



Shire of
Collie

AGENDA

for the

ORDINARY MEETING OF COUNCIL

to be held on

Tuesday, 12 September 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



Shire of
Collie

Ordinary Meeting of Council

commencing at **7:00pm**

will be held on

Tuesday, 12 September 2023

in Council Chambers at 87 Throssell Street, Collie WA



Stuart Devenish
Chief Executive Officer

8 September 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

September 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 12 September 2023

Ordinary Meeting of Council

7.00pm in Council Chambers

DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

File ref: GOV/062

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.

[illegible]

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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, 12 September 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****8.1 Ordinary Council Meeting – 8 August 2023****Officer's Recommendation:**

That Council confirms the Minutes of the Ordinary Meeting of Council held on 8 August 2023.

8.2 Special Council Meeting – 29 August 2023**Officer's Recommendation:**

That Council confirms the Minutes of the Special Meeting of Council held on 29 August 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 Community Safety and Wellbeing Committee Meeting – 31 August 2023

Committee Recommendation:

That Council receive the Minutes of the Community Safety and Wellbeing Committee Meeting held on 31 August 2023.

11. CEO REPORTS

11.1 Request for Agreement In Principle – Museum Development	
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:	CMG/268
Appendices:	Appendix 11.1.A – Coalfields Museum Development Concept Plans, 1 June 2023
Voting Requirement:	Simple Majority

Report Purpose

To consider a request from the Coalfield Museum and Historical Research Centre Inc for agreement in principle to further development at 161 Throssell Street, Collie.

Officer's Recommendation

That the Council resolve to advise the Coalfields Museum and Historical Research Centre Inc (CMHRC) that:

1. *the Shire agrees in principle to the development concepts set out at Appendix 11.1.A for 161 Throssell Street, Collie;*
2. *final approval to proceed with development will be subject to:*
 - a) *plan details meeting any statutory planning, building or other requirements; and*
 - b) *Council's further consideration of intended business arrangements including capital raising and the ongoing asset renewal and operational costs.*

Background:

The Coalfields Museum and Historical Research Centre Inc (CMHRC) leases land at 161 Throssell Street, Collie (Lot 1260; Reserve 20038) from the Shire of Collie. The peppercorn lease, with options extends to 30 June 2028. The site contains the historical buildings of the 1900 and 1930 Road Board offices and is 1,698m².

Popularity of the museum and increasing opportunity for new accessions to the collection has led to ambition for expansion. The museum has been evaluating opportunities for new or additional display areas. This has led to the preparation of development concepts for the current site. These concepts are included at Appendix 11.1.A, and show a proposed reception area, garage and two enclosed museum spaces of 196m² and 198m² respectively.

By letter dated 18 August 2023, the CMHRC is seeking Council's agreement in principle to a development concept for the museum site. Council's agreement would assist the CMHRC is making approaches for funding to assist with next steps for the project.

Statutory and Policy Implications:

Nil

Budget Implications:

Capital, operational and asset maintenance cost considerations are central to the project.

Communications Requirements: (Policy No. CS 1.7)

N/A

Strategic Community Plan/Corporate Business Plan Implications:

STRATEGIC COMMUNITY PLAN – ADOPTED DECEMBER 2022		
GOAL:	2	Our Economy
Objective:	2.2	Tourism and promotion and attractions
Strategic Priority	2.2.3	To plan for a new cultural and heritage museum to celebrate Collie's unique history.

Relevant Precedents:

Development of leased property is considered on a case-by-case basis.

Comment:

A museum provides benefit to the community through:

- a tangible record of Collie's history for current and future generations;
- an acknowledgement of Collie's heritage, assisting new residents and visitors understanding of the story of Collie;
- education for students; and
- an attraction that encourages visitation to Collie and consequent economic benefits to the town.

