



Shire of  
**Collie**

# AGENDA

for the

## ORDINARY MEETING OF COUNCIL

to be held on

**Tuesday, 13 December 2022**



## 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 the



## **Ordinary Meeting of Council**

commencing at **7:00pm**

will be held on

**Tuesday, 13 December 2022**

in Council Chambers at 87 Throssell Street, Collie WA



Stuart Devenish  
Chief Executive Officer

8 December 2022

**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.

**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**

### **December 2022**

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 13 December 2022**

**Ordinary 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.



## Contents

1.	OPENING/ATTENDANCE/APOLOGIES & LEAVE OF ABSENCE .....	1
2.	PUBLIC QUESTION TIME .....	1
3.	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4.	DISCLOSURE OF FINANCIAL INTEREST .....	1
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	1
5.1	Deputation – Heritage Skills Association.....	1
6.	NOTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	1
7.	ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS	2
8.	CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES .....	2
9.	BUSINESS ARISING FROM THE PREVIOUS MINUTES.....	2
10.	RECEIPT OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL.....	2
10.1	Receipt of Minutes of the Local Emergency Management Committee .....	2
10.2	Adopt the Recommendation of the Local Emergency Management Committee .....	2
10.3	Receipt of Minutes of the Tourism & Marketing Advisory Committee .....	2
11.	CEO REPORTS.....	3
11.1	Adoption of Strategic Community Plan 2022.....	3
12.	CORPORATE SERVICES REPORTS .....	6
12.1	Accounts Paid – November 2022.....	6
12.2	Financial Management Report – October 2022.....	8
12.3	Financial Management Report – November 2022 .....	10
12.4	Collie Darkan Rail Trail – Renewal of Licence to Occupy.....	13
12.5	Indoor Pool – Concept Design and Costing .....	15
12.6	Quarry Under the Stars Events and Participation in Lost & Found Festival .....	18
13.	DEVELOPMENT SERVICES REPORTS .....	21
13.1	Shire of Collie Draft Public Health Plan 2022-2027 .....	21
13.2	Review of refusal decision and revised application for Tourist Development and retrospective approval for various buildings - Lot 2826, No. 708 Yourdamung Road, Palmer.....	24
14.	TECHNICAL SERVICES REPORTS.....	34
14.1	Environmental Working Group Terms of Reference .....	34
14.2	Tender 05/2022 Supply of Bitumen Sealing and Asphalt Services .....	36
14.3	Tender 06/2022 Road Shoulder and Pavement Stabilisation Services – Gastaldo Road.....	39
14.4	Tender 08/2022 Jack Mears Spring Boardwalk.....	42
15.	MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN.....	47



## INDEX

---

15.1	Notice of Motion - Designated Non-Smoking Areas within the Shire of Collie .....	47
16.	QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN ....	47
17.	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION .....	47
18.	ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS.....	47
19.	STATUS REPORT ON COUNCIL RESOLUTIONS.....	47
20.	CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC .....	47
21.	CLOSE.....	47

Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 13 December 2022 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 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**

**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.

**5.1 Deputation – Heritage Skills Association**

The deputation will be made by Yolanda Cool – Heritage Skills Associated (HSAWA) CEO.

**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.

7. **ITEMS BROUGHT FORWARD DUE TO INTEREST BY ATTENDING PERSONS**

8. **CONFIRMATION OF THE PREVIOUS MEETINGS OF COUNCIL MINUTES**

**Officer's Recommendation:**

*That Council confirms the Minutes of the Ordinary Meeting of Council held on 8 November 2022.*

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**

10.1 **Receipt of Minutes of the Local Emergency Management Committee**

**Officer's Recommendation:**

*That Council receives the Minutes of the Local Emergency Management Committee held on 16 November 2022.*

10.2 **Adopt the Recommendation of the Local Emergency Management Committee**

**Committee Recommendation:**

*That Council adopts the recommendation contained within the minutes of the Local Emergency Management Committee meeting held on 16 November 2022 as follows:*

- 11.0 *That the Local Emergency Management Committee trial for a year, a two (2) meeting cycle to improve effectiveness and to reduce the onus for industry and some State agencies to meet so frequently.*

10.3 **Receipt of Minutes of the Tourism & Marketing Advisory Committee**

**Officer's Recommendation:**

*That Council receives the Minutes of the Tourism & Marketing Advisory Committee held on 23 November 2022.*

**11. CEO REPORTS**

**11.1 Adoption of Strategic Community Plan 2022**

<b>Reporting Department:</b>	Chief Executive Office
<b>Reporting Officer:</b>	Stuart Devenish – Chief Executive Officer
<b>Accountable Manager:</b>	Stuart Devenish – Chief Executive Officer
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>File Number:</b>	GOV/049
<b>Appendices:</b>	11.1.A – Strategic Community Plan, Community Engagement Report 11.1.B – Strategic Community Plan 2022
<b>Voting Requirement</b>	Absolute Majority

**Report Purpose**

For Council to consider adoption of proposed Strategic Community Plan 2022.

**Officer's Recommendation**

*That Council resolve:*

1. *to acknowledge the inputs received from the community through the engagement processes associated with the preparation of a revised Strategic Community Plan; and*
2. *that pursuant to regulation 19C (7) of the Local Government (Administration) Regulations 1998 to adopt the Strategic Community Plan 2022 as included at Appendix 11.1.B.*

**Background:**

The current Strategic Community Plan 2017-2027 was adopted by Council in October 2017 and has been relied upon to guide Council's priorities and operations since this time.

A major review of the plan has now been undertaken with a view to ensuring the plan priorities align with community expectations and are best serving the broader interests of Collie.

A community engagement process was conducted in October 2022 to gain meaningful input into the renewal of the plan. A detailed overview of the engagement activities undertaken along with feedback received is included at Appendix 11.1.A.

The program of activities involving community engagement and plan preparation included:

- Councillor workshop – 6 October
- Staff workshop – 7 October
- Community workshop – 7 October
- Targeted interview – 6-14 October
- Community surveys (hard copy and on-line) – closed 21 October
- Staff workshop – preliminary drafting of plan priorities – 15 November
- Councillor workshop – consideration of plan priorities – 22 November

- Community leaders workshop – 1 December
- Councillor review of draft plan – 6 December

The feedback through the engagement processes indicated that locals have a great love for their shire with the sense of community, the resilience and generosity of the people, the safe and peaceful lifestyle offered. The beauty of the area, the diverse and pristine natural environment, the sports and recreation opportunities, and the proximity to Bunbury and other major centres were recurring themes on what people value most about living in the Shire of Collie.

People responding to the survey indicated that safety and security, bushfire prevention and control, economic development and employment, facilities and services for youth and conservation and environmental management are the top 5 strategic priorities for the Shire.

People responding to the survey were also asked to rate the services and facilities provided by the Shire with the top 3 being support of emergency services, the library and waste management and the bottom 3 being community engagement, footpaths and a perception of council leadership.

Consultant Stephen Grimmer of Qi Consulting was utilised to assist with the engagement activities including oversight of the survey, conduct of workshops and assistance with plan drafting.

**Statutory and Policy Implications:**

Section 5.56 of the *Local Government Act 1995* requires the preparation of a plan for the future of the district. Regulation 19C of the *Local Government (Administration) Regulations 1996* further identify the need for the plan to set out the vision, aspirations and objectives of the community in the district. Other requirements are set out in the regulations, including the need for the plan to contain a description of the involvement of the electors and ratepayers in the development of the plan.

**Budget Implications:**

The resourcing required to deliver on the terms of the plan are provided for in annual budget allocations.

**Communications Requirements:** (Policy No. CS 1.7)

Preparation of the revised plan has been subject to communications associated with the community engagement processes.

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>GOAL:</b>	5	Our Business
<b>Outcome:</b>	5.1	Good governance and leadership

**Relevant Precedents:**

Strategic Community Plans are reviewed and adopted in accordance with the terms of the Act and Regulations.

**Comment:**

Through the community engagement and plan preparation processes, a new Strategic Community Plan 2022 has been prepared as at Appendix 11.1.B. Notably, the plan incorporates a new vision statement:

*Collie – A progressive community, rich in opportunities and as diverse as its heritage and landscape.*

A refined statement of values and a new statement of commitments to the community is also included.

As required by the regulations, the objectives and priorities of the proposed plan take account of the capacity of the Shires current and anticipated resources, demographic considerations and the ability to measure performance against indicators.

Upon adoption, the Strategic Community Plan will form the basis of a revised Corporate Business Plan which will set out how the plan will be delivered through the organisation. This plan will be drafted early in the new year for referral to Council for consideration.

The Strategic Community Plan 2022 is recommended for adoption.

**12. CORPORATE SERVICES REPORTS**

**12.1 Accounts Paid – November 2022**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Nicole Wasmann – Director Corporate Services
<b>Legislation:</b>	<i>Local Government Act 1995 &amp; Financial Management Regulations 1996</i>
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Appendix 12.1.A – Accounts Paid – November 2022
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

To present the accounts paid during the month of November 2022.

**Officer's Recommendation**

*That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41893- 41896 totalling \$1,166.65 and direct payments totalling \$982,186.60 authorised and paid in November 2022.*

**Background:**

In accordance with Delegation 14 adopted by Council on 9 August 2022, the Chief Executive Officer is authorised to incur expenditure in accordance with the Annual Budget provisions and limited over-expenditure subject to subsequent budget amendment. In doing so, section 13 of the *Financial Management Regulations 1996* is to be adhered to with a list of accounts for approval to be presented to the Council each month.

Month	2022/23		
	Cheques	Electronic Transfer	Total Payment
<b>July</b>	3,583.29	771,047.53	<b>774,630.82</b>
<b>August</b>	1,860.69	1,070,192.80	<b>1,072,053.49</b>
<b>September</b>	808.37	1,127,453.91	<b>1,128,262.28</b>
<b>October</b>	2,111.39	724,735.09	<b>726,846.48</b>
<b>November</b>	1,166.65	982,186.60	<b>983,353.25</b>

**Statutory and Policy Implications:**

*WA Local Government Act 1995*  
*Financial Management Regulations 1996*

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

A list of all accounts paid shall be presented to Council within two months. The list shall comprise of details as prescribed in the *Local Government Financial Management Regulations 1996*.

**Budget Implications:**

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

**Communications Requirements: (Policy No. CS1.7)**

Nil

**Strategic Community Plan/Corporate Business Plan Implications:**

Nil

**Relevant Precedents:**

N/A

**Comment:**

For a detailed listing of payments see Appendix 12.1.A.

Please raise any queries prior the meeting to enable questions to be investigated and a response prepared.



**12.2 Financial Management Report – October 2022**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Nicole Wasmann – Director Corporate Services
<b>Legislation:</b>	<i>Local Government Act 1995 &amp; Financial Management Regulations 1996</i>
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Appendix 12.2.A – Financial Report – October 2022
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

To provide a summary of the financial position for the Shire of Collie for the month ending October 2022

**Officer's Recommendation**

*That Council resolve to accept the Financial Management Report for October 2022 as presented in Appendix 12.2.A.*

**Background:**

In accordance with Council policy and the provisions of the *Local Government Act 1995*, the Financial Report and budget amendments required for the end of the period is presented to Council for information. Refer to Appendix 12.2.A.

