



Shire of
Collie

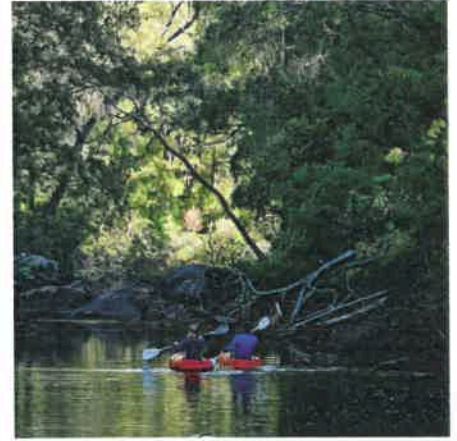
AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 11 July 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, 11 July 2023

in Council Chambers at 87 Throssell Street, Collie WA



Stuart Devenish
Chief Executive Officer

6 July 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

July 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 11 July 2023

Ordinary Meeting of Council

7.00pm in Council Chambers

Tuesday 25 July 2023

Special Meeting of Council

7.00pm in Council Chambers

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

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

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Agenda for the Ordinary Meeting of the Collie Shire Council to be held in Council Chambers, 87 Throssell Street Collie, on Tuesday, 11 July 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 13 June 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 Tourism and Marketing Advisory Committee Meeting – 5 July 2023****Officer's Recommendation:**

That Council receives the Minutes of the Tourism and Marketing Committee Meeting held on 5 July 2023.

10.2 Adopt the recommendation of the Tourism and Marketing Committee**Committee Recommendation:**

That Council support in principle the terms of the draft Service Level Agreement between the Shire of Collie and the Visitor Centre and authorise the Chief Executive Officer to finalise the agreement in consultation with the Collie River Valley Visitor Centre.

11. CEO REPORTS

11.1 Corporate Business Plan – Quarterly Progress Report	
Reporting Department:	Chief Executive Office
Reporting Officer:	Stuart Devenish – Chief executive Officer
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	GOV/001
Appendices:	Appendix 11.1.A – Corporate Business Plan Quarterly Progress Report – April to June 2023
Voting Requirement:	Simple Majority

Report Purpose

To receive the quarterly report on progress of actions set out in the Corporate Business Plan 2022/23 – 2026/27.

Officer's Recommendation

That Council resolve to receive the quarterly progress report on actions to give effect to the Strategic Priorities of the Corporate Business Plan 2022/23 – 2026/27 as contained at Appendix 11.1.A.

Background:

At its meeting on 14 March 2023, Council resolved to adopt the Corporate Business Plan 2022/23 – 2026/27. The Plan sets out 56 actions that serve to give effect to the 28 strategic priorities. The strategic priorities are those set out in the adopted Strategic Community Plan, and address the themes of:

- Our Community
- Our Economy
- Our Built Environment
- Our Natural Environment
- Our Organisation

A quarterly progress report is an effective means to update Council and the community on progress against agreed priority actions.

Statutory and Policy Implications:

Corporate Business Plans are prepared and adopted under the terms of the *Local Government (Administration) Regulations 1996*.

Budget Implications:

Resourcing to deliver on the terms of the Corporate Business Plan are provided for in annual budget allocations.

Communications Requirements: (Policy No. CS 1.7)

The Strategic Community Plan was subject to communications through the community engagement process. This report will be published on the Shire website.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	5	Our Organisation
Objective:	5.1	Innovative leadership, forward planning, and mutually beneficial partnerships.

Relevant Precedents:

The Strategic Community Plan and Corporate Business Plan are adopted in accordance with the terms of the Act and Regulations. The report on progress against these plans is scheduled to occur quarterly.

Comment:

The progress report appended to this report identifies the status of each of the 56 actions, along with a commentary on the progress. It is noted that 63% of items are on track or complete and 27% are pending (either scheduled for a subsequent year, or pending outcome of another action). Six items are identified as behind target. Of these three relate to the Minningup Pool project. Importantly, there are no actions identified as critical (major issues preventing achievement), or deferred/not proceeding.

The quarterly progress report is recommended for noting.

12. CORPORATE SERVICES REPORTS

12.1 Accounts Paid – June 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 – June 2023
Voting Requirement:	Simple Majority

Report Purpose

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

Officer's Recommendation

That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41928 - 41929 totalling \$587.00 and direct payments totalling \$968,811.63 authorised and paid in June 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	1,072,053.49
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

May	748.30	2,105,747.82	2,106,496.12
June	587.00	968,881.63	969,468.63

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

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 – April 2023
Voting Requirement:	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 Application for Self-Supporting Loan Collie Golf Club

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
File Number:	CMG/189 and GAS/003
Appendices:	Appendix 12.3.A – Summary Report
Voting Requirement:	Simple Majority

Report Purpose

For Council to consider the Collie Golf Club's application for a self-supporting loan for upgrade and renewal of their existing water reticulation system.

Officer's Recommendation

That Council resolve to:

1. *support the application from the Collie Golf Club Inc. for a self supporting loan up to the value of \$600,000 for the purpose of upgrading reticulation at the Golf Club;*
2. *authorise the Chief Executive Officer to undertake the necessary legal arrangements, including establishing a deed of agreement to be registered as a Caveat against the title of Lot 5079; 147 Mungalup Road;*
3. *make application to the Western Australian Treasury Corporation for a loan up to the value of \$600,000 to be repaid by the Collie Golf Club Inc inclusive of interest and fees and charges, should the Collie Golf Club secure the remaining funding for the project;*
4. *require the Collie Golf Club Inc. to meet all costs incurred by the Shire in raising the loan and preparation, execution and stamping of any legal agreement; and*
5. *include the loan in the 2023/24 Budget.*

Background:

The Collie Golf Club Inc. wishes to replace their existing water reticulation system due to the deterioration and age of the existing system.

The need has been clearly outlined in the summary report which is included in the summary report included as an appendix. The Collie Golf Club has 240 members and operates an 18 hole par-72 course.

The cost for the upgrade is envisaged to be in excess of \$850,000, exclusive of GST. The Club is applying for a Community Sport and Recreation Facility Fund (CSRFF) for the eligible component of project costs and are able to commit \$150,000 of the Club's own funds. The application needs to demonstrate that the additional funding required for the project is secured, in order for it to be considered.

The Club is seeking approval to borrow the additional funds required through a self-supporting loan with the Shire. The breakdown of funding sources is summarised below based on an indicative total project cost of \$900,000:

Total estimated project cost \$900,000

Funded from:

CSRFF	\$244,000
Club	\$150,000
Borrowings	\$506,000

Based on current interest rates of 4.95%, a loan of \$506,000 over 20 years would require semi-annual repayments of \$20,072. The Club is confident that they can meet annual repayments through an increase in green fees, reduced maintenance fees and current projected cash flows.

This repayment does not include the Government Guarantee Fee, which is invoiced separately by the Western Australian Treasury Corporation (WATC). This rate is currently 0.70% and is calculated annually on the principal outstanding.

The Club has indicated that it is intended to provide their property at 147 Mungalup Road, including club house, as security for the loan. The buildings have an insurance value of \$2.2m and the clubhouse land is owned freehold.

Total project costs in excess of \$500,000 are considered under the annual and forward planning round of the CSRFF program. Applications are to be submitted to the local government by the end of August for assessment by Council in September. Applications are assessed by the Department of Local Government and Sport and Cultural Industries (DLGSC) between October and January. Should the CSRFF application be successful, works can commence from 1 July 2024.

The Club would continue to seek alternative funding opportunities in the lead up to the 24/25 financial year so that the amount required from borrowings could be reduced if possible.

Statutory and Policy Implications:

Section 6.20 of the *Local Government Act 1995*, identifies that a local government may borrow money to enable the local government to perform the functions and exercise the powers conferred on it.

A local government is not required to give local public notice, where the proposed borrowings are included in the annual budget for that financial year.

Details of the borrowings proposed must be included in the annual budget in accordance with Section 6.2.

Council has a policy relation to self supporting loans, CS3.1. The policy stipulates that clubs or associations seeking Shire assistance to raise a loan on their behalf shall apply in writing for a self-supporting loan to be considered by Council, encompassing:

1	Certificate of incorporation	Provided
2	Evidence that the group is based and operate within the Shire of Collie	Group operate on Mungalup Road Collie.
3	A statement demonstrating the inability to secure financial support through alternative funding sources	Advised that corporate entities have been approached.
4	Plans, specifications and statutory approvals (if available) together with detailed costings	Quotes provided. More detailed plans will be provided if grant approved.

5	A copy of the last 3 years professionally reviewed financial statements and current year's budget, demonstrating the organisation's ability to repay the loan	Provided
6	A business plan that sets out the purpose, objectives and benefits to their members and the Collie community of the proposed use of funds	Included in summary appendix.
7	An overview of the organisations objectives and current membership levels	Included in summary appendix.
8	Agreement to enter into a Deed of Agreement for the period of the loan repayments	Agreement received.
9	A copy of the minutes of a legally constituted meeting of the organisation showing the formal resolution agreeing to the raising of the loan	To be provided if proceeds.
10	Security to the level that Council considers appropriate. Alternatively, the organisation may provide between 2 and 20 Guarantors to ensure that the loan is repaid. In the event of the organisation defaulting on its loan repayments the guarantors will become jointly and severally liable for the repayment of the loan	Land and club house facility proposed as security.
11	Agreement to insure and keep insured premises where the premises are security over the repayment of the loan.	Provided.

The policy identifies "that self supporting loans will generally be limited to a maximum of \$150,000 for any one applicant, including existing self-supporting loans between the Shire and the applicant. Council may, with proper justification, vary this limit."

Budget Implications:

The funds would not be required before 30 June 2024, and it is proposed that the loan be included in the 2023/24 budget to enable the loan application to be submitted prior to 30 June 2024.

The Club will be wholly responsible for the repayment of the principal, interest and all other associated fees and charges. Should the Club fold or be unable to meet the requirements of the loan, the Shire would be responsible for repayments.

The borrowing may limit the Shire's ability to raise other loans for Shire projects.

Communications Requirements: (Policy No. CS 1.7)

Shire staff have liaised with representatives of the Club and DLGSC.

Strategic Community Plan/Corporate Business Plan Implications:

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

Relevant Precedents:

The Shire currently has provided self-supporting loans to local community groups, including the Golf Club, in the past.

Comment:

The CSRFF application will be considered by Council separately in September. This item is to consider the self-supporting loan only, which will enable the Club to progress the preparation of their application.

By approving a self supporting loan, the Shire is accepting that it will take over the financial responsibility to pay the loan in event of default by the Club.

To determine the suitability of such an arrangement, Council should have regard for the loan purpose, security against borrowing and serviceability (ie the ability of the Club to make repayments).

An upgrade of the reticulation system is essential to maintain turf and greens and for the Club to remain viable. The course is a valuable asset to the Collie community and assistance through access to competitive finance in this circumstance is warranted. A deed of agreement (prepared by Solicitors at the Club's expense) can be registered as a caveat on the title and this will provide sufficient security for the loan. A review of the Club's financial standing and forward estimates demonstrates ability to make annual repayments of \$45,000 per annum.

Sound financial management will be essential for the Club to sustain repayments over the 20-year term. In this regard, it is recommended that the committee executive be required to meet with Shire staff, at least annually, to enable the Shire to monitor the Clubs financial management. Such an arrangement can be established in the deed of agreement.

Having regard for the considerations above, arrangements are recommended to establish a self-supporting loan with the Collie Golf Club for up to \$600,000 to allow for variations that may be considered during project development.

13. DEVELOPMENT SERVICES REPORTS

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

Reporting Department:	Development Services
Reporting Officer:	Matt Young – Director Development Services
Accountable Manager:	Matt Young – Director Development Services
Legislation:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	LPP/019
Appendices:	Appendix 13.1.A - Current LPP 2.5 Residential Development Fronting Laneways and Rights-of-Way Appendix 13.1.B – Draft LPP 2.5 – Residential Development Fronting Existing Rights-of-Ways (Laneways)
Voting Requirement:	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. During the public comment period provide a public workshop to address potential community questions;*
- 3. Subject to no written objections being received during the advertising process, proceed with the policy without modification;*
- 4. Subject to 3. 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*
- 5. Subject to 3. 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:

Council at its Ordinary Meeting of 13 June (Resolution 9205) resolved to defer consideration of Local Planning Policy LPP 2.5 – Residential Development Fronting Existing Rights-of-Way (Laneways) to enable consideration at the next Council Meeting.

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 around 94 laneways in Collie, which

are generally around 5m in width and totalling 16.8km in length. Only 14% of these laneways are sealed.

The Shire of Collie Local Planning Scheme No. 6 has coded much of the inner, older laneway lots in Collie at a higher density to allow for infill residential development (R25-R30). These lots are all connected to deep sewer and standard utilities, many of which run along the rear laneways to these lots.

The current Local Planning Policy 2.5 (LPP) Residential Development Fronting Laneways and Rights-of-Ways (appendix 13.1.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 draft Local Planning Policy 2.5 - Residential Development Fronting Existing Rights-of-Way (Laneways) is presented for consideration and consent to advertise for public comment (refer appendix 13.1.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 LPP 2.5 – Residential Development Fronting Laneways and Rights-of-Way 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 advertising costs.

Communications Requirements: (Policy No. CS 1.7)

The draft 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 CS 1.7:

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

A public workshop is proposed to address potential issues raised by the public.

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		
GOAL:	3	Our Built Environment
Objective:	3.1	Safe and well-maintained Shire owned facilities and infrastructure

Relevant Precedents:

Nil

Comment:

Draft 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 a means of access to new residential developments;
- Ensure laneways provide safe vehicular and pedestrian access to dwellings that front a laneway.

The revised draft 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 future carport and garages of dwellings fronting a laneway have been reduced, yet will 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 developing (with a new dwelling facing onto a laneway) their land to cede a portion of their land adjoining the laneway to the Shire free of charge. This is to ensure ultimately that a minimum two-way laneway width of 6m can be achieved when only landowners on one side of a laneway develop 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.

It is noted that whilst a 1m is required to be given up to widen the laneway, the actual land take of an alternative battleaxe driveway would be around 6-times that of a 1m widening.

The expected cost of the upgrades to the laneways (pavement and drainage) will be required to be budgeted for by Council internally, or grant funded, and a new Technical Services policy will need to be developed to establish the standards that they want to achieve for the laneways. For Council to be able to adequately budget, the policy will need to establish an expected per meter cost for upgrades to laneways. There are several examples of these policies and estimated costs across other Local Governments. Upgrades to Shire infrastructure, such as laneways, are addressed through internal departmental policies and in budget setting.

As infill residential development in Collie progresses it is acknowledged that the residential ratepayer base will increase, and the budget business case to upgrade the laneways will increase.

It is acknowledged that the implementation of the laneway widening, as new infill residential development is developed, will result in laneways having varying widths, however this is inevitable unless the Shire compulsory acquires this all at one time (which would be cost prohibitive for Collie).

Similarly, it is acknowledged that early beneficiary of this form of residential infill will live along laneways that may not have been upgraded.

Draft 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 draft LPP 2.5 is a tool that can be used to help address a shortage of affordable infill housing now and into the future.

Following public 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.

13.2 Application for Trading Permit - Activities in Throughfares and Public Places and Trading Local Law 2012

Reporting Department:	Development Services
Reporting Officer:	Isabel Fry- Town Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation:	Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012
File Number:	PHL/011
Appendices:	Appendix 13.2.A Trading Location Site Maps
Voting Requirement:	Simple Majority

Report Purpose

For Council to consider an application for a permit under the Activities in Thoroughfares and Public Places Local Law 2012, lodged by Lamedos on Wheels, to operate within the Shire of Collie for an initial period of 3 months.

Officer's Recommendation

That Council resolve to:

- 1) *Approve the application for a trading permit for Lamedos on Wheels for a period of 3 months subject to the following conditions:*
 - a) *Place to which permit applies:*
 - i. *Square at the Railway Station (Lot 2889 Throssell Street, Collie- R47295*
 - ii. *15 Forrest Street, Collie*
 - iii. *Soldier's Park (carpark area)*
 - b) *Description of stand, structure or vehicle to be used by the licensee:*
 - i. *Vehicle and trailer*
 - c) *Particulars of goods, wares, merchandise or services available:*
 - i. *Food and Coffee Trailer/Van*
 - d) *Permitted days and hours when stall may be operated:*
 - i. *Square at the Railway Station (Lot 2889 Throssell Street, Collie- R47295 Monday to Sunday: 3:00am to 8:00am*
 - ii. *15 Forrest Street, Collie Monday to Saturday: 8:00am to 2:00pm*
 - iii. *Soldier's Park (carpark area) Saturday: 7:00am to 11:00am*
 - e) *The licensee shall maintain a public liability insurance of not less than \$10 million at all times.*
 - f) *The licensee is to abide by the conditions set under Part 6 Trading in Thoroughfares and Public Places Division 1 - Stallholders and Traders.*
 - g) *The licensee is to notify the adjacent tenant of the building where the stall is situated, prior to the day of operation.*
 - h) *The licensee is responsible for keeping the approved area clean and remove any residual rubbish.*
 - i) *A copy of this permit is to be available at the stall at all times during operation.*

- 2) *Authorise Officers to approve future applications for this business which are generally consistent with this permit, subject to no valid objections being raised during the permit timeframe.*

Background:

The Shire has received an application for a trading permit submitted by Mark and Amanda Fuller (owners of 5 Cable Street, Collie) trading as Llamedos on Wheels. This report has been prepared for Council due to the locations, length and frequency of trading that has been applied for.

Llamedos on Wheels operates out of a van/ vehicle which has recently received approval from the Shire's Environmental Health Department to be used as a registered food premise (food/coffee van). The application for an initial period of 3 months, at the following locations (refer Appendix 13.2.1) and times:

Location	Day/ Time
Square at the Railway Station (Lot 2889 Throssell Street, Collie- R47295	Monday to Sunday: 3:00am to 8:00am
15 Forrest Street, Collie (Previous Greenbeing Eco Store hardstand)	Monday to Saturday: 8:00am to 2:00pm
Soldier's Park (carpark area) for Park run	Saturday: 7:00am to 11:00am

Statutory and Policy Implications:

Shire of Collie Activities in Thoroughfares and Public Places and Trading Local Law 2012
- Part 6: Trading in Thoroughfares and Public Places, Division 1, Stallholders and Traders

Communications Requirements:

The Local Law does not expressly require the advertising of applications. Where trading is proposed to occur on private land, consent from the landowner is required. Consent has been provided in the instance of 15 Forrest Street, Collie.

Strategic Community Plan/Corporate Business Plan Implications:

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

Comment:

The application for trading permit has been lodged by a new local business with a newly purchased and registered food/coffee van. The Applicant is intending to offer an early morning service from 3am to 8am, at the square adjacent to the Railway Station on Throssell Street for the purpose of servicing workers, as nearby takeaway coffee provider McDonalds, does not open until 5:30am. The applicant then intends to trade from 15 Forrest Street for the remainder of the day, until 2pm. The Applicant is also seeking to be able to service Soldier's Park, particularly for Park Run on Saturday mornings. The Applicant may not operate at these locations every day, however if approved, the option to trade will be available to them. The Applicant also intends to provide this service at local events, to be dealt with through separate approvals.

The Local Law (Section 6.5) sets out the relevant considerations in determining an application for a permit. The local government is to have regard to:

a) Any relevant policies of the local government	The Shire does not currently have a policy relating to traders and/or food vans.
b) The desirability of the proposed activity	The service of food and coffee within the town centre and to service workers in the early morning will add to the available offerings for people working in Collie. There is not currently a local coffee van which has a permit to trade within the Shire on a regular basis or at events.
c) The location of the proposed activity	<p>The proposed locations for trade are all within the Collie town centre and are within Commercial zoned areas where commercial trade and activity are expected.</p> <p>The location at the square at the railway station is located on Throssell Street, which is a primary distributor road, however the proposed van parking location is not within the road reserve, but forecourt to the railway station square. Street parking and pull in bays are available within the immediate vicinity of this area to service customers safely, this will need to be monitored and reviewed on an ongoing basis once the volume of customers is better understood.</p> <p>The 15 Forrest Street location is within a commercial lot, which has substantial hardstand available for parking, as well as street parking nearby. A number of traders use this location on an itinerate basis.</p> <p>The Soldier's Park location will require the van and vehicle to utilise the existing angled parking bays on the south side of the park, which will mean the loss of 2 bays for park users. Food vans have previously traded from this location and parking provision and safety has not presented an issue.</p>
d) The principles set out in the Competition Principles Agreement	<p>The Competition Principles Agreement, which is an agreement between the Federal and State Governments to ensure competitive neutrality in business policies, this agreement also applies to local government, although not party to the agreement.</p> <p>In this instance the principles of the Agreement relevant to this application are the merits and the appropriateness of the proposal, community service obligations, safety, access and equity, economic and regional development, consumer interests and competitiveness of business.</p> <p>The proposal is an appropriate activity to occur in the CBD and Commercial zoned areas. Locationally, the merits of the proposal are that the locations are easily accessible, visible and safe to the public and service multiple sectors of the community. The proposal will at some stages, be in competition with other food and coffee businesses in the</p>

	vicinity of the CBD, particularly takeaway coffee. Competition is not something that should inform restriction of business under the Agreement and is also not a valid reason for refusing a permit.
e) Such other matters as the local government may consider relevant in the circumstances of the case	The Shire also considers impacts on traffic, parking and safety as important in considering an application of this type. It is not foreseen that this will present an issue, but as mentioned previously, this should be monitored and managed through the life of the permit.

Conclusion:

It is recommended that the 3 month permit be approved, subject to conditions as consistent with the Local Law. It is also recommended that Council authorise Officers to approve future applications for this business which are generally consistent with this permit, subject to no valid issues being raised during the permit timeframe.

13.3 Review of the Shire's Local Emergency Management Arrangements

Reporting Department:	Development Services
Reporting Officer:	Kohdy Flynn – Community Emergency Services Manager
Accountable Manager:	Matthew Young – Director Development Services
Legislation:	<i>Emergency Management Act 2005</i>
File Number:	GOV/067
Appendices:	Appendix 13.3.A - Local Emergency Management Arrangements General Plan Appendix 13.3.B - Recovery Arrangements
Voting Requirement:	Simple Majority

Report Purpose

To consider for endorsement the Shire of Collie Local Emergency Management Arrangements General Plan & Recovery Arrangements.

Officer's Recommendation

That Council resolve to endorse the Shire of Collie Local Emergency Management Arrangements General Plan & Recovery Arrangements for submission to the State Emergency Management Committee.

Background:

Local Emergency Management Arrangements (LEMA) refers to the suite of emergency management documentation, systems, processes, and agreements which affect each local governments district. Under the *Emergency Management Act 2005* local governments are required to have LEMAs in place. Local governments are responsible for developing, maintaining, and testing there LEMA, an effective LEMA enhances the community's resilience and readiness for emergencies through plans that cover the phases of prevention, preparedness, response, and recovery.

It is a requirement under the act that every five years a total review of each local governments LEMA is conducted. The review of the Shires LEMAs has now been completed. The review has been conducted by a private contractor funded through the All Western Australians Reducing Emergencies (AWARE) program. The review of the Shires LEMA involved multiple public and inhouse workshops, consultation with key stake holders and emergency management personnel.

The aim of the LEMA is to detail emergency management arrangements and ensure an understanding between agencies and stakeholders involved in managing emergencies within the Shire of Collie.

The purpose of these emergency management arrangements is to set out:

- The local government's policies for emergency management.
- The roles and responsibilities of public authorities and other persons involved in emergency management in the local government District.

- Provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph b (above).
- The description of emergencies that are likely to occur in the local government District.
- The strategies and priorities for emergency management in the District.
- Other matters about emergency management in the local District prescribed by the Regulations; and
- Other matters about emergency management in the local government District that the local government considers appropriate (s41(2) of the *Emergency Management Act 2005*).

The 'General Plan' documents the outcomes from the research into local risk, along with the prevention, preparation, response and recovery arrangements, for locally identified and prioritised risks. These are based upon the locally applicable 'Risk Evaluation Criteria' (Criteria), which provide sufficient metrics to assist in understanding locally acceptable consequence tolerances. These Criteria are then used to inform the triggers within Annexure 4 – Hazard Plans. They can also be used in the communication with the identified 'risk owners', when that risk management is transferred to another agency/landowner.

The final 'General Plan' and associated documents were considered by the Local Emergency Management Committee on 17 May 2023. The Committee reviewed and accepted the arrangements as set out in the general Plan and resolved to circulate the Local Emergency Management Arrangements to members as a final draft and request comments over a 14 day period. This was circulated to LEMC members and no further amendments were proposed.

Statutory and Policy Implications:

Local Emergency Management Act 2005 governs emergency management arrangements for local governments.

Budget Implications:

N/A

Communications Requirements: (Policy No. CS 1.7)

The consultant undertook a number of community workshops, community surveys and one-on-one interviews with key stakeholders (including DFES, DBCA, LEMC members, the bushfire brigades and SES volunteers) in March and April 2022 to understand the local communities priorities in respect to emergency management and to provide the basis for these Local Emergency Management Arrangements.

The final Shire of Collie Local Emergency Management Arrangements is to be approved by the State Emergency Management Committee following Council's endorsement.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	1	Our community
Objective:	1.1.2	Community health, safety and wellbeing

Relevant Precedents:

Shire of Collie Local Emergency Management Arrangements 2017.

Comment:

It is a requirement for Council to endorse these plans enabling the submission to the State Emergency Management Committee and the District Emergency Management Committee for their review and consideration.

14. TECHNICAL SERVICES REPORTS

14.1 Electric Vehicle Charger Installations	
Reporting Department:	Technical Services
Reporting Officer:	Craig Yardley – Director Technical Services
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Number:	EDV/008
Appendices:	Nil
Voting Requirement:	Simple Majority

Report Purpose

To consider a proposal by a private company to install up to 10 electric vehicle (EV) charging stations within the Collie townsite.

Officer's Recommendation

That Council resolve to advise Sonic Charge that the Shire of Collie is not pursuing the provision of electric vehicle charging stations at this time.

Background:

Sonic Charge has approached the Shire to discuss the potential to supply, install, and manage (for a limited time) additional Electric Vehicle (EV) chargers at various locations in Collie. Sonic Charge is a preferred EV charging infrastructure supplier for the Western Australian Local Government Association (WALGA) and they manage, procure, install and operate charging stations and related infrastructure.

Sonic Charge propose installation of up to 10 Type 2 AC chargers in various locations and a single DC fast charging station. Suggested locations for the chargers include:

1. Coalfields Museum
2. Public Toilet Truck Stop, opposite Federal Hotel / Black Diamond Lodge
3. Shire of Collie / Collie Mineworkers Memorial Pool
4. Soldiers Park
5. Visitor Centre
6. Any location along Forrest Street close to Collie CBD

The chargers will require permanent allocation of a car bay that would otherwise be available for regular parking.

Sonic Charge offer to deliver the project, including the supply, installation, and commissioning of all EV chargers and the ongoing operation, billing, and maintenance support for a limited three (3) year term. It is understood Sonic Charge costs will be supported by Government grant.

Upon expiry of this three-year period the full responsibility for maintenance, operation and billing for the chargers will rest with the Shire.

Statutory and Policy Implications:

Nil.

Budget Implications:

Ongoing cost liabilities for operational expenses of charge stations is not quantified.

Communications Requirements:

Should Council wish to pursue the provision of EV charging stations, consideration should be given to calling for expressions of interest from providers.

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	3	Our Built Environment
Objective:	3.1	Safe and well-maintained Shire owned facilities and infrastructure

Relevant Precedents:

Currently Collie has a single charge station with a normal charger and a fast charger. This was installed by Gemtech on behalf of Synergy and is now the responsibility of the Shire to maintain. Usage for the last 12 months has been extremely low. Based on a charge rate of 40c per kW/h, the unit runs at a loss for the Shire.

Comment:

To adequately consider the suitability of the proposal by Sonic Charge, the following factors should be considered:

- Whether EV chargers should be managed by local government or by the private sector;
- Whether there is strategic advantage to the local community in the Shire providing public charging facilities;
- What liability the Shire is prepared to accept to maintain functionality and to cover costs of any losses;
- The current level of demand for public charging facilities in Collie;
- The impact of parking bay loss at key locations; and
- Possible advancements in technology that could see new innovations such as inductive charging (using an electromagnetic field to transfer electricity to an electric vehicle without a cord) which may supersede the existing charging stations.

Having regard for the above considerations, a contract that passes operational responsibility and cost liability to the Shire for a high number of charging stations is not attractive.

Ideally, charging stations would be provided by the private sector at locations such as accommodation venues, shopping centres, food outlets, service stations, recreation clubs or other where advantage may be gained through their provision.

The level of usage of the existing charger at Central Park suggest there is very low demand for the service at this point in time. The very limited revenue along with the maintenance requirements presently represent a liability for the Shire.

It is recommended that a proposal to install additional charging stations not be supported at this time.

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**20.1 Smargiassi Super Pty Ltd v Shire of Collie Supreme Court Hearing – 650 Scenic Drive, Collie****21. CLOSE**