Recognising these benefits, the adopted Strategic Community Plan supports the planning for a facility that will adequately capture Collie's culture and heritage. The set out of the concept plan prepared by the CMHRC are suitable to the site, and will retain the prominence of the Road Board offices which itself has heritage significance.

Having regard for the points above, it is appropriate to advise CMHRC of the Shire's agreement in principle to the development concept.

It should be further noted that the Council will be required to make the final decision to approve any development. This decision will necessarily consider project feasibility having regard for financial viability. Factors in this regard include the source of capital, capacity to meet asset renewal requirements and viability to sustain ongoing operational costs. It is expected these matters would be addressed through a Business Plan prepared by CMHRC and submitted to Council for consideration.

12. **CORPORATE SERVICES REPORTS**

12.1 Accounts Paid – August 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 – August 2023
Voting Requirement	Simple Majority

Report Purpose

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

Officer's Recommendation

That Council accepts the Accounts as presented in Appendix 12.1.A being vouchers 41935 - 41937 totalling \$155.02 and direct payments totalling \$1,122,377.12 authorised and paid in August 2023.

Background:

In accordance with Delegation 2.2.21- payments from the Municipal or Trust Funds adopted by Council on 8 August 2023, 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	2023/24		
	Cheques	Electronic Transfer	Total Payment
July	919.23	1,640,941.51	1,641,860.74
August	155.02	1,122,377.12	1,122,532.14

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 – July 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 – July 2023
Voting Requirement	Simple Majority

Report Purpose

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

Officer's Recommendation

That Council resolve to accept the Financial Management Report for July 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 2023/24 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 CSRFF – Application for Funding Collie Golf Club – Reticulation

Reporting Department:	Corporate Services
Reporting Officer:	Nicole Wasmann – Director Corporate Services
Accountable Manager:	Stuart Devenish – Chief Executive Officer
Legislation	Nil.
File Number:	RCS/004
Appendices:	Nil
Voting Requirement	Simple Majority

Report Purpose

To seek Council endorsement of an application from the Collie Golf Club Inc to the Community Sport and Recreational Facilities Fund Small Grants program for a reticulation upgrade.

Officer's Recommendation

That the Council endorses the application for funding to Department of Local Government Sport and Cultural Industries from the Collie Golf Club Inc. for reticulation.

Background:

The Department of Local Government Sport and Culture Industries (DLGSCI), Community Sport and Recreation Facilities Fund (CSRFF) provides financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation.

The annual and forward planning round of the program provides funding for project costs exceeding \$500,000. The maximum grant offered is one third of the total estimated project cost (excluding GST) up to a maximum grant of \$2.5 million.

Council endorsement of applications is required. Where more than one application is received by a local government, local governments are required to rank the applications.

The Shire of Collie has received one application for this funding round from the Collie Golf Club Inc. seeking funding to support the replacement of their irrigation system.

Total estimated project cost \$900,000

Funded from:

CSRFF \$ 269,875

Bendigo Bank \$ 50,000

Borrowings \$ 580,125

Council previously considered this project in July 2023, when the Council resolved to support an application from the Collie Golf Club Inc. for a self supporting loan up to the value of \$600,000.

The loan application considered by Council proposed that the Golf Club would contribute up to \$150,000 cash towards the project costs. Should the CSRFF application be successful, it is the Golf Club's intention to reduce the amount of borrowings identified in the application by available funds, which they believe will be in the order of \$150,000 plus the funding from the Bendigo Bank. The funding from the Bendigo Bank is confirmed, however it is conditional on DLGSCI funding, and all other necessary funding, being secured and the grant being used as an offset against any loan funds proposed to be raised by the Shire of Collie.

Statutory and Policy Implications:

There are no relevant policies or legislation.

Budget Implications:

The self supporting loan has been included in the current budget.

There are no further financial implications for the Shire.

Communications Requirements: (Policy No. CS 1.7)

Nil.