**Statutory and Policy Implications:**

Section 34 (1) (a) of the *Local Government (Financial Management) Regulations 1996* states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates; budget estimates to the end of the month to which the statement relates; actual amounts of expenditure, revenue and income to the end of the month to which the statement relates, material variances between monthly budget and actual figures, and net current assets on a monthly basis.

In accordance with section 34(5) of the *Local Government (Financial Management) Regulations 1996* each year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances. In this case, the Shire of Collie has adopted the material variance of 10% or \$10,000, whichever is greater, for reporting variations to the 2022/23 Budget in the monthly statement of financial activity reported to Council.

**Budget Implications:**

Nil

**Communications Requirements: (Policy No. CS1.7)**

Nil

**Strategic Community Plan/Corporate Business Plan Implications:**

Nil

**Relevant Precedents:**

N/A

**Comment:**

The financial statements provided in Appendix 12.2.A reports on the following information for the reporting period:

- Rate Setting Statement by Nature and Type
- Material Variances
- Statement of Financial Positions
- Cash and Investments
- Receivables & Payables
- Capital Projects
- Other Projects
- Budget Amendments

Commentary for the material variances identified is included in Appendix 12.2.A.

**12.3 Financial Management Report – November 2022**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Hasreen Mandry – Finance Manager
<b>Accountable Manager:</b>	Nicole Wasmann – Director Corporate Services
<b>Legislation:</b>	<i>Local Government Act 1995 &amp; Financial Management Regulations 1996</i>
<b>File Number:</b>	FIN/024
<b>Appendices:</b>	Appendix 12.3.A – Financial Report – November 2022
<b>Voting Requirement</b>	Absolute Majority

**Report Purpose**

To provide a summary of the financial position for the Shire of Collie for the month ending November 2022 and consider budget amendment for the aerodrome master plan.

**Officer's Recommendation**

*That Council resolve:*

- 1. to accept the Financial Management Report for November 2022 as presented in Appendix 12.3.A; and*
- 2. to approve a 2022-23 budget amendment of \$45,000 to both Grants and Subsidies (0091 – Grants Commission - General) and Materials and Charges (3365 – Aerodrome Development Expenditure), with no overall budget implications.*

**Background:**

In accordance with Council policy and the provisions of the *Local Government Act 1995*, the Financial Report and budget amendments required for the end of the period is presented to Council for information. Refer to Appendix 12.3.A.

**Statutory and Policy Implications:**

Section 34 (1) (a) of the *Local Government (Financial Management) Regulations 1996* states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates; budget estimates to the end of the month to which the statement relates; actual amounts of expenditure, revenue and income to the end of the month to which the statement relates, material variances between monthly budget and actual figures, and net current assets on a monthly basis.

In accordance with section 34(5) of the *Local Government (Financial Management) Regulations 1996* each year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances. In this case, the Shire of Collie has adopted the material variance of 10% or \$10,000, whichever is greater, for reporting variations to the 2022/23 Budget in the monthly statement of financial activity reported to Council.

**Budget Implications:**

Nil

**Communications Requirements: (Policy No. CS1.7)**

Nil

**Strategic Community Plan/Corporate Business Plan Implications:**

Nil

**Relevant Precedents:**

N/A

**Comment:**

The financial statements provided in Appendix 12.3.A reports on the following information for the reporting period:

- Rate Setting Statement by Nature and Type
- Material Variances
- Statement of Financial Positions
- Cash and Investments
- Receivables & Payables
- Capital Projects
- Other Projects
- Budget Amendments

Commentary for the material variances identified is included in Appendix 12.3.A

**Budget Amendment Request**

In the 2022-23 Budget, an amount of \$35,000 was allocated for an aerodrome master plan with income from an operating grant of \$30,000 from the South West Development Commission (SWDC).

Following a request for quote process, only one quote was received for an amount significantly more than that allowed in the budget. One other company showed interest in submitting a quote, however indicated that they would be unable to provide the services for the budgeted amount.

The Shire has four possible options:

1. Reduce the project scope and/or break the project down into stages
2. Source additional funding
3. Repeat the RFQ process with the view to achieving a significantly lower quote
4. Not proceed with the project

The SWDC was contacted and the above options were canvassed. The Shire's preference was that the grant funding is increased to cover the entire project brief, however if that is not acceptable we sought agreement to modify the project scope by breaking the project down into stages as per the above. The latter stage of preparing the final master plan will still require external funding.

The SWDC advised that there was no further funding available, and also raised concerned whether the reduced project scope would provide sufficient clarity to the Shire around options at the aerodrome and provide a plan for the future.

A masterplan is required to focus on the development potential of the existing airfield. This masterplan will pave the way for further, more detailed work and investment, including the preparation of a Strategic Airport Asset and Financial Management Plan.

The following deliverables are required:

1. Produce a Collie Airfield Master Plan that explores, discusses and identifies:
  - aviation and tourism related investment opportunities, flight training facility operations opportunities and aviation related manufacturing and service opportunities;
  - opportunities to enhance visitation and visitor services to the region and/or firefighting surveillance base;
  - opportunities for electric airport design, development and manufacture and remote air surveillance monitoring operations;
  - development areas, servicing requirements and arrangements for land development (land development capability) including recommendations for land tenure rationalisation;
  - increased service levels to industry, tourism activity and community;
  - development areas for new industry and industry sectors;
  - new industries and recreational activity opportunities;
  - potential (assessment) for intermodal freight viability including facility provision.
2. As part of delivering the above it is expected that the successful consultant will undertake:
  - SWOT analysis;
  - obstacle limitations;
  - runway pavement and current facilities assessment;
  - stakeholder consultation; and the
  - presentation of the draft masterplan to the Shire of Collie Council and Executive staff.

The masterplan is a significant step in ascertaining Collie's potential to commercialise its airport and to maximise its tourist, business and revenue potential. It is also important for Council to be able to properly plan for projects such as the proposed flying school.

Should the budget be amended to increase the amount allocated for the master plan, then reputable and experienced consultants would be able to be appointed. A fresh RFQ process would be undertaken to ensure the Shire receives best value for money.

At the time of adopting the 22/23 Budget, the amount to be received from the Federal Government's Financial Assistance Grant was estimated as \$432,798. Advice was received in August that the actual allocation was to be \$628,664, which is \$195,866 higher than budgeted. It is proposed to fund an increase to the aerodrome master plan budget of \$45,000 from the additional Financial Assistance Grants.

**12.4 Collie Darkan Rail Trail – Renewal of Licence to Occupy**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Nicole Wasmann – Director Corporate Services
<b>Accountable Manager:</b>	Stuart Devenish – Chief Executive Officer
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>File Number:</b>	L6944
<b>Appendices:</b>	12.4.A – Collie Darkan Rail Trail Map
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council to consider authorising the use of the common seal to execute a new Licence to Occupy for the section of the Collie Darkan Rail Trail located within the Shire of Collie.

**Officer's Recommendation**

*That Council authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the 'Licence to Occupy' document between the Shire of Collie and the Public Transport Authority of Western Australia for the right to occupy L6944-3 - MUJA.*

**Background:**

The Collie Darkan Rail Trail is situated on the rail corridor between Buckingham and east of Darkan. The Shire of Collie has a Licence to Occupy the section of the corridor within the Shire from the Public Transport Authority of Western Australia (PTA). The existing agreement will expire on 31 March 2023.

A new license for a ten year period commencing 1 April 2023 has been provided by the PTA. No changes have been made to the terms and conditions of the previous license. The common seal is required to execute the document.

**Statutory and Policy Implications:**

In accordance with the Shire of Collie Standing Orders Local Law 2017, the common seal may be used only on the authority of the Council, given either generally or specifically, and every document to which the seal is affixed must be signed by the President (unless otherwise authorised by the Council) and by the CEO or a senior employee authorised by the CEO.

**Budget Implications:**

There are no additional financial requirements.  
The Shire is responsible for maintaining the corridor.  
The licence fee is \$1 per annum payable on demand.

**Communications Requirements:** (Policy No. CS 1.7)

There are no communication requirements.

**Strategic Community Plan/Corporate Business Plan Implications:**

The renewal of the licence aligns with two sections of the Corporate Business Plan.

<b>GOAL:</b>	1	Our Community: A vibrant, supportive and safe community
<b>Outcome:</b>	1.2	Participation in sport, recreation and leisure opportunities
<b>Strategy:</b>	1.2.1	Provide and promote sport, recreation and leisure facilities and programs

<b>GOAL:</b>	2	Our Economy: A strong diversified economic base driven by a range of business and employment opportunities
<b>Outcome:</b>	2.3	A growing tourism industry
<b>Strategy:</b>	2.3.2	Develop and implement a trails strategy

The Collie River Valley Trails Strategy 2018 – 2021 highlights the potential of the Collie Darkan Rail Trail, with further extensions to the east being considered by other local governments, and proposes extending the existing trail into the Collie townsite.

**Relevant Precedents:**

No changes have been made to the terms and conditions of the previous license.

**Comment:**

The Collie Darkan Rail Trail is a shared trail used for equestrian, walking and cycling and has recently been rebranded under the Wambenger Tail network. It has a role in Collie's accreditation as a Trails Town and is close to the Buckingham Hall, which has been identified for potential upgrade and use for tourism purposes.

Execution of the agreement is recommended to enable the continued operation of the trail and potential implementation of future plans to connect the trail to Collie.

**12.5 Indoor Pool – Concept Design and Costing**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Nicole Wasmann – Director Corporate Services
<b>Accountable Manager:</b>	Stuart Devenish – Chief Executive Officer
<b>Legislation</b>	<i>Local Government Act 1995 Section 6.8</i>
<b>File Number:</b>	CMG/252
<b>Appendices:</b>	Appendix 12.5.A Indoor Pool Terms of Reference
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council to consider endorsing the Indoor Pool Working Group's request to approach the State Government for permission to use allocated funds for the purpose of design and costing.

**Officer's Recommendation**

*That Council support a request to the Local Member for the approval of the State Government to utilise part of the funds granted for the purpose of an indoor pool for a new masterplan concept, including architectural scope and quantity surveying, at a cost of \$25,000.*

**Background:**

On 14 June 2022, Council resolved to endorse a Terms of Reference for an Indoor Pool Project Working Group as set out at Appendix 12.4.A. The Working Group is tasked with actions as broadly outlined:

1. Identify the optimal specification for an indoor pool;
2. Identify capital cost expectations;
3. Review operational revenue and expenditure; and
4. Prepare and consider financial models against an objective to improve the Shire's Financial Health Indicator (FHI); and
5. Prepare an evaluation and concluding report summarising the above.

