reasons summarised below. Officers assessment/comments are provided for each objection given.

1. Sunlight and ventilation – the proposed carport is a 4m extension of the existing carport and will be alongside the neighbours own patio. Officers consider that the proposal would not significantly effect light and ventilation in excess of the neighbours own existing patio.
2. Relaxation/privacy – A carport is not an active habitable space as defined in the R-codes as is occupied neither frequently or for extended periods. There is also a solid fence (permanent screen) between the proposed carport and the neighbours patio therefore officers do not consider privacy and overlooking an issue.
3. Height due to the difference in ground level between the two properties – The height of proposed structures is taken into account when there is a solid wall. No solid wall on the carport is proposed. However, if it was, it would still meet the requirements of the R-codes which give a max wall height of 3.5m for a wall 10m long.

The height of the neighbour's property is also taken into consideration if there is concern over privacy and overlooking. Being a carport this is not a concern as it adjoins a patio on the neighbours side. Privacy and overlooking is not considered a concern, however, if it was, the height difference still meets the design principles in the R-codes as it does not block direct sun into buildings, major openings into habitable rooms or views of significance. This is due to the patio that already exists on the neighbour's property.

4. Brick fence may be used as retaining wall – If a retaining wall is required for the structure due to the difference in ground level between the two properties this will require a building and/or planning application.
5. Fire Hazard due to reduced fire separation distance between existing patio and proposed extension and reduced side setback from carport to neighbour's boundary - this is something that is considered under the building permit process and not the planning system. However, under the building code carports and patios are not deemed to contribute to fire spread provided they are separated by:
 - at least 500mm from the dwelling if they are within 500mm of the

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boundary; or

- at least 500m from the boundary if they are within 500mm of the dwelling.

Therefore, at this point of the assessment, it appears the proposal will meet this provision. This will be further investigated under the building permit process.

They also query the following:

1. Currency of specification – this will be updated to requirements of the Building Code at the building approval stage.
2. Accuracy of plans – Applicant has confirmed that the new carport will be 10.0m long and 5.2m wide as per plans (Appendix 4). Claims that the carport will be larger than this is not possible due to the distance between the house and the boundary being 5.8m and the distance of the existing patio from the front of the house being 11m.
3. Size and setback of existing patio – this does not form part of the current application and would need to be assessed for noncompliance against the approval that was given at the time. The addition of a pot belly in the patio is also not a consideration of this proposal but would need to be assessed for non-compliance. This is separate to this application and therefore not a consideration at this time.
4. Number of outbuildings already on the property – The total floor area of all outbuildings on the property including the proposed carport is approximately: 200m². A pool shed and garden shed are also located on the lot however outbuildings under 10m² with a wall height of less than 2.4m are exempt from the building code and therefore the garden shed and pool shed are not included in the calculation. However even if included the calculation still complies with the R-codes as detailed below:

Under the R-codes outbuildings are not allowed to exceed 60% in aggregate of the site area. The land parcel is 1012m² therefore outbuildings can occupy up to 607m². If the extended carport is approved this lot is still well under this figure and therefore the proposal complies with this requirement. Under the R-codes, open space is also a consideration and is set at 50% of the site area. The proposal complies with this requirement.

5. Concern over structural plans – Structural plans must comply with the building code. This is confirmed at the building approval stage.

In regard to floor area of outbuildings, Local Planning Policy 2.1 controls the maximum area allowed. This lot already exceeds the maximum permitted collective floor area of 120m² for a lot of 1021m². The proposal, being approximately 20m² larger than the existing carport will not materially impact on the collective site coverage for the lot.

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Considering the design principles for buildings and reduced lot boundary setbacks as required under the R-codes officers make the following assessment:

Streetscape and visual amenity will be unchanged as this is an extension in length to the rear of the existing carport. This will actually be improved as the new carport will be more solid and modern.

Increase in building bulk is negligible as is addition of 4m of roof and no solid wall.