Strategic Community Plan/Corporate Business Plan Implications:

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

Relevant Precedents:

The Shire of Collie has previously endorsed a number CSRFF applications including the Collie Racing Driver's Association, Collie Soccer Club, Collie Swim Club, Collie BMX Club, and the Collie Golf Club.

The Collie Golf Club has had previous funding through CSRFF.

Council has previously endorsed this project through supporting the request for the self supporting loan.

Comment:

The Council's support of the Collie Golf Club's CSRFF application for reticulation upgrade will enable the application to proceed.

The application is based on the information provided to Council when the self-supporting loan was considered, though as noted under the background, the Club previously committed to contributing \$150,000 cash. Should the application to CSRFF be successful, Shire staff will liaise with Golf Club to ascertain the Club's financial capacity to reduce the amount to be borrowed prior to finalising the loan arrangements. A copy of the full grant application has not been included as an attachment to the agenda, however it is available on request.

13. DEVELOPMENT SERVICES REPORTS

13.1 Application for Development Approval – Proposed Family Day Care – Lot 36, No.3 Wagtail Way, Collie	
Reporting Department:	Development Services
Reporting Officer:	Isabel Fry – Town Planner
Accountable Manager:	Matt Young – Director Development Services
Legislation:	<i>Planning and Development Act 2005</i>
File Number:	A5471
Appendices:	Appendix 13.1.A – Application Appendix 13.1.B – Location Map Appendix 13.1.C – YMCA Letter of Support Appendix 13.1.D – Summary of Submission
Voting Requirement	Simple Majority

Report Purpose

For Council to determine an application for development approval for a Family Day Care at Lot 36, No.3 Wagtail Way, Collie.

Officer's Recommendation

That Council, in relation to an application for development approval for a proposed Family Day Care at Lot 35, No.3 Wagtail Way, Collie, resolves to grant development approval, subject to the following conditions:

1. At all times, the development the subject of this development approval must comply with the definition of Family Day Care as contained in Part 6, Division 2 of the Shire's Local Planning Scheme No. 6.
2. All development shall be in accordance with the approved development plans which form part of this planning approval and activities shall only be undertaken in areas of the home endorsed by Council on the approved plan(s).
3. This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.
4. No more than seven (7) children, including the operators own children, may be cared for within the premises used for the purposes of Family Day Care at any one time.

Prior to Commencement

5. Prior to the development commencing, an Operational Management Plan is to be prepared, approved and implemented to the satisfaction of the Shire of Collie. The plan should address:
 - a) Provide a schedule/ daily routine for the operation of the development;
 - b) Noise management on the site, including scheduling of outside play, limiting of types of outside play and toys available, location of outside play, management of unsettled children;
 - c) The parking map and information pack to be provided to parents to ensure verge parking does not occur;

- d) How scheduling of drop-offs and pick-ups will occur to ensure they are staggered and able to be accommodated within the property boundaries;
 - e) How waste will be dealt with at the site and detail the trigger point for an additional waste service if required;
 - f) Details for compliance with the requirements for a Food Premise.
6. Prior to the development commencing, a minimum of 2 car parking bays for the use of visitors, must be provided on the subject site, in accordance with the approved plans, to the satisfaction of the Shire of Collie.
 7. All verge areas abutting the boundaries of the subject site must remain clear at all times and not be used for visitor, drop-off and/or pick-up parking, to the satisfaction of the Shire of Collie.
 8. Except with the prior written consent of the Shire of Collie, the approved use must only operate between the following hours:
 - 7:30am and 5:30pm Monday, Wednesday and Friday;
 - 7:30am and 2:30pm Tuesday and Thursday; and
 - Closed on Saturday and Sunday.
 9. The business shall not cause injury to or adversely affect the amenity of the neighbourhood.
 10. The business shall not display a sign exceeding 0.2 square metres. The advertisement/sign is of a type that is incorporated as part of a building wall, fence or entry statement and not illuminated.

