



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 9 May 2023



Our Vision

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

Our Values

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

Integrity

Transparency

Accountability

Collaboration

Respect

Our Commitment to Community

We will lead the delivery of our vision

We will support local business wherever possible

We will consult and engage with our community on issues that affect them

We will encourage, welcome and value feedback

We will encourage, support and advocate for our community

NOTICE OF MEETING

Please be advised that the



Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

Tuesday, 9 May 2023

in Council Chambers at 87 Throssell Street, Collie WA

A handwritten signature in blue ink, appearing to read "Stuart Devenish", is written over a horizontal line.

Stuart Devenish
Chief Executive Officer

4 May 2023

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

May 2023

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 9 May 2023

Ordinary Meeting of Council

7.00pm in Council Chambers



DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

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

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

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

Name (Please Print)

Signature

Date

NB

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

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

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting

2. Particulars recorded in the minutes

3. Signed by Chief Executive Officer

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

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

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Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 9 May 2023 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.

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 11 April 2023.

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 Audit Committee****Officer's Recommendation:**

That Council receives the Minutes of the Audit Committee Meeting held on 21 April 2023.

11. CEO REPORTS

Nil

12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – April 2023

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 12.1.A – Accounts Paid – April 2023
Voting Requirement:	Simple Majority

Report Purpose

To present the accounts paid during the month of April 2023.

Officer's Recommendation

That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41921 totalling \$121.30 and direct payments totalling \$961,252.03 authorised and paid in April 2023.

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
July	3,583.29	771,047.53	774,630.82
August	1,860.69	1,070,192.80	1,0720,53.49
September	808.37	1,127,453.91	1,128,262.28
October	2,111.39	724,735.09	726,846.48
November	1,166.65	982,186.60	983,353.25
December	1,381.68	1,326,276.04	1,327,657.72
January	2,534.78	898,267.52	900,802.30
February	273.30	1,124,641.19	1,124,914.89
March	20,390.52	1,335,730.42	1,356,120.94
April	121.30	961,252.03	961,373.33

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 – March 2023

Reporting Department:	Corporate Services
Reporting Officer:	Hasreen Mandry – Finance Manager
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation:	<i>Local Government Act 1995 & Financial Management Regulations 1996</i>
File Number:	FIN/024
Appendices:	Appendix 12.2.A – Financial Report – March 2023
Voting Requirement	Simple Majority

Report Purpose

To provide a summary of the financial position for the Shire of Collie for the month ending March 2023.

Officer's Recommendation

That Council resolve to accept the Financial Management Report for March 2023 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.

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure, not included in the annual budget for an additional purpose unless the expenditure is (b) authorised in advance by absolute majority.

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 Christmas Decorations Working Group

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Nicole Wasmann – Director Corporate Services
Legislation	GOV/141
File Number:	(File No. to be inserted.)
Appendices:	Appendix 12.3.A – Draft Terms of Reference
Voting Requirement	Simple Majority

Report Purpose

For Council to consider the establishment of a working group to assist Collie to celebrate and embrace the spirit of Christmas as a community.

Officer's Recommendation

That Council resolves to:

- 1. Establish a Collie Christmas Decorations Working Group;*
- 2. Endorse the draft terms of reference for the Working Group as set out at Appendix 12.3.A;*
- 3. Nominate the following elected members to the Working Group;*
 - Cr _____*
 - Cr _____*
- 4. Invite representatives from businesses, service clubs, community groups, and the community to join the Working Group; and*
- 5. Include an allocation in the draft 2023/24 budget for Christmas decorations.*

Background:

The Collie community has shown support for decorations to be installed in Collie during the Christmas season. Community members and groups have been involved in the past with a variety of materials used, including recycled or repurposed items.

Statutory and Policy Implications:

There are no statutory implications.

Budget Implications:

A budget of \$3075 was allowed in the 2022/23 budget. The amount to be allocated in the 2023/24 budget will be as determined during the budget adoption. A commitment to the allocation of funds is proposed.

Communications Requirements: (Policy No. CS 1.7)

Should Council resolve to form a working group and invite representatives, invitation will be via local public notice and direct approach to local organisations, service clubs, and community groups.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1	Our Community
Outcome:	1.2	Community connection, engagement and participation

Relevant Precedents:

Nil

Comment:

Christmas is a season which brings the community together through celebration and events. Encouraging community involvement in the design and installation of Christmas decorations will further foster the community spirit at this time.