Solar, ventilation and privacy are considered adequate (as detailed above in response to neighbour's objection).

Although neighbours have lodged their objections and concerns officers have considered and assessed that the proposed extension should not have an adverse impact on the amenity of the adjoining neighbour's property over or above the impact from the existing carport and patio.

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14. TECHNICAL SERVICES REPORTS

14.1 ShowCase in Pixels 2020

Reporting Department:	Technical Services Department
Reporting Officer:	Brett Lowcock- Director of Technical Services
Accountable Manager:	Brett Lowcock- Director of Technical Services
Legislation	Local Government Act 1995 – Section 3.57 Local Government Function (Function & General) Regulations 1996
File Number:	
Appendices:	Yes – Appendix 5
Voting Requirement	Simple Majority

Report Purpose:

To update Council on the ShowCase in Pixels (formerly Banners in the Terrace) proposal for 2020.

Council Recommendation:

That Council

- 1. receive the information pack relating to the ShowCase in Pixels competition for 2020.*
- 2. request staff to liaise with upper primary schools in Collie and Allanson in order to facilitate one nomination entry per school. A prize of 1 x \$50 voucher will be donated to each school as an award to the winning artist/student from each school.*
- 3. nominate Councillors _____ & _____ to assess the entries from each school and pick an overall winner. An additional prize of a \$250 voucher will be donated to the P&F Association of the winning school. The overall winner will be entered as the Shire of Collie's submission into the 2020 ShowCase in Pixels competition.*

Background:

In the past, Council relied upon the former Townscape Committee of Council to develop a strategy/process for creating a single submission into the Banners in the Terrace competition, which has now changed to be known as ShowCase in Pixels. The artwork which represents many Local Governments from across the State is then displayed on the large 360degree projector screen in Yagan Square in Perth during

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Local Government week. There are several categories available however, each Local Government must select a single category. The categories are;

- Junior primary school(s) (Pre-primary to Year 3)
- Upper primary school(s) (Year 4 to 6)
- Secondary school(s) (Year 7 to 12)
- Community group(s)/Non-professional
- Professional/Digital

Expressions of interest close on Friday 20 March and the entry needs to be submitted by Friday 29 May 2020.

Statutory and Policy Implications:

Nil

Budget Implications:

The total budget of \$500 for this project can be funded from the sundry account for minor items.

Communications Requirements: (Policy No. CS 1.7)

Nil

Strategic Community Plan Implications:

The item has the following links with the Strategic Community Plan 2017-2027.

OUTCOME 1.3 An active and supportive community

Strategy 1.3.3: support and encourage participation in community and civic events.

OUTCOME 1.4 – A growing community

Strategy 1.4.1: Attract new residents through promoting and marketing the lifestyle, natural environment, facilities, services and business opportunities in Collie.

OUTCOME 5.1 Good governance and leadership

Strategy 5.1.3: Represent and promote the Shire at a local, regional, state and national level.

Relevant Precedents:

Various procurement methods have been used in the past, which include working with local schools, the Collie Art Gallery and also approaching local artists. In 2019, the Shire sought quotes from local artists and awarded the work to local artist Donald Cook.

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Comment:

Preliminary discussions with some of the local primary schools indicate that they would be interested in working with their students to develop artwork for the ShowCase in Pixels. Staff believe that Council should select the Upper Primary School (Year 4 to 6) category for 2020 and seek nominations from each primary school.

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15. **MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN**
Elected Members have the ability to submit notices of motion between meetings and up to a time prescribed in standing orders before a meeting.
16. **QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**
Members have the ability to submit notices of questions between meetings and up to a time prescribed in standing orders before a meeting.
17. **URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**
18. **ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**
19. **STATUS REPORT ON COUNCIL RESOLUTIONS**
Summary reports on the status of Council's resolutions are;
- 'Closed Since Last Meeting' at Appendix 6
 - 'All Open' at Appendix 7
20. **CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**
- 20.1 Legal Matter
21. **CLOSE**