The Working Group has been meeting and working through the actions in the Terms of Reference over the past few months. The Group has identified that the optimal specification is:

Main Pool

- Depth 1.2m to 1.8m
- Length 25m
- Width 6 lanes

Program Pool

- 9m x 5m



The next action is to identify capital cost expectations. Previous expectations, estimated in 2018 or earlier, are not reliable for the purpose of establishing current costs. To quantify the capital cost expectation, it is necessary to prepare a new masterplan concept including architectural scope and quantity surveying. The cost to provide these services is approximately \$25,000 excluding GST.

State Government approval is required, to utilise part of the State Government funds, allocated to the Shire for the indoor pool, for the purpose of a new plan. Prior to approaching the State Government, Council consideration is requested.

**Statutory and Policy Implications:**

In accordance with Section 6.8 of the *Local Government Act 1995*, the Shire is not to incur expenditure from municipal fund which is not included in the annual budget without authorisation in advance by resolution, unless the expenditure is prior to the adoption of the budget or during an emergency.

Whilst the current Budget identifies for capital expenditure on an indoor pool, expenditure on a masterplan to enable further investigation would be considered operating expenditure and there is no expense item for this purpose in the Budget.

**Budget Implications:**

The Shire currently holds grant funds of \$950,291 toward capital expenditure for an indoor pool. The recommendation is to seek the approval of the State Government to utilise part of these funds to undertake the masterplan concept and quantity surveying.

**Communications Requirements:**

Not applicable.

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>GOAL:</b>	5	<i>Our Business: Good governance through an effective, efficient and sustainable organisation</i>
<b>Outcome:</b>	5.3	Financial sustainability and accountability
<b>Strategy:</b>	5.3.5	Provide corporate financial services that support the Shire's operations and meet planning, reporting and accountability requirements

<b>GOAL:</b>	1	Our Community: A vibrant, supportive and safe community.
<b>Outcome:</b>	1.2	Participation in sport, recreation and leisure opportunities.
<b>Strategy:</b>	1.2.1	Provide and promote sport, recreation and leisure facilities and programs.

**Relevant Precedents:**

N/A

**Comment:**

The identification of capital cost expectations is central to the tasks of the Working Group. While officers have sought to provide broad estimates of the groups preferred pool specification, cost escalations and the changes in the market are too great and varied to have sufficient confidence and meaningful understanding of costs.

The request of the group would see a concept plan (site plan and high level specification only) developed to allow a quantity surveyor to estimate capital costs with a variability in the order of plus/minus 30%.

Respecting the request of the Working Group, the recommendation would see a request made of Government, via the Local Member to expend funds on the preliminary design and costing exercise.

**12.6 Quarry Under the Stars Events and Participation in Lost & Found Festival**

<b>Reporting Department:</b>	Corporate Services
<b>Reporting Officer:</b>	Nicole Wasmann – Director Corporate Services
<b>Accountable Manager:</b>	Stuart Devenish – Chief Executive Officer
<b>Legislation</b>	Nil
<b>File Number:</b>	EDV/008
<b>Appendices:</b>	12.6.A - Lost & Found – Additional Information
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council to consider undertaking further significant events at the Quarry and Collie's participation in the Lost & Found Festival.

**Officer's Recommendation**

*That Council resolve to:*

- 1. support in principle, the concept of the 'Quarry Under the Stars' as an ongoing annual signature event for Collie;*
- 2. authorise the preparation and submission of a Collie Future Funds Small Grants program application, nominating the Shire of Collie as the proponent, for signature events at the Quarry at Wellington Dam in 2023 and 2024; and*
- 3. approve participation in the Lost & Found festival in 2023, utilising funds provided by South32 for marketing purposes.*

**Background:**

Marketing and event opportunities have been brought to the Shire to build an annual signature event for Collie and to broaden marketing reach. This includes a major annual event and marketing as set out below.

***Quarry Under the Stars Events***

Following the success of the Kaya Collie Gala Dinner at the Quarry at Wellington Dam, the Shire has been invited to submit an application to Collie Futures Funds Small Grant Scheme for funding for further events of this style. Quarry Under the Stars has the potential to be positioned as a signature event for the Lost and Found Festival, attracting a premium market audience.

For the initial two years, it is intended that the South West Development Commission (SWDC) would supply event management, however the Shire would be responsible for management of funding and have the overall responsibility for the event. The intent is that the event will eventually become a well known event delivered in its own right with financial support from alternative sources, such as Tourism Western Australia's Regional Event Scheme.

***Lost & Found***

The Lost & Found festival is owned by Ferguson Valley Marketing and managed by AHOY Management. It has operated for two years, initially in Dardanup, Ferguson Valley and Bunbury with a number of events operating under an umbrella event model. In spring 2023,

there are plans to expand the festival to the greater Bunbury Geographe region with the Shire of Collie invited to participate in the overall marketing in addition to the Quarry event. Additional information about the Lost & Found Festival is included in Appendix 12.6.A

The cost of the marketing and events package offered to the Shire for participation in Lost & Found in 2023 is \$10,000. The financial contribution to the Festival would provide major sponsorship acknowledgement, double page spread in the program, video content and images available for non-commercial use, and facilitated workshop for businesses located within the Shire.

Businesses within the Shire of Collie would be able to participate by providing individual events to sit on the Festival program. For a one-off fee charged to the business (approximately \$400), AHOY Management would provide marketing and ticket management, support to develop ideas, and connections to relevant suppliers to assist the business to make their event a success.

**Statutory and Policy Implications:**

There are no statutory or policy implications.

**Budget Implications:**

South32 has indicated support for the use of marketing funds, provided to the Shire as part of the Community Investment Agreement, to be used for participation in Lost & Found. Support for the program would also require staff resources for promotion and consultation with local businesses and event management.

Additionally, the Shire would be required to provide staff resources and other in kind support to manage funds and assist with project management, should a funding application for further significant events at the Quarry be successful.

The tourism and marketing position funded by South32, will also assist with resourcing the projects.

**Communications Requirements:**

AHOY Management has presented to executive staff and the Tourism and Marketing Advisory Committee when inviting Collie to participate in Lost & Found.

Tourism and Marketing Advisory Committee members have indicated support for the involvement of Collie in the Festival.

The Local Member Jody Hanns MLA, has briefed elected members on the Quarry Under the Stars proposal and staff have liaised with SWDC.

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>GOAL:</b>	2	Our Economy: A strong diversified economic base driven by a range of business and employment opportunities.
<b>Outcome:</b>	2.2	A strong business and services sector.
<b>Strategy:</b>	2.2.1	Promote and support growth in the commercial, professional and government services sectors.
<b>Outcome:</b>	2.3	A growing tourism industry.
<b>Strategy:</b>	2.3.3	Support local and regional tourism destination management and marketing initiatives

**Relevant Precedents:**

The Gala Dinner held at the Quarry in 2022 as part of the Kaya Collie program was well received by attendees. This event was also coordinated with the SWDC providing event management support and the Shire managing funds and taking overall responsibility.

**Comment:**

The Kaya Collie events, including the Gala Dinner held at the Quarry, have required considerable staff resources during 2022, it is believed that further streamlining can take place from the experience gained, should the Shire continue to facilitate events of this nature.

Participation in the Lost & Found Festival will provide an opportunity for local businesses to trial unique events with the support of AHOY Management. The marketing and promotion will assist to attract visitors to the region during the festival and year wide.

With the support of South32 and the State Government, there will be no direct financial impact to the Shire to participate in Lost & Found and to be the proponent for the Quarry Under the Stars events held in conjunction with the Festival, other than the provision of staff resourcing.

Through collaboration with the State Government, the 'Quarry under the Stars' concept can introduce a high-end attraction and experience for visitors and the community. Coupled with the very successful Lost and Found Festival, the initiative will complement the significant investments in tourism, it will strengthen the reputation of Collie, build capacity and capability in the town and in turn, bolster the local economy.

The recommendation provides support for the concepts presented and will see the Shire fully engage in the project.

**13. DEVELOPMENT SERVICES REPORTS**

**13.1 Shire of Collie Draft Public Health Plan 2022-2027**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Dean Guja – Environmental Health Officer
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Public Health Act 2016</i>
<b>File Number:</b>	GOV/086
<b>Appendices:</b>	13.1.A Shire of Collie Public Health Plan 2022 – 2027
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council to review and adopt the Shire of Collie Public Health Plan for public consultation.

**Officer's Recommendation**

*That Council resolve to:*

1. *adopt the draft Shire of Collie draft Public Health Plan contained in Appendix 13.1.1. for the purposes of a 28 day public advertising period;*
2. *subject to no submissions being received during the advertising process, proceed with adopting the Plan without modification; and*
3. *subject to 2. above, authorise officers to publish a notice of adopting the Plan plus a notice of revocation of the current Public Health and Wellbeing Plan 2015-2018.*

**Background:**

A Public Health Plan is a strategic document that outlines actions to improve community health and wellbeing. The release of the State Public Health Plan in 2019 coincided with an amendment to the *Public Health Act 2016* (Part 5), to make public health plans mandatory for every local government in WA.

The Shire adopted its Public Health and Wellbeing Plan 2015-2018 in 2015. This Plan is due for review.

A local public health plan must be consistent with the State Public Health Plan, whilst responding to local public health risks. The Plan must:

- identify the public health needs of the local government district;
- include an examination of data relating to health status and health determinants in the local government district;
- establish objectives and policy priorities for the promotion and protection of public health in the local government district;
- describe the development and delivery of public health services in the local government district; and
- include a report on the local government's performance of its functions under the *Public Health Act*.

This five-year Plan is a part of the Shire's integrated planning framework and informs our Corporate Business Plan and sets out a strategy and actions for how the Shire's community can become healthier.

The Plan was underpinned by public health research undertaken for Collie in the form of the Shire of Collie Health Profile Report 2022 (a copy of this report can be provided upon request).

The Plan supports the 5 goals contained within the Shire of Collie Strategic Community Plan, which has been consolidated into 3 public health priorities, which we believe reflect the main priorities of the community:

- Supporting Community
- Sustainable (Natural and Built) Environment
- Strong Economy and Services for Everyone

These priorities also align with the 4 priority focus areas and 12 themes of *Collie's Just Transition Plan 2020* adapted with a public health focus to underpin this Plan. Priority objectives are provided in more detail later in the plan.

The Shire has engaged a contractor to prepare this plan using a process that aligns with the WA Health Department's *Public Health Planning Guide for Local Governments*.

The breadth of inputs comprised of a range of statistical data, local community surveys and stakeholder, as well as reviewing the Shire's existing corporate plans and strategies. What this means is the Shire is being consistent in the way such plans are required to be developed, in order to meet statutory requirements as well as meeting the expectations of our community and agencies that we work with in implementing the plan.

**Statutory and Policy Implications:**

Nil

**Budget Implications:**

Nil

**Communications Requirements:**

Consultants facilitated a mini seminar / workshop on 22 August 2022, with a total of 16 participants, including Shire Officers (9) and Stakeholders (7) including Shire Deputy President Collie Chamber of Commerce, WACHS – Southwest, Collie Coalminers Welfare Board, Adventure Connections, Southwest TAFE – Collie Campus.