It is proposed to form a working group to assist with overseeing and assisting with the design and installation of Christmas decorations in Collie for the coming and future festive seasons.

A wide sector of the community could be involved either directly through membership of the Working Group or indirectly through consultation by the Working Group, including corporate and local businesses, youth, people with different cultural backgrounds, school children and others. The Group may be able to seek sponsorship or community assistance to fund and make some decorations, lessening the financial cost to the Shire.

If a large number of nominations are received, nominees could be invited to a workshop to determine the distribution of tasks and the best approach for Working Group meetings.

The draft Terms of Reference propose that the Working Group include elected members, community representatives and staff, with an elected member to chair the Group.

Whilst the Shire could budget for and purchase limited decorations to be installed in the lead up to Christmas, community involvement would make the decorations more relevant to the local community. A working group is proposed for as a mechanism for this community involvement.

13. DEVELOPMENT SERVICES REPORTS

13.1 Application for Development Approval- Telecommunications Infrastructure at Lot 2, No. 62 Worsley Back Road, Allanson	
Reporting Department:	Development Services
Reporting Officer:	Isabel Fry- Town Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Planning and Development Act 2005</i>
File Number:	A3817
Appendices:	Appendix 13.1.A- Location Map Appendix 13.1.B- Development Application Report Appendix 13.1.C- Neighbour Submission and Applicant Response
Voting Requirement	Simple Majority

Report Purpose

For Council to consider an Application for Development Approval for a Telecommunications Facility at Lot 2, No. 62 Worsley Back Road, Allanson.

Officer's Recommendation

That Council resolve to approve the Application for Development Approval for Telecommunications Infrastructure at Lot 2, No. 62 Worsley Back Road, Allanson, subject to the following conditions:

- 1. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.*
- 2. This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period for which the Shire of Collie has granted prior written consent.*
- 3. Prior to the commencement of the development, the access way(s) and turning area(s) shall be constructed in accordance with the development approval and thereafter maintained to the satisfaction of the Shire of Collie.*
- 4. All works required to satisfy a condition of this approval are required to be installed/ constructed and maintained in accordance with the approved plans (as amended) and conditions of approval for the life of the development.*

Advice Notes:

- a) This is a Development Approval and is not a Building Permit. The land use and development of the subject premises is also subject to a separate building permit approval. The developer/ landowner is advised that an application for a Building Permit must be made to and approved by the Local Government before the development and / or use authorised by this Development Approval can begin. Further information can be obtained from the Shire of Collie's Building Services on (08) 9734 9000.*

- b) *The Shire of Collie advises that it is a statutory requirement to comply with all conditions of this approval, and not doing so means that the development is not pursuant to the planning permission and is therefore unauthorised development.*
- c) *It is the responsibility of the landowner/ applicant to advise Council when all conditions relating to the development have been satisfied.*
- d) *Any additional development which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by the Shire of Collie.*
- e) *The development the subject of this planning approval must comply with the requirements of the Health (Miscellaneous Provisions) Act 1911.*
- f) *The developer is reminded of the requirement under the provisions of the Environmental Protection (Noise) Regulations 1997 that construction work (which includes earthworks and similar) be managed with due regard for noise control. Construction work generating noise (e.g. through the use of machinery etc.):*
- *Outside the hours of 7:00am to 7:00pm; or*
 - *On a Sunday or Public Holiday.*
 - *is likely to breach noise regulations unless specific authorisation has been obtained from the Department of Water and Environment Regulation.*
- g) *If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged with the State Administrative Tribunal within 28 days of the determination.*

Background

The Shire has received an Application for Development Approval for Telecommunications Infrastructure (monopole tower) at Lot 2, No. 62 Worsley Back Road, Allanson. The application has been submitted by Ventia Pty Ltd, on behalf of Amplitel. The owner of the property is Michael Sherwood.

The application is to be determined by Council as objection was received to the proposed development during the public advertising period.

At its Ordinary Meeting of Council held 11 April 2023, Council resolved to defer consideration of the application for a Telecommunications Tower at Lot 2, No. 62 Worsley Back Road, Allanson, pending further information being provided by the Applicant in relation to an alternative site 80m West of the current recommended position, and to enable on-site inspection (resolution 9157).

The site inspection was undertaken on 27 April 2023 and was attended by 4 Councillors, 3 Shire Officers, the landowners and representatives from Amplitel and Ventia (Applicant).

The landowner stated that they were not supportive of the location of the tower being located 80m further to the west for the following reasons:

- The proposed location is less visible from Allanson residents and immediate neighbours;
- The proposed tower location is less disruptive to the agricultural use of the land being positioned in the corner of the site;
- The objectors view of the tower is obscured;
- EME emissions (as stated by the applicant) are only 0.12% of maximum permissible public exposure limits for this type of facility (within 100m of the tower). The applicant also stated that if multiple carriers were to co-locate on the tower, then EME emissions may double, but still be only 0.24% of maximum limits; and
- Other alternative tower locations proposed by the objector are less suitable to provide a network coverage to the locality.

The subject site is 40.09ha in size and is zoned Rural under the Shire's Local Planning Scheme No.6 (LPS). The site is located north of the Allanson townsite and is surrounded by Rural zoned land (refer Appendix 13.1.A). The site is currently accessed via Worsley Back Road, with an existing dwelling in the centre of the lot. The site is predominantly clear of native vegetation, with some clusters in the north-east and north-west corners of the lot.

The nearest residence to the proposed monopole tower is approximately 100m away and the next nearest Rural Residential zoned property is 700m away. Allanson Primary School is 1.3km from the site, which has been identified as the only community sensitive place of interest.

Application (refer Appendix 13.1.B)

The purpose of the proposal is to install a monopole tower, to improve 4G and 5G telecommunications services within the Allanson area. The proposal is included as part of Telstra's network coverage expansion program, but is through Amplitel which will support additional carriers to locate on the proposed structure.

Proposed works associated with the application include:

- Installation of one new 40m high monopole;
- Installation of a triangular headframe;
- Installation of six new panel antennas (no greater than 2.8m in length);
- Installation of one Telstra equipment shelter that is not more than 3m high with a base area of not more than 7.5m², at the base of the tower;
- Installation of associated ancillary cabling and equipment; and
- Installation of a 10m x 10m fenced compound.

The proposed monopole will be unpainted/ untreated galvanized grey in colour so that it blends in with the sky backdrop. It is anticipated that this will have a low level of visual impact. The proposed Telstra equipment shelter will utilise a pale eucalypt colour as the green-coloured facility will be in keeping with the rural surroundings.

The site has an existing access via a 6m wide gate off Worsley Back Road, along the southern lot boundary. The initial proposal details that light vehicles and small trucks will utilise the existing access, which will not need to be upgraded. For all large trucks, cranes, EWP, concrete trucks, which will likely only be required for construction/ maintenance, will drive across the lot towards the compound, without utilising the access track.

For the constructions works and to enhance the existing access for infrequent future maintenance inspections, Amplitel proposed to widen the existing 2m firebreak parallel to McAvoy Road so that it is 3.5m wide. Amplitel will also add 20m of new 3.5m wide gravel access track from the firebreak to the EWP set up area and 15m of new 6m wide gravel access track to allow for the EWP vehicle to rotate and reverse onto firebreak from the existing grass area.

Maintenance visits are likely to occur 2-4 times annually and the site will be continually unmanned for operation. The proposal will not result in a significant generation of traffic on an ongoing basis. During construction, various vehicles will be used to deliver equipment and construct the proposed development. Traffic impacts associated with the construction will be short term, of approximately 5 weeks over non-consecutive periods and are highly unlikely to impact existing traffic flows. It is unlikely that closure of the road would be required at any point, however the relevant permits would be sought if this did eventuate.

Noise and vibration emissions associated with the proposed facility will be limited to the construction period. There will be noise emanating from air-condition equipment within the facilities building, however this would be similar to those used in domestic situations.

State Planning Policy No. 5.2- Telecommunications Infrastructure (SPP5.2)

SPP5.2 aims to balance the need for effective telecommunications services with community interest and protecting visual character of local areas. SPP 5.2 sets measures for assessing the visual impacts of telecommunications infrastructure. The Applicant has provided a detailed assessment against the policy in section 11.3 and 11.4 of the Development Application report in Appendix 13.1.B.

Local Planning Scheme No. 6 (Scheme)

The Scheme defines Telecommunications Infrastructure as:

'A premises used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.'

Telecommunications Infrastructure is a 'D' use in the Rural zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

The Applicant has provided an assessment against the objectives of the Rural zone in section 12.2 of the Development Application report.

Statutory and Policy Implications:

Local Planning Scheme No.6

- Part 3- Zones and Use of Land, 16. Zone Objectives (Rural zone)
- Table 4- Zoning Table (Telecommunications Infrastructure)
- Division 2- Land Use Terms and Definitions (Telecommunications Infrastructure)
- Schedule 1- Zone Development Requirements

Other relevant legislation-

- *Telecommunications Act 1997*
- The Telecommunications Code of Practice 2018
- Mobile Phone Base Station Deployment Code
- The *Environmental Protection and Biodiversity Conservation Act 1999*
- State Planning Policy 5.2- Telecommunications Infrastructure

Budget Implications:

Nil

Communications Requirements:

The proposed development is a 'D' use pursuant to Local Planning Scheme No.6, therefore advertising can be undertaken if Officers determine it to be necessary. In this instance, the proposal was advertised to all adjoining rural properties from February to March 2023.

One submission was received from a property owner located on the opposite side of McAvoy Road, identified as the residence within 100m of the proposed monopole location. The full submission has been included in Appendix 13.1.C. The Applicant has also provided a response to the issues raised in the submission which has been included in Appendix 13.1.C.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	3	Our Built Environment
Outcome:	3.1	Safe and well-maintained shire owned facilities and infrastructure
Outcome:	3.2	Sound land planning and building strategies and schemes

Comment:

Advertising

One submission was received during the public advertising period which did not object to the installation of the infrastructure, however, did raise concerns relating to inaccuracies in the application, the proposed location and concerns relating to best practice (refer Appendix 13.1.C)

The primary concerns of the submitter were the safety of the proposed second access to the site and also the potential for additional carriers to utilise the facility and this resulting in an increase in Electro Magnetic Emission (EME) levels exceeding what is currently proposed for the site.

The preference of the submitter would be for the monopole to be located to be within their own property, marked as 'candidate B ' in the submission, or to a location further west, on the same lot as the proposed site, with the intention of wanting to increase the separation between their residence and the monopole. Shire Officers have investigated issues surrounding the proposed access further and have discussed these concerns with the Applicant.

The proposed site was selected as it is located approximately 300m south and closer to the target area of Allanson townsite. This site is also less costly in terms of underground trenching, boring and hauling works that would be required. The Applicant has advised that if the proposal was to be amended to relocate the tower 80m to the west, there would be very little screening between the 40m tower and the residence at 95 McAvoy Road and visibility would also be increased to the landowners residence at 62 Worsley Back Road. The Applicant has also advised that EME levels will be calculated and the report updated to ensure standard compliance, prior to additional carriers utilising the tower.

Shire Officers have engaged with the Applicant on the need for the secondary access, given the possible issues with safety and sightlines, as well as the considerable earthworks required to construct the crossover. The Applicant has advised that the crossover can be removed from the site plan and is not required to facilitate the development. The development plans have been updated accordingly.

Visual Impacts

The proposed location was selected based on attempting to locate the monopole tower where clusters of surrounding trees offer some visual screening of the tower from the road and nearby properties. It is acknowledged that the nature of this development makes screening it entirely unachievable and counterproductive. The Applicant has sought to screen the base compound and the associated equipment shed with the existing vegetation surrounding the site, which includes trees ranging from 15-25m in height. It is not an option to reduce the height of the tower, as this specification is required to support the colocation of other carriers at the facility, which is a preferred outcome than having multiple towers in the area. As detailed in the report,

colours and finishing have been designed to be consistent with other towers that are being completed and are most sympathetic to their surroundings.

Heritage

The subject site is listed in the Shire of Collie's Municipal Heritage Inventory (Bevan's Dairy-Site, Place No. 06315). This site was considered not to have cultural significance in the 1996 Shire of Collie Municipal Heritage Inventory and is not included on the Local Heritage List 2017 or the State Heritage List and therefore has no heritage protection.

Environment and Bushfire

The site is not within an environmentally sensitive area or an environmental conservation area and is not identified as containing any priority or threatened ecological communities. There is proposed to be some pruning of branches to ensure they do not encroach over the compound. Earthworks and infrastructure provision is intended to use already cleared tracks so will not result in the removal of any native vegetation. There is unlikely to be a significant environmental impact associated with the development.

The site is located within the designated bushfire prone area, however SPP3.7 allows for exemptions from its application, if there is not an intensification of use or an increase of residents, visitors and employees to the site. The facility is also unlikely to increase the risk of bushfire occurring, with the immediate area to the development being managed to reduce bushfire risk and impact.

Health and Safety

The planning framework does not deal directly with issues such as EME from this type of infrastructure. Compliance in this area is dealt with through Commonwealth legislation, administered by the Australian Communications and Media Authority. The expectation of the local government is that network providers be aware of their responsibilities under this legislation and operate within compliance of it. The Applicant has detailed in the Report that the proposed facility complies with all relevant legislation and that Telstra has strict procedures in place to ensure compliance.

Social and Economic Impact

The proposal is a part of Telstra's broader strategy to increase mobile phone coverage to areas where the community has requested more reliable connections. Reliable connections assist in ensuring the economic growth of communities and the proposal is not anticipated to have negative impacts on the wider community. The design of the proposed development will also enable carriers to remain competitive, due to the opportunity for colocation. More competition in the market will feedback into cost benefits for consumers and the community.

Local Planning Scheme No.6 (Scheme)

The proposal is consistent with the definition of Telecommunications Infrastructure as defined in the Scheme. There is an indication that the use is appropriate within the Rural zone, through being identified as a 'D' use class within the zoning table. The standard setbacks for development in the Rural zone are 30m front, 15m side and 30m rear. The front of the property in this instance is considered to be Worsley Back Road, meaning setbacks of 14m from the rear and 19m from the side are proposed. This varies the standard rear setback from 30m to 14m, however the variation does not impact on the ability for adequate firebreaks to be maintained and allows for the compound and monopole to be located to avoid impacting on vegetation on the site. The adjoining neighbour to the boundary where the reduced setback is proposed did not make a submission on the proposal. Building heights as prescribed in the Scheme are explicitly stated to not apply to monopoles/ towers.

The proposal is consistent with the objectives of the Rural zone through not impacting on or introducing sensitive land uses into the area and allowing for the continued agricultural use of the land. The proposal has a demonstrated benefit to the surrounding community and is compatible with surrounding rural uses.

Conclusion

Following the site visit as requested by Council at the last meeting, Officer's maintain their position and recommended that Council approve the Application for Development Approval, subject to the conditions outlined in the Officer's Recommendation section of this report. The proposed location is less visible to Allanson and immediate neighbours, and does not impact on the agricultural use of the land.

The proposal has a demonstrated benefit to the wider community in providing access to reliable mobile phone coverage in the Allanson area. The proposed use is one that can be considered in the Rural zone and is not considered to have an impact on the ongoing rural use of the subject site and the surrounding area.

It is acknowledged that the owner of the residence located 100m from the development site has objected to its location, however it has been clarified by the Applicant that the proposed location is preferred in being able to balance reduced visual impact for all nearby properties through being partially screened by existing trees, achieving the required level of network coverage and keeping costs lower than they would be for alternative sites.

13.2 Amendment to Dog Exercise Areas at Roche Park and Collie Recreation Ground

Reporting Department:	Development Services
Reporting Officer:	Matt Young - Director Development Services
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Local Government Act 1995</i> <i>Dog Act 1967</i> <i>Dog Amendment Regulations 2014</i>
File Number:	LAW/001
Appendices:	Nil
Voting Requirement	Absolute Majority

Report Purpose

For Council to consider changes to dog exercise areas at Roche Park and Collie Recreation Ground.

Officer's Recommendation

That Council resolve to:

1. *Consult with affected clubs and sporting groups on the proposed amendments to dog exercise areas:*
 - a) *Reserve No. 6684 (Recreation Ground) except within the fenced playing area of the oval, the tennis courts and bowls club;*
 - b) *Reserve No. 30555 (Roche Park), except within the fenced playing area of the cricket ground;**except areas around active playing surface of reserves during organised sporting events including training.*
2. *Subject to 1. Above report the outcomes back to Council.*

Background:

Council establishes dog exercise areas and specified areas where dogs are prohibited, via an absolute majority Council resolution in accordance with the *Dog Act 1976*. Dog exercise areas are sites where dog owners can exercise dogs off-lead (as long as the dogs remain under control).

Pursuant to Clause 31(1) of the *Dog Act 1976*, nothing in the declaration of these areas prevents dog owners from exercising their pets in a public street or a park provided:

- '(a) it is held by a person who is capable of controlling the dog; or*
- (b) securely tethered for a temporary purpose.'*

Council at its Ordinary meeting held on 13 September 2022 (Motion 9062) resolved:

1. *That the following dog exercise areas be removed:*
 - The dog exercise area along the Collie River from Coombes Street to Cameron Road, being parts of R15195, R6770, R24713 & R23606;*
2. *That the above exclusion from dog exercise areas will not take effect until the amendments to the dog exercise area is published as a local public notice as defined in the Local Government Act 1995 section 1.7 for a period of 28 days;*

3. *That subject to 2. above, new signage shall be installed of the relevant changes to the dog exercise areas and indicate where all dogs shall be kept on a lead; and*
4. *That staff investigate alternative off lead dog exercise areas and report back to Council.*

Statutory and Policy Implications:

Dog Amendment Regulations 2014 – require a Council resolution for dog exercise areas and dog prohibited areas.

Budget Implications:

Signage costs estimated at \$60 per sign including posts, with up to 10 signs required. This totals \$600.

Communications Requirements: (Policy No. CS 1.7)

Council is required to give 28 days' public notice of the intention to specify dog prohibited areas or dog exercise areas. In this case engagement with potentially affected sporting groups and clubs is recommended prior to the matter being formally determined by Council.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1	Our Community
Outcome:	1.1	Community health, safety and wellbeing
Outcome:	1.2	Community connection, engagement and participation

Relevant Precedents:

N/A

Comment:

There are limited options for safe off-lead dog exercise areas, particularly where the land is enclosed by fencing.

Many local governments permit dog exercise areas on recreation grounds, except areas around active playing surface of reserves during organised sporting events (including training).

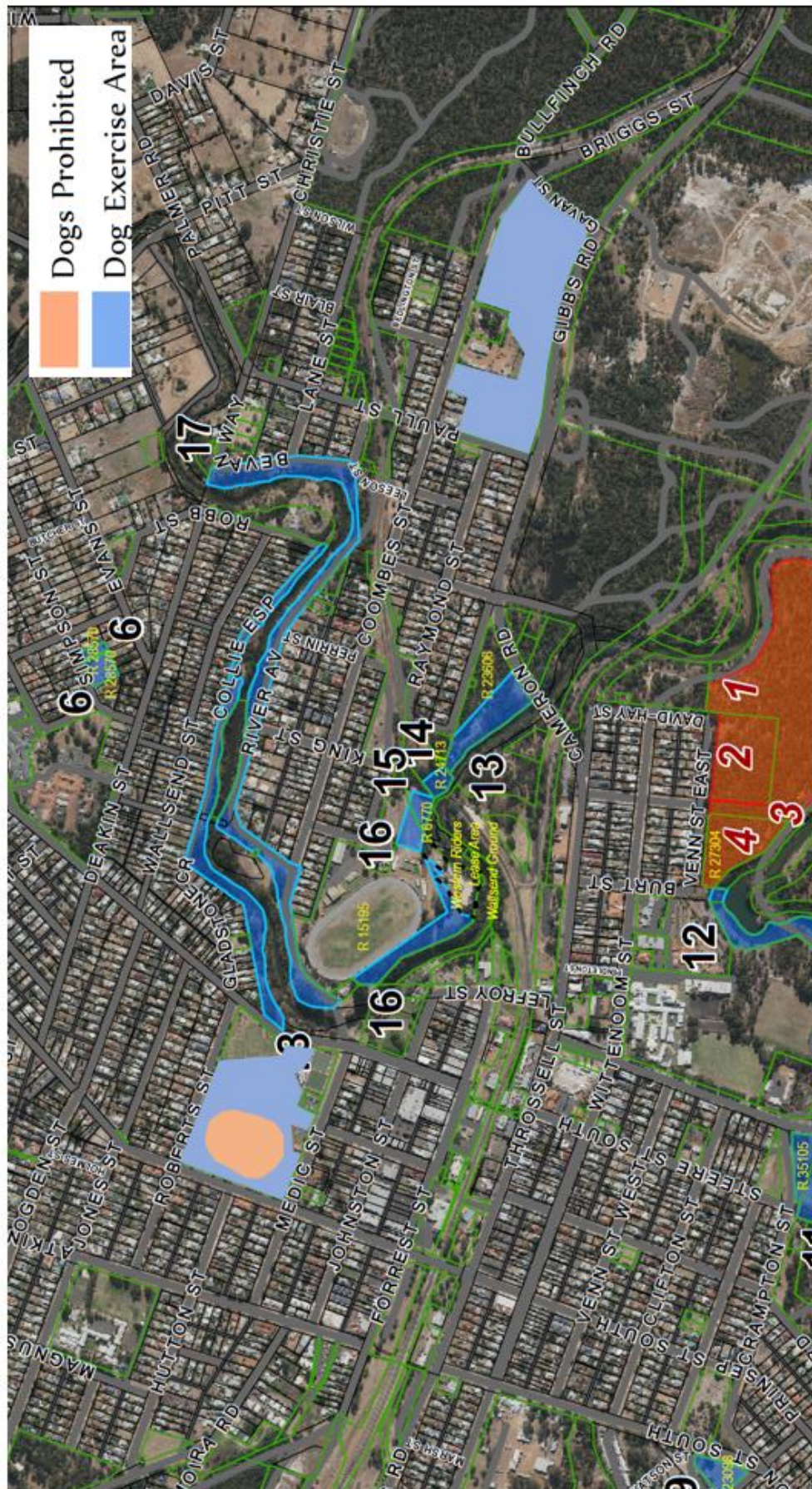
The Recreation Ground (Reserve 6684) except within the fenced playing area of the oval, the tennis courts and bowls club is suitable as the entire ground is fenced. This will serve the urbanised area to the north.

The recreation ground oval is not recommended as a dog exercise area due to its use over the entire year for football, little athletics and events.

Roche Park (Reserve 30555) will service the eastern section of Collie and is fenced to major roads.

For both grounds dog will not be allowed to be exercised on the active playing surface of reserves during organised sporting events, including training.

Proposed Amendments - Dog Exercise Areas



13.3 Smoke Free Areas – Amendment to Activities in Thoroughfares and Public Places and Trading Local Law 2022	
Reporting Department:	Development Services
Reporting Officer:	Matt Young - Director Development Services
Accountable Manager:	Matt Young – Director Development Services
Legislation	<i>Local Government Act 1995</i> <i>Dog Act 1967</i> <i>Dog Amendment Regulations 2014</i>
File Number:	LAW/001
Appendices:	Appendix 13.3.A Draft Local Law Amendment Provisions Appendix 13.3.B Draft Smoke Free Areas – Education and Enforcement Policy
Voting Requirement	Absolute Majority

Report Purpose

For Council to consider and endorse for advertising, amendments to the Activities in Thoroughfares and Public Places and Trading Local Law 2022 to include provisions relating to Smoke Free Areas in Collie.

Officer's Recommendation

That Council resolve to

- 1. Advertise the new Smoke Free Areas provisions to the Activities in Thoroughfares and Public Places and Trading Local Law 2022 as set out in Appendix 13.3.1 for a period of 6 weeks (42 days), as per the requirement under the Local Government Act 1995.*
- 2. Provide a copy of the amended Activities in Thoroughfares and Public Places and Trading Local Law 2022 to the Department of Local Government, Sport and Cultural Industries for comment and subsequently the Minister for Local Government's consideration.*
- 3. Note the purpose of the amended Activities in Thoroughfares and Public Places and Trading Local Law 2022 is to designate smoke free areas in Collie.*

Background:

On 13 December 2023 Council resolved (Motion 9113):

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

On 14 February 2023 Council resolved (Motion 9131) to:

- 1. Instruct the CEO to prepare a draft proposed Local Law that provides an ability for Council to designate smoke-free areas within the Shire;*
- 2. Refer a draft proposed Local Law as referred to in 1. above to Council for consideration under section 3.12 of the Local Government Act 1995;*
- 3. Undertake a community consultation workshop regarding smoking in public areas; and*
- 4. Seek funding for a community education campaign including signage and other methods to promote smoke-free choices.*

The Shire of Collie Public Health Plan 2022 – 2027 identified smoking as a significant issue for Collie. Priority 1 Action 11 of the Plan states: Investigate options available to Council to designate areas within Collie as smoke free areas.

The Western Australian *Tobacco Products Control Act 2006* aims to reduce the instance of illness and deaths caused by tobacco use by:

- Prohibiting the sale and supply of tobacco products to young people.
- Discouraging the use of tobacco products.
- Restricting the promotion of tobacco products.
- Reducing community exposure to second-hand smoke.

In WA, it is illegal to smoke:

- in enclosed public places (such as shopping centres, hospitals, cinemas, theatres, pubs, clubs, restaurants);
- in outdoor eating areas, unless in a designated smoking area in a liquor licensed premise;
- between the flags at patrolled beaches;
- in taxis, on buses and other public transport that is available to or being used by the public;
- in vehicles carrying children under the age of 17; and
- near playground equipment.

Since December 2012 cigarettes sold in Australia must be in plain packaging, and evidence has shown that this assists in helping to prevent smoking.

Statutory and Policy Implications:

Local Government Act 1995

Division 2- s 3.12 Procedure for making local laws.

Budget Implications:

The initial cost will be public notices associated with the advertising the local law. Additional cost associated with the implementation of the local law, once finalised will be provided to Council if the proposed amendments proceed.

Communications Requirements:

The following procedures apply to Local Law amendments:

- a) The Shire is required to give local public notice stating that –
 - i) The local government proposed to make a local law for the purpose and effect of which is summarised in the notice; and
 - ii) A copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - iii) Submission about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks (42 days) after the notice is given; and
- b) As soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- c) Provide a copy of the proposed local law in accordance with the notice, to any person requesting it.

- d) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

Shire Officers will engage with the Collie Chamber of Commerce and Industry, local community and businesses during the advertising period.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1	Our Community
Outcome:	1.1	Community health, safety and wellbeing

Comment:

The Shire of Collie Thoroughfares and Public Places and Trading Local Law 2012 relates to activities in public places. This Local Law can be amended to include new provisions relating to designating smoke free areas over and above that controlled through the *Tobacco Products Control Act 2006*.

Draft Local Law amendment provisions (refer Appendix 13.3.1) have been prepared based around the City of Vincent's local law.

The local law will provide the head of power for the Shire to be able to designate smoke free areas in Collie.

At this stage areas under consideration to be designated as 'smoke free' include:

- Collie town centre;
- Public parks;
- Thoroughfares or public place adjacent to a business where there is activity that caters for children and/or young people;
- Thoroughfares or public place adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.

Note:

A public place is defined in the current local law as:

public place includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property.

A throughfare includes a public street and right-of-way or laneway.

This means that private property can be included in the smoke free areas and could include, by way of example, car parks adjacent to the Shire's main supermarkets.

A draft Council policy has been prepared to illustrate how the local law will be communicated and administered (refer Appendix 13.3.2 - Smoke Free Areas – Education and Enforcement Policy). In addition, actual areas to be designated as being 'smoke free' will need to be defined and adopted by Council. It is intended to use the community engagement to assist in defining where these restrictions should apply.

Conclusion

Generally laws in Australia restrict tobacco advertising to limit people's exposure to messages and images that may persuade them to start or continue smoking.

The Shire of Collie Public Health Plan identified smoking as a significant issue for Collie and included Action 11 to investigate options available to Council to designate areas within Collie as smoke free areas.

A public survey and community comment will be conducted in May to broadly canvass the communities views in respect to further controlling smoking in Collie.

Consideration will also need to be given to the costs associated with communicating, advertising and enforcing these proposed local law provisions by the Shire's community rangers.

It is recommended that Council authorise the new Local Law to be advertised for a period of 6 weeks (42 days), as per the requirement under the *Local Government Act 1995*. It is also required that the Council note the purpose and effect of the Local Law and this is included in the public advertising notice. Additionally, it is recommended that a copy of the new Local Law is provided to the Department of Local Government, Sport and Cultural Industries for comment and subsequently the Minister's consideration. Further consideration of the terms of the Local Law provisions by Council may be required pending the outcome of the public notice period.

14. TECHNICAL SERVICES REPORTS

Nil

15. MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

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

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

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

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**20.1 Kerbside Waste Collection and Processing Contract****21. CLOSE**