



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 25 August 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, 25 August 2020

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

21 August 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

August 2020 – September 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 25 August 2020

Weeds & Waterways Forum

4pm in Margaretta Wilson Centre

Tuesday 25 August 2020

Ordinary Meeting of Council

7.00pm in Council Chambers

Tuesday 1 September 2020

Tourism and Marketing Advisory Committee

9.30am in Council Chambers

Wednesday 16 September 2020

Community Safety and Wellbeing Committee

2.00pm in Council Chambers

SHIRE OF COLLIE
DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on _____ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest (see below)

* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council requires them to.

Name (Please Print)

Signature

Date

NB

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

Remember: The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting _____

2. Particulars recorded in the minutes _____

3. Signed by Chief Executive Officer _____

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

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

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SHIRE OF COLLIE
AGENDA - ORDINARY MEETING OF COUNCIL
Tuesday, 25 August 2020

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 25 August 2020 commencing at 7:00pm.

1. OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE

1.1 Councillors granted Leave of Absence at previous meeting/s.

Cr Miffing has been granted Leave of Absence for this Ordinary Meeting of Council at its meeting held 4 August 2020.

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

Question taken on notice from the previous meeting:

Mr Riley - Why did Council spray in January 2018 during marron season?

Response provided by staff:

Optimum results are achieved with this chemical when water temperatures are at their peak which is 20 degrees or higher. This period coincided with the Marron season in 2018.

Mr Riley - Why did Council spray in April 2020 when the water temperature is too cold?

Response provided by staff:

Spraying was scheduled to be undertaken following the closure of the marron season in 2020 (February). A rain event early February 2020 lowered river temperature to below 15 degrees and the water temperature did not return to a consistent 18 degrees until mid-April. The contractor completed 4 days of chemical application between 23rd April and 29th April 2020 during which period the water temperature was above 18 degrees average with a 7pH. This water temperature is suitable for effective mobilisation of the chemical through the plant to achieve best results.

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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.

- Professor Peter Cook from UWA to provide a presentation on the Collie river.

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 are two items of a Commercial Matter to be discussed.

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 4 August 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 Tourism and Marketing Advisory Committee

Recommendation:

That Council receives the minutes of the Tourism and Marketing Advisory Committee held on 11 August 2020.

10.2 Adopt the Recommendations of the Minutes of the Tourism and Marketing Advisory Committee

Recommendation:

That Council adopts en bloc the recommendations contained within the minutes of the Tourism and Marketing Advisory Committee held on 11 August 2020.

That Council endorse the Terms of Reference as presented at Attachment 1 for the Tourism and Marketing Advisory Committee.

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

Recommendation:

That Council receives the minutes of the Local Emergency management Advisory Committee held on 19 August 2020.

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11. CEO REPORTS

11.1 Corporate Business Plan Progress Report

Reporting Department:	Chief Executives Office
Reporting Officer:	David Blurton – Chief Executive Officer
Accountable Manager:	N/A
Legislation	N/A
File Number:	
Appendices:	Yes – Appendix 1
Voting Requirement	Simple Majority

Report Purpose:

To update Council on the progress of various major projects identified in the Corporate Business Plan 2017/18 – 2021/22 document.

Officer's Recommendation:

That Council receives the report as provided at Appendix 1.

Background:

Council has established a range of initiatives under its Corporate Business Plan 2017/18-2021/22 document which will be progressed over the current financial year. Forming part of the accountability commitment and in order to keep the Council informed on the progress of various works a project update report is provided.

Statutory and Policy Implications:

N/A

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

Provided to all staff members (revised version)

Strategic Plan Implications:

Key Objective 5.0 - Our Business

Our Goal:

To make decisions and manage the resources of the organisation in a sustainable manner, with a focus on;

- Effective medium – long term planning
- Effective Communication
- Development of our staff
- Achieving high standards in the management of Council's financial resources.
- Managing risk at an acceptable level.
- Fulfil the Council's strategic Goals and Objectives.

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Relevant Precedents:

Major Project Update reports are presented to Council quarterly.

Comment:

Given the number and wide range of projects questions pertaining to individual items would be appreciated prior to the meeting.

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11.2 Delegations 2020/21

Reporting Department:	Chief Executive Office
Reporting Officer:	David Blurton
Accountable Manager:	N/A
Legislation	Local Government Act 1995
File Number:	Gov/043
Appendices:	Yes - Appendix 2 & 3
Voting Requirement	Absolute Majority

Report Purpose:

Delegate certain functions to the Shire President, Chief Executive Officer, Chief Bushfire Control Officer and other staff.

Officer's Recommendation

That Council:

A) In accordance with S5.42 of the Local Government Act 1995 (Absolute Majority) delegates authority to the Chief Executive Officer for the following matters;

- 1.1 *Duties & Compensation*
- 1.2 *Notices Requiring Certain things to be done to land*
- 1.3 *Additional Powers Relating to Notices*
- 1.4 *Things local governments can do on land that is not local government property*
- 1.5 *Power of Entry on to Land*
- 1.6 *Removal and Impounding of any goods*
- 1.7 *Temporary Closure of thoroughfares*
- 1.8 *Level and alignment of thoroughfares*
- 1.9 *Control of certain unvested facilities*
- 1.10 *Tenders*
- 1.11 *Disposal of Property*
- 1.12 *Management of Investments*
- 1.13 *Investment of surplus funds*
- 1.14 *Non Payment of Rates*
- 1.15 *Rate Record Objections*
- 1.16 *Enforcement and Legal Proceedings*
- 1.17 *Activities on thoroughfares & trading in thoroughfares & public places*
- 1.18 *Grant Concession or write off debt*

That Council in accordance with the Bushfire Act delegate authority to the Chief Executive Officer for the following matter

- 1.19 *Bushfire Act Offences*

That Council in accordance with the Building Act 2011 delegate authority to the Chief Executive Officer for the following matter

- 1.20 *Issuing of Building Orders and Recovery of Expenses*

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That Council in accordance with the Planning & Development Act 1995 and Shire of Collie Local Planning Scheme No 5 delegate authority to the Chief Executive Officer for the following matters;

- 1.21 *Town Planning Functions (subdivision and development)*
- 1.22 *Town Planning Functions (taking action, legal proceedings and actions)*

That Council delegates authority to the Chief Executive Officer and the Environmental Health Officer pursuant to the Health Act 1911 for the following matters;

- 1.23 *Appoint Authorised Officers*
- 1.24 *Serve notices / orders and take requisite action*

That Council delegates authority to the Chief Executive Officer with regards to the administrative requirements regulated by the Food Act 2008

- 1.25 *Appointment of Authorised Officers*
- 1.26 *Issuing certificates, notices and infringements*

That Council notes the delegation already provided to the Chief Executive Officer pursuant to the Caravan and Camping Grounds Act 1995

That Council delegates authority to the Chief Executive Officer pursuant to the Public Health Act 1911 for the following

- 1.27 *Appointment of environmental health officers*
- 1.28 *Designation of Authorised Officers*

That Council in accordance with the Dog Act 1976 delegate authority to the Chief Executive Officer for the following matter

- 1.29 *Appointment of Authorised Officers*

That Council in accordance with the Bushfire Act (S.17) delegate authority jointly to the Shire President and Chief Bushfire Control Officer the following matter;

- 1.30 *Variation to Prohibited and restricted burning times*

That Council in accordance with the Building Act 2011 delegate authority to the Manager of Building Services for the following matters;

- 1.31 *Building Permits – issuing*
- 1.32 *Approve / refuse demolition applications*
- 1.33 *Inspection of Building or Demolition work;*
- 1.34 *Approve / Refuse Occupancy Permit applications;*
- 1.35 *Approve / Refuse other kinds of Occupancy permit applications*
- 1.36 *Inspection, copies of Building records;*
- 1.37 *Inspections of swimming pools*

That Council in accordance with the Building Act 2011 delegate authority to the Chief Executive Officer to;

- 1.38 *Commence prosecutions*
- 1.39 *Appoint authorised persons.*

That Council in accordance with the Local Government Act 1995 (S5.42) and by

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Absolute Majority that the Chief Executive Officer be delegated authority to;

1.40 Issue Swimming Pool Passes to Not for Profit Community Groups

1.41 Issue of Tip Passes to Not for Profit Organisations

That Council, subject to the requirements of the Liquor Control Act 1988 and Liquor Licensing Act 1988 delegate authority to the CEO to approve events where alcohol will be consumed on Council controlled reserves where deemed appropriate and with appropriate controls in place.

B) Receive the delegations report for 19/20 noting the instances where delegated authority has been used by staff as per attached Appendix 1.

C) That the CEO be authorised to provide one free tip pass per annum to Not for Profit organisations upon request.

Background:

Delegations are most commonly used in organisations where;

- A particular person has authority to exercise a discretion to enforce a right or discharge a duty on behalf of the organisation;
- That person or officer has either;
 - A multitude of authorities to exercise discretion to enforce rights or discharge powers; or
 - Many circumstances in which they have authority to exercise a discretion to enforce rights or discharge duties;
- The business of the organisation could not be efficiently carried on if that person were to personally exercise their discretion to enforce all the right or discharge all of the duties; and
- Through practical administration, that person needs to appoint other persons to exercise their discretion to exercise powers or discharge duties on behalf of the organisation

Whilst there is a requirement for local government delegations to be authorised by statute, there is no limitation (unless otherwise specifically stated by statute) on appointing a person to act on behalf of the local government or the CEO, provided that appointment does not include the power of delegation.

Sections 5.43 of the Local Government Act 1995 provides limitations on what powers and duties a local government can delegate to its CEO, stating that;

A local government cannot delegate to a CEO any of the following powers or duties;

- a. Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;*
- b. Accepting a tender which exceeds an amount determined by the local government of the purposes of this paragraph;*
- c. Appointing an auditor;*
- d. Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purposes of this paragraph;*
- e. Any of the local governments powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- f. Borrowing money on behalf of the local government;*

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- g. Hearing or determining an objection of any kind referred in section 9.5;*
- h. Any power or duty that requires the approval of the Minister or Governor; or*
- i. Such other powers or duties as may be prescribed.*

Section 5.43 (i) of the Act provides for regulations to prescribe further powers or duties which cannot be delegated to the CEO. The following regulations prescribe powers and duties which cannot be delegated to the CEO;

- a. Regulation 18G of the Local Government (Administration) Regulations 1996 prohibits the delegation to a CEO the powers and duties under*
 - a. Sections 7.12A(2), 7.12 (3)(a) and 7.12A(4) of the Local Government Act 1995 (relating to meetings with auditors); and*
 - b. Regulations 18C and 18D (relating to the selection and appointment of CEOs and reviews of their performance)*
- b. Regulation 6 of the Local Government (Financial Management) Regulations 1996 prohibits the delegation of the duty to conduct an internal audit to an employee (including the CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.*

The Act further allows the CEO to make delegations to other employees. A decision to delegate a power or duty should be made by local governments only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. This will therefore depend on the particular circumstances of each local government.

A Council is unable to deal with all of the numerous issues and duties concerning its local government. As far as is possible and reasonable, councils should be predominantly concerned with dealings with higher level policy matters for their local governments. Duties and powers which are operational by nature, but exercise discretion should be delegated to the CEO.

Powers and duties can be delegated to CEOs with comprehensive conditions attached. The conditions limit the exercise of powers or discharge of duties to circumstances prescribed by the council. For example, a permit application which does not satisfy the conditions attached to a delegation must be referred to the council for determination.

Section 5.46 of the Act, states that delegations are to be reviewed by the delegator (in this case Council) at least once every financial year. Appendix 1 includes the delegation register for the 19/20 financial year as well as the proposed register for 20/21 which provides more information / direction for staff on each of the delegations.

Statutory and Policy Implications:

Local Government Act 1995 (S5.16(1), 5.18, 5.42(1), 5.43, 5.44 (1))

Local Government (Miscellaneous Provisions) Act 1960; Strata Titles Act 1995 (S2 & 23)

Bushfires Act (S17 & S48)

Planning and Development Act 2005 (Item 11.3.1 & 11.3.2)

Shire of Collie Local Planning Scheme #5

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Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

Nil

Strategic Plan Implications:

Outcome 5.1 - Good governance and leadership

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

Relevant Precedents:

The recommended delegations reflect those which have been endorsed by Council for the past 2-3 years, with the exception point C) of the recommendation.

Comment:

A complete copy of the proposed delegations is attached at Appendix 1.

Each time a delegation is used, the relevant officer is required to record the use of the delegation in an appropriate register. This information is included in Appendix 1 for the 19/20 financial year for Councillors information.

Several new delegations are proposed by staff in the following areas.

Town Planning

The following modification/insertion shown in bold below is proposed to Town Planning Functions, item j) of delegation 21.

- j) To approve any development application for 'P' or 'D' uses under the Local Planning Scheme and impose reasonable conditions. All 'A' uses under the Scheme to be referred to Council for determination **"if any objections are received"** after advertising.*

By inserting **"if any objections are received"** applications can be approved by officers promptly and not be considered by Council. This allows for efficient processing of applications and reduces unnecessary delays promoting development.

It is proposed to create a new delegation (u) as shown below to be included in delegation 21, Town Planning Functions.

- u) To approve any development applications and R-Codes variations for outbuildings on land zoned **"Residential"** and **"Rural Residential"** which do not comply with the setback, floor area and height requirements of Local Planning Policy 2.1 subject to no adverse effects being foreseen on the surrounding area .*

This delegation will reduce time taken to process outbuilding applications and reduce Council consideration of outbuildings which in some cases are only minimal variations from policy. This allows for efficient processing of applications and reduces unnecessary delays promoting development. Advertising can still occur if required. If

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officers are of the opinion the outbuilding will create an adverse effect, then it will be referred to Council.

The following modification/insertion shown in bold below is proposed to the Activities on Thoroughfares and Trading in Thoroughfares and Public Places 2012, item iv) of delegation 17.

It is proposed to increase the stallholder's and trader's permits officer delegation from 3 months to 12 months.

*(iv) The determination of applications for stallholder's and trader's permits under Part 6 Division 1 provided that the application is for a period of **3 "12"** months or less and in the opinion of the Chief Executive Officer the issue of the permit will not impact adversely on nearby landholder or shire operations.*

This proposed modification is based on two issues, firstly, the application cost to apply and secondly the application process required. There is a maximum approval period of 12 months for any permit issued, therefore, regardless of whether Council or an officer approves a permit it can only be for a period of 12 months. Any refusal of an application would be dealt with by Council.

Further to this, there is a \$25 application fee regardless of the time period applied for. Therefore, it is cost effective for a trader or organization to only apply once, to stop paying \$25 application fee plus the time-based Permit fee.

It is also a reduction in red tape as each time an application is made Food Business Registration and Third-Party Public liability is required to be provided.

The current and proposed delegation iv) has the following section which allows officers discretion to send the application to Council for consideration.

"and in the opinion of the Chief Executive Officer the issue of the permit will not impact adversely on nearby landholder or shire operations."

The above section allows officers and the CEO to control and monitor applications if required. This modification is seen as reducing red tape and a cost reduction to traders while still having the ability of applications being considered by Council.

Staff have also included a new delegation relating to the approval of events on Council reserves which include the consumption of alcohol. At present it is not clear if the CEO has this authority, so that addition of this delegation will provide clarity. Staff are currently developing a policy on this issue which will provide some parameters around the approval process moving forward.

Building Department

There are a number of important statutory functions under the Building Act 2011 that have not as yet been formally delegated.

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It is proposed that new delegations 33 to 38 to follow be delegated to

- Shire of Collie Chief Executive Officer; with sub-delegation to
 - Director of Development Services; and
 - Building Surveyor (position title 'Manager Building Services').

They are necessary to allow for the effective operation of the Shire of Collie Building Services Department.

- *New Delegation #33 – Approve/Refuse Demolition Applications (s. 21 of Building Act 2011).*

A statutory requirement of the Local Government Permit Authority is to process Building Demolition Applications. There are currently no delegations in place for this function.

- *New Delegation #34 – Inspections of Building or Demolition Work.*

A statutory function of the Local Government Permit Authority is the ability to inspect or test a building, incidental structure, or building work or demolition work, to which a building permit or demolition permit applies.

This is a critical function of the Local Government to ensure onsite works are carried out in accordance with, and perform to, statutory requirements.

- *New Delegation #35 – Approve/Refuse Occupancy Permit Applications (s.41 of Building Act 2011).*

A statutory requirement of the Local Government Permit Authority is to process Occupancy Permit Applications. There are currently no delegations in place for this function.

- *New Delegation #36 – Approve/Refuse other kinds of Occupancy Permit Applications (s.46 to 52 of the Building Act 2011).*

A statutory requirement of the Local Government Permit Authority is to process other kinds of Occupancy Permit Applications encompassing:

- *s.46 Application for occupancy permit for completed building;*
- *s.47 Application for temporary occupancy permit for incomplete building;*
- *s.48 Application for modification of occupancy permit additional use of building on temporary basis;*
- *s.49 Application for replacement occupancy permit for permanent change of building use, classification;*
- *s.50 Application for occupancy permit or building approval certificate for registration of strata scheme, plan of re-subdivision;*

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- *s.51 Application for occupancy permit of building approval certificate for unauthorised work'*
- *s.52 Application for occupancy permit or building approval certificate for building with existing authorisation*

There are currently no delegations in place for these functions.

- *New Delegation #37 – Inspections, Copies of Building Records (s.131 of the Building Act 2011).*

Delegated function is to determine an application from an interested person to inspect and copy a building record.

- *New Delegation #38 – Swimming Pools (s.93 of the Building Act 2011, and r.53 of Building Regulations 2012)*

A statutory requirement of the Local Government Permit Authority is to Inspect and Enforce Compliance for barriers to private swimming pools.

The following new delegation #39 is proposed to be delegated to Shire of Collie Chief Executive Officer; with sub-delegation to the Director of Development Services:

- *New Delegation #39 – Prosecutions (s. 133 of the Building Act 2011).*

Authority to initiate a prosecution for an offence against the Building Act 2011.

The following new delegation #40 is proposed to be delegated to the Shire of Collie Chief Executive Officer:

- *New Delegation #40 – Authorised Persons (s.96 of the Building Act 2011)*

This delegation allows the Chief Executive Officer to delegate, by instrument in writing, a public services officer as an authorised person for the purposes of the Building Act 2011.

It is considered that these delegations will contribute to the effective operation of the Shire of Collie during the 20/21 financial year.

Environment Health

During a review of the delegations it was discovered that there have been omissions and errors which include reference to the incorrect section of various acts and the exclusion of some relevant sections. These are outlined detailed in the Proposed Delegations Section. These corrections are of a technical nature to bring the Shire into compliance rather than an expansion of delegation.

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11.3 Minninup Pool R34343 – Excision of Land for Commercial Lease and Commence Expression of Interest Process.

Reporting Department:	Development Services
Reporting Officer:	Katya Tripp – Shire Planner
Accountable Manager:	David Blurton – CEO
Legislation	WA Local Government Act 1995 Land Administration Act 1997
File Number:	CMG/251
Appendices:	Yes – Appendix 4 - Drawing No. COL2029
Voting Requirement	Simple Majority

Report Purpose:

To seek Council Approval to excise two portions of reserve 34343 (Minninup Pool) to establish leases for the purpose of short term eco tourist accommodation and to invite expressions of interest for the development and operation of short term eco tourist accommodation under a lease arrangement.

Officer's Recommendation:

That Council requests the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands) to:

- 1. Excise the two portions of land approximate in 10.5ha in area (subject to survey), as identified in drawing No. COL20 29.1 dated 06/07/2020, from Reserve 34343, for the purpose of establishing as commercial lease areas for the purpose of short term eco tourist accommodation.*

That Council pursuant to the provisions of the WA Local Government Act 1995, hereby resolves to:

- 2. Invite expressions of interest for the development and use of two proposed lease areas on reserve 34343, in drawing No. COL20 29.1 dated 06/07/2020, for the purpose of low impact eco tourist accommodation, including that:*
 - a) Area 1 (the old hockey ground) is to be developed for fully serviced camping and chalet accommodation and*
 - b) Area 2 (Kings Park) is to be developed for high end, off the grid boutique accommodation.*

Background:

Reserve 34343 is vested in the Shire of Collie for the purpose of parklands and recreation with power to lease for any term not exceeding 21 years. The reserve

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consists of two land parcels totally 198.54Ha in size with the main parcel being formally identified as Lot 5220 On Deposited Plan 240066.

In mid 2018 funding was received to “undertake planning and environmental assessments for a nature based tourism facility, including low key overnight accommodation, at Minninup Pool, Collie” (Financial Assistance Agreement, Royalties for Regions).

In accordance with the funding agreement the Shire has undertaken the following:

1. Community engagement (including aboriginal)
2. Demand analysis
3. Concept master planning
4. Prefeasibility (including financial analysis)
5. Aboriginal heritage report
6. Headworks related infrastructure investigation
7. Geotechnical investigation
8. Flora and fauna survey

The Brighthouse Demand and Prefeasibility Report and the recommended next steps for the project was endorsed by Council on 10 December 2019:

Motion #8336

Officer's Recommendation/Council Decision:

That Council;

1. *Notes the progress of the Minninup Pool tourism project*
2. *Receives the Minninup Pool Demand and Prefeasibility Study undertaken by Brighthouse;*
3. *Supports the campground and day use areas of the project proceeding to detail design and development of indicative costings;*
4. *Supports the eco accommodation concept area of the project and progressing sufficient design works to determine head work costs.*
5. *Supports the Minninup Pool Project Management Group undertaking discussions with the commercial sector to gauge interest in developing and operating the campground, eco accommodations and the area known as Kings Park as per the concept plans.*
6. *Apply to the Minister of Lands to vary the vesting of Reserve 23606, R34343 to include accommodation, tourist uses and power to lease for up to 99 years.*

This item addresses numbers 5. And 6. of the above decision.

The Shire has been working with the Department of Lands to understand the process required to secure the ability to lease parts of the reserve for the purpose of short term eco tourist accommodation before undertaking an expression of interest process.

The process required by the Department of Lands is to excise the proposed lease areas from the reserve and establish them as individual lots for the purpose of short term eco tourist accommodation. Therefore, officers request permission to undertake this process with the Department of Lands.

However, there has also been strong developer and investor interest in one of the nominated sites (known as Kings Park), and therefore officers also seek Council permission to call for expressions of interest for the development of short-term

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accommodation and associated infrastructure on the two nominated sites as identified in the Brighthouse Demand and Prefeasibility Study.

Officers believe that these processes can run concurrently thereby hoping to save some time whilst also keeping current developer/investor interest.

Statutory and Policy Implications:

WA Local Government Act (1995)

Section 3.58 of the Local Government Act refers to the disposal of property:

Land Administration Act 1997 - Excision of land from a reserve can only be actioned by Local Government via the Land Administration Act 1997.

Budget Implications:

A flyer and advert for advertising the draft EOI is expected to cost \$500 and will be covered by the Minninup Pool project budget.

Communications Requirements: (Policy No. CS 1.7)

The EOI process will be advertised in the South West Times and the The West Australian newspapers as well as via the Shires website, notice board and facebook page.

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:

Council put out EOI for Lot 2872 and 27 Throssell Street, Collie.

Excision of land - Council is working through a similar project with its Waste site reserve and seeking authority from Department of Lands to enter a commercial lease arrangement on the site.

Comment:

As per the Brighthouse report - the two land areas identified and proposed are for slightly different developments:

1. The one on the site known as Kings Park is proposed to be for off the grid (unserviced) boutique accommodation. The number of individual accommodation sites will be low and they are to be suitably spaced apart for privacy and exclusivity.
2. The site known as the Old Hockey Ground is proposed for serviced camping and chalet accommodation. This will have a larger number of sites with a more traditional campground/chalet park layout.

It is recommended that the EOI documentation and excision of land from the reserve reflects these recommendations as they are the result of much research and community consultation.

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The areas proposed for lease have not been surveyed as yet but they have been chosen based on the Brighthouse report and community consultation including the Noongar visioning and heritage reports and both the excision and EOI processes can begin subject to survey. Please note that the proposed lease areas avoid the Registered Aboriginal Site and that it is not recommended that survey be undertaken until the preferred developer/operator has been chosen so that they can have input into the final lease boundaries.

For the site known as Kings Park, distances that infrastructure is required to be from the water still needs to be established with Department of Water and this is likely to occur as part of the department of Lands referral process once they have received the request to excise the portions of land from the reserve.

The process as outlined by the Department of Lands is to excise the proportions of the reserve for lease, subject to survey, and to establish lease agreements whereby the Shire leases the land from the State. The Shire would then sublease this land to a developer/operator. Considerations such as market value for the land, lease timeframes, commencement dates, and use of the sublease funds for the day use areas of the reserve are to be negotiated through the lease process.

Ministerial approval will be required for commercial development to establish and operate from these sites and, combined with the process of establishing legal lease agreements and meeting the preferred developer requirements, can take some time.

There has been some keen interest in establishing tourism accommodation at the Kings Park site. In order to continue momentum for these developers as well as test the market to find other potential developers, officers seek Council approval to begin the excision process and to invite expressions of interest.

If given approval to excise the two portions of land, subject to survey, officers will forward the decision, Drawing No. COL20 29.1 and a copy of the Brighthouse report to the Department of Lands whom will then refer the request to relevant agencies and stakeholders for comment.

Whilst this is occurring, subject to Council approval, officers can advertise for expressions of interest on the two parcels of land as identified in Drawing No. COL20 29.1 for the purposes as identified in the Brighthouse report.

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12. CORPORATE SERVICES REPORTS

12.1 Customer Service Charter 2020

Reporting Department:	Corporate Services
Reporting Officer:	Allison Fergie - Director Corporate Services
Accountable Manager:	Allison Fergie - Director Corporate Services
Legislation	Local Government Act 1995
Appendices	Yes – Appendix 5
File Number:	GOV/044
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider adoption of a revised Customer Service Charter.

Officer's Recommendation:

That Council adopt the Customer Service Charter 2020 as presented at Appendix 5.

Background:

Since 1999 Council has had a customer service charter which, as part of a drive towards best practice in customer service delivery, was identified in Council's Strategic Plan of that time.

Periodic reviews of the Customer Service Charter have been undertaken over the years since the introduction of the initial Charter with the current version adopted in 2014 due for review.

The Customer Service Charter 2020 presented at Appendix 5 has been internally reviewed by senior management and is presented for Council consideration.

Statutory and Policy Implications:

Whilst the new Charter will not have legal status the Charter will prescribe key performance requirements which specify the level of service to be provided by the Shire and outline expectations of staff as they undertake their work.

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

If adopted, promotion of the Charter through the Shire website and service counters.

Strategic Community Plan/Corporate Business Plan Implications:

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

Outcome 5.2: Effective and efficient people and corporate services.

Strategy 5.2.2 Provide and promote responsive customer services.

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5.2.6 Promote continuous improvement of services, corporate systems and processes.

Relevant Precedents:

At its meeting held 11 November 2014, Council resolved:

6584 - That Council adopt the Customer Service Charter 2014 as presented in Appendix 4.

Comment:

Within the Shire of Collie Corporate Business Plan the Shire's Customer Service Charter is recognised as a key document to which the Shire will be held accountable.

It aims at ensuring that everyone within the organisation understands Council's expectation of staff in their customer services roles within the context of achieving Council's strategic and operational objectives.

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13. DEVELOPMENT SERVICES REPORTS

13.1 Application for 12 Month Trading Permit – Griffos Soft Serve

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Local Government Act 1995 Activities in Thoroughfares and Public Places and Trading Local Law 2012.
File Number:	PHL/011
Appendices:	No
Voting Requirement	Simple Majority

Report Purpose:

For Council to consider a request an application for a Traders Permit from Griffos Soft Serve under the *Activities in Thoroughfares and Public Places and Trading Local Law 2012*.

Officer's Recommendation:

That Council, pursuant to the provisions of the Activities in Thoroughfares and Public Places and Trading Local Law 2012, hereby resolves to grant a Traders Permit to Michael Griffiths for Griffos Soft Serve to operate two(2) roaming food vans subject to the following conditions:

- 1. Place to which permit applies: Roaming – Shire of Collie*
- 2. Description of stand, structure or vehicle to be used by the licensee:
'Licenced to one (1) of the following vehicle number plates at any one (1) time 'Griffo's Soft Serve' Van (BY157C or WCE1315)*
- 3. Particulars of goods, wares, merchandise or services available:
Soft Serve, Confectionery, Soft Drinks and Snow Cones*
- 4. Permitted days and hours when stall may be operated:
Monday - Sundays: 9am-8pm*
- 5. This permit is valid until 4 September 2021*
- 6. The licensee shall maintain a public liability insurance of not less than \$20 million at all times.*
- 7. Trading is not permitted within 400 metres of an established premise selling similar goods.*

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8. This permit shall be available for inspection from the food business at all times during operation.

Background:

The 'Griffos Soft Serve' mobile vendor has re-applied for a roaming permit for a new period of twelve (12) months commencing from the date of approval. Griffos Soft Serve is a registered Food Business with the Shire of Harvey and is seeking permission to trade in public places within the Shire of Collie. They are currently operating at the same frequency under a previous 12-month approval.

Statutory and Policy Implications:

Local Government Act 1995

Under Section 5.42 of the Act Council has delegated to the CEO the power to determine Permits under Part 6 of the *Activities in Thoroughfares and Public Places and Trading Local Law 2012* for a period of 3 months or less and only if in the opinion of the CEO the permit will not adversely affect nearby landowners or Shire operations.

Activities in Thoroughfares and Public Places and Trading Local Law 2012

Part 6 – Trading in Thoroughfares and Public Places

Trading includes -

- (b) displaying of good in any public place for the purpose of –*
 - (i) Offering them for sale or hire;*
 - (ii) Inviting offers for their sale or hire;*
 - (iii) Soliciting orders for them; or*
 - (iv) Carrying out any other transaction in relation to them*

Budget Implications:

Nil

Communications Requirements: (Policy No. CS 1.7)

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

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

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

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

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Outcome 5.1: Good Governance and Leadership

Action 5.1.5.5 Ensure formal land use agreements are in place for all third parties who operate from Council reserves in accordance with Council Policy.

Relevant Precedents:

Council approved this vendor for a 12-month period of trading since 2018.

Comment:

This business has visited Collie on regular basis for a significant period of time and no adverse comments have been received by Shire officers regarding this operation. There are no material reasons or compelling issues to refuse permission for the Goods Sheds Markets to continue.

It is recommended that Council support the Officers recommendation and grant approval for a Trading Permit to Michael Griffith for Griffos Soft Serve to continue trading in accordance with the above-mentioned conditions.

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13.2 Development Approval for Outbuilding Located Within Rear Setback Area

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:	A5236
Appendices:	Yes – Appendix 6
Voting Requirement	Simple Majority

Report Purpose:

To seek Council approval for an outbuilding under clause 5.7.1 of the Local Planning Scheme No. 5 (Scheme) in respect of setback requirements in the 'Rural 1' zone.

Officer's Recommendation:

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

1. *Grant Development Approval to Alan & Rochelle Read for the development of an Outbuilding at 117 Patstone Road Allanson 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.*

Background:

An application has been received for Development Approval of an outbuilding to be built within the rear setback area of a Rural 1 zoned lot at 117 Patstone Road Collie. 117 Patstone Road is approximately 2.8 hectares in area, zoned Rural 1 and grades upslope from Patstone Road. Refer Appendix 6.

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A decision of Council is required for this application as the proposal seeks to vary the rear setback requirements for the Rural 1 zone which are provisions set out in the Scheme Schedule 11 – Development Standards. The proposed outbuilding is setback 7.5 metres from the rear boundary. A 30 metre rear setback is required for development within the Rural 1 zone. Under clause 5.7.1 a decision of Council is required for a proposal that does not comply with the prescribed standard.



Site Plan: 117 Patstone Road Collie

Statutory and Policy Implications:
Local Planning Scheme No. 5

The subject lot is zoned Rural 1 The proposal has been assessed in accordance with the following clause(s) of the Scheme:

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Schedule 11 contains the following development standards:

Development Standards

ZONE	MINIMUM SETBACK			MAXIMUM SITE COVERAGE (percent)	MINIMUM LOT SIZE	LAND- SCAPING (%)
	FRONT	SIDE	REAR			
RESIDENTIAL	<i>As per the Residential Design Codes except for non-residential development in which case the standards shall be as required by the local government in each particular case.</i>					
RESIDENTIAL DEVELOPMENT	<i>As per the Residential Design Codes except for non-residential development in which case the standards shall be as required by the local government in each particular case.</i>				(A)	
TOWN CENTRE	Nil (D)	Nil (D)	6 (D)	90% (D)	500m ² (D)	10 (D)
MIXED USE	Nil (D)	Nil (D)	6 (D)	75% (D)	500m ² (D)	10 (D)
GENERAL INDUSTRY	9	5	7.5	50	2,000m ²	5
LIGHT AND SERVICE INDUSTRY	7.5	3	7.5	60	2,000m ²	5
RURAL RESIDENTIAL	<i>As per clause 5.9.5</i>				(C)	
RURAL 1	30	15	30	(B)	(B)	
RURAL 2	30	15	30	(B)	(B)	

Clause 5.7 of the Scheme allows for variations of setbacks and states:

5.7 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

5.7.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

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5.7.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to:

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

5.7.3 The power conferred by this clause may only be exercised if the local government is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

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;

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.

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*

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

Strategic Community Plan/Corporate Business Plan Implications:

Goal 3: Our Built Environment

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

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

Relevant Precedents:

On the 4 August 2020 Council approved (Resolution 8515) a reduced setback for an outbuilding at 27 Rosel Road Collie.

Comment:

Although the outbuilding is built within the setback areas there are no foreseen impacts on the adjacent landholders. The outbuilding is approximately 150 metres from the nearest dwelling. The outbuilding is 7.5 metres at its closest point from the lot boundary. There are no overshadowing issues to be addressed. The proposed outbuilding area is 96m² in area and meets policy requirements for Rural zoned lots as there are no outbuilding floor area limits for Rural zoned lots. There is sufficient space to create a fire break between the lot boundary and outbuilding.

In regard to clause 5.7.2, it is the opinion of the officer that there will be no adverse effects of the proposed development to any owners or occupiers in the general locality or adjoining the site and can be approved without consultation.

In regard to clause 5.7.3 (b), it is considered there will be no adverse effects upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

It is the officer's recommendation that the application be conditionally supported.

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13.3 Final Adoption of Local Planning Scheme No. 5 Amendment No. 6 - Reclassifying lot 2667 (14 Clifton Street) from “Public Purpose – Civic” Reserve to “Residential” zone with a “R25” density coding.

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:	LUP/056
Appendices:	Yes – Appendix 7 & 8
Voting Requirement	Simple Majority

Report Purpose: To seek Council to support Local Planning Scheme No. 5 Amendment No. 6 and request the Hon. Minister for Planning endorse the amendment for final approval.

Officer’s Recommendation:

That Council:

- 1. Note the Schedule of Submissions prepared in respect of Amendment No. 6.*
- 2. In accordance with Clause 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, support Amendment No. 6 to Local Planning Scheme No. 5.*
- 3. Authorise that the amendment documentation be signed and sealed (with the use of the common seal) by the Shire President and the Chief Executive Officer and then submit to the Western Australian Planning Commission along with a request for the endorsement of the final approval by the Hon. Minister for Planning.*
- 4. Advise those parties that made a submission of Council’s decision, and*
- 5. Advise the proponent of Council’s decision.*

Background:

Amendment No. 6 was initiated (8425) on 21 April 2020 by Council for the purposes of community consultation as below:

That Council:

- 1. In pursuance of the Planning and Development (Local Planning Schemes) Regulations 2015 initiates Amendment No. 6 to the Shire of Collie Local Planning Scheme No. 5 for community consultation for the purposes of:*
 - a) reclassifying lot 2767 (14 Clifton Street) from “Public Purpose – Civic” Reserve to the “Residential” zone with a “R25” density coding.*
 - b) Amend the Local Planning Scheme No. 5 map accordingly.*

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2. *Notes that, as the Amendment is in the opinion of the Council consistent with Part V of the Act and Regulations made pursuant to the Act, upon preparation of the necessary documentation, the Amendment be referred to the Environmental Protection Authority(EPA) as required by the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not to be subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Planning and Development(Local Planning Schemes) Regulations 2015. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.*

3. *Advises the Western Australian Planning Commission that Amendment No. 6 is considered a 'standard' amendment pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
 - a) *It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve.*

 - b) *It is an amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment.*

 - c) *It is an amendment that does not result in significant environmental, social, economic or governance impacts on land in the Scheme area.*

Consultation has occurred in accordance with the relevant legislation and the proposed amendment is now presented to Council for consideration and support. See Appendix 7 & 8 for advertised amendment document.

Statutory and Policy Implications:

Planning and Development Act 2005

Section 75 – A local government may amend a planning scheme with reference to any land within its district by an amendment proposed by all or any owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

Section 77 – Every local government in preparing or amending a local planning scheme – is to have regard to any State Planning Policy which affects its district and may include in the scheme a provision that a specified State Planning Policy, with such modifications as may be set out in the scheme, is to be read as part of the scheme.

Section 81 - Requires that when Council resolves to prepare or adopt an amendment that the proposal be referred to the Environmental Protection Authority for the determination of whether the amendment requires a formal review.

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Section 82 – If the local authority wishes to proceed with the amendment it must firstly comply with or resolve any review requirements of the EPA. The commencement of advertising is not to be undertaken until this action is completed.

Section 83 – A local government, before submitting an amendment to the Minister is to make reasonable endeavours to consult such public authorities and persons as appears to be likely to be affected by the amendment.

Section 84 – After compliance with sections 81 and 82 an amendment to a planning scheme prepared or adopted by a local government is to be advertised for public inspection in accordance with the regulations.

Section 87 – After advertising, scheme amendment to be submitted to the Minister for approval by the Minister.

Planning and Development (Local Planning Schemes) Regulations 2015

The Planning and Development (Local Planning Schemes) Regulations 2015, which came into operational effect on 19 October 2015, identifies three different levels of amendments – basic, standard and complex.

A Standard Amendment means any of the following amendments to a local planning scheme-

- (a) *An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- (b) *An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- (c) *An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- (d) *An amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*
- (e) *An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) *An amendment that does not result in any significant environment, social, economic or governance impacts on land in the scheme area;*
- (g) *Any other amendment that is not a complex or basic amendment.*

Clause 35 addresses the requirements for adoption of a scheme amendment. Clause 47 addresses the requirements for advertising of a standard amendment and Clause 50, the consideration of submissions and resolution of the local government.

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Other clauses address the specific requirements for amending a local planning scheme such as the information to be provided to the Commission when seeking final approval (Clause 53).

Budget Implications:

There are no budget implications for this proposal. Prescribed fees were paid for the amendment to be processed.

Communications Requirements: (Policy No. CS 1.7)

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.

The proposed amendment required a referral to the Environmental Protection Authority (EPA) for an environmental review, prior to formal advertising.

The EPA response was received in May 2020 and advised that the proposal did not need to be assessed under Part IV Division 3 of the Environmental Protection Act 1986.

The proposed scheme amendment was then advertised for public inspection for 42 days between June and July 2020 in accordance with Sections 83 and 84 of the Planning Development Act 2005 and the Planning and Development (Local Planning Scheme) Regulations 2015.

Letters were sent to nearby landowners adjacent to the site and service agencies. Four (4) service agencies replied raising no issues and one (1) nearby landowner replied with concerns regarding future development of the site. Please see Appendix 7 & 8 for Schedule of Submissions and Submissions.

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:

This proposed amendment is the sixth amendment to Local Planning Scheme No. 5.

Comment:

The proposed amendment has been advertised, consultation has occurred, and the approval process have been undertaken in accordance with the relevant legislation. No issues were raised through the consultation which cannot be addressed through

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the planning process. This proposed amendment will allow an unused reserve to be reclassified in Residential zoned land for future development. It is seen as a positive for the area as the current reserve is unlikely to be developed and lie idle in an unmanaged state.

It is recommended that Council support the officer's recommendation and support the amendment and request the Hon. Minister for Planning endorse the proposed amendment for final approval.

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13.4 Library Lower Floor Offices – Permit to Occupy

Reporting Department:	Development Services
Reporting Officer:	Andrew Dover – Director Development Services
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	WA Local Government Act 1995
File Number:	A5906
Appendices:	No
Voting Requirement	Absolute Majority

Report Purpose:

To seek Council approval for a Permit to Occupy the Library Lower Floor Offices on a cost neutral basis in support of the State Government initiative to support local business development.

Officer's Recommendation:

That Council by Absolute majority authorises the Chief Executive Officer to enter into a Permit to Occupy on Lot 956 Throssell Street, Collie for the Library Lower Floor Offices to IPS Management Consultants for 12 months on a cost neutral basis and to affix the common seal.

Background:

The Library Lower Floor Offices were previously leased to the Disability Services Commission from 2008 to 2019 for a rent of \$1 plus a 7.57% share of the outgoings (based on percentage of the net lettable area of the building). A commercial lease of these offices is not available as the reserve does not have 'power to lease' from the Minister of Planning, Lands and Heritage.

The State government has appointed IPS Management Consultants (IPS) to assist Collie existing businesses to be 'tourism ready' and new businesses to be developed. IPS have experience and expertise in Collie as they have been engaged by the South West Development Commission providing business coaching and developing business cases tailored for individual businesses.

Business Advisory

IPS specialises in assisting organisations and businesses to develop their capability and capacity for growth. We offer financial management and reviews, procurement support, workshop delivery and design, strategy development and execution, business plans, governance training and consulting. (Extract from IPS Capacity Statement)

Statutory and Policy Implications:

WA Local Government Act (1995)

Section 3.58 of the Local Government Act refers to the disposal of property and includes lease arrangements. Under this section, local public notice and a submission period is required to be undertaken by Council's when entering lease arrangements,

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however there is a specific exemption under section 30 of the associated Functions and General Regulations where the intended lease is less than 2 years;

- 30 (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- 30 (2) A disposition of land is an exempt disposition if —
- 30 (2)(e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;

Budget Implications:

It is proposed that this arrangement be on a cost neutral basis with IPS paying 7.57% of outgoings (electricity and water) and cleaning expenses for the shared toilet and kitchen, plus office space if required.

Communications Requirements: Policy No. CS 1.7

Nil.

Strategic Community Plan/Corporate Business Plan Implications:

GOAL 2 OUR ECONOMY – A Strong and Diversified Economic Base Driven By A Range Of Business and Employment Opportunities

Outcome 2.1 Local industrial development and diversification

Strategy 2.1.1 Work with the State Government to invest in Collie's economic future

Strategy 2.1.2 Promote and support local industry development and diversification

Outcome 2.2 A strong business and services sector

Strategy 2.2.1 Promote and support growth in the commercial, professional and government services sectors

Relevant Precedents:

Council leased the Library Lower Floor Offices on a similar basis. Council issued a Permit to Occupy the Railway Institute Building for 1 year to the Darts Club in 2015.

Comment:

IPS have offices located in Bunbury and Perth. It would benefit local businesses if IPS were to have a full time presence in Collie while they are working to assist existing businesses 'tourism ready' and new businesses to be developed. The State government have requested that the Shire provide office accommodation for this business.

It is recommended that the Library Lower Floor Offices are provided for the use of IPS for the following reasons:

1. Having this resource locally rather than in Bunbury will only benefit businesses;
2. It is in line with the Shire's commitment to be a 'Small Business Friendly Council';
3. It is in line with the Council's Community Strategic Plan to '*Work with the State Government to invest in Collie's economic future*' and '*Promote and support local industry development and diversification*';
4. It is a token of good faith to work with the State government for the benefit of

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the local community;

5. It will create potentially beneficial networks between the Shire, IPS and the State government; and
6. It involves no financial commitment from the Council.

14. TECHNICAL SERVICES REPORTS

Nil

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

Elected Members have the ability to submit notices of motion between meetings and up to a time prescribed in standing orders before a meeting.

Cr Italiano

“That Council contact the local member, Hon Mick Murray, to ascertain if there is the opportunity that restoration of the Premier Hotel veranda be included in the Throssell Street upgrade.”

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 9
- 'All Open' at Appendix 10

20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Two items of a commercial nature

21. CLOSE