The public health community survey was conducted between survey contributions made by Community (85) and Stakeholders (21) respondents i.e., combined total of 122 engagements.

The workshops yielded 29 responses to actions that the Shire may consider in its revised public health plan. Additionally, 59 specific actions were identified as existing or should be investigated/proposed.

The feedback obtained from the two workshops was collated and combined with the community and stakeholder survey findings, for its use in assembling a draft action plan. The outcomes of this were presented in the Public Health Plan Stakeholder and Staff Workshop Report 22 August 2022 (a copy of this report can be provided upon request).

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>GOAL:</b>	1	Our Community: A vibrant, supportive and safe community
<b>Outcome:</b>	1.1	Health, education and family support services that are accessible and meet the needs of the community
<b>Strategies:</b>	1.1.1	Continue to advocate for health, education and family support services
	1.1.2	Support and promote opportunities for youth development, employment and activities
	1.1.3	Support the provision of a range of facilities and services to encourage ageing in place in our community
	1.1.4	Advocate for adequate early childhood facilities and programs
	1.1.5	Support lifelong learning, arts and culture in the community through the provision of library and cultural facilities and services
	1.1.6	Promote a high standard of public health
	1.1.7	Support a collaborative approach to alcohol management in the community

**Relevant Precedents:**

Council review and consider changes to the Shire of Collie Public Health Plan 2022 – 2027.

**Comment:**

Public health is an important issue for Collie, particularly as some health indicators that the community has issues around cholesterol, smoking, alcohol consumption, physical activity, obesity, mental health problems, high blood pressure. The community stress around the closure of the coal fired power station at Muja in 2029 and associated impacts must also be accounted for.

This Public Health Plan represents a great opportunity to properly identify these emerging issues and actions within the remit of the local government to address these areas of concern. The Plan recognises that public health promotion is an all of government and community issue, particularly for the vulnerable sections of our community.

The Public Health Plan has been prepared to address the Collie-specific issues and to respond to those matters raised by the community and key stakeholder groups.

Officers request that the draft plan be adopted for advertising purposes. If any submissions are received on the draft plan, it will be presented to Council for consideration.



**13.2 Review of refusal decision and revised application for Tourist Development and retrospective approval for various buildings - Lot 2826, No. 708 Yourdamung Road, Palmer**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Isabel Fry – Town Planner
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>State Administration Tribunal Act 2004</i> <i>Planning and Development Act 2005</i>
<b>File Number:</b>	A3405
<b>Appendices:</b>	Appendix 13.2.A - Location Plan Appendix 13.2.B - Amended Application Package Appendix 13.2.C - Bushfire Shelter Compliance Assessment Appendix 13.2.D - Agency Responses Appendix 13.2.E - Applicant Response to DFES
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council to reconsider its refusal decision and an amended Application for Development Approval comprising retrospective approval for Tourist Development, including proposed expansion of facilities for the management of the development and on-site facilities for guests, retrospective approval for 7 free-standing pagodas, proposed Camping Ground and proposed Assembly Building / shelter / multi-use space - Lot 2826, No. 708 Yourdamung Road, Palmer, as directed by the State Administrative Tribunal.

**Officer's Recommendation**

*That Council resolve to:*

1. *Refuse the application for development approval for retrospective approval for Tourist Development, including proposed expansion of facilities for the management of the development and on-site facilities for guests, retrospective approval for 7 free-standing pagodas, proposed Camping Ground and proposed Assembly Building/ Shelter/Multi-Use Space at Lot 2826, No. 708 Yourdamung Road, Palmer for the following reasons:*
  - a) *The performance principles contained within State Planning Policy 3.7- Planning in Bushfire Prone Areas and Element 5 of Guidelines for Planning in Bushfire Prone Areas have not been achieved/demonstrated for the proposed development as the bushfire hazard cannot be reduced to an acceptable level through the implementation of the Bushfire Management Plan.*
  - b) *The proposed on-site shelter does not demonstrate compliance with the ABCB Design and Construction of Community Bushfire Refuges Handbook (2014).*
  - c) *The Bushfire Risk Management Plan and Bushfire Emergency Evacuation Plan do not establish a suitable basis on which a decision maker can confidently approve the development.*
  - d) *Pursuant to clause 67(q) and (r) of the Planning and Development (Local Planning Schemes) Regulations 2015, the land is unsuitable for the proposed development as it creates a possible risk to human life and safety due to the risk of bushfire.*

2. Advise the State Administrative Tribunal of the Councils decision accordingly.

The subject site is an approximately 7ha in area, 18km northeast of the Collie townsite (Appendix 13.2.1). The property is surrounded by State Forest, managed by the Department of Biodiversity, Conservation and Attractions. Access to the site is from Yourdamung Road, which is an unsealed, gazetted gravel road managed by the Shire.

At the Ordinary Meeting of Council held 14 December 2021 (resolution 8892), Council resolved to refuse an application for development approval for a change of use from bed and breakfast to guesthouse, commercial kitchen/ restaurant, expansion of the kitchen and storeroom, change of use from outbuilding to guesthouse, bar and storage, 7 freestanding patios and camping ground.

The Applicant subsequently appealed the decision through the State Administrative Tribunal (SAT) and following several mediations and direction hearings, Edge Planning and Property, on behalf of Russell Tierney has lodged an amended application for consideration by the Shire. Pursuant to S31(1) of the *State Administrative Tribunal Act 2004*, the Shire has been directed by SAT to reconsider the amended application, on or before the 13 December 2022, with another SAT Directions Hearing scheduled for 16 December 2022.

The property owner has continued to host events and provide accommodation at the property, despite being advised against doing so by Shire Officers, and having the development refused in December 2021.

#### The Application

The amended application (refer Appendix 13.2.2) is seeking approval for:

- Retrospective approval for a tourist development;
- Expansion of the management of the development and on-site facilities for guests;
- Retrospective approval for seven free-standing pagodas (patios);
- Proposed camping ground (12 campsites), proposed to be a 'nature based park'; and
- Proposed assembly building/multiple use space (includes games room, kitchen, ablutions and laundry).

To support the amended application, an updated site plan along with floorplans and elevations for the assembly building/multiple use space have been provided. Previously submitted plans for other components of the development continue to apply.

In relation to the proposed assembly building/multiple use space, the Applicant has advised;

- A key part of addressing the acceptable solutions in the *Guidelines for Planning in Bushfire Prone Areas* is providing a 'suitable destination' to shelter on-site in the event of a bushfire (establishing and maintaining a low fuel area and a suitably constructed assembly building);
- The assembly building is given a practical purpose in addition to it being the shelter, it will additionally be a games room and camp kitchen; and
- The assembly building will be provided with water and a toilet for people sheltering.

#### Bushfire Shelter- National Construction Code and Building Code of Australia Compliance

1. The BMP report prepared by Envision Bushfire Protection (October 2022) states that construction of the bushfire shelter will comply with NCC/BCA specification 43 '*Bushfire Construction for Certain Class 9 Buildings*'.

It should be noted that this design criteria relates to Class 9a health care buildings, class 9b childcare centres and schools, and Class 9c residential care buildings when located in a designated bushfire prone area. It does not relate to construction requirements for a dedicated Bushfire Refuge, albeit the prescribed requirements under NCC/BCA specification are quite close to what the ABCB *'Design and Construction of Community Bushfire Refuges Handbook 2014'* (known hereafter as 'DCoCBR 2014') requires, being the prescribed construction requirement under SPP 3.7.

2. There is some conflicting information present between SPP 3.7, and the DCoCBR 2014. SPP 3.7 implies that a bushfire shelter can be constructed to DCoCBR 2014 if it is located in an area with heat exposure that exceeds 10Kw/m<sup>2</sup>, or alternatively if it doesn't exceed 10Kw/m<sup>2</sup> then it can be constructed to a standard that is higher than that required by AS 3959 (there is no further guidance on what that construction standard may be). However, the DCoCBR 2014 itself states that the shelter must be located in an area with maximum heat exposure of 10Kw/m<sup>2</sup>. What it also prescribes however is that the shelter needs to be signed off by a qualified fire engineer at both design and construction phases.
3. There is a third construction standard for bushfire shelters, which relate to those associated with Class 1a (single residential buildings). This is the ABCB *'Private Bushfire Shelters 2014 – Performance Standard'*.
4. To allow for a fully informed assessment of the bushfire refuge proposal, and inconsistencies within the relevant legislation the proposal has been assessed against:
  - a. NCC/BCA specification 43 *'Bushfire Construction for certain Class 9 buildings'*;
  - b. ABCB *'Design and Construction of Community Bushfire Refuges Handbook 2014'*; and
  - c. ABCB *'Private Bushfire Shelters 2014 – Performance Standard'*.

Note the mandatory requirement has been highlighted in orange in Appendix 13.2.3. Shire officers have provided an assessment against the mandatory requirements and highlighted areas that need further information or do not comply with the above requirements.

As detailed in the previous report to Council, additional to the development approval, there is a significant number of compliance issues relating to the Building Code which would need to be addressed, if development approval was contemplated. These are set out below:

1. Unauthorised addition/ fit out to approved outbuilding:
  - a. Comprising of unauthorised patio
  - b. Use as a public bar
  - c. Lack of fire separation between unauthorised accommodation element and bar/ patio.
  - d. Unauthorised fit out for accommodation, including laundry and kitchen extension.

All the above require retrospective approval and remedial works to be compliant with standards required for a new build.

2. Proposed Tourist Accommodation (Approved as Bed and Breakfast)
  - a. Building is approved for Class 3 Residential only.
  - b. Use of the function/ restaurant space for the public is unauthorised and requires approval as a Class 9b/ 6 building.
  - c. Change of classification is required, which triggers the following requirements;
    - i. Upgrade of passive fire protection for Sole Occupancy Units to meet BCA fire resistance levels of 90/90/90 – i.e. all SOU bounding walls, doors;
    - ii. Unprotected exit travel path for SOU occupants to be rationalised by certifier;
    - iii. Upgrade of fire detection and alarm system to comply with AS 1670.1, requires Fire Indicator Panel, extensive re-work;

- iv. Exit doors, emergency lighting, disability access all need to be addressed;
  - v. Energy Efficiency – this will need to be verified as meeting current section J requirements. The certifier didn't include energy efficiency under their BA18 retrospective approval certificate;
  - vi. Potentially Bushfire Construction Upgrades – The BA18 Retrospective Approval Certificate received for the Class 3 building was dated 16 March 2016 and declared the site wasn't in a bushfire prone area, despite the land being declared bushfire prone from the 8/12/2015 inception of new bushfire regulation requirements.
3. Unauthorised Ablutions Block
    - a. Retrospective approval required for building and effluent disposal systems.
  4. Camping Ground/ Unauthorised Shade Structures
    - a. Retrospective approval required for shade structures (patios) and issue of Camping Ground approval/ licence.

#### Local Planning Scheme No.6 (LPS6)

The subject site is zoned Rural under LPS6. Objective of the Rural zone is:

- To provide for the maintenance or enhancement of specific local rural character.
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

Land use permissibility in the Rural zone is as follows:

Tourist Development	A (discretionary use with advertising)
Camping Ground	A (discretionary use with advertising)

#### State Planning Policy 3.7- Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 applies as the subject site is wholly designated as bushfire prone. The proposed uses are considered under SPP 3.7 as 'Vulnerable Land Uses'. As such, require the preparation of a Bushfire Attack Level (BAL) Assessment, Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP), by an accredited bushfire practitioner to support and justify the application.

The application was previously refused on the basis of not be able to achieve the performance principles of SPP3.7, with the bushfire hazard not being able to be reduced to an acceptable level through the implementation of a BMP. The BMP and BEEP also did not establish a suitable basis for the Shire to confidently approve the development. It was also determined that the land is unsuitable for the proposed development as it creates a possible risk to human life and safety due to the risk of bushfire.

SPP3.7 stipulates that where a landowner/proponent has not satisfactorily demonstrated that the relevant policy measures have been addressed, responsible decision-makers should apply the precautionary principle to all development applications in designated bushfire prone areas.

If a landowner/ proponent cannot satisfy the performance principles of the relevant policy measure through either application of the acceptable solutions endorsed by the WAPC and DFES, the application may not be approved.

Since the previous consideration of the original application, the *Guidelines for Planning in Bushfire Prone Areas* have been updated to introduce Element 5 which relates to Vulnerable Tourism Land Uses. The intent of Element 5 is to provide bushfire protection for tourism land uses relevant to the characteristics of the occupants and/or the location, to preserve life and reduce the impact of bushfire on property and infrastructure. Element 5 sets out acceptable solutions relating to siting and design, vehicular access and provision of water, with varying requirements for the type of vulnerable use proposed.

An amended BMP has been prepared addressing the acceptable solutions contained within Element 5 (refer Appendix 13.2.2). The proposed land uses as contained in the updated BMP are not consistent with what has been detailed in the Development Application Report. The BMP refers to:

- Ancillary dwelling (4 persons)
- Guesthouse with 7 accommodation units – 14 persons
- 12 campsites (48 persons)
- Assembly building constructed to national shelter standard to accommodate maximum of 125 persons.

The Applicant has confirmed that the Development Application Report correctly identifies the land uses proposed.

**Statutory and Policy Implications:**

- *Planning and Development (Local Planning Schemes) Regulations 2015* - Cl 67. Matters to be considered
- Shire of Collie Local Planning Scheme No.6
- Rural Zone Objectives - Zoning Table
- *Caravan Parks and Camping Ground Act 1997* - Nature Based Parks
- State Planning Policy 3.7- Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas.

**Budget Implications:**

Previously utilised consultancy fee to obtain a peer-review of the BMP.

**Communications Requirements:** (Policy No. CS 1.7)

The amended proposal was referred to the Department of Fire and Emergency Services (DFES) and the Department of Biodiversity, Conservation and Attractions (DBCA). The responses from these agencies have been included in Appendix 13.2.4.

Agency Responses

The DBCA made a submission on the amended application and advised that all previous comments on the original application remain applicable. Additionally DFES indicated that a proven, reliable and effective communication system, endorsed by DFES should be specified in the BMP and installed prior to occupying the accommodation. The BMP only refers to a 'suitable means of internal communication with the Local Incident Control Centre'.

DBCA also identified the need for the on-site shelter to be constructed to a standard that satisfies DFES. Additionally, section 5.9 of the BMP refers to potable rainwater tanks and the availability of water from two dams. The security of dam water levels needs to be considered

if the dam water is to be relied upon as an emergency bushfire water supply. DBCA also identified the discrepancies between the site plan provided with the DA report and the plans contained in the BMP, with the DA report showing a setback of 21 metres from the boundary for the campsites, whereas the BMP shows 31 metres. DFES requires that all documentation should be consistent and that the larger setbacks are preferred to reduce possible impacts on adjoining DBCA managed land.

The recommendation by DFES is that the development is not supported, due to extreme hazard and for the reasons as summarised below:

1. The proposal does not comply with the intent, objectives and policy measures of SPP3.7.
2. The proposed development is an area of extreme bushfire risk making the location unsuitable for intensification and would increase the bushfire threat through the introduction of additional people, property and infrastructure at this location.
3. The proposal does not comply with the 'bushfire protection criteria' contained within the Guidelines.

Important to note is comment made by DFES relating to the onsite shelter building, which is supported by the advice provided by the Shire's Building Department. The BMP proposes the building to be a multi-use assembly building, which can also be used as an onsite shelter. Any onsite shelter should be considered a last resort option and should be constructed to the ABCB Community Shelter Handbook. The multi-use assembly building is shown within an area of 10kW/m<sup>2</sup> however in this instance it is proposed to be constructed to NCC Specification 43, which is not enforceable until May 2024 and is only relevant to certain Class 9 buildings, so is therefore not suitable for this proposal.

The BMP has also not considered the location, proximity to combustible materials, proximity to tall trees and the consequences of the multi-use nature of the building. Shelters should be empty and able to accommodate all people on site within the building, with 1.2m<sup>2</sup> per person. The issue with the building being multi-use is that it will likely have floor space taken up with furniture and other items.

The BAL contour map has shown an area labelled as 'suitable destination 200m', however this area that is shown includes areas with a BAL level of BAL-FZ (Flame Zone) which means this area identified as a suitable destination is exposed to direct flame contact. DFES has also commented that the reference to a 'suitable destination' as used in the BMP is misleading and not consistent with Section 5.5.3.1.2 Sheltering Off-site of the *Guidelines*, as per the advice from DFES. Referring to a 'suitable destination' in this instance should be removed from the BMP, as it appears to provide assurance that the site is safe to shelter on regardless of bushfire conditions, which is not the case.

The Applicant's bushfire consultant has responded to the comments made by DFES (refer Appendix 13.2.5). There has been no amendments to the BMP and BEEP proposed by DFES. The consultant has maintained that the proposal can meet Element 5 of the *Guidelines* and also the intent of SPP3.7, contrary to the advice of DFES.

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>GOAL:</b>	4	Out Built Environment
<b>Outcome:</b>	4.1	Appropriate Land Use, Development and Heritage Conservation
<b>Strategy:</b>	4.1.1	Support and promote the conservation and maintenance of heritage buildings, sites and places of interest.

**Comment:**

Clause 67 of the Planning and Development (Local Planning Schemes) 2015, which forms part of the Shire's Local Planning Scheme sets out matters to be given due regard when determining applications for development approval. Three relevant items of Clause 67 apply to the proposal:

- (c) any approved State Planning Policy [in this matter SPP 3.7 Planning in Bushfire Prone Areas];
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, land slip, bushfire, soil erosion, land degradation, or any other risk;
- (r) the suitability of the land for development taking into account the possible risk to human health or safety.

The proposed development site has been identified through designation as being bushfire prone and through the subsequent review of the BMP and BEEP, as not suitable for vulnerable land uses. This is due to the threat of bushfire and the possible risk to human life and safety in the event of a bushfire, where the risk cannot be adequately managed.

Building Compliance

Non-compliance with the requirements of the Building Code of Australia cannot be considered when determining an application for development approval, as works can be undertaken to bring the existing buildings into compliance. However, it is important to note that the costs associated with the required works to ensure compliance are anticipated to be extensive for this development.

The property owner has acknowledged that if development approval was to be granted, the upgrades to the buildings would need to be undertaken, prior to the use of the buildings for the proposed purpose.

As outlined in the previous report to Council, should Council resolve to refuse the application as recommended, the following compliance action is required to be taken on the property.

<b>Building No.</b>	<b>Compliance Issues</b>	<b>Refusal Actions</b>
1. Approved Shed (Unauthorised guesthouse fit out and additions)	Unauthorised residential fit out (Class 1b). Unauthorised kitchen and laundry extension. Unauthorised (non-compliant) septic tank system; No windows to habitable rooms; Ceilings to habitable rooms not 2400mm; No Smoke Alarms; Damp proof membrane to slab to meet residential construction standards.	Via s.110 'Building Order': Remove unauthorised residential fit-out (i.e. internal walls, mezzanine floor, stair); Demolish kitchen/laundry addition; Pump out septic, break up bottom of tank and fill with sand; Existing shed to be reinstated as originally approved for Class 10a.

	<p>Energy efficiency compliance (i.e. wall, roof insulation, glazing, air movement) to be verified</p> <p>Upgrade for BAL Construction needed (i.e. replace windows, bushfire screens, install full sarking beneath roof sheeting). May be too costly if BAL-40 or BAL-FZ;</p> <p>Firewall needed between residence and Public Bar (Class 6 or 9b) use.</p>	
2. Unapproved Patio/Bar Addition	<p>130m2 unauthorised partially enclosed patio;</p> <p>Usage intent appears to be for general public (i.e. Class 9b 'Public Bar' or Class 6 'retail/service');</p> <p>Not enough toilet facilities provided for patrons, including accessible facilities;</p> <p>Timber sizes, spans, connections don't meet Timber Framing Code AS/NZS 1684.4.</p>	<p>Via s.110 'Building Order':</p> <p>Demolish entire 130sqm patio, including internal bar fit out;</p> <p>Existing shed to be reinstated as originally approved for Class 10a.</p>
4. Approved Bed and Breakfast/ Short Stay Accommodation	<p>Building only approved for Class 3 'Short Stay Accommodation'. No other use (i.e. restaurant, or function room) approved.</p> <p>Introduction of Class 6 Restaurant or Class 9b function room will not be achievable for this Building – compliance will not be achievable without significant expense due to modifications needed for:</p> <p>Fire separation of accommodation rooms;</p> <p>Bushfire construction compliance;</p> <p>AS/NZS 1670.1 fire detection system upgrade;</p> <p>Energy Efficiency.</p>	<p>Existing building to be reconciled onsite against existing approved documentation to ensure no unauthorised works have been carried out.</p> <p>Remove any unauthorised additions via s.110 'Building Order' (if applicable).</p> <p>Building to remain as 'Short Stay Accommodation' (as approved) only. No further alternative usage (i.e. public access other than for guests lodging in building) permitted.</p>
5. Stage	<p>Stage – Approved as Class 6 (retail/service) use instead of Class 10a.</p>	<p>Building to remain as approved.</p>
Other	<p>Various Shade structures erected around the site</p>	<p>Remove shade structures &gt;10m2 in area via s.110 'Building Order'</p>
Other	<p>Unauthorised Transportable Ablution block</p>	<p>Remove from site via s.110 'Building Order'</p>

### Summary

The Bushfire Management Plan has neglected to consider the intent of State Planning Policy 3.7- Planning in Bushfire Prone Areas (SPP3.7) and Element 5 of the Bushfire Protection Criteria as contained in the Guidelines.

The objectives of SPP3.7 and clause 67(q) and (r) of the Planning and Development (Local Planning Schemes) Regulations 2015, are to avoid an increase in the threat of bushfire, where there is a possible risk to human life and to reduce vulnerability to bushfire through decision making. The subject land is unsuitable for the proposed development and creates risk to human life and safety due to possible bushfire.



The surrounding landscape presents an extreme bushfire risk location. There is extreme hazard level vegetation within and adjacent to the site and this vegetation is able to form a significant fire run and impact the site in the event of a bushfire emergency. The site is not located in close proximity to urban areas or townships where fuel loads are managed in a minimum fuel condition and where immediate access is available to a place that provides shelter from bushfire. Evacuation options cannot be relied upon for this site, given the remoteness and topography of the site, the road condition and the presence and extent of vegetation surrounding evacuation routes.

As recognised in the advice provided by DFES, for this location, catastrophic bushfire behaviour is likely, and a bushfire could develop rapidly and grow to a significant size, resulting in the loss of life, property and infrastructure. The topography, type and extend of bushfire prone vegetation may result in landscape-scale destruction as it interacts with the bushfire hazard on and close to the site. The site also presents significant complexities for response and may not reasonably and realistically be able to be defended in the event of a bushfire emergency. Evacuation from the site, via the singular access route may not be possible and if attempted could pose an unacceptable risk to human safety. Due to this, DFES does not consider sheltering on site as acceptable in any instance.

Element 5 of the *Guidelines* has allowed for tourism uses proposed on bushfire prone land to be considered more easily than under the previous policy provisions. However the proposal does not meet access requirements for Vehicular Access under A5.8.2 of the *Guidelines* and has not been able to provide an emergency accessway, or a compliant on-site shelter to mitigate this.

The amended proposal relies heavily on the provision of the onsite shelter/ refuge building as a method to manage the risk of bushfire for people on the site. The detail provided for the shelter does not comply or is lacking in detail to demonstrate compliance with the requirements under the ABCB 'Design and Construction of Community Bushfire Refuges Handbook 2014'. The Applicant has been given the opportunity to amend these plans but has advised they will not be doing so.

If the Council were to contemplate an approval for the proposed development, there is extensive work to be done, at a significant cost to the Applicant to obtain a Building Permit and to address appropriate conditions of Development Approval. The documents and plans that have been provided are inconsistent and contradictory to one another and would be required to be reviewed, as well as extensive works on the site and ongoing maintenance to the property to comply with the Bushfire Management Plan and the refuge/ shelter building. Additionally, insufficient information on the provision of water has been provided in the BMP.

### Conclusion

The application proposes a significant intensification of activities, as well as introducing new, vulnerable land uses to the site. Development approval should not be granted for the intensification of uses, or the introduction of vulnerable land uses in areas of extreme bushfire risk, where the risk cannot be appropriately managed.

It is important to note that the recommendation to refuse the application does not impede the Applicant from operating the existing approved Bed and Breakfast. All activities and operations are to be in compliance with the development approval issued for the Bed and Breakfast use.

Following a long-standing history of non-compliance on the subject site, it is anticipated that the determination of this application will clarify for the applicant what uses may be conducted on the site in compliance with Shire approvals. While recognising that the proposal might

support economic aspirations associated with Collie's transition away from coal related industries, human safety and non-compliance with relevant planning framework should be given significant consideration in determining this proposal.

It is recommended that the application be refused based on the reasons in the recommendation Officer's Recommendation section of this report.

**14. TECHNICAL SERVICES REPORTS**

**14.1 Environmental Working Group Terms of Reference**

<b>Reporting Department:</b>	Technical Services
<b>Reporting Officer:</b>	Katya Tripp – Strategic Planner/Project Manager
<b>Accountable Manager:</b>	Rick Miller – Director Technical Services
<b>Legislation</b>	Nil
<b>File Number:</b>	LUP/056
<b>Appendices:</b>	Appendix 14.1.A – Environmental Working Group Terms of Reference
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

**For Council to adopt the Shire of Collie Environmental Working Group Terms of Reference.**

**Officer's Recommendation**

*That Council adopts the Shire of Collie Environmental Working Group Terms of Reference contained in Appendix 14.1.A.*

**Background:**

Council at its special meeting held on 26 October 2021 (motion 8859) nominated the following members to the Environmental Working Group:

- Councillor White
- Councillor Faries
- Councillor Scoffern
- Director Development Services
- Representatives of the local indigenous community
- Representatives of the Department of Local Government, Sport and Cultural Industries
- Representatives of the Department of Biodiversity, Conservation and Attractions
- Representatives of the Collie Visitors Centre
- Representatives of the local stakeholders organisations/groups

A Terms of Reference for this Panel has not yet been adopted.

**Statutory and Policy Implications:**

The Working Group will primarily be responsible for providing advice and feedback relating to the management, protection and conservation of the Shire's natural areas and green spaces.

The group will provide advice and feedback on the Shire's overarching strategies, plans and strategic projects as pertinent to the natural environment.

This may include assistance with the investigation, planning, implementation and review of Shire projects that focus on topics such as environmental water quality, introduced flora and fauna, land clearing and the protection of native flora and fauna, air quality plus community environmental awareness and education.

**Budget Implications:**

Nil

**Communications Requirements:**

Nil

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>GOAL:</b>	3	Our Natural Environment
<b>Outcome:</b>	3.1	A protected natural environment
<b>Strategy:</b>	3.1.1	Sustainably manage bushland

**Comment:**

The Terms of Reference were considered at the first meeting of the Environmental Working Group on 22 October 2022.

It is recommended that the Environmental Working Group Terms of Reference are adopted by Council to provide suitable governance and direction for the group.

**14.2 Tender 05/2022 Supply of Bitumen Sealing and Asphalt Services**

<b>Reporting Department:</b>	Technical Services
<b>Reporting Officer:</b>	Rick Miller – Director Technical Services
<b>Accountable Manager:</b>	Rick Miller – Director Technical Services
<b>Legislation</b>	Local Government Act 1995 – Section 3.57 Local government (Functions and General) Regulations 1996 – r.11,r.13,r.14,r.18,r.20,r.21A
<b>File Number:</b>	CMG/289
<b>Appendices:</b>	<b>Confidential</b> - Evaluation Report (under separate cover)
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council consideration to accept or reject Tender 05/2022 Bitumen Sealing and Asphalt Services.

**Officer's Recommendation**

*That Council resolve to:*

1. *accept the tender submission RFT 05/2022 Bitumen Sealing and Asphalt Services received from Fulton Hogan Industries Pty Ltd, as the most advantageous, with the schedule of rates detailed in the confidential evaluation report, applicable for a contract term of 3 years commencing on execution of contract, plus a discretionary option to extend the contract term for 2 years.*
2. *authorise the Chief Executive Officer to execute the contract for Tender – 05/2022 Bitumen Sealing and Asphalt Services, in accordance with section s9.49A(4) of the Local Government Act 1995.*

**Background:**

Shire of Collie has a long term capital works program which includes bitumen primersealing, second coat bitumen sealing and various asphalt mixes for the Shire's road network.

The advantages of long term supply contracts means that by offering a longer term:

1. the contractor is able to lower their risk and offer more competitive pricing, and
2. the contract (with discretionary extension), provides the contractor with the benefit of certainty and security of works and an obligation of supply of service to the Shire in a competitive resource supply environment.

The contract requirement is predominantly for the resurfacing of roads, paths and carparks with bitumen/aggregate and asphalt surfacing, and including surface profiling as per schedule Shire of Collie's current contract for bitumen sealing services will expired in October 2022, and therefore Shire of Collie is now seeking a three year contract (plus 2 year possible extension) effective from December 2022.

The Public Request for Tender (RFT) was advertised 5 November 2022 in the West Australian and the 10 November 2022 in the Collie River Valley Bulletin. It was also advertised through Tenderlink website.

During the advertising period 10 companies downloaded/obtained tender documents for consideration.

Upon the close of the tender period on 6 December 2022, two submissions were received, with each being deemed eligible submissions. They were received from:

- Fulton Hogan Industries Pty Ltd
- ASPHALTECH

**Statutory and Policy Implications:**

- CS3.23 Purchasing Policy requirements formed part of tender criteria.
- The *Functions and General Regulations* (Clause 18) prescribes the powers of the Local Government to accept or reject tenders.
- Shire Delegation 15 Functions Tenders (excerpt)-e. make minor variations to contract before entering into contract.

**Budget Implications:**

Each road project which requires bitumen or asphalt services is listed in the 2022/23 annual budget. Allowance have been made for these services against each project.

**Communications Requirements:** (Policy No. CS 1.7)

The tender has undergone public advertising in accordance with policy requirements.

Public advertising was undertaken in both local and state papers, Shire website and available through the tenderlink supplier network.

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>GOAL:</b>	4	Our Community
<b>Outcome:</b>	4.1	Appropriate Land use, development and heritage conservation
<b>Strategies:</b>	4.1.2	Participation in sport, recreation and leisure opportunities
	4.1.3	An active and supportive community
	4.1.4	A growing Community

<b>GOAL:</b>	5	Our Business
<b>Outcome:</b>	5.1	Good governance and leadership
<b>Strategy:</b>	5.1.5	Administer local laws and ensure compliance with statutory obligations

**Relevant Precedents:**

Nil

**Comment:**

Overall, the quality of submissions was high with both tenderers capable of delivering the specified services.

A panel of three, (two shire staff and one consultant) individually evaluated the tenders and provided a consensus evaluation and recommendation that is most advantageous to Council and able to deliver within the required budget and timeframes.

Details of the evaluation are included in the attached confidential (in commercial confidence) evaluation report. The recommended contractor, Fulton Hogan was ranked highest based on the advertised selection criteria:

<b>A. Relevant Experience (25%)</b>
<ul style="list-style-type: none"> <li>a) <i>Provide details of similar work undertaken.</i></li> <li>b) <i>Provide scope of the Tenderer's involvement including details of outcomes.</i></li> <li>c) <i>Provide details of issues that arose during the project and how these were managed.</i></li> <li>d) <i>Demonstrate competency and proven track record of achieving outcomes.</i></li> </ul>
<b>B. Key Personnel Skills and Experience (10%)</b>
<ul style="list-style-type: none"> <li>a) <i>The Tenderer's role in the performance of the Contract.</i></li> <li>b) <i>Curriculum vitae of key staff inclusive of membership to any professional or business association, qualifications etc., particularly experience of personnel involved in similar projects.</i></li> </ul>
<b>C. Demonstrated Understanding (25%)</b>
<ul style="list-style-type: none"> <li>a) <i>A project schedule/timeline.</i></li> <li>b) <i>A resources schedule (plant equipment etc)</i></li> <li>c) <i>The process for the delivery of the Goods/Services.</i></li> <li>d) <i>Training processes and handover to Principal; and</i></li> <li>e) <i>Demonstrated understanding of the Scope of Work.</i></li> </ul>
<b>D. Pricing (40%)</b>
<i>Tenderers must complete Schedule of Rates</i>

For assessment of pricing, Shire officers used the current works program estimate of quantities combined with the tendered rates, the following estimate of the total cost has been calculated:

<b>22/23 Projects</b>	<b>Asphaltech</b>	<b>Fulton Hogan</b>
<b>Site</b>	Estimate	Estimate
McAlinden Rd (Bitumen)	\$180,096	\$136,176
Powerhouse (Bitumen)	\$180,096	\$136,176
Hoddell (Bitumen)	\$21,011	\$15,887
Lefroy (Asphalt)	\$26,460	\$28,485
<b>Total</b>	<b>\$407,663</b>	<b>\$316,724</b>

It is noted the prices submitted are fiscal for 12 months, with each tenderer providing comparable cost rise/fall formula that align with industry best practice.

Having regard for the assessment of submissions, appointment of Fulton Hogan Industries Pty Ltd is recommended.

**14.3 Tender 06/2022 Road Shoulder and Pavement Stabilisation Services – Gastaldo Road**

<b>Reporting Department:</b>	Technical Services
<b>Reporting Officer:</b>	Rick Miller – Director Technical Services
<b>Accountable Manager:</b>	Rick Miller – Director Technical Services
<b>Legislation</b>	<i>Local Government Act 1995 – Section 3.57 Local government (Functions and General) Regulations 1996 – r.11,r.13,r.14,r.18,r.20,r.21A</i>
<b>File Number:</b>	CMG/288
<b>Appendices:</b>	<b>Confidential</b> - Evaluation Report (under separate cover)
<b>Voting Requirement</b>	Absolute Majority

**Report Purpose**

For Council consideration to accept or reject Tender 06/2022 Road Shouldering and Pavement Stabilisation Services.

**Officer's Recommendation**

*That Council resolve to:*

1. *accept the tender submission RFT 06/2022 Road Shouldering and Pavement Stabilisation Services – Gastaldo Road received from WCP Civil Pty Ltd, as the most advantageous, for a lump sum value of \$705,336.66 ex GST;*
2. *authorise the Chief Executive Officer, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract for Tender – 06/2022 Road Shouldering and Pavement Stabilisation Services; and*
3. *approve a 2022/23 budget amendment to increase the budget allocation to Job 3093 Gastaldo Rd by \$45,000 to be funded from expected underspend from Job 3094, McAlinden Road, subject to MRWA approval, or through other budget amendment as determined by Council.*

**Background:**

Gastaldo Road between Mornington Road and South32 mine site has been showing signs of pavement failure over the past 12 months, Gastaldo Road is a road of regional significance and listed in the Roads 2040 strategy and therefore eligible for funding under the Regional Road Group program. The funding approved is two thirds Regional Road Group (\$500,000) and one third matching contribution from the Shire of Collie (\$250,000) which includes a South32 contribution of \$150,000 made to the Shire in FY2021/22.

The Public Request for Tender (RFT) was advertised 5 November 2022 in the West Australian and the 10 November 2022 in the Collie River Valley Bulletin. It was also advertised through Tenderlink website.

During the advertising period 10 companies downloaded/obtained tender documents for consideration.



Upon the close of the tender period on 6 December 2022, three submissions were received, with each being deemed eligible submissions. They were received from:

- WCP Civil Pty Ltd
- Roadline Holdings Pty Ltd
- Stabilised Pavements of Australia

**Statutory and Policy Implications:**

- CS3.23 Purchasing Policy requirements formed part of tender criteria.
- The *Functions and General Regulations* (Clause 18) prescribes the powers of the Local Government to accept or reject tenders.
- Shire Delegation 15 Functions Tenders (excerpt)-e. make minor variations to contract before entering into contract.

**Budget Implications:**

Project is included in the 2022/23 Budget with a funding allocation of \$751,910. Officers have estimated that other associated works (project management, gravel supply and contingency) will expend about another \$45,000 a budget amendment by \$45,000 to include a 6.5% contingency amount. This will ensure the project flows smoothly without any cash related delays.

With MRWA approval, the additional funds can be transferred from the McAlinden Rd (Job 3094) (RRG funded) due to estimated expected savings on this project. If the savings or approval is not realised, alternative revenue sources include LRCI re-allocation or Federal Assistant Grant allocations.

**Communications Requirements:** (Policy No. CS 1.7)

The tender has undergone public advertising in accordance with the policy requirements.

Public advertising was undertaken in both local and state papers, Shire website and available through the tenderlink supplier network.

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>GOAL:</b>	4	Our Built Environment
<b>Outcome:</b>	4.3	A safe and reliable transport system
<b>Strategies:</b>	4.3.1	Maintain and further develop local roads and footpath networks

**Relevant Precedents:**

Nil

**Comment:**

Overall, the quality of submissions was high with all tenderers capable of delivering the specified services.

A panel of three, (two shire staff and one consultant) individually evaluated the tenders and provided a consensus evaluation and recommendation that is most advantageous to Council and able to deliver with an amended budget and within timeframes.

Details of the evaluation are included in the attached confidential (in commercial confidence) evaluation report. The recommended contractor, *WCP Civil Pty Ltd* was ranked highest based on the advertised selection criteria:

<p><b>A. Relevant Experience (25%)</b></p> <p>a) <i>Provide details of similar work undertaken.</i></p> <p>b) <i>Provide scope of the Tenderer's involvement including details of outcomes.</i></p> <p>c) <i>Provide details of issues that arose during the project and how these were managed.</i></p> <p>d) <i>Demonstrate competency and proven track record of achieving outcomes.</i></p>
<p><b>B. Key Personnel Skills and Experience (10%)</b></p> <p>a) <i>The Tenderer's role in the performance of the Contract.</i></p> <p>b) <i>Curriculum vitae of key staff inclusive of membership to any professional or business association, qualifications etc., particularly experience of personnel involved in similar projects.</i></p>
<p><b>C. Demonstrated Understanding (25%)</b></p> <p>a) <i>A project schedule/timeline.</i></p> <p>b) <i>A resources schedule (plant equipment etc)</i></p> <p>c) <i>The process for the delivery of the Goods/Services.</i></p> <p>d) <i>Training processes and handover to Principal; and</i></p> <p>e) <i>Demonstrated understanding of the Scope of Work.</i></p>
<p><b>D. Pricing (40%)</b></p> <p><i>Tenderers must complete Lump Sum Price Schedule</i></p>

The expected timeframe for completion of the works is March/April 2023, although this may vary dependent on programming with the contractor and weather conditions.

The aim of the project will be to complete the works in a timely manner and to minimise disruption to the traveling public. In development of the traffic management plan, the Shire and the successful contractor will liaise with South32 (as a major stakeholder), to ensure plenty of notice and to take into consideration their change of shift times.

Having regard for the assessment of submissions, appointment of WCP Civil Pty Ltd is recommended.

**14.4 Tender 08/2022 Jack Mears Spring Boardwalk**

<b>Reporting Department:</b>	Technical Services
<b>Reporting Officer:</b>	Scott Geere – Manager Building Services
<b>Accountable Manager:</b>	Rick Miller – Director Technical Services
<b>Legislation</b>	<i>Local Government Act 1995 – Section 3.57 Local Government (Functions and General) Regulations 1996 – r.11,r.13,r.14,r.18,r.20,r.21A</i>
<b>File Number:</b>	CMG/288
<b>Appendices:</b>	<b>Confidential</b> - Evaluation Report (under separate cover)
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council consideration to accept or reject Tender 08/2022 Design and Construction for Elevated Walkway and Viewing Platform at Jack Mears Spring, Collie.

**Officer's Recommendation**

*That Council resolve to:*

1. *accept the tender received, that being submitted by Enviro Infrastructure Pty Ltd, to provide in accordance with Tender 08/2022 Design and Construction for Elevated Walkway and Viewing Platform at Jack Mears Spring, Collie for a payment of \$234,500.04 ex GST, plus demolition of existing bridge and gazebo for a payment of \$5,787.90 ex GST for a total payment of \$240,287.94 (ex gst);*
2. *authorise the Chief Executive Officer, to liaise with the successful tenderer to make minor variations to achieve design outcomes before entry into contract;*
3. *authorise the Chief Executive Officer, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract for Tender – 08/2022 Design and Construction for Elevated Walkway and Viewing Platform at Jack Mears Spring, Collie; and*
4. *authorise the Chief Executive Officer to approve contract variations that will not exceed the total approved 2022/23 budget project value.*

**Background:**

The Shire obtained grant funding of \$678,508 through Phase 3 of the Local Roads and Community Infrastructure (LRCI) program for seven (7) projects in total. The projects were agreed to by Council on the 14 June 2022. These projects are:

<b>Project</b>	<b>Status</b>	<b>Funding Allocation</b>
Gastaldo Road	Works in progress	\$63,000
Roche Park Scoreboards	Procured, pending delivery	\$30,000
Soldiers Park Playground	Concept design	\$30,000

Recreation Grounds Fencing	Completed	\$40,508
Lions Park Public Ablutions	Procured, pending installation	\$120,000
Jack Mears Spring Boardwalk	Tender award	\$195,000
Swinging Bridge	Engineer engaged to specify work scope	\$200,000
<b>TOTAL</b>		<b>\$678,508</b>

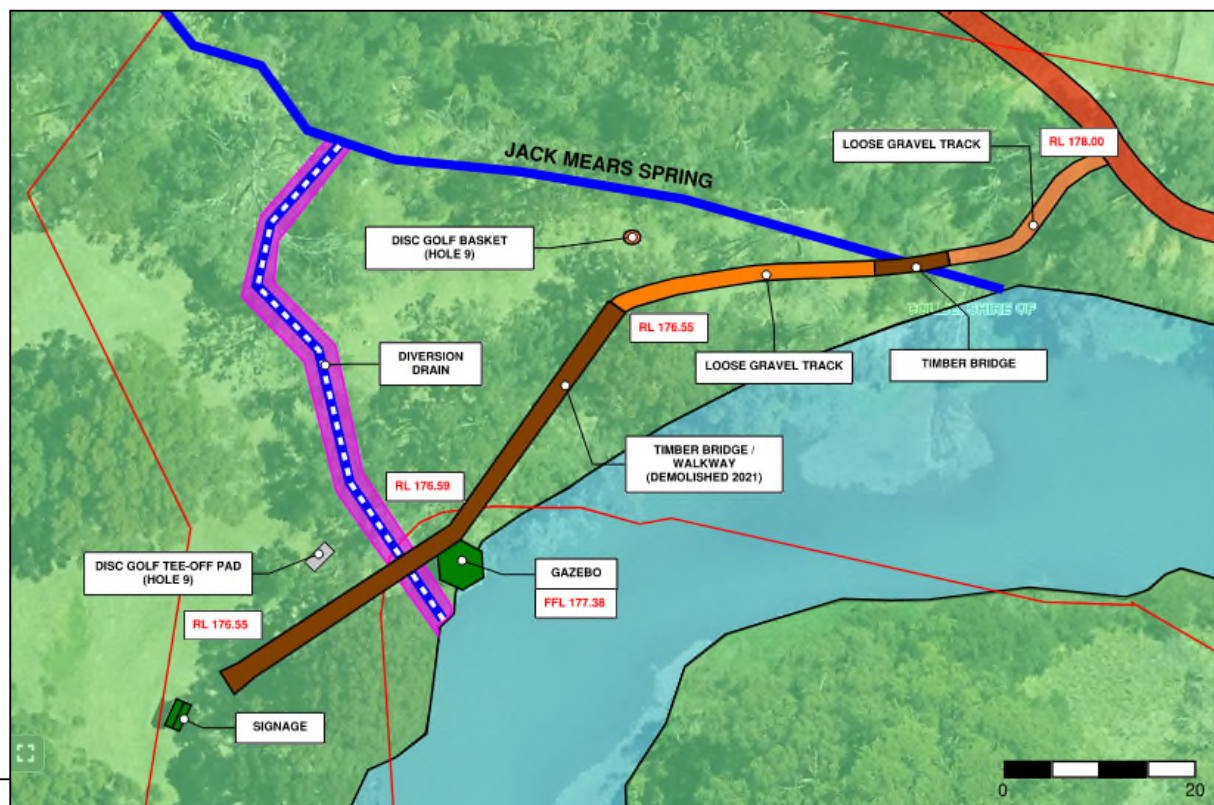
The refurbishment of Jack Mears Spring Boardwalk was previously advertised for Expressions of Interest in October 2021 (ref: EOI 01/2021) by the Shire Engineering Department, with no responses received at the time. The boardwalk was subsequently demolished due to its deteriorated state, with only the gazebo left in-situ, which is in a dilapidated and end-of-life.

This current tender package recognised that opportunity exists to not only install a new boardwalk with viewing platform in the same approximate location as that previous, but to also resolve the link from the main river side pedestrian pathway down to Jack Mears Spring and Reserve, by providing an elevated walkway to this section as well.

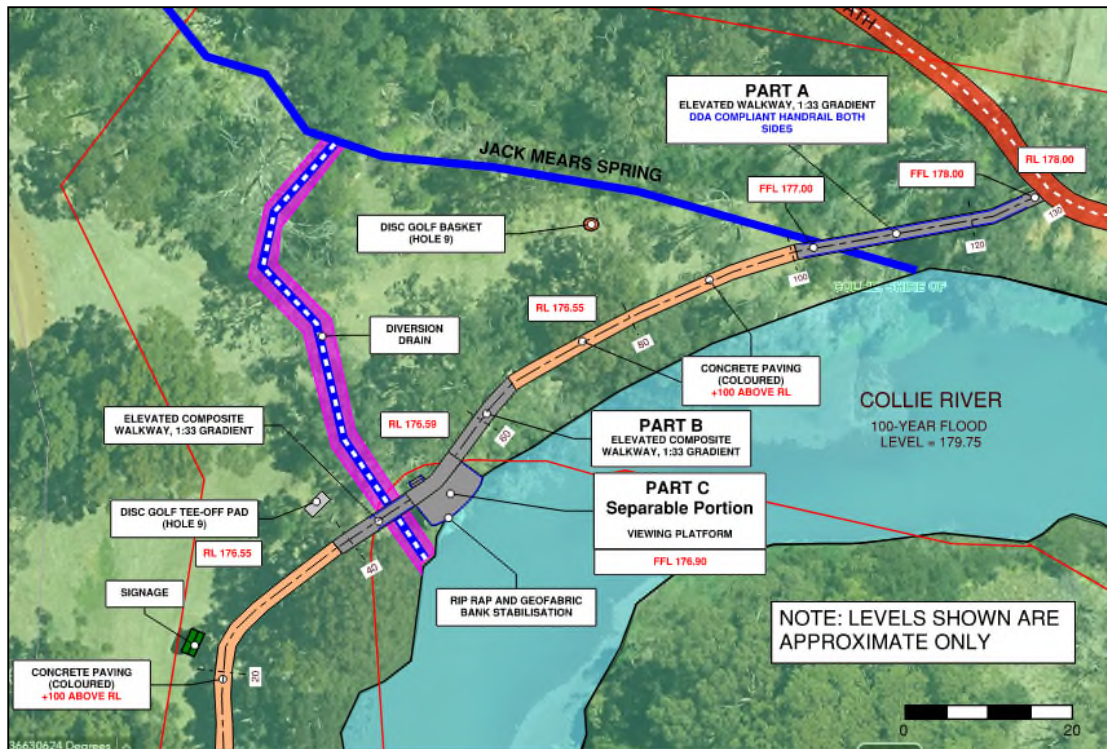
This new link, which also forms part of this tender 08/2022, will resolve:

- Slippery and steep gravel path down to Jack Mears Spring/Reserve, which currently is a hazard for pedestrians;
- Aging timber bridge over Jack Mears Spring, which will be replaced as part of the upgrade;
- Removal of foot traffic from the sensitive spring area, which gets very muddy due to overland flow during wetter seasons;
- The walkway into and over the spring will better showcase the unique nature and history of Jack Mears Spring for the public, and provide more appropriate linkage to the greater site, including the continuation of the Disc Golf course from Lions Park.

**Figure 1 – Jack Mears Spring Boardwalk (existing)**



**Figure 2 – Jack Mears Spring Boardwalk (concept / proposed)**



Elder Joe Northover, was consulted on the 9 November 2022. He asked for the works to minimise impact to the spring wherever possible. It is the objective of the project team to maximise spans of the walkway, to minimise the number of stump footings required to be installed to achieve this.

The Public Request For Tender (RFT) was advertised 10 November 2022 in the West Australian and the Collie River Valley Bulletin. It was also advertised through Tenderlink website. A non-mandatory site/meet briefing session was undertaken with three prospective tenderers in attendance.

During the advertising period 12 companies downloaded/obtained tender documents for consideration.

Upon the close of the tender period on 2 December 2022, one submission was received from Enviro Industries Pty Ltd and deemed to be an eligible submission.

**Statutory and Policy Implications:**

CS3.23 Purchasing Policy requirements formed part of tender criteria. The Functions and General Regulations (Clause 18) prescribes the powers of the Local Government to accept or reject tenders.

**Budget Implications:**

The project is included in the 2021/22 Budget with a grant funded allocation of \$195,000.

At the time of the 14 June 2022 Ordinary Meeting of Council it was resolved under motion 9014 that should:

- a) *The total cost of any project be less than anticipated.*

- b) *Any of the nominated projects being unable to proceed; or*  
 c) *If construction activity cannot be completed on any project prior to 30 June 2023 funds may be reallocated to one of the other approved projects including reserve projects.*

It is therefore the intention to re-allocate \$50,000 from the Swinging Bridge refurbishment project to allow for the full tendered sum of works for the Design and Construction for Elevated Walkway and Viewing Platform at Jack Mears Spring, Collie

Project	Current allocation	Proposed adjustment	Proposed allocation
Jack Mears Spring Boardwalk	\$195,000	+\$50,000	\$245,000
Swinging Bridge	\$200,000	-\$50,000	\$150,000

The swinging bridge project is pending engineering specification. Actual works to be carried out under current grant arrangements are contingent on timing (what can be achieved in this financial year), and a breakdown of work components (what can be achieved with funding available). Given the readiness of the Jack Mears project, it is recommended funds be reallocated to ensure delivery of this outcome.

**Communications Requirements:** (Policy No. CS 1.7)

The proposal has undergone public advertising in accordance with policy requirements.

Public advertising was undertaken in both local and state papers, and available through the tenderlink supplier network.

**Strategic Community Plan/Corporate Business Plan Implications:**

<b>GOAL:</b>	4	Our Community
<b>Outcome:</b>	4.1	Appropriate Land use, development and heritage conservation
<b>Strategies:</b>	4.1.2	Participation in sport, recreation and leisure opportunities
	4.1.3	An active and supportive community
	4.1.4	A growing Community

**Relevant Precedents:**

Nil

**Comment:**

The quality of submission from Enviro Industries was quite high and they have strong experience with elevated walkway projects, particular in sensitive environmental areas. Some recent projects from them (among others) are:

- Penguin Island Access Upgrades
- Novara Foreshore Boardwalk
- Karijini Paths Project
- Mandurah Foreshore Access Package

A panel of three shire staff evaluated the tender and have determined Enviro Industries as being able to deliver within the required budget and timeframe.

Details of the evaluation is included in the attached confidential (in commercial confidence) evaluation report which will be supplied to Councillors under separate cover. They were scored based on the advertised selection criteria:

<p><b>A. Relevant Experience (25%)</b></p> <p>a) <i>Provide details of similar work undertaken.</i></p> <p>b) <i>Provide scope of the Tenderer's involvement including details of outcomes.</i></p> <p>c) <i>Provide details of issues that arose during the project and how these were managed.</i></p> <p>d) <i>Demonstrate competency and proven track record of achieving outcomes.</i></p>
<p><b>B. Key Personnel Skills and Experience (10%)</b></p> <p>a) <i>The Tenderer's role in the performance of the Contract.</i></p> <p>b) <i>Curriculum vitae of key staff inclusive of membership to any professional or business association, qualifications etc., particularly experience of personnel involved in similar projects.</i></p>
<p><b>C. Demonstrated Understanding (25%)</b></p> <p>a) <i>A project schedule/timeline.</i></p> <p>b) <i>A resources schedule (plant equipment etc).</i></p> <p>c) <i>The process for the delivery of the Goods/Services.</i></p> <p>d) <i>Training processes and handover to Principal; and</i></p> <p>e) <i>Demonstrated understanding of the Scope of Work.</i></p>
<p><b>D. Pricing (40%)</b></p> <p><i>Tenderers must complete Lump Sum Price Schedule</i></p>

The expected timeframe for final completion is 4 June 2023.

Having regard for the assessment of submissions, appointment of Enviro Industries Pty Ltd is recommended.

**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.

**15.1 Notice of Motion - Designated Non-Smoking Areas within the Shire of Collie**

<b>Councillor</b>	Cr E Harverson
<b>File Number:</b>	GOV/027
<b>Appendices:</b>	Nil
<b>Voting Requirement</b>	Simple Majority

**Notice of Motion**

A Notice of Motion was received from Cr Harverson on 7 November 2022 and the notice was circulated to the Councillors on the same day. Sufficient notice has been provided as required by Standing Orders.

Cr Harverson

That the CEO investigate options available to Council to designate areas within Collie as smoke free areas and report back to Council accordingly.

**Background**

- *The dangers of smoking and second-hand smoke are well known.*
- *The Shire of Collie should lead the way in seeking to reduce community exposure to environmental tobacco smoke and create healthy environments.*
- *We should be able to walk down the street or have our children play and eat in local parks without the risk of breathing in toxic cigarette smoke.*
- *This move will also discourage people from smoking and reduce litter from cigarette butts.*
- *Particular areas of interest include:*
  - *local parks, in particular Central Park and Soldiers' Park*
  - *the town CBD*

**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.

Responses to questions asked at the October Ordinary Council Meeting, for which an answer has not been provided, are listed below:

**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 19.1.A
- 'All Open' at Appendix 19.1.B

**20. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC****21. CLOSE**