Advice

- i) This planning approval does not remove or affect any statutory responsibility the owner may have under the Education and Care Services National Law (Western Australia) as amended. The Applicant is advised to contact the Department for Communities before commencing the development to ensure statutory responsibilities are met. Further information can be obtained from Department for Communities, which is responsible for licensing and monitoring child care services through its Child Care Licensing and Standards Unit, on (08) 6210 3333 or at www.communities.wa.gov.au.
- ii) The Shire of Collie advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions. Further information can be obtained from the Shire of Collie's Environmental Health Officer on (08) 97349000.
- iii) The development is also defined as a "Food Business" under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the Shire of Collie's Environmental Health Services.

Background:

The Shire has received an application for development approval (refer Appendix 13.1.A) for a Family Day Care at Lot 36, No.3 Wagtail Way, Collie (refer Appendix 13.1.B). The application has been lodged by Georgie Urkko as the operator of the proposed Family Day Care, the property is owned by Robert Pimm.

The subject site is 772m² in size and zoned Residential R15 under the Shire's Local Planning Scheme No.6 (LPS6). Family Day Care is an 'A' use under LPS6, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with Clause 64 of the deemed provisions.

Application

The proposed Family Day Care is intended to run through YMCA as a registered provider. Family Day Care is a recognised childcare service that provides education and care in a home setting. Family Day Care is able to accommodate children from birth to 12 years of age and is restricted to a maximum of 7 children.

The proposed Family Day Care intends to have one educator (the Applicant), with no other employees required. There is an intention to have 5 children at any one time, however up to 7 may be accommodated, 3 of which will be age 5 or older.

The Applicant has detailed the proposed opening hours to be as follows:

Monday	7:30am to 5:30pm
Tuesday	7:30am to 2:30pm
Wednesday	7:30am to 5:30pm
Thursday	7:30am to 2:30pm
Friday	7:30am to 5:30pm

The existing games room in the house is proposed to be used as a designated playroom. This room adjoins the kitchen and has directed access to the backyard, separated from both areas by sliding doors. This space will be used for playing, eating and sleeping. This room will be the primary space for the children and they will only be allowed access to the toilet and bathroom as needed, this will ensure minimal disturbance to the other residents at the property.

Children will have access to the backyard, including the 8.5m x 5m patio, where there will be outdoor toys and equipment. Access to the backyard is proposed only after 9am to prevent disruption to neighbouring properties, there will be no side access for the children on either side of the house to maximise privacy to the neighbours. Front access will only be permitted from planned or regular outings under strict supervision from the Applicant or parents at arrival and departure.

Parents will be required to supply their child with a packed lunch, however morning and afternoon tea will be provided by the family day care, including items such as fruit, sandwiches, crackers and rice cakes etc.

Driveway parking will be available for parents/ guardians, which can accommodate two large cars or 3 smaller cars, with one being able to park to the side closest to the fence. This is additional to the garage parking used for residents. A map will be provided to parents with information on where to park and prohibited parking areas to ensure they are not parking on verges or neighbouring properties. From experience, drop off and pick up times are usually

difference from family to family creating staged arrival and departure times allowing for minimal disruption and parking issues.

There is no signage proposed at this stage. An additional waste service may be required but this will be determined once operation commences.

The Applicant will be seeking a separate approval from YMCA and the Department of Communities for the Family Day Care, upon successfully obtaining Shire approval.

The Applicant has detailed in their covering letter that there is a significant demand for child care in Collie, with waitlists at the currently operating centres. YMCA have provided a further letter of support for the proposal, following an inspection of the property (refer Appendix 13.1.C).

Statutory and Policy Implications:

Local Planning Scheme No. 6

Part 3- 16. Zones- Residential

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses which are compatible with and complementary to residential development.

17. Zoning Table- Family Day Care- "A" use in the Residential Zone.

Division 2, Cl.40- Family Day Care definition:

"Means a premise where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided."

Schedule 1- Carparking Requirement

Family Day Care:

"In addition to bays required by the R-Codes, 1 bay for every 4 children, plus one bay per employee."

