



Shire of  
**Collie**

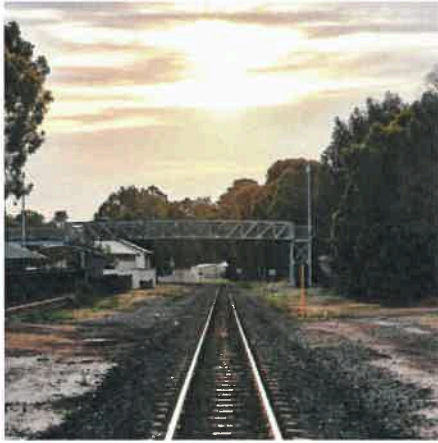
# AGENDA

for the

## ORDINARY MEETING OF COUNCIL

to be held on

**Tuesday, 13 June 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, 13 June 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

8 June 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**

**June 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 13 June 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.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.



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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, 13 June 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**

Nil

**4. DISCLOSURE OF FINANCIAL INTEREST**

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

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

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

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

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

**5.1 Presentation – Collie Art Gallery**

A presentation will be made by Trudi Curran, Chairperson – Collie Art Gallery.

**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**

**8.1 Ordinary Council Meeting – 9 May 2023**

**Officer's Recommendation:**

*That Council confirms the Minutes of the Ordinary Meeting of Council held on 9 May 2023.*

**8.2 Special Council Meeting – 12 April 2023**

**Officer's Recommendation:**

*That Council confirms the Minutes of the Special Meeting of Council held on 12 April 2023.*

**8.3 Annual Electors Meeting – 4 May 2023**

**Officer's Recommendation:**

*That Council receives the Minutes of the Annual Electors Meeting held on 4 May 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 Local Emergency Management Committee Meeting - 17 May 2023**

**Officer's Recommendation:**

*That Council receives the Minutes of the Local Emergency Management Committee Meeting held on 17 May 2023.*

**10.2 Community Safety and Wellbeing Committee Meeting - 25 May 2023**

**Officer's Recommendation:**

*That Council receives the Minutes of the Community Safety and Wellbeing Committee Meeting held on 25 May 2023.*

**10.3 Adopt the recommendation of the Community Safety and Wellbeing Committee**

**Committee Recommendation:**

*That Council support seeking funding to undertake a feasibility study for a community transport service.*

## 11. CEO REPORTS

### 11.1 Indoor Pool Project – Report of the Working Group

<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>	CMG/268
<b>Appendices:</b>	Appendix 11.1.A – Report of the Indoor Pool Project Working Group, May 2023
<b>Voting Requirement:</b>	Simple Majority

#### Report Purpose

To consider a report and recommendations from the Indoor Pool Working Group.

#### Officer's Recommendation

*That Council resolve to:*

1. *Receive the report of the Indoor Pool Project Working Group dated May 2023, and thank the Members for their involvement and contributions to the project;*
2. *Not proceed with an indoor pool project for the following reasons:*
  - a) *Rate increases that would be necessary to sustain operations, combined with other factors leading to rate escalation, are beyond the reasonable expectation of the community to absorb;*
  - b) *An indoor pool would have a detrimental impact on the financial health rating of the Shire of Collie and consequent capacity to sustain services;*
  - c) *The performance of an indoor pool in Collie is expected to be well below recognised benchmarks for aquatic facilities; and*
3. *Require a further report to be presented to Council addressing potential repurposing of funding allocated to the indoor pool project.*

#### Background:

Since June 2016, the matter of the indoor pool has been the subject of 14 reports and Council resolutions. During these considerations, the Council has examined a range of proposals and sought to take community preferences into account.

In February 2022, Council received a petition from the community in support of an indoor pool and a public meeting was subsequently held in March 2022 to discuss the matter. In response to the call from petitioners, an Indoor Pool Project Working Group was formed with community members invited to assist Council's review of the project. The Working Group has subsequently addressed the Terms of Reference as adopted by Council in June 2022.

The Terms of Reference required. the Working Group to conclude with a report outlining the findings of its evaluation along with advice and recommendations for Council's consideration. This report is now provided at Appendix 11.1.A.

**Statutory and Policy Implications:**

Nil

**Budget Implications:**

Capital and operational cost considerations are central to the achievability of an additional public pool in Collie.

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

N/A

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

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	1	Our Community
<b>Objective:</b>	1.1	Community health, safety and wellbeing
<b>GOAL:</b>	3	Our Built Environment
<b>Objective:</b>	3.1	Safe and well-maintained Shire owned facilities and infrastructure
<b>GOAL:</b>	5	Our Organisation
<b>Objective:</b>	5.1	Innovative leadership, forward planning and mutually beneficial partnerships

**Relevant Precedents:**

It is noted that the Council has resolved on three occasions to not proceed within the development of an indoor heated or a warm water pool. Council resolutions 8065 – 5 March 2019, 8166 – 18 June 2019 and 8832 – 12 October 2021 refer.

**Comment:**

The report of the Working Group identifies participants in the review and the range of considerations taken into account. These included an overview of the benefits of an indoor pool, particularly the various health advantages. A survey of various groups and service providers was undertaken. The 28 responses indicate likely use of the pool at least weekly with a number suggesting they would use the pool multiple times each week.

An optimal pool specification was identified as an indoor heated pool measuring 25m in length with 6 lanes at depths between 1.2m to 1.8m. A 9m x 5m program pool alongside the lanes is also identified.

Capital costs for the facility were estimated at \$7.67M. It was noted that this was an indicative estimate only and would be subject to detailed design and quantity surveying. After taking into account forecast revenue, the report identifies an annual cost that would need to be funded in the order of \$735,000.

It is the view of some members of the Working Group that:

1. The funds required to meet construction costs can be sourced from Government and industry without the need for the Shire to borrow funds; and

2. A recurring operational expense in the order of \$735,000 can be met through rate revenue.

The operational expense represents 11% of current rate revenue which calculates to an average of \$171 per residential property. Some members of the Working Group recommended rates be increased by \$200 per average household to fund a free individual season pass per property.

The recommendations of the Working Group are set out in the attached report and repeated:

- "1) *That Council:*
- a) *Seeks approval of the State Government for the financial commitment for the Collie Indoor Heated Pool to be retained for a further six months to enable additional capital funds to be raised; and*
  - b) *pursues external funding to fully fund the construction of an indoor pool facility at an estimated cost of \$7.67m.*
- 2) *That should all the required capital funds be raised, that Council:*
- a) *proceeds with the construction of an indoor heated pool, including a 25m, 6-lane pool and an additional 9m x 5m program pool on the southern side of the existing Collie Mineworkers Memorial Pool; and*
  - b) *meets ongoing operating, maintenance, and renewal costs for the new indoor heated pool from Shire general revenue with rates set as necessary to fund the additional cost."*

**Officer Comment:**

The following addresses the various cost considerations, the Shire's financial health and likely performance of the pool against recognised benchmarks.

**1 Cost Considerations**

Capital Cost

The working group recommends the full capital cost be sourced from Government and industry. Assuming availability of \$1.8m from the State Government, a further \$5.87m is required.

In 2019, five major industry operators, namely Premier Coal, Griffin Coal, South32, Synergy and Bluewaters were invited to financially contribute to an indoor heated pool or an increased level of service at the existing pool. No support was received. Further to this, Lotterywest has advised that capital funding for indoor heated swimming pools is not generally funded and would be challenging to support under the current approach outlined in the Community Investment Framework.

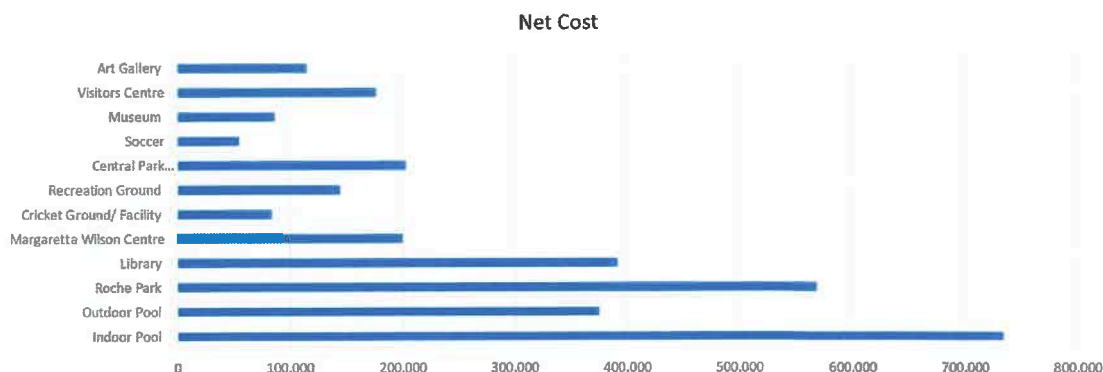
It is considered highly ambitious to achieve full external funding of \$7.67m. This outcome is unlikely.

Operational Cost

The report of the Working Group details the assumptions leading to an annual operating deficit in the order of \$735k (annual cost of \$171 per average property). This is a conservative (low) estimate compared to actual costs experienced by other local governments. Some members of the Working Group consider an annual cost of \$171 to be affordable and that this could be increased to \$200 per property to further subsidise entry fees.



For comparative purposes, the following graph identifies costs for other facilities supported by the Shire.



To avoid rate increases to meet the cost of an indoor pool, substantial cuts would be required elsewhere. As example, if all expenses for the museum, visitor centre and art gallery were cut altogether, 50% of the indoor pool costs would be covered. Such cost reductions are not appropriate and are not recommended.

Operational expenses for the indoor pool would necessarily be met through increased rates. Expenditure of \$735k represents 11% of current rate revenue. This rate increase would need to be considered in context of increases to cover inflation. Added to this is the need to increase financial reserves to meet identified cost liabilities.

Collectively, rate increases to meet inflation, current liabilities and indoor pool costs are beyond the reasonable expectation of the community to absorb.

#### Opportunity Cost

There may be other projects or services that the Council may wish to provide the community in the future. These could include upgrades to other recreation facilities, civic works, major environmental projects, introduction of new services and the like. A commitment to a recurring operational cost liability for an indoor pool would reduce the ability of the Shire to consider other projects that may be desirable for the community.

## **2 Financial Health Assessment**

The Terms of Reference for the Working Group required consideration of financial models against an objective of achieving overall improvement to the Shire's Financial Health Indicator (FHI). The FHI is particularly important as key indicators are presently below recommended levels. Notable measures requiring ongoing improvement include liquidity, expenditure on asset renewal and operating surplus. In recent years, the Council has employed financial management measures that are progressively improving financial health. These measures include biasing expenditure toward renewal works and avoiding the creation of new cost liabilities.

Operational and asset maintenance costs of an indoor pool would reduce the Shire's financial health and consequent ability to meet current liabilities.

## **3 Swimming Pool Key Performance Indicators**

The Centre for Environment and Recreation Management (CERM) through the University of South Australia have identified performance criteria for aquatic centres. The criteria have previously been applied to the existing outdoor pool and found recovery of expenses to be a low 40% of a recognised benchmark. This was against an attendance of 20,000 annually – representing 37% of the benchmark for visitation.



The proposed indoor pool would attract less than 20,000 annual visitation with an operating cost greater than the outdoor pool.

An additional pool is likely to achieve a lower level of performance than the current outdoor pool when measured against key indicators.

The inputs from the Working Group are well recognised and the interests in achieving a 6-lane, 25m long pool that can operate year round are understood. Various health and general community wellness benefits of an indoor pool have been well articulated.

The high costs and expected performance of the pool does not support a decision to pursue an indoor pool. The creation of a new and significant cost liability would detrimentally impact the Shire's overall financial health with long-term consequences. It would also limit capacity to address alternative projects.

Taking account of the points outlined above, it is recommended that Council not adopt the recommendations of the Working Group and not proceed with the indoor pool project. Should Council support this position, it is recommended a further report be presented to Council to consider an approach to Government in relation to potential redirection of funding earmarked for an indoor pool.

**11.2 State Waste Strategy Review and Draft State Waste Infrastructure Plan**

<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>	CMG/191
<b>Appendices:</b>	Nil
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

To consider a submission to the State Government addressing State Government directions on waste management.

**Officer's Recommendation**

*That Council resolve to endorse a submission to the Minister for Environment, Waste Authority and the Department of Water, Environment and Regulation based on the principles outlined in Agenda Report 11.2.*

**Background:**

The State Government, through the Waste Authority and the Department of Water, Environment and Regulation (DWER) establishes strategies and policy frameworks that govern the way waste is managed across the State. These documents set out objectives for waste avoidance and recovery, as well as the priorities for waste infrastructure. The policy framework goes further to govern regulatory terms, including operational licence conditions that prescribe various permissions and prohibitions.

*Waste Strategy Directions Paper, May 2023*

The Waste Authority has issued a Directions Paper as an initial step in reviewing the WA Waste Avoidance and Resource Recovery Strategy 2030. This is an invitation to provide input to how waste should be managed. Following this, a draft waste strategy will be prepared (late 2023) to introduce a new strategy in early 2024.

In broad terms, the existing strategy commits to divert waste from landfill by avoiding the generation of waste, valuing waste as a resource and protecting the environment from impacts. A headline commitment to achieve this is the rollout of the three-bin FOGO (food organics and garden organics) kerbside services. The separation of organic waste (FOGO) is described in the paper as the greatest opportunity to increase the recovery of waste in the 'municipal solid waste' and 'construction and industry' sectors.

The paper does make reference to emerging opportunities such as pyrolysis. Discussion however does not proceed to recognise the beneficial implications or consequences of new technologies.

Submissions will be received on the paper until 11 July 2023.

*Draft WA State Waste Infrastructure Plan, April 2023*

This document has been prepared by the DWER as part of the implementation of the current Waste Strategy (that is subject the review above). The Plan is intended to guide decision-making, including major capital investments, to meet long-term waste management needs.

Select principles in the plan are:

- Waste infrastructure should be in suitable locations
- We need to increase our capacity to recover resources from certain types of waste
- Waste facilities strive for better practice

The plan identifies priorities for the South West of WA, including:

- Consolidation of waste for transfer to Perth
- Investigating scrap metal facility for transfer to Perth or offshore
- Transfer FOGO waste from Perth to the South West to assist processing.

The plan notes that Government policy is constraining opportunity for new landfill sites. It is also inferred that household waste from the South West will support the waste to energy (incinerator) plants in Perth.

The plan indicates there is sufficient waste volumes in the South West to warrant a transfer facility to transport waste to Perth. Alternatively, it suggests growth in Bunbury and Busselton may warrant an incinerator in the South West. In this case, the Plan indicates bottom ash would be transported to Perth.

The Plan does not recognise the Renergi plant as either current or planned recovery infrastructure.

Submissions will be received on the plan until 23 June 2023.

**Statutory and Policy Implications:**

The terms of State policy arrangements will influence the uptake of new waste management technologies that can deliver better environmental outcomes and cost reductions.

**Budget Implications:**

Policy settings will determine long-term cost outcomes for the community to management waste.

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

N/A

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

<b>GOAL:</b>	1	Our Natural Environment
<b>Objective:</b>	4.1	A high standard of sustainable waste services

**Relevant Precedents:**

N/A

**Comment:**

The objectives of the strategy and the plan are to achieve positive waste outcomes. A reduction of waste committed to landfill in favour of beneficial use or processing is supported.

It is clear that the current planning is based on established understandings and policy directions. These directions will see the centralisation of waste management involving multiple handling and high levels of transportation.

The approach presently being taken by the strategy and plan does not recognise the economic and environmental efficiencies that could be achieved through alternate practices that new and emerging technologies are presenting. It also creates challenges for market-led solutions, ultimately leading to sustained higher costs for the community.

An alternate set of principle are proposed that can assist the Government in achieving its objectives reduce costs and delivery better environmental outcomes. These are outlined:

<b>Principle</b>	<b>Comment</b>
Determine the strategy before finalising the delivery plan.	<p>A review of the Waste Strategy is welcomed and provides the opportunity to recognise emerging technologies in waste processing.</p> <p>The draft Infrastructure Plan is based on a strategy that is now under review. The terms of a new Waste Strategy should be determined, after which the arrangements to deliver those outcomes can be prepared.</p>
Ensure policy and regulatory frameworks are receptive to new technology.	<p>Enable new approaches that can process waste at or close to source, recycle a wide range of waste streams, capture carbon (negative emissions), create construction-grade products for market applications, yield market return and reduce processing costs.</p> <p>Acceptance of alternate solutions to waste management will foster innovation and efficiency, with better environmental and economic outcomes.</p>
Minimise transport of waste.	<p>Transport is inefficient, costly and creates carbon emissions.</p> <p>The centralisation of waste in the South West in readiness to transport to Perth is inefficient and represents a direct cost to the community. The transfer of FOGO from Perth to the South West is similarly inefficient.</p> <p>Localise waste processing based on viable modular plant offers economic and environmental advantage.</p>
Incentivise market-led waste processing.	<p>Recognise the potential for industry to efficiently process waste.</p> <p>As example, GreensteelWA is developing Western Australia's first green steel mill and is to be located in Collie.</p>

	<p>The plant utilises a new technology to mill recycled steel and generate commercial return. While new to Australia, it is proven in many locations globally.</p> <p>Such plants avoid the need for large scale centralised collection and scrap metal for shipping offshore export. It captures economic activity locally and avoids the emissions associated with exporting scrap and importing steel.</p>
Maximise value of waste as a commodity.	<p>Improved outcomes can be achieved where competitive demand for waste streams can be generated. This will encourage business innovation, economic activity, beneficial re-use of waste and moderation of costs to the community.</p>
Avoid 'barriers to entry' for new technology.	<p>Capital intensive infrastructure investment that is protected by regulation is counter-productive to smaller scale, market-led and localised operations.</p> <p>Without realising the commercial value of waste, costs to the community will escalate and the Government subsidy required to maintain operations will increase.</p>

It is recommended that Council endorse a submission to the Minister for Environment, Waste Authority and Department of Water, Environment and Regulation addressing the principles outlined above.

**12. CORPORATE SERVICES REPORTS**
**12.1 Accounts Paid – May 2023**

<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 – May 2023
<b>Voting Requirement:</b>	Simple Majority

**Report Purpose**

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

**Officer's Recommendation**

*That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41924 - 41927 totalling \$748.30 and direct payments totalling \$2,105,747.82 authorised and paid in May 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	<b>774,630.82</b>
August	1,860.69	1,070,192.80	<b>1,0720,53.49</b>
September	808.37	1,127,453.91	<b>1,128,262.28</b>
October	2,111.39	724,735.09	<b>726,846.48</b>
November	1,166.65	982,186.60	<b>983,353.25</b>
December	1,381.68	1,326,276.04	<b>1,327,657.72</b>
January	2,534.78	898,267.52	<b>900,802.30</b>
February	273.30	1,124,641.19	<b>1,124,914.89</b>
March	20,390.52	1,335,730.42	<b>1,356,120.94</b>

<b>April</b>	121.30	961,252.03	<b>961,373.33</b>
<b>May</b>	748.30	2,105,747.82	<b>2,106,496.12</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 – April 2023

<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 – April 2023
<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 April 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 Adoption of Fees and Charges for 2023/24

<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</i>
<b>File Number:</b>	FIN/056
<b>Appendices:</b>	Appendix 12.3.A – Summary of changes to fees and charges Appendix 12.3.B – Schedule of Fees and Charges 2023/24
<b>Voting Requirement</b>	Absolute Majority

#### Report Purpose

For Council to consider the schedule of fees and charges for the 2023/24 financial year.

#### Officer's Recommendation

*That Council:*

- 1. Endorses the schedule of fees and charges as presented in Appendix 12.3.B for inclusion and adoption in the proposed budget for the 2023/24 financial year;*
- 2. Provide local public notice of the intention to impose the Schedule of Fees and Charges 2023/24, to apply from 1 July 2023, in accordance with section 6.19 of the Local Government Act 1995;*
- 3. By absolute majority adopts the schedule of cemetery fees and charges as presented in Appendix 12.3.B; and*
- 4. Advertise the 2023/24 cemetery fees and charges in the Government Gazette for a period of 14 days as required by Cemeteries Act 1986.*

#### Background:

Historically Council has adopted the annual schedule of fees and charges separately from the budget document to enable more time to consider each proposed charge for the forthcoming year and to enable the fees to be implemented from 1 July, prior to budget adoption.

#### Statutory and Policy Implications:

Section 6.16 to 6.19 of the *Local Government Act 1995* governs the imposition of fees and charges.

Many of the fees and charges listed on the attachment are statutory charges and cannot be modified by the Council. They are included on the list to provide readers of the final budget document with a complete list of charges which the Council may levy.

Under section 53 of the *Cemeteries Act 1986*, the Council is required to advertise any amendment to its fees in the Government Gazette.

Cemetery fees are required to be adopted by Absolute Majority in advance of the budget adoption as per section 53 of the *Cemeteries Act 1986* requires Council to advertise any amendment to its Cemetery fees in the Government Gazette for a minimum of 14 days prior to them coming into effect on 1 July 2023.

**Budget Implications:**

Changes to proposed fees and charges will have an impact on the revenue collected for 2023/24 financial year.

Anticipated revenue for each individual account will be disclosed upon budget adoption. As required by section 6.17 of the Act, the following was taken into account in determining the amount of a fee or charge for a service:

- (a) the cost to the local government of providing the service or goods;
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

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

The final schedule of Fees and Charges is required to be made available as part of the annual budget document.

Cemetery Fees are required to be published in the Government Gazette if the Council increases the fees in 2023/24 financial year.

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

Nil

**Comment:**

The full proposed schedule of fees and charges for the 2023/24 financial year is presented in Appendix 12.3.B, any proposed changes to the Council set fees and charges are marked as orange in the appendix.

The review of the 2023/24 proposed fees and charges focused on increasing the Council controlled fees and charges by the local government cost index for the 2023/24 financial year of 3%. The full proposed schedule of fees and charges for the 2023/24 financial year is presented in Appendix 12.3.B, any proposed changes to the Council set fees and charges are marked as orange in the appendix.

In summary the changes are outlined in Appendix 12.3.A, unless stated otherwise the Council controlled fees and charges were increased by 3% (rounded to the nearest \$5).

The financial implication of the changes is increase in revenue from fees and charges, except for two areas of reduction. A subsidy for student attendance for in-term swimming lessons is proposed so as to encourage participation in this essential learning. This will reduce revenue by \$14,000. Similarly, a further subsidy is proposed to allow receipt of mattresses at no charge when used with a ratepayer tip pass so as to discourage unlawful dumping. This will reduce revenue by around \$7,500.

### 13. DEVELOPMENT SERVICES REPORTS

#### 13.1 Section 31 Reconsideration – Review of a refusal decision and revised application for a Resource Recovery Centre at Lot 1, No. 650 Collie River Scenic Drive, Collie

<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>Planning and Development Act 2005</i> <i>State Administrative Tribunal Act 2004</i>
<b>File Number:</b>	A5130
<b>Appendices:</b>	13.1.A - Amended Application Package 13.1.B - Location Map 13.1.C - Summary of Submissions
<b>Voting Requirement</b>	Simple Majority

#### Report Purpose

For Council to reconsider its decisions (No. 8623) and (No. 8734) pursuant to the State Administrative Tribunal section 31 Direction, and make a determination on an Application for Development Approval for a Resource Recovery Centre at Lot 1, No. 650 Collie River Scenic Drive, Collie.

#### Officer's Recommendation

*That Council reconsiders the amended Development Application as directed by the section 31 State Administrative Tribunal Direction and resolves to:*

1. *Refuse the amended Application for Development Approval for a Resource Recovery Centre at Lot 1, No. 650 Collie River Scenic Drive, Collie, for the following reasons:*
  - a) *The proposal in its entirety does not meet the definition of Resource Recovery Centre and in part, best meets the definition of Industry, which is a prohibited use in the Rural zone.*
  - b) *The proposal is not consistent with the objectives of the Shire's Local Planning Strategy, which identifies this land to be used for Rural and incidental purposes, such as agriculture, tourist developments and lifestyle, pursuant to clause 67 (fa) of the Planning and Development (Local Planning Schemes) Regulations 2015.*
  - c) *The proposal has detrimental impacts on visual amenity and does not fit the intent of the Strategy, pursuant to clause 67 (fa) of the Planning and Development (Local Planning Schemes) Regulations 2015. The subject site is located on the Collie River Scenic Drive, which is identified in the Shire's Local Planning Strategy maps as being a Tourist Drive.*
  - d) *The proposal is not consistent with the objectives of the Rural zone, pursuant to Local Planning Scheme No. 6 and clause 67 (a) of the Planning and Development (Local Planning Schemes) Regulations 2015.*



- e) Pursuant to clause 67 (m) and (n) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposal is not compatible with the setting of the subject site and will have detrimental impacts of the amenity of the locality, particularly relating to visual impacts.
- f) Pursuant to clause 67 (p) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed landscaping of the site is not considered adequate in screening the site from users of Collie River Scenic Drive, nearby trails and the adjoining property to the west.

2. Advise the State Administrative Tribunal and the Applicant of the Council's decision accordingly.

**Background:**

Planning Solutions, on behalf of Smargiassi Super Pty Ltd has submitted an amended Application for Development Approval for a Resource Recovery Centre at Lot 1, 650 Collie River Scenic Drive, Collie (refer Appendix 13.1.A). The application has been submitted to Council to reconsider its decisions to refuse a proposed Industry-General (Wood and Timber Product Processing, Manufacturing, Storage and Sales) (Decisions No. 8623, 15 December 2020) and a proposed Woodyard (Decision No.8734, 8 June 2021), as directed pursuant to section 32 of the State Administrative Tribunal Act.

**Site Details and History**

The subject site is a 3.5427 hectare property in the Rural zone, located approximately 4km south west of the Collie town centre (refer Appendix 13.1.B). The site is bound by adjacent Rural zoned land to the west which is used for agricultural and residential purposes, Collie River Scenic Drive to the north and east, as well as the Westralia Conservation Park to the north, Public Open Space reserve to the east and the Collie River foreshore to the south. The adjoining Rural zoned property to the west of the site has a dwelling that is located on a high point of the land and has views over the subject site.

The subject site slopes up from the Collie River which is located directly south of the subject site, with a high point in the north western corner of the site. The fall across the subject site is approximately 20m and the site is presented in a series of level tiers separated by retaining walls and embankments. The upper tier is directly adjacent to Collie River Scenic Drive, which includes a number of outbuildings. There are existing access roads at the ends of each of the tiers which allow access between the tiers and the entry and exit gates to the site.

Previously, approval for the use of the property for Industry-Light (engineering, fabrication and earthmoving services) was granted in August of 2006. This approval and any non-conforming use rights associated with the property to be used for Industry- Light activity has since expired. At present, there is an occupied dwelling on the site, as well as several structures and improvements used for the purpose of storage and ongoing, unauthorised industrial uses.

**Amended Proposal**

The previous applications were considered under LPS No.5, however the amended application seeks to obtain approval for a use introduced in LPS No.6 when it was gazetted in December 2021. The amended application seeks approval for a Resource Recovery Centre for preparing timber products, pallets and firewood from salvaged timber and pallets. Specifically, the proposal is to undertake the following activities:

1. Repurposing of used timber into polished timber crosses and other timber products.
2. Repairing broken and used pallets.
3. Repurposing transportable buildings into offices and small residences fitting them with power, new floors, ceilings, roofs and patios.
4. Repurposing house frames and timber salvaged from demolition.
5. Incidental storage of machinery/vehicle maintenance required for the above uses.

The application also includes a new 24m x 12m (288m<sup>2</sup>), 10m high steel shelter on the middle tier, open on its eastern side. The site plan and details for the shelter are included in Appendix 13.1.A.

Table 1 of Appendix 13.1.A provides the details of the activities to occur on site.

#### State and Local Planning Considerations

- State Planning Policy 2.5 Rural Planning (SPP 2.5)

The purpose of SPP2.5 is to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Section 6 of LPP2.5 specifies how SPP2.5 is applied to various types of planning proposals. With respect to development applications, SPP2.5 states:

*Section 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 outlines the range of matters to be considered by local governments in determining applications for development approval.*

- State Planning Policy 3.7 Planning in Bushfire Prone Areas

The Applicant initially outlined in the application report that an exemption from undertaking bushfire reporting could be exercised. This was not supported by the Shire and this position was confirmed by the Department of Fire and Emergency Services (DFES) and agreed that a BMP and BAL Contour assessment should be undertaken to support the application. DFES also confirmed that it is unlikely that the proposal would trigger the requirements of a high-risk use under SPP3.7. These reports were subsequently provided to the Shire to support the application. The reports were also amended following advice from DFES through the submission process.

- Shire of Collie Local Planning Strategy 2020

The subject site is designated Rural under the Local Planning Strategy. The Strategy details that Rural land should be conserved for agriculture and for incidental uses such as events, tourist accommodation or café. Smaller parcels are also occupied for lifestyle purposes.

The Applicant expresses in the application report that the Strategy does not address the applicable circumstances to this site, as a small rural property which has been used for industrial purposes since the 1970's and industrial infrastructure limits the ability for agricultural activity. It is also not suitable for lifestyle or rural living for the same reasons.

Map 11 of the Strategy identified Collie River Scenic Drive as a tourist route, however this does not extend to the strategy text.

- Shire of Collie Local Planning Scheme No.6 (LPS6)



1. The Objectives for the Rural zone under LPS6 are as follows:

- *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.*

The Applicant has provided the following comments against the Scheme Objectives:

- The proposal seeks to repurpose existing industrial buildings and improvements on the land and incorporates landscaping along the Collie River Scenic Drive frontage to protect the rural amenity of the area.
- Proposes a non-rural land use which has sustainability benefits (namely recycling of salvaged materials and pallets) and which is compatible with surrounding bushland and pasture land.

2. Use Class and Permissibility:

The Applicant has classified the proposed development as a Resource Recovery Centre, which under LPS6 is defined as follows:

***Resource Recovery Centre*** means a premises other than a waste disposal facility used for the recovery of resources from waste.

The Applicant has detailed that the proposed development involved the receipt of salvage timber materials for recovery and ultimate resale, and the receipt of used pallets which will be made good for reuse. Based on this, the Applicant considers the development meets the definition.

Resource Recovery Centre is an 'A' use in the Rural zone under LPS6, meaning the local government can exercise its discretion to approve the use once the application is advertised.

3. Development Standards:

Table 3 of Appendix 13.1.A details the Applicant's response to the relevant development standards as contained in LPS6.

- ***Planning and Development (Local Planning Schemes) Regulation 2015 (Deemed Provisions)***

Clause 67 (2) of the *Deemed Provisions* sets out matters for which the local government is to give due regard when considering a development application. The Applicant has set out and addressed the matters to be considered that they have deemed to apply in Table 4 of Appendix 13.1.A.

**Statutory and Policy Implications:**State Administrative Tribunal Act 2004

## 31. Tribunal may invite decision-maker to reconsider decision

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may —
  - (a) affirm the decision; or
  - (b) vary the decision; or
  - (c) aside the decision and substitute its new decision.
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.

Shire of Collie Local Planning Scheme No.6

## 16. Zones and Use of Land - Rural Zone Objectives

## 17. Zoning Table

- Resource Recovery Centre 'A'
- Industry 'X'
- Industry-Light 'X'

## Division 2, 40. Land Use Terms Uses

- **Resource Recovery Centre:** means premises other than a waste disposal facility used for the recovery of resources from waste;
- **Industry:** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes:
  - (a) the storage of goods;
  - (b) the work of administration or accounting;
  - (c) the selling of goods by wholesale or retail;
  - (d) the provision of amenities for employees;
  - (e) incidental purposes;
- **Industry-Light:** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

**Budget Implications:**

Nil

**Communications Requirements:**

On the Direction of the State Administrative Tribunal, following numerous mediation proceedings, the Shire advertised the amended application to the adjoining property owners to the west and south, DFES and DBCA. The advertising period ran from the 5 April 2023 to the 10 May 2023, to allow time for agencies to respond.

As a result of the advertising, 2 submissions were received from adjoining property owners and 2 were received from agencies (DBCA and DFES). The submissions have been summarised in Appendix 13.1.C. Applicant and Shire Officer responses to submissions are also included in this summary.

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

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	3	Our Built Environment
<b>Objective:</b>	3.2	Sound land planning and building strategies and schemes

**Comment:****Background**

Following the previous two decisions of Council on this application, in various forms, Shire Officers have been involved in ongoing mediation through the State Administrative Tribunal. In the time between considerations, the Shire's LPS6 has come into effect, which removed the Woodyard use class and also introduced Resource Recovery Centre as a new Use Class. The Industry and Industry - Light definitions have been altered slightly, however have remained largely consistent with that of previous LPS5, also remaining as 'X' uses in the Rural zone.

Shire Officers had the opportunity to review the application package prior to formal direction to reconsider the application and provided comments back to the Applicant advising that there were inadequacies in the documentation relating to:

- Incorrect reference to a Woodyard in the header of the document.
- Inadequacies in existing and proposed landscaping and its ability to effectively screen the site,
- Lack of clarity in the site plan, designating where activities are to occur on the site,
- Possibility of exclusion areas to allow for landscaping and separation of activities from the road
- Bushfire reporting

Additionally, the question of land use classification was also raised with the Applicant, as the activities reflected in the application mimic what was proposed in the original proposal, which the Shire determined to fall into the Industry definition. This is due to the Resource Recovery Centre definition not referencing processing on the site. Further commentary surrounding land use will be provided below. In response to these issues raised, the Applicant did not amend the report, the only item that was further addressed was bushfire reporting, with a now compliant Bushfire Management Plan (BMP) being provided.

To date, there has been no further decision from a separate Supreme Court matter relating to non-conforming use rights and whether industrial activities are permitted to occur on the subject site. The Shire does not consider there to be any existing, valid approvals in place for this land to allow ongoing light industrial use.

**Advertising**

Submissions made by adjoining landowners were not dissimilar to those made by the same landowners on previous versions of the application. The key issues raised in submissions related to:

- unsuitability of the proposal to the area,
- noise,
- contamination/ environmental impacts,
- amenity impacts,
- dust,
- inadequacy of landscaping,
- untidiness of the site,
- damaged fencing.

Officer comments have been provided in Appendix 13.1.C.

**Land Use Classification**

The amended application has been presented to entail two components;

1. The recycling of timber pallets, which includes:
  - *Repurposing of used timber into polished timber crosses and other timber products.*
  - *Repairing broken and used pallets.*
  - *Incidental storage and machinery/vehicle maintenance required for the above uses.*

In order to fit within the resource recovery centre definition, the use:

- Must fundamentally/primarily be concerned with the recovery of resources; and
- The resources recovered must be from waste.

**Waste**

Neither the P&D Act nor LPS6 defines 'waste'. The Macquarie Dictionary definition of 'waste' as a noun includes:

- *anything unused, unproductive, or not properly utilised.*
- *anything left over or superfluous, as excess material, by-products, etc., not of use for the work in hand.*
- *left over or superfluous: to utilise waste products of manufacture.*
- *having served a purpose and no longer of use.*
- *rejected as useless or worthless, or refuse: waste products.*

"Waste" is also defined in the Waste Avoidance and Resource Recovery Act 2007, in the following broad way:

*waste includes matter —*

- (a) *whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or*
- (b) *prescribed by the regulations to be waste;*

The Supreme Court has found that the meaning of 'waste' in this legislation has its ordinary meaning of something left over or superfluous – see *ECLIPSE RESOURCES PTY LTD -v- THE MINISTER FOR ENVIRONMENT* [No 2] [2017] WASCA 90.

In the absence of any legislative definition of waste, for the purpose of the Resource Recovery Centre use class definition the word will include its ordinary meaning of *anything left over or superfluous*.

Therefore, it is reasonable to accept that:

- used timber pallets; and
- used timber materials/products received from demolition sites,

both fall within the meaning of 'waste'.

#### Recovery

The Macquarie Dictionary definition of 'recovery' includes:

1. *the act of recovering.*
2. *the regaining of something lost or taken away, or the possibility of this.*
4. *restoration or return to a former (and better) state or condition.*

The recycling of timber pallets (i.e. repairing pallets to allow them to be re-used) is consistent with the definition of *restoration or return to a former (and better) state or condition*. The works involved in recycling the timber pallets can be described as an aspect of the 'recovery' process, as they are necessary to restore the pallets to their former condition. Those works do not involve the creation of a new product. Therefore, the land use activity described as 'repairing of broken and used pallets' for reuse would reasonably fall within the use class Resource Recovery Centre.

The pallet recycling use also includes breaking up reject pallets for sale as firewood. It is less clear whether the breaking up of pallets for firewood can be described as the *recovery of a resource*, because:

- the activity is not limited to regaining the timber, as it includes a degree of processing; and
- the processing undertaken is not for the purpose of restoring the timber pallets but, rather, is for the purpose of creating a new product (firewood).

The production of firewood is unlikely to meet the definition of Resource Recovery Centre. However, it could be accepted as an aspect of the pallet recycling activity if it can reasonably be described as an incidental or ancillary aspect of that use.

It is not clear from the application how significant the production of firewood is expected to be. There are no hard and fast tests to measure what can be regarded as an incidental or ancillary activity, and questions of fact and degree arise from case to case.

2. The use of the workshop in relating to a transportable home business, which includes;
  - *Repurposing transportable buildings into offices and small residences fitting them with power, new floors, ceilings, roofs, and a patio.*
  - *Repurposing house frames and timber salvaged from demolition.*
  - *Incidental storage and machinery/vehicle maintenance required for the above uses.*

The application is not clear as to exactly what the 'repurposing' of timber materials received from demolition sites involves. The extent to which the activities involve:

- creating new products from waste timber (which would not readily fit into Resource Recovery Centre); as opposed to
- simply recycling/repairing a product to allow it to be re-used (which probably would fit the use class), is unclear.

The concept of 'repurposing' various used timber materials appears to primarily involve converting the timber materials into new products (as opposed to recovering and repairing an existing product). Therefore, based on the information provided in the application, the



activities involved in this component of the proposal do not readily fit within the Resource Recovery Centre use class.

#### Pallet recycling as an Industry use

Pallet recycling squarely fits the description of '*repairing of goods, products, articles, materials or substances*' and therefore it falls within the Industry use class definition. This complicates the use classification exercise because pallet recycling also falls within Resource Recovery Centre.

A general principle of statutory interpretation is that a more specific provision excludes the general provision. This principle is consistent with clause 18(3) of LPS6 which provides that '*A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.*'

The Industry use class is defined in very broad terms, whereas Resource Recovery Centre is more specific. Therefore, the effect of cl.18(3) is that the pallet recycling activity will fall within Resource Recovery Centre (but with a query regarding production of firewood) and will be excluded from the Industry use class.

#### Restoration of Transportable Homes as an Industry

The 'repurposing' of various timber products in the transportable home component of the proposal clearly involves the 'manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances' and therefore it is a form of Industry. If it is accepted that the activities do not fall within Resource Recovery Centre, clause 18(3) of LPS6 has no operation with respect to this element of the proposal, with the result that the use should be prohibited.

#### **Local Planning Strategy and Local Planning Scheme (Rural zone)**

The proposal is not consistent with the objectives of the Shire's Local Planning Strategy. The Strategy identifies the land for rural purposes and expresses that rural land should be conserved for agriculture and for incidental land uses such as event and tourist accommodation/developments, or for lifestyle purposes. The Shire does not recognise the subject site as operating under a valid approval for light industrial uses and therefore the intent of the Strategy in guiding future development of the rural zone generally and the site specifically should be considered.

Consideration must also be made for the intent of the Collie River Scenic Drive and the Bibbulmun Track as tourist routes within the Shire. Visual impacts from all developments within this area should be considered, with the objective of avoiding obvious incongruent visual impacts to users of the Bibbulmun Track and Collie River Scenic Drive as per the advice provided by Department of Biodiversity, Conservation and Attractions (DBCA). DBCA also recently completed a number of projects along Scenic Drive including:

- build the Kaniyung Willman suspension bridge over the Collie River, which is in close proximity to this site, connecting with the surrounding trails network.
- Develop the Westralia Conservation Park Trails, including the Westralia mountain bike loop/Kylie Trail.
- Finalising the Willman Bilya Walk Trail (5day, 4 night circuit), which connects to the Wellington Dam National Park via the Kaniyung Willman suspension bridge.
- Build the Djinang Koorliny Collie River valley lookout.

The proposal is not consistent with key objectives of the Rural zone, as it does not provide for the maintenance or enhancement of specific local rural character and the application does not include strategies to maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas. It is noted that the proposal does provide a sustainability element through recycling and reuse, however this objective of LPS6 also stipulates that non-rural land uses are to be compatible with surrounding rural uses. Although the proposal does not prejudice the use of adjoining rural land, it does impact on the amenity and enjoyment of the land.

As detailed above, the palette recycling component of the proposal could reasonably be considered under the Resource Recovery Centre definition and is a discretionary use. However, the transportable home component of the proposal should be considered as an industrial use and is not permitted in the Rural zone under LPS6. As the application has been submitted as one proposal and has not differentiated between the two, they are not able to be determined separately.

As it stands, the proposal has not sufficiently addressed amenity impacts, particularly relating to screening of the site from Collie River Scenic Drive. The landscaping that has been planted on the road frontage is not sufficient in addressing visual impacts. The proposed new structure complies with the setbacks as required under LPS6, being 30m from the front, 15m from the side and 30m from the rear, however the storage, laydown and processing component of the proposal occurring on the northern portion of the lot is not supported, due to the proximity / visibility from the road. The site plan is also insufficient in setting boundaries and exclusion zones for development on the site, which would assist in controlling ongoing use of the site and offsite impacts.

### **Matters to be Considered**

<b>Matter to be Considered</b>	<b>Officer Comment</b>
a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	<p>The proposed development does not in its entirety fall into a land use classification that can be considered in the Rural zone and therefore can not be considered.</p> <p>The proposal is also not consistent with the objectives of the Rural zone.</p>
c) any approved State planning Policy;	<p>State Planning Policy 2.5 for Rural Planning stipulates that the Matters to be Considered should be used for decision making for development applications in the Rural zone. When considering the matters to be considered, the proposal is not supported.</p> <p>State Planning Policy 3.7 Planning in Bushfire Prone Areas has been adequately satisfied in this instance, to the satisfaction of the Shire and DFES.</p>
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the	LPS6 identifies that a Resource Recovery Centre is a use that may be suitable in the Rural zone, Industry/ Industry-Light are however not considered to be compatible with the Rural zone.



likely effect of the height, bulk, scale, orientation and appearance of the development;

Resource Recovery Centre is a discretionary use, so there is an expectation that this use would only be considered in the Rural zone where it can be demonstrated that the development is compatible with locality and impacts be managed appropriately.

In the case of this proposal, the appearance of the development has the most significant impact on the relationship to the adjoining land and land in the area. The site is visible from the dwelling on the adjoining property to the west, as well as from Collie River Scenic Drive and users of the trails network in the immediate area.

It is acknowledged that entirely screening the site from the adjoining dwelling would be difficult to achieve, however there is little attempt to improve the appearance of the site in its existing state, or through this proposal. It is acknowledged that the introduction of the new shelter will allow for processing to occur in a building and will therefore be screened from view, however the storage of goods, material receipt and dispatch is all proposed to occur in the open.

The shelter has been positioned to have the opening east, facing away from the neighbouring property, which will assist in relation to noise from processing of the pallets.

A large item lay down and a timber storage and processing area is located on the northern portion of the site, which will also be visible from Collie River Scenic Drive.

An attempt to screen this portion of the lot from Collie River Scenic Drive has been made, at the time of writing this report, the screening devices that have been installed on the fences are damaged and have fallen off the fences. The landscaping on the plan also does not span the full length of the boundary and there is no landscaping proposed on the western boundary, which would assist in screening

	<p>from the road when travelling towards the site and from the neighbouring property.</p> <p>The untidiness of this site and the impact on the amenity and character of the surrounding areas has been an ongoing issue for many years.</p>
<p>(n) the amenity of the locality including the following —</p> <ol style="list-style-type: none"> <li>1. environmental impacts of the development;</li> <li>2. the character of the locality;</li> <li>3. social impacts of the development;</li> </ol>	<p>Possible environmental impacts, namely from run-off and pollution, have been raised by DBCA and in the submissions from adjoining property owners. DWER reviewed the previous Woodyard proposal prior to when it was considered in June 2021. Advice from DWER was that if the wood was not proposed to be treated with chemicals, then it was unlikely to be a prescribed premise. No additional information to indicate that the treatment of wood to trigger this is to occur in the amended proposal.</p> <p>The Applicant has compared the proposed development to 'use of joinery and wood working premises', for the purpose of relating it to the EPA's guidelines for sensitive land uses. This is described as "the production of wooden furniture and household items such as doors, kitchen fitting, floorings and mouldings" and the Applicant has advised that this proposal would use similar tools and processes. The EPA guidelines stipulate a 100-300m separation distance, depending on scale. The dwelling to the west is approximately 250m from the proposed shelter where pallet processing is to occur. The Applicant has determined that this is an adequate separation distance and that no further investigation into noise, dust or odour is warranted or necessary.</p> <p>The proposal intends to process up to 150 pallets per week, the EPA guidelines do not provide guidance on what volume of production/ processing triggers a certain separation distance. However, it can be assumed that there would likely be some impact on sensitive land uses nearby in terms of noise, dust and odour. However without further detail on these aspects and processes used it is difficult to determine the extent of the impact.</p>

	<p>The proposal is likely to have an impact on the character of the locality due to the visual presentation and impacts of further development of the site, as outlined in the Officer response to matter (m) above.</p>
<p>o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or mitigate impacts on the natural environment or the water source.</p>	<p>It is acknowledged that the intent of the proposal is to reuse and recycle, to reduce waste and extend the useful life of products. This contributes to sustainable outcomes in building and industrial activities.</p> <p>No clearing is proposed as part of this application and there is no proposal to take additional water resources for the operation. There is insufficient information relating the drainage and run-off to determine the possible impacts on the Collie River at the south of the site.</p>
<p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</p>	<p>LPS6 does not set landscaping requirements for the Rural zone in the development standards. However, the expectation for the level of screening and landscaping was communicated to the Applicant and this was not addressed or provided with the application. The existing/ proposed landscaping and screening devices on the site are not sufficient.</p>
<p>(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</p>	<p>The property is located within a bushfire prone area, however the BMP has confirmed that bushfire risk does not prevent this land from being developed for this purpose.</p> <p>Only the north western corner of the site is contained within SCA3 (Coal Basin) and has not been identified at risk of subsidence historically.</p> <p>In relation to land degradation, the land has historically been subject to storage of industrial goods and waste. The land may be subject to erosion and poor soil quality which will continue to occur with this proposal, as there is no intention to rehabilitate the land to a natural or agricultural state.</p>

<p>(s) the adequacy of —</p> <p>(i) the proposed means of access to and egress from the site; and</p> <p>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p>	<p>The Applicant has advised that there will be 1-2 rigid truck loads to the site per week and 1-2 rigid trucks per week being dispatched for palettes. There is a commercial vehicle with flatbed trailer stored on the site for the delivery of timber from demolition sites. There is adequate space on the site for this to occur within the property and for the vehicle to be manoeuvred. There will also be light vehicle movements of workers with approx. 10 trips per day. The vehicles will access the site from the east via Collie River Scenic Drive and utilise Mungalup Road.</p> <p>All proposed access and egress points are existing and the Applicant has determined them adequate for their purposes.</p>
<p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p>	<p>The amount of traffic to be generated is minimal and road capacity in the area is sufficient.</p>
<p>(w) the history of the site where the development is to be located;</p>	<p>The Shire does not consider there to be any non-conforming use rights that apply to this land which would allow for ongoing industrial use. The subject site is zoned Rural and has been in the last two iterations of the Shire's Local Planning Scheme and is identified for rural purposes in the Strategy.</p>
<p>(y) any submissions received on the application;</p>	<p>See Officer Comments in Schedule of Submissions.</p>
<p>(za) the comments or submissions received from any authority consulted under clause 66;</p>	<p>Submissions were received from both DBCA and DFES on this proposal. DBCA reiterated comments made on the original proposal, relating to on-site bushfire risks, potential run-off impacts and the adjoining Westralia Conservation Park and visual amenity impacts for users of the Bibbulman track. DFES comments were surrounding the BMP and advised on required changes to achieve compliance. These changes were made, so this would address the impact of bushfire. The Applicant has advised in the report that there will be no run-off impacts from the</p>

	site, however this is all that has been provided. In regard to visual amenity impacts, the proposal is inadequate in attempting to mitigate the issue.
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**Conclusion**

The component of the proposal relating to the restoration and renovation of transportable homes is not considered to be consistent with the definition of Resource Recovery Centre as contained in LPS6 and fits more appropriately with the definition of Industry. Industry and Industry-Light, which are both prohibited use classes in the Rural zone under LPS6. The difference between the Industry and Industry- Light is the level of offsite impacts and the mitigation of any impacts.

The palette repair and recycling component of the proposal can reasonably fall into the definition of Resource Recovery Centre, depending on the firewood component of the proposal, which is not supported by further information. Resource Recovery Centre is a use that can be considered in the Rural zone, upon the local government advertising the proposal and applying discretion.

The proposal has been packaged as one application and needs to be determined as such in this instance. For a determination to be made, the matters to be considered as detailed above are to be used to assess the application. As detailed in the assessment, the proposal is likely to result in detrimental impacts to the amenity and character of the locality. The proposal is not consistent with the objectives of the Shire's Local Planning Strategy and Local Planning Scheme, with relation to Rural zoned land and also the Collie-River Scenic Drive as a tourist drive. The most significant impact relates to visual amenity for users of Collie River Scenic Drive, the nearby trails network and the adjoining property to the west of the site, which directly overlooks the development site. The proposed mitigation measures, in the forms of screening through landscaping and screening devices are not adequate in reducing these impacts to an acceptable level.

It is recommended that the amended application be refused, for the reasons outlined in the recommendation section of this report.

The outcomes of Councils deliberations will be reported to the State Administrative Tribunal on 23 June 2023. Should Council adopt the recommendation, it can be expected the matter will be scheduled for hearing and subsequent determination by the Tribunal.



**13.2 Local Planning Policy LPP 2.5 – Residential Development Fronting Existing Rights-of-Way (Laneways) - Consent to Advertise**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Katya Tripp
<b>Accountable Manager:</b>	Matt Young – Director Development Services
<b>Legislation</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>File Number:</b>	LUP/019
<b>Appendices:</b>	Appendix 13.2.A - Current LPP 2.5 Residential Development Fronting Laneways and Rights-of-Way Appendix 13.2.B - Reviewed LPP 2.5 – Residential Development Fronting Existing Rights-of-Ways (Laneways)
<b>Voting Requirement</b>	Simple Majority

**Report Purpose**

For Council to consider a new draft Local Planning Policy LPP 2.5 – Residential Development Fronting Existing Rights-of-Way (Laneways).

**Officer's Recommendation**

*That Council in accordance with part 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:*

- 1. Authorise officers to advertise for public comment, the draft Local Planning Policy Local Planning Policy 2.5 - Residential Development Fronting Existing Rights-of-Way (Laneways) for a minimum period of 21 days;*
- 2. Subject to no objections being received during the advertising process, proceed with the Policy without modification;*
- 3. Subject to 2. above, authorise officers to publish a notice of the amended Local Planning Policy LPP 2.5 – Residential Development Fronting Existing Rights-of-Way (Laneways) and*
- 4. Subject to 2. above, authorise officers to publish a notice of revocation of the current Local Planning Policy 2.5 - Residential Development Fronting Laneways and Rights-of-Way.*

**Background:**

There is opportunity for Collie's laneways to be used as sole access to one or more dwellings that are located at the rear of an existing block. There are 95 laneways in Collie, which are uniformly 5m in width and totalling 16.8km in length. 14% of laneways are sealed.

The current local planning Policy (LPP) for residential development fronting a laneway (appendix 13.2.A) has had a major review for it to reflect the current need for more infill housing, which is affordable and provides a greater diversity of housing types in Collie. The LPP has been reviewed with an intent to encourage more development of dwellings fronting laneways.



The reviewed Local Planning Policy 2.5 - Residential Development Fronting Existing Rights-of-Way (Laneways) is now presented for consideration and consent to advertise for public comment (refer appendix 13.2.B).

**Statutory and Policy Implications:**

The preparation and adoption of adopt a Local Planning Policy is made in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).

Under Schedule 2, Part 2 of the Deemed Provisions of the Regulations, the Shire must have regard to a local planning Policy in determining a development application.

As Policy 2.5 – Residential Development Fronting Existing Rights-of-Way (Laneways) currently exists this will need to be revoked via a public notice in accordance with clause 87 of the Regulations.

**Budget Implications:**

Associated advertising and public notice costs.

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

The Policy will undergo public advertising in accordance with Clause 4 of the Regulations for a minimum period of 21 days.

The advertising of draft LPP 2.5 satisfies the following objectives of Council Policy CS1.7:

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

If any submissions are received on draft LPP 2.5 these will be presented to Council for consideration.

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

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
<b>GOAL:</b>	3	Our Built Environment
<b>Objective:</b>	3.1	Sound land planning and building strategies and schemes

**Relevant Precedents:**

Nil

**Comment:**

LPP 2.5 aims to:

- Facilitate residential laneway development as a means to achieve affordable infill residential development and housing diversity;
- Enable the subdivision of lots, development of grouped dwellings or ancillary accommodation, where sole access to the lot or dwelling is from the existing laneway;
- Improve the use, amenity, character and security of existing lane ways;
- Support the use of laneways as the sole means of access to new residential developments;

- Ensure laneways provide safe vehicular and pedestrian access to dwellings that front a laneway.

The revised LPP 2.5 has been updated to reflect the current and projected future need for additional housing in Collie.

The new Policy is significantly different to the existing Policy and therefore a tracked changes document has not been provided. The reviewed Policy has also been reformatted into the Shire's standard template.

The main differences between the two policies include:

- The revised Policy does not require developer contributions to the upgrade of the laneway;
- Reduced final laneway width from 7.5m to 7m;
- The setbacks for carport and garages of dwellings fronting a laneway have been reduced yet should still be behind the front setback line of the dwelling;
- The land is not required to be subdivided;
- It covers private laneways as well as those vested in the Crown or the Shire of Collie;
- Requires 50% of the front setback to be landscaped as a minimum; and
- A map of the laneways and information on each laneway width, length and condition is included as appendices to the Policy.

The revised Policy still requires landowners to cede a portion of their land adjoining the laneway to the Shire free of charge. This is to ensure a minimum two-way laneway width of 6m can be achieved when only landowners on one side of a laneway develops a dwelling that fronts a laneway. If landowners on both sides of the laneway develop dwellings that front the laneway the final minimum width of the laneway will be 7m. The formula for this is included in the Policy and in most instances the landowner will only have to cede 1m of their property that fronts the laneway.

Laneways are predominantly unsealed at present. As development takes place that will increase utilisation of the laneways, budget provision can allow for progressive sealing and drainage work. This approach will alleviate a cost barrier to new development that will increase the provision of housing and broaden the rate base.

LPP 2.5 does not list all the development requirements of the *State Planning Policy 7.3 - Residential Design Codes (R Codes)*. The Policy only lists those requirements that are additional to or a modification to those contained within *the R Codes*.

The revised LPP 2.5 is a tool that can be used to help address a shortage of affordable infill housing now and into the future and submits the Policy to be approved by Council for advertising.

If no submissions are received it is recommended that Council agree to proceed with the Policy without modification and subsequently advertise a notice of the final Policy and revoke the current Policy. If any submissions are received on the draft Policy via the advertising process they will be presented to Council for consideration.

**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 last 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**

