



Shire of
Collie

AGENDA

for the

SPECIAL MEETING OF COUNCIL

to be held on

Tuesday, 21 July 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, 21 July 2020

in Council Chambers at 87 Throssell Street, Collie WA,



David Blurton
Chief Executive Officer

16 July 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

July 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 21 July 2020

Special Meeting of Council
7.00pm 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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AGENDA - SPECIAL MEETING OF COUNCIL
Tuesday, 21 July 2020

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 21 July 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

Nil

4. DISCLOSURE OF FINANCIAL INTEREST

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

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

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

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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

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

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

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

7. ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS

8. CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES

Nil

9. BUSINESS ARISING FROM THE PREVIOUS MINUTES

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

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

Nil

11. CEO REPORTS

Nil

12. CORPORATE SERVICES REPORTS

Nil

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13. DEVELOPMENT SERVICES REPORTS

13.1 Request to Amend Development Conditions on Development Approval – Veterinary Centre 27 Harvey Street Collie

Reporting Department:	Development Services
Reporting Officer:	Robert Quinn – Shire Planner
Accountable Manager:	Andrew Dover – Director Development Services
Legislation	Planning and Development Act 2005
File Number:	A998
Appendices:	Yes – Appendices 1, 2 & 3
Voting Requirement	Simple Majority

Report Purpose: To seek Council approval for a request to amend development approval conditions for a Veterinary Centre approved by Council on 13 February 2018.

Officer's Recommendation:

That Council:

pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to grant approval to Jules Vandenberg for the use and development of 27 (Lot 5) Harvey Street Collie 6225 as a Veterinary Centre subject to the following conditions:

- 1. At all times, the development the subject of this planning approval must comply with the definition of "Veterinary Centre" as contained in Schedule 1 of the Shire's Local Planning Scheme No. 5.*
- 2. All development shall be in accordance with the approved development plan Sketch No. A1 dated 14 July 2020 (attached) which form part of this planning approval. (AMENDED)*
- 3. 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.*
- 4. 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.*
- 5. The use/development of this hereby approved development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, water products or grit, oil or otherwise.*

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6. Within 60 days of occupation/and or use of the hereby approved development, the landscaped area(s) shown in green on the approved development plan(s) and must be planted, established, reticulated and thereafter maintained to the satisfaction of the Shire of Collie. (AMENDED)
7. Within 60 days of occupation/and or use of the hereby approved development, a minimum of sixteen car parking bays must be identified to be used in conjunction with the land the subject of this planning approval and to the satisfaction of the Shire of Collie. (AMENDED)
8. Within 60 days of occupation/and or use of the hereby approved development, a minimum of one car parking bay must be provided for the exclusive use of disabled persons in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the Shire of Collie. (AMENDED)
9. Within 60 days of occupation/and or use of the hereby approved development, linemarking and parking signage must be installed in accordance with the approved plans and must show four (4) designated staff bays within the lot. (AMENDED)
10. Within 60 days of occupation/and or use of the hereby approved development, a minimum of two horse float parking bays (bay length to accommodate horse float and associated vehicle) are to be linemarked within the lot. (AMENDED)
11. Appointments for horses (or such large animals) to be scheduled so that a maximum of two horse floats are parked on the property at any one time. No on street parking of horse floats are permitted.
12. At all times, all loading and unloading of horses (or such large animals) must take place within the boundaries of the site with the entry and exit gates shut.
13. No animal is to be kept outside the building overnight.
14. Within 60 days of occupation/and or use of the hereby approved development, the access way(s), car parking and turning area(s) shall be constructed in accordance with the development approval to the satisfaction of the Shire of Collie. (AMENDED)
15. Goods or materials must not be permanently stored within the parking or landscaping area, or within access driveways.
16. Within 60 days of occupation/and or use of the hereby approved development, the fence panels (between brick piers) within 1.5m either side of the entry / exit points of the lot, within 1.5m of the corner of Harvey and Johnston Street, and at least every second fence panel are to be visually permeable above 750mm above natural ground level in accordance with Sketch A1 dated 14 July 2020. (AMENDED)
17. All verge areas abutting the boundaries of the subject site must remain clear at all times and must not be used for any other purpose including car parking, trade display, storage and signage to the satisfaction of the Shire of Collie.
18. Except with the prior written consent of the Shire of Collie, the approved use must only be open to the public between the following hours:

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- a. 8:30am and 7pm Monday to Friday; and
 - b. 9:30am and 1pm Saturday and Sunday.
19. *Before the development is occupied, in order to manage waste generated by incidental office, staff kitchen, staff room, waiting room, a general rubbish and recycle bin collection area must be provided onsite, and screened from public view. Bins are to be taken out to the verge for collection prior to 6am on day/days of collection. These bins are not to be used for disposing of trade waste of a toxic nature which is generated by the Veterinary Centre. Details to be submitted with the building permit application for the approval of the Shire of Collie.*
20. *In relation to manure produced from animals on-site the following shall be provided:*
- a. *A receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;*
 - b. *Keep the lid of the receptacle closed except when manure is being deposited or removed;*
 - c. *Cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;*
 - d. *Keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and*
 - e. *Cause all manure produced on the premises to be collected daily and placed*
 - f. *A washdown bay of adequate size for the cleaning of horses (or such large animals) and manure receptacles where the washdown bay:*
 - i. *Where walls are present that they are constructed of cement, concrete or other similar impervious materials able to be effectively cleaned;*
 - ii. *Provide a tap with an adequate piped supply of water;*
 - iii. *Have a floor, the surface of which shall:*
 - 1. *Be at least 75 millimetre above the surface of the ground;*
 - 2. *Be constructed of cement, concrete or other similar impervious materials;*
 - 3. *Have a fall of 1 in 100 to a drain, which shall empty, into a bucket with a gully trap or interceptor trap discharged in a manner approved by the relevant authority.*
21. *Deceased animals which remain on the site for more than 12 hours are to be*

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refrigerated prior to removal. Deceased animals removed from the subject site are to be covered from public view.

22. *Trade waste associated with the veterinary centre, such as manure, food waste, soiled bedding, and deceased animals, must be collected from the site and disposed of in a lawful manner that does not create an odour nuisance or encourage fly breeding.*

23. *A minimum of 1 m³ of storm water storage for each 65 m² of impervious area must be provided on site' in-accordance with the Shire of Collie's Information Guide – Stormwater Discharge from Building Sites. Detailed design plans of the proposed stormwater management must be submitted for approval in-accordance with the Shire of Collie's Local Planning Policy – Stormwater Discharge from Building Sites. prior to the development commencing and be implemented in accordance with the approved plan prior to the development being occupied.*

24. *This Development Approval supersedes and renders the Development Approval for the Veterinary Centre approved by Council on the 13 February 2018 invalid. (NEW)*

Background:

Council at its meeting on the 13 February 2018 resolved (Motion #7699) the following:

Motion # 7699

That Council:

pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to grant approval to Jules Vandenberg for the use and development of 27 (Lot 5) Harvey Street Collie 6225 as a Veterinary Centre subject to the following conditions:

1. At all times, the development the subject of this planning approval must comply with the definition of "Veterinary Centre" as contained in Schedule 1 of the Shire's Local Planning Scheme No. 5.
2. All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.
3. 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.
4. 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.
5. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, water products or grit, oil or otherwise.
6. Before the development is occupied, the landscaped area(s) shown in green on

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the approved development plan(s) and must be planted, established, reticulated and thereafter maintained to the satisfaction of the Shire of Collie.

7. Before the development is occupied, a minimum of sixteen car parking bays must be identified to be used in conjunction with the land the subject of this planning approval and to the satisfaction of the Shire of Collie.

8. Before the development is occupied, a minimum of one car parking bay must be provided for the exclusive use of disabled persons in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the Shire of Collie.

9. Before the development is occupied, linemarking and parking signage must be installed in accordance with the approved plans and must show four (4) designated staff bays within the lot.

10. Before the development is occupied, a minimum of two horse float parking bays (bay length to accommodate horse float and associated vehicle) are to be linemarked within the lot.

11. Appointments for horses (or such large animals) to be scheduled so that a maximum of two horse floats are parked on the property at any one time. No on street parking of horse floats are permitted.

12. At all times, all loading and unloading of horses (or such large animals) must take place within the boundaries of the site with the entry and exit gates shut.

13. No animal is to be kept outside the building overnight.

14. Before the development is occupied, the access way(s), car parking and turning area(s) shall be constructed in accordance with the development approval to the satisfaction of the Shire of Collie.

15. Goods or materials must not be permanently stored within the parking or landscaping area, or within access driveways.

16. Fence panels (between brick piers) within 1.5m either side of the entry / exit points of the lot (where possible), and within 1.5m of the corner of Harvey and Johnston Street, are to be visually permeable above 750mm above natural ground level.

17. All verge areas abutting the boundaries of the subject site must remain clear at all times and must not be used for any other purpose including car parking, trade display, storage and signage to the satisfaction of the Shire of Collie.

18. Except with the prior written consent of the Shire of Collie, the approved use must only be open to the public between the following hours:

a. 8:30am and 7pm Monday to Friday; and

b. 9:30am and 1pm Saturday and Sunday.

19. Before the development is occupied, in order to manage waste generated by incidental office, staff kitchen, staff room, waiting room, a general rubbish and recycle bin collection area must be provided onsite, and screened from public view. Bins are to be taken out to the verge for collection prior to 6am on day/days of collection. These bins are not to be used for disposing of trade waste of a toxic nature which is

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generated by the Veterinary Centre. Details to be submitted with the building permit application for the approval of the Shire of Collie.

20. In relation to manure produced from animals on-site the following shall be provided:

a. A receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;

b. Keep the lid of the receptacle closed except when manure is being deposited or removed;

c. Cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;

d. Keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

e. Cause all manure produced on the premises to be collected daily and placed in the receptacle.

f. A washdown bay of adequate size for the cleaning of horses (or such large animals) and manure receptacles where the washdown bay:

i. Where walls are present that they are constructed of cement, concrete

or other similar impervious materials able to be effectively cleaned;

ii. Provide a tap with an adequate piped supply of water;

iii. Have a floor, the surface of which shall

1. Be at least 75 millimetre above the surface of the ground;

2. Be constructed of cement, concrete or other similar impervious materials;

3. Have a fall of 1 in 100 to a drain, which shall empty, into a bucket with a gully trap or interceptor trap discharged in a manner approved by the relevant authority.

21. Deceased animals which remain on the site for more than 12 hours are to be refrigerated prior to removal. Deceased animals removed from the subject site are to be covered from public view.

22. Trade waste associated with the veterinary centre, such as manure, food waste, soiled bedding, and deceased animals, must be collected from the site and disposed of in a lawful manner that does not create an odour nuisance or encourage fly breeding.

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23. A minimum of 1 m³ of storm water storage for each 65 m² of impervious area must be provided on site' in-accordance with the Shire of Collie's Information Guide – Stormwater Discharge from Building Sites.

Detailed design plans of the proposed stormwater management must be submitted for approval in-accordance with the Shire of Collie's Local Planning Policy – Stormwater Discharge from Building Sites prior to the development commencing, and be implemented in accordance with the approved plan prior to the development being occupied.

Please see Appendix 1 for approved plan relevant to amendment request. The changes requested have been marked up on a plan and are shown as Appendix 2
The amendment request can be summarised by:

- Modification of plans to include covered bays;
- Modification of landscaping;
- Relocation of manure receptacle and external wash down area;
- Modification to external fencing; and
- Relocation of bin enclosure.

The development is nearing completion and Shire officers have been working with the proponent to ensure compliance with the conditions of the Development Approval.

Statutory and Policy Implications:

Local Planning Scheme No. 5

The subject lot is zoned Town Centre. The proposal has been assessed in accordance with the following clauses *of the Scheme*:

4.3 – Zoning Table

A Veterinary Centre is a 'D' use in the Town centre Zone and therefore is permitted via a planning approval at the discretion of the local government.

Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows for the amending of development Approvals.

Clause 77 states:

77. Amending or cancelling development approval

- (1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*

(a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;

(b) to amend or delete any condition to which the approval is subject;

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(c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;

(d) to cancel the approval.

(2) *An application under subclause (1) —*

(a) is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and

(b) may be made during or after the period within which the development approved must be substantially commenced.

(3) *Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.*

(4) *The local government may determine an application made under subclause (1) by —*

(a) approving the application without conditions; or

(b) approving the application with conditions; or

(c) refusing the application.

Budget Implications:

No budget implications

Communications Requirements: (Policy No. CS 1.7)

Due to this request being received on the 13 July 2020 and finalised on Tuesday 14 July 2020, no consultation has occurred.

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: Ensure appropriate Planning Controls for land use and development.

Relevant Precedents:

N/A

Comment:

The amendment request can be generally summarised by:

- Modification of plans to include covered bays;
- Modification of landscaping;
- Relocation of manure receptacle and external wash down area;
- Modification to external fencing; and
- Relocation of bin enclosure.

As can be observed from the previous Council approval the conditions of approval,

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are not simple, inter-related and seek to ameliorate any negative impacts of this development in the CBD area. Particularly Condition 20 regarding the manure receptacle. In this proposal, the manure receptacle and wash down area are to be removed and replaced by covered bays. The proponent has advised that the manure will be placed in a dedicated lidded wheelie bin and disposed of by the operators. Based on the detailed nature of Condition 20 a lidded wheelie bin would be acceptable for manure storage/disposal. A lidded wheelie bin could be kept in the relocated bin enclosure. The wash down of animals can be completed inside the building with the conditions relating to it at Condition 20(f) retained.

Further to this, the previous approval had inserts (infills) in the 1.8 metre high boundary fence along the Harvey Street every second panel. The reason for the panels is to provide passive surveillance, provide for pedestrian safety for vehicles exiting the premises and lessen the visual impact of a continuous 1.8 metre high boundary wall in the CBD. The request seeks to remove a panel infill near the Harvey Street entrance. Please see previous condition 16. It is the officer's opinion that infills should not be removed adjacent to the Harvey Street exit as this represents a risk to pedestrians. Along with this, there does not seem to any compelling reason why infills are not along the Johnson Street frontage and this should be a condition of approval.

The proponent seeks to modify the landscaping area of the proposal. It is the officer's opinion that this request does not have any material effect on the proposal as it internal and there is not a major impact on the quantum area of landscaping to that which was previously approved.

The bin enclosure and wash down bay relocation are immaterial and represents minor changes to the plan.

The issue to be addressed is how these modifications are transposed into a new approval as there will be a mixture of previous conditions and amended conditions. It is proposed to create a new Development Approval and plans based on the information provided and the officers recommendations. See Appendix 3

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14. **TECHNICAL SERVICES REPORTS**

Nil

15. **MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN**

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

16. **QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**

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

17. **URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

18. **ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**

19. **STATUS REPORT ON COUNCIL RESOLUTIONS**

Nil

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

21. **CLOSE**