Budget Implications:

Nil

Communications Requirements: (Policy No. CS1.7)

The Application was required to be advertised due to being an 'A' use under LPS6. The application was advertised from 2 to 17 August 2023, to 7 adjoining and nearby properties.

As detailed in Appendix 13.1.D, two submissions were received during the advertising period, one supporting to and one objecting to the proposal. The objection was based on issues relating to traffic and parking, noise and site suitability. Officer's responses to the issues raised have been detailed in the Appendix.

Strategic Community Plan/Corporate Business Plan Implications:

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

Relevant Precedents:

N/A

Comment:Local Planning Scheme No.6 (LPS6)

The proposal is consistent with the definition of Family Day Care under LPS6. The proposal is also consistent with the objectives of the Residential zone, which allows for a range of non-residential uses, where they are compatible and complementary to residential development. The proposed Family Day Care does not require any modifications to the existing dwelling and will be contained within the dwelling and the enclosed backyard. The scale and number of children is consistent with that of a family day care and is limited by there only being one employee on the site.

The requirement for parking under LPS6 has been met, with 2 car parking spaces (1 bay for every 4 children and 1 bay per employee), in addition to the 2 provided in the garage of the dwelling, for the use of the development. Management of the use of this parking and drop-off and pick-ups will need to be managed on an ongoing basis to ensure compliance.

Impacts

The issues raised can be appropriately managed through conditions, considering the relatively small scale of the proposal. The noise generated by the proposed development is unlikely to exceed acceptable levels as stipulated by the Noise Regulations, due to the small scale of the proposal and monitored outside activity times. It is recommended this be managed further through conditions and an operational management plan.

The proposal meets the requirements for parking and access under LPS6. The development should however be managed to ensure staggered drop-off and pick-up times are organised and within the designated operating hours. Management of drop-off and pick-ups also needs to be undertaken to ensure no parking occurs on the verge or neighbouring properties.

Further Approvals

The proposed development will also require registration as a food premise, as food will be provided at the premises, as well as the provision of food supplied by parents. This will involve an application and inspection by the Shire's Environmental Health Officer prior to operation.

This proposal will also require further licencing and approvals through the Department of Communities and YMCA.

Conclusion

The objections raised during the advertising period are valid issues relating to this proposal. It is determined that these issues and impacts can however be managed through conditions and an operational management plan implemented by the operator/ Applicant. Where the conditions and operational management plan are not complied with, this can be dealt with through compliance action.

Family Day Care land uses are commonly occurring in Residential zoned areas, as they are of an appropriate scale for in-home care to be provided. Additionally, there is a need for childcare service provision in Collie, as anecdotally there is a shortage in Collie. The addition of the service will allow more families to return to work and access care for their children.

It is recommended that the application be approved, subject to the conditions detailed in the recommendation section of this report.

14. TECHNICAL SERVICES REPORTS

14.1 RoadWise Council	
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>
File Number:	RSK/032
Appendices:	14.2.A – Shire of Collie Crash Trends 14.2.B – RoadWise – The Safe System Approach
Voting Requirement:	Simple Majority

Report Purpose

To consider an invitation from WALGA to register the Shire of Collie as a RoadWise Council.

Officer's Recommendation

That the Council resolve to accept WALGA's invitation to register the Shire of Collie as a RoadWise Council.

Background:

Correspondence has been received from WALGA inviting the Shire of Collie to sign up to a new road safety initiative and register as a RoadWise Council.

The new RoadWise Councils Framework informs the approach WALGA's road safety team takes in supporting Local Governments in working towards delivering best practice road safety. The Framework considers the key elements which determine the level of safety of the road transport system within the context of Local Governments. The Safe System is a holistic approach to road safety and recognised worldwide as best practice road safety. It's focused on the principles that people make mistakes, and the human body can only tolerate so much force before harm occurs. The system looks at opportunities to create a road network that is forgiving if people make mistakes so that crashes don't result in death or serious injury. And all parts of the system work together, which includes the infrastructure, speed, vehicles, and people. It is key to note that the safe system approach looks at preventing crashes which result in death or serious injuries, crashes may still occur but the severity of these will be significantly reduced under the system to more likely result in property damage only rather than a serious injury.

To register, Local Governments can accept the invitation by providing a Council resolution or a written declaration of commitment to road safety and nominating at least two personnel (Officers and/or Elected Members) to be the primary point of contact for road safety matters.

Statutory and Policy Implications:

Road authorities owe all road users a duty of care and must do what is reasonable to be aware of deficiencies in the road transport system, to assess and prioritise them, and have a system for remedying them.

Source – (Austroads (2021). Guide to Road Safety Part 1: Introduction and the Safe System. <https://austroads.com.au/publications/road-safety/agrs01>)

Participation in the RoadWise initiative may be reflected in future Council policies relating to road design and management.

Budget Implications:

There are no budget implications to register as a RoadWise Council.

Communications Requirements: (Policy No. CS 1.7)

Some initiatives or outcomes may require community consultation which will occur when and if required.

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:

The RoadWise Recognised aspect of being a RoadWise Council provides formal recognition for, and enables benchmarking and monitoring of road safety management, actions and interventions. RoadWise Recognised will assist Local Governments with continuous improvement in road safety actions and outcomes through regular support, monitoring and sharing of information.

The benefits for Local Governments that register as RoadWise Councils include:

- use of the RoadWise logo,
- priority access to WALGA's road safety services and products,
- exclusive quarterly meetings and support from a Road Safety Advisor,
- priority access to participate in WALGA's road safety policy development, training, professional development forums and knowledge-sharing workshops offered by WALGA,
- access to incentives and sponsored programs, and
- participation in the new RoadWise Recognized initiative.

Participation in the RoadWise initiative is recommended accordingly.

14.2 Appointment of Contractor – Mungalup Road Bridge Repairs

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>
File Number:	RDS/006
Appendices:	Confidential distributed under separate cover
Voting Requirement:	Simple Majority

Report Purpose

Council to consider the appointment of a contractor to undertake emergency repairs to Mungalup Bridge.

Officer's Recommendation

That the Council resolve to accept the quote for emergency repairs to Mungalup Bridge (Bridge #3523) from Timber Insights subject to the project being approved under the Local Roads and Community Infrastructure Program Phase 4.

Background:

In March 2023, Main Roads WA (MRWA) undertook an inspection of the Mungalup Road bridge. The inspection found damage/deterioration of Pier 2 Pile 3, a critical component of the bridge, posing an imminent safety risk. This led to the need to immediately close access to north-east bound traffic and divert all heavy vehicles. Traffic management arrangements were immediately put in place to enable the bridge to remain open as a single lane only.

Works required to restore the bridge include repair of a pier and pile which are critical structural components of the bridge. The compromised section is shown below.



Following acceptance by MRWA for remedial works, quotes were requested from MRWA approved contractors. Two quotes were received which are distributed to Councillors under separate confidential cover.

Statutory and Policy Implications:

In accordance with Council's purchasing policy, procurement in excess of \$100,000 is to be undertaken by a public tender process.

On this occasion a public tender process has not been undertaken due to the urgency of the repair works and the limited number of Main Roads Western Australia (MRWA) approved contractors.

In accordance with the *Local Government (Functions and General) Regulations 1996* tenders do not have to be publicly invited unless the consideration under the contract is, or is expected to be more, than \$250,000.

Budget Implications:

The 2023/24 Budget includes an allocation of \$205,000 for the Mungilup Road Bridge works. Funding identified in the budget includes 2/3 from MRWA and 1/3 from the Federal Government's Local Road and Community Infrastructure (LRCI) Program phase 4b.

In accordance with the LRCI guidelines, the Shire is unable to proceed with the project until project nominations have been approved by the Department. The works schedule has been submitted and approval is anticipated within four to six weeks.

Communications Requirements: (Policy No. CS 1.7)

Upon confirmation of the project's commencement date, extensive communication of the impending works will be carried out, ensuring that all relevant stakeholders are advised of the future disruptions and the associated safety measures.

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:

The urgency for intervention is stressed by MRWA's comprehensive Level 2 bridge inspection of Mungilup Bridge, which unearthed significant structural concerns. This Level 2 Condition Assessment enables the assessment of a bridge's condition and early detection of any damage or deterioration that may pose a safety hazard. All bridges within the Shire of Collie are the responsibility of the Shire of Collie but MRWA provides guidance and instruction of repair parameters and specifications as most Local Governments lack specialised bridge/structural engineers.

The unique nature of this circumstance dictates the engagement of MRWA-endorsed contractors, given their specialised expertise in rectifying complex structural issues. An exhaustive RFQ process ensued, with only three of the seven contractors expressing interest

and competence to complete the project within the stipulated timeline. Given the intricacies of the task, the rehabilitation solution necessitated intensive structural evaluations and environmental impact assessments, emphasising the pursuit of sustainable repair methodologies.

The anticipated financial costs are \$212,787.08, encompassing various components such as propping solutions, labour, inspections, traffic management, materials, and ancillary expenditures. The anticipated timeframe for project completion is 60 days, reflecting the concerted efforts to effectuate a prompt and comprehensive resolution.

Considering the imminent threat to public safety and the critical importance of preserving essential infrastructure assets, it is important that the Council consider and endorse the deviation from the standard purchasing policy to allow an appointment of a contractor without the need for open public tender. This deviation, while atypical, is justified due to the urgent nature of the situation and the limited pool of companies accredited by MRWA for such specialised emergency repairs.

14.3 Proposed Road Widening – Christie Street, Collie

Reporting Department:	Technical Services
Reporting Officer:	Michael Sewell – Technical Officer
Accountable Manager:	Craig Yardley – Director Technical Services
Legislation:	<i>Local Government Act 1995</i>
File Number:	RDSO300
Appendices:	14.3.A – Proposed Land Resumption - 13 Christie Street, Collie
Voting Requirement:	Simple Majority

Report Purpose

For Council to consider widening of the road reserve to rectify encroachment of public infrastructure into private property and to achieve sufficient verge width adjacent road carriageway.

Officer's Recommendation

That the Council resolve to authorise necessary actions to widen the road reserve adjacent lot 1173; 16 Christie Street, Collie.

Background:

Mr Julian Hart contacted the Shire to enquire about the encroachments onto his newly purchased property. The property, with a street address of 16 Christie Street also fronts Paull Street.

In response to the approach from the owner, the Shire undertook a survey which revealed a pathway and utility service (Telstra cable) passing through private property. The alignment of the road pavement at Paull Street also brings the kerb line close to private property leaving insufficient verge width adjacent 16 Christie Street. It is understood the circumstance has arisen from works undertaken around 25 years ago.

Appendix 14.3.A identifies the boundaries of 13 Christie Street in relation to the road pavement and pathway.

The owner has indicated a willingness to sell the whole of the property to the Shire. The preferred alternative is for the Shire to acquire a triangular portion of the lot (41.7m²) to form part of the road reserve. This would create a regular road reserve alignment at this location, create sufficient verge width and bring the pathway and service into the road reserve. An option of realigning the road and footpath is not viable.

Steps involved in resolving the matter include:

- Engaging a licenced land survey to prepare survey and title drawings
- Confirm land valuation and establish agreement with the owner
- Engaging a conveyancer to facilitate land transactions
- Request the Minister for Lands to dedicate land as road reserve

Statutory and Policy Implications:

Land Administration Act 1997 Dedication of land as Road.

- Undertaken pursuant to Section 56 of the *Land Administration Act 1997*
- (LAA) and Regulation 8 of the *Land Administration Regulations 1998* (LAR)
 - Part 10 — Compensation
 - Division 1 — Persons entitled to compensation.

Budget Implications:

It is proposed to meet costs to widen the road reserve through the road maintenance budget allocation, with a view to supplementing this allocation through mid-year budget review.

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:

The *Land Administration Act 1997* sets out procedures for dedicating land for road reserve where required.

Comment:

It is recommended that Council authorise all steps necessary to rectify a long-standing anomaly, regularise the road reserve alignment and avoid encroachments onto private property.

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

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

15.1 Acknowledgement of Country	
Reporting Department:	Corporate Services
Legislation:	<i>Local Government Act 1995</i>
File Number:	RCS/004
Appendices:	Nil
Voting Requirement:	Simple Majority

Report Purpose:

For Council to give consideration to adopting a policy to establish appropriate and consistent recognition and acknowledgement of the Wilman People as the Traditional Custodians of the land on which the Shire of Collie is situated

Notice of Motion

Cr Scoffern has provided prior notice of her intention to move the following motion.

That Council develop and adopt a policy to:

- provide direction and guidance to Councillors and officers of the Shire of Collie as to when Welcome to and Acknowledgement of Country should be included at meetings and functions; and
- ensure that an Acknowledgement of Country is included on the Shire website and in significant corporate documents and publications.

Officer's Report

Background

Cr Scoffern has given notice of her intention to move a motion so as to allow for Council to have Acknowledgement of Country of the local Wilman people

- at the start of Ordinary Meetings of Council and all Council Committees;
- in Shire of Collie Council minutes;
- on the Shire of Collie Website; and
- on the Shire of Collie Strategic Plan.

Cr Scoffern has provided the following examples of wording which could be used and included in a policy:

- on the website and official council minutes

The Shire of Collie acknowledges we are on Wilman Boodja, whose ancestors and their descendants are the traditional owners of this country.

- at council meetings:

The Shire of Collie acknowledges the custodians of this land we meet on today, the Wilman people of the Nyoongar nation and pay our respects to past, present and emerging.

Many local governments and other organisations recognise and acknowledge the traditional custodians of the land.

The land on which the Shire of Collie sits is traditionally the land of the Wilman people, one of the fourteen different language groups that comprise the Noongar nation. The Shire of Collie lies within the Gnaala Karla Booja Indigenous Land Use Agreement Area and is the traditional home to the Wilman Noongar dialectical group.

Among other duties, the South West Aboriginal Land and Sea Council (SWALSC) advances and strengthens Noongar culture, language, heritage and society. According to the SWALSC; “A Welcome to Country ceremony gives traditional owners, the Noongar peoples, the opportunity to formally welcome people to their land. This ceremony should be undertaken by Elders acknowledged as such by their family and community. An Acknowledgement of Country is a way that non-Aboriginal people can show respect for Noongar heritage and the ongoing relationship of traditional owners of the land. The Chair of the meeting, or the principal speaker begins the meeting by acknowledging that the meeting is taking place in the country of the traditional owners.” The SWALSC produces a Noongar Protocols document which outlines how organisations can give recognition to the first people of the south west region of Australia.

Should Council support the motion, it is intended that a draft policy be developed for formal adoption at a future meeting of Council.

Statutory and Policy Implications:

Local Government Act 1995

Budget Implications:

Nil

Communications Requirements:

If a draft policy is to be developed, consultation with local aboriginal people and relevant organisations will be undertaken.

Strategic Community Plan/Corporate Business Plan Implications:

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

Comment:

A number of local governments have adopted formal policies to establish clear protocols for Welcome to and Acknowledgement of Country at meetings and events.

The Council currently does not have a policy relating to this matter. A formal policy would provide clear guidance to elected members, officers and the public as to what protocols are in place at the Shire of Collie